SENATE—*Tuesday, November 4, 1997*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear Father, we confess our total dependence on You, not only for every breath we breathe but also for every ingenious thought we think. You are the source of our strength, the author of our vision, and the instigator of our creativity.

We begin this day with praise that You have chosen us to serve You. All our talents, education, and experience have been entrusted to us by You. Today, the needs before us will bring forth the expression of Your creative, divine intelligence from within us. Thank You in advance for Your provision of exactly what we will need to serve You. We trust You completely. This is Your day; You will show the way; we will respond to Your guidance without delay. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Oklahoma, is recognized.

SCHEDULE

Mr. INHOFE. Mr. President, this morning the Senate will be in a period of morning business until 11 a.m. At 11 a.m. the Senate will proceed to the cloture vote on H.R. 2646, the A-plus education savings account bill. If cloture is not invoked, the majority leader hopes consent will be granted to set the cloture vote on a motion to proceed to S. 1269, the fast-track legislation, at 2:30 p.m. If that is not possible, the Senate will recess following the 11 a.m. vote until 2:30 p.m. Otherwise, under the consent the Senate will recess from 12:30 p.m. to 2:30 p.m. for the weekly policy luncheons to meet. When the Senate reconvenes at 2:30 p.m., the Senate will proceed to the cloture vote on the motion to proceed to S. 1269, the fast-track legislation. If cloture is invoked, the Senate will begin debate on the motion to proceed to S. 1269.

In addition, the Senate may also consider and complete action on the D.C. appropriations bill, the FDA Reform conference report, the Intelligence authorization conference report, and any additional legislative or executive items that can be cleared for action. Therefore, Members can anticipate rollcall votes throughout Tuesday's session of the Senate.

As a reminder to all Members, the first rollcall vote will occur at 11 a.m.

Mr. President, I ask unanimous consent that Senators will have until the time of the vote for filing of second-degree amendments to H.R. 2646, the A-plus Education Savings Act.

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

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator HATCH for 20 minutes; Senator COVERDELL for 15 minutes; Senator ROBERTS for 20 minutes; Senator DODD for 5 minutes.

The able Senator from Utah is recognized for 20 minutes.

THE NOMINATION OF BILL LANN LEE

I. INTRODUCTION

Mr. HATCH. Mr. President, I rise this morning to discuss the nomination of Mr. Bill Lann Lee of California to be President Clinton's Assistant Attorney General for Civil Rights. Let me say at the outset that, in my 5 years as the senior Republican on the Judiciary Committee, I have been proud to have advanced no less than 230 of President Clinton's nominees to the Federal courts. After a thorough review of these nominees' views and records, I have supported the confirmation of all but two of them. In addition, I have also worked to ensure that President Clinton's Justice Department nominees receive a fair, expeditious, and thorough review. Without question, the Senate's advice and consent responsibility is one that I take very seriously. This nomination is no exception.

While I have the highest personal regard for Bill Lann Lee, his record and his responses to questions posed by the committee suggest a distorted view of the law that makes it difficult for me in good conscience to support his nomination to be the chief enforcer of the Nation's civil rights laws. The Assistant Attorney General must be America's civil rights law enforcer, not the civil rights ombudsman for the political left. Accordingly, when the Judiciary Committee votes on whether to report his nomination to the full Senate, I will regretfully vote "no".

At the outset, I want to say that no one in this body respects and appreciates the compelling personal history of Mr. Lee and his family more than I. Mr. Lee's parents came to these shores full of hope for the future. They believed in the promise of America. And despite meager circumstances and the scourge of bigotry, they worked hard, educated their children, and never lost faith in this great country.

Yet, what we must never forget as we take up this debate is that the sum of our experiences says less about who we become than does what we take from those experiences. For example, my good friend Justice Clarence Thomas was, like Mr. Lee, born into a circumstance where opportunities were unjustly limited. Nevertheless, Clarence Thomas worked hard, and has devoted his career to ensuring that the law protects every individual with equal force. The same can be said of another African-American, Bill Lucas, who was nominated by President Bush for the same position as Mr. Lee, but whose nomination was rejected by my colleagues on the other side of the aisle.

Bill Lann Lee is, to his credit, an able civil rights lawyer with a profoundly admirable passion to improve the lives of many Americans who have been left behind. His talent and good intentions have taken him far. But his good intentions should not be sufficient to earn the consent of this body. Those charged with enforcing the Nation's laws must demonstrate a proper understanding of that law, and a determination to uphold its letter and its spirit. Unfortunately, much of Mr. Lee's work has been devoted to preserving constitutionally suspect race-conscious public policies that ultimately sort and divide citizens by race. To this day, he is an adamant defender of preferential policies that, by definition, favor some and disfavor others based upon race and ethnicity.

At his hearing before the Judiciary Committee, Mr. Lee suggested he would enforce the law without regard to his personal opinions. But that cannot be the end of our inquiry. The Senate's responsibility is then to determine what the nominee's view of the law is. That question is particularly important for a nominee to the Justice Department's Civil Rights Division.

II. CIVIL RIGHTS DIVISION

As I have made clear in the past, it is my view that the Assistant Attorney General for Civil Rights is one of the most important law enforcement positions in the Federal Government. No

● 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

position in Government more profoundly shapes and implements our Nation's goal of equality under law.

The Civil Rights Division was established in 1957 to enforce President Eisenhower's Civil Rights Act of 1957, the first civil rights statute since Reconstruction. Since the appointment of the first Assistant Attorney General for Civil Rights, Mr. Harold Tyler, the Division has had a distinguished record of enforcing the Nation's civil rights laws, often against perilous political odds. With great leaders like Burke Marshall, John Doar, and Stanley Pottinger, the Civil Rights Division emphasized the equality of individuals under law, and a commitment to ensuring that every American—regardless of race, ethnicity, gender, national origin, or disability—enjoys an equal opportunity to pursue his or her talents free of illegal discrimination. That is a commitment that I fundamentally share, and take very seriously as I consider a nominee to this important Division.

Today, however, the Civil Rights Division, and the Nation's fundamental civil rights policies, stand at a crossroads. In recent years, the Nation's courts have underscored the notion that the constitutional guarantee of equal protection applies equally to every individual American. Consistent with that principle, they have placed strict limitations on the Government's ability to count among its citizens by race. Nevertheless, many among us who lay claim to the mantle of civil rights would have us continue on the road of racial spoils—a road on which Americans are seen principally through the looking glass of race. I regret to say that Bill Lee's record suggests that he too wishes the Nation to travel that unfortunate road.

The country today, however, demands a Civil Rights Division devoted to protecting us all equally. It cannot do that when it is committed to policies that elevate one citizen's rights above another's. Let me share one example of what results from the race-consciousness that some, Bill Lann Lee among them, would have us embrace.

Earlier this year, the Judiciary Committee held a hearing to examine the problem of discrimination in America. One story, that of Charlene Loen was particularly moving. Ms. Loen is a Chinese-American mother of two who lives in San Francisco. Ms. Loen's son Patrick was denied admission to a distinguished public magnet school in San Francisco, pursuant to the racial preference policy contained in a consent decree which caps the percentage of ethnic group representation in each of the city's public schools. The cap has the effect of requiring young, Chinese students to score significantly higher on magnet school entrance exams than students of other races. While young Patrick scored higher than many of his friends on the admissions exam, he was denied admission, while other children who scored less well were admitted. Ms. Loen sought to have Patrick admitted to several other public magnet schools in the city, and time after time she was told in no uncertain terms that because he was Chinese, Patrick need not apply.

So you see, a policy that prefers one, by definition disfavors another. In this case, the disfavored other has a name, Patrick. The law must be understood to protect Patrick, and others like him, no less than anyone else. What matters under the law is not that Patrick is ethnic Chinese, but that he is American. Affirmative action policies as originally conceived embraced that ideal. Recruiting and outreach that ensures broad inclusion is one thing; racial and gender preferences that enforce double standards are quite another.

But the case against Bill Lee is broader, and more fundamental, than his aggressive support for public policies that sort and divide by race. What Bill Lee's record fundamentally suggests is a willingness to read the civil rights laws so narrowly—and to find exceptions so broad—as to undermine their very spirit, if not their letter. Let me share a few cases to illustrate the point.

III. ADARAND

At his hearing, Mr. Lee was asked about the Supreme Court's holding in the case of Adarand Constructors versus Pech, in which the Supreme Court held that State-sanctioned racial distinctions are presumptively unconstitutional. When asked to state the holding of the case, Mr. Lee said that it epitomizes the Supreme Court's view that racial preference programs are permissible if "conducted in a limited and measured manner." That is, arguably, a narrowly correct statement. But it purposefully misses the mark of the Court's fundamental holding that such programs are presumptively unconstitutional. Imagine if a nominee had come before this body and stated for the record that the Court's first amendment cases stand for the proposition that the state can interfere with religious practices if it does so carefully. Such a purposefully misleading view would properly be assailed as a fundamental mischaracterization of the spirit of the law. So, too, is Mr. Lee's view of the Supreme Court's statements about racial distinctions enforced by the Government.

In addition, Mr. Lee stated for the record his personal opposition to Adarand. He then said that in spite of that, he would enforce the law, if confirmed. Fair enough. But, in response to a written question from Senator ASHCROFT, Mr. Lee's narrow view of what the law is becomes astonishingly clear. Senator ASHCROFT asked Mr. Lee whether the program at issue in the Adarand case is unconstitutional. Mr. Lee noted that the Supreme Court in Adarand remanded the case to the district court in Colorado. He further noted that the district court just this summer held that the programs in question are not narrowly tailored and are therefore unconstitutional. In so holding, the court stated in its opinion that

> [c]ontrary to the [Supreme] Court's pronouncement that strict scrutiny is not "fatal in fact," I find it difficult to envisage a race-based classification that is narrowly tailored.

But despite the court's strong pronouncement, Mr. Lee asserts in his response to Senator ASHCROFT that he believes "this program is sufficiently narrowly tailored to satisfy the strict scrutiny test." Apparently, then, Mr. Lee is prepared to support racial preference programs until every possible exception under the law is unequivocally foreclosed by the Supreme Court, despite the Court's view that such programs are presumptively unconstitutional and may only be used in exceptional circumstances. Mr. Lee's view of the law, it seems to me, is exceedingly narrow and violative of the Court's rulings and holdings. We must expect more of the Nation's chief civil rights law enforcer.

IV. PROPOSITION 209

I realize that some still embrace policies that divide and sort by race. And given the court's narrow exception in Adarand, I am willing to consider a nominee who believes such policies may be constitutional in limited circumstances. It is fair that that view is heard. Yet, it is quite another matter altogether when a nominee takes the position that the contrary view—that racial preferences should be prohibited—is unconstitutional. Such a view of the law effectively silences dissenting voices on this, the most important civil rights issue of our day.

Mr. Lee and his organization, the Western Office of the NAACP Legal Defense & Educational Fund, have led the opposition to California's proposition 209, which said simply that no Californian can be discriminated against or preferred by the State on the basis of race, gender, or national origin. He has also challenged the University of California's efforts to comply with its colorblindness mandate, by complaining to the Federal Department of Education that the University's race-neutral use of standardized tests and weighted grade point averages violates the civil rights laws. Even the anti-209 director of admissions at the UCLA School of Law, Michael Rappaport, has described the NAACP's complaint as "frightening" for universities wishing to employ rigorous academic standards. That complaint is only part of a comprehensive effort by Mr. Lee and his organization to undermine the people of California's political judgment

that their government should respect the rights of citizens without regard to race.

Soon after 54 percent of Californians voted to pass proposition 209, Mr. Lee's office filed a brief in the Federal court action challenging the constitutionality of the initiative, relying on the cases of Hunter versus Erickson—fair housing legislation—and Washington versus Seattle—busing—to allege that 209 was an unconstitutional restructuring of the political process because minorities are no longer permitted to petition local governments for preferential treatment. Of course, the Ninth Circuit Court of Appeals—perhaps the most liberal circuit court in the Nation—forcefully and unequivocally rejected that argument, noting that governmental racial distinctions are presumptively unconstitutional, and concluded:

> As a matter of "conventional" equal protection analysis, there is simply no doubt that Proposition 209 is constitutional. . . . After all, the "goal" of the Fourteenth Amendment, "to which the Nation continues to aspire," is "a political system in which race no longer matters" (citation omitted). . . . The Fourteenth Amendment, lest we lose sight of the forest for the trees, does not require what it barely permits.
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> (Coalition for Economic Equity, et al. v. Wilson, 122 F.3d 692 [9th Cir. 1997].)

Earlier this year, the Clinton administration filed an amicus brief in the ninth circuit supporting the constitutional challenge so decisively rejected by the appeals court. I asked Mr. Lee whether, given the Supreme Court's holding in Adarand and the forceful statement of law by the ninth circuit, he would argue against the administration's continued challenge to prop 209's constitutionality. He said he would support the administration's position.

After Mr. Lee's hearing, I took it upon myself to offer an olive branch to the administration. I emphasized the fundamental problem I have with Mr. Lee's and the administration's view of the Constitution as it relates to racial matters. I suggested that if this White House could find its way to put aside the now-discredited argument that efforts like prop 209 actually violate the Constitution, that it would be much easier for my colleagues and me to support this nomination. It certainly would be something that would be helpful.

On Wednesday of last week, I received a letter from Mr. Lee explaining that he would recuse himself from the administration's deliberations about its policy in the specific prop 209 case. And just yesterday, of course, the Supreme Court declined to grant certiorari in the 209 case. But, important as they are, those gestures do not lessen my fundamental concern about Mr. Lee's view on the matter. Those developments do nothing to preclude the administration from challenging future colorblindness efforts in the States, or in the Congress—including my and Senator MCCONNELL's Civil Rights Act of 1997; they do nothing to provide much needed leadership within the Department on this most important policy issue—creating yet another leadership void within the Department; and at bottom, Mr. Lee's letter seems little more than a cynical ploy by the administration to momentarily ease Mr. Lee's way to confirmation, while doing nothing to address my underlying, substantive concerns about his interpretation of the law. In the final analysis, my concerns about Mr. Lee's record are vastly broader than simply how he might counsel the administration in one discrete case.

V. PRISON LITIGATION REFORM ACT

Mr. Lee was also asked for his views on the Prison Litigation Reform Act, a piece of legislation that I sponsored and worked hard to pass in the last Congress. In response to written questions from Senator ABRAHAM about the Department's enforcement of the PLRA, Mr. Lee either defended unjustified Department positions, or evaded the questions altogether.

The PLRA establishes a 2-year limitation on most consent decrees governing prison operations. If after the 2 years, a constitutional violation continues to exist, the law provides that a prisoner may petition a court to extend the term of the decree. When asked whether the Department was correct to argue that PLRA places the burden of proof on a defendant seeking to be relieved from a prison consent decree to prove that constitutional violations no longer exist, rather than on a prisoner seeking extension of a decree to show that violations continue to exist, Lee argued that the Department's "approach seems sensible to me." But the Department's approach undermines the spirit of the law, which places limits on judicial control of our prisons absent proof of a continuing constitutional violation.

Mr. Lee's support for the Justice Department's efforts to undermine the effectiveness of the Prison Litigation Reform Act further justify opposition to his nomination. This view is yet another example of Mr. Lee's approach to the law, which suggests that when confronted with a law he doesn't like, he creatively interprets the law in the narrowest possible fashion, to allow him to pursue his ends contrary to the spirit, if not the letter, of the law. That is unacceptable for one seeking to enforce the Nation's civil rights laws.

VI. LOS ANGELES CONSENT DECREE CASE

I am also troubled by Mr. Lee's involvement in an apparent effort to rush through a consent decree in Los Angeles that would have bound the city to racial and gender hiring goals for 18 years. Mr. Lee and other attorneys in the case sought to have the proposed consent decree approved by the city council and then by a magistrate judge on the very day that the citizens of California were voting on proposition 209. Proposition 209 would quite likely prohibit enforcement of the goals in the proposed decree. But by its terms, the proposition does not apply to consent decrees in force prior to its effective date. The decree was taken to the magistrate without notice to the district judge presiding over the case, as was required by local court rules; and more importantly in my view, Mr. Lee sought to have the decree approved without a fairness hearing to assess the impact of the decree on individuals who might in the future be affected by its terms, but who were not represented in the negotiations.

It should be noted that even Los Angeles Mayor Richard Riordan, a supporter of Mr. Lee's nomination, and then-Los Angeles Police Commission President Raymond Fisher, the President's nominee to be Associate Attorney General, both opposed the proposed decree. Mayor Riordan expressed concern about the scope of outside enforcement authority under the decree, and Mr. Fisher called the decree "extremely intrusive to the operations of the [police] department." To seek even partial approval of a decree raising such concerns, without benefit of a fairness hearing, raises legitimate questions.

The district court judge, learning of the parties' ploy through media accounts, resumed control over the case, citing the significance of a decree that would bind a government for 18 years, and remarked that the decree "may present substantial constitutional questions." The judge later noted in a memorandum order that

> . . . the unusual procedures employed by the existing parties in this case—seeking same-day approval of the Proposed Decree and requesting that no fairness hearing be held—certainly raise alarm bells about the adequacy of their representation [of potentially affected individuals not represented in the negotiations].

Mr. President, the very core of what we must expect of an Assistant Attorney General for Civil Rights is a steadfast concern that every individual be treated fairly—equally—under our laws. Mr. Lee's involvement in an effort to lock in 18-year racial hiring goals for public employment without an opportunity first to consider the impact of that race consciousness on individuals who may fall on the wrong side of those goals, suggests a willingness to place group representation above the rights of individuals to be treated equally under the law. As Senators sworn to uphold the Constitution, we have a responsibility to reject that priority for the Nation's defender of civil rights. While I do not question Mr. Lee's integrity, I am concerned about his commitment to serve every citizen of the Nation in equal measure.

Selecting an Assistant Attorney General for Civil Rights should not be a

simple coronation of an effective civil rights litigator for a leading activist organization. Enforcing the Nation's laws on behalf of every American citizen is a profoundly different role. Despite that, Mr. Lee seems simply unable to distinguish his role as NAACP activist litigator, and the role of Assistant Attorney General. When asked by the Judiciary Committee to list cases he filed at the LDF which he would not file as Assistant Attorney General, Mr. Lee simply replied that, as a jurisdictional matter, he could not bring State law claims as Assistant Attorney General. Everything else is apparently fair game. Clearly then, Mr. Lee is unable to distinguish the substantive role of law enforcer for all citizens from that of a private activist litigator charged with pushing the limits of the law. That is unacceptable for an individual seeking to take the reins of the Civil Rights Division's massive enforcement apparatus.

VII. DEVAL PATRICK AND CONSENT DECREE ACTIVISM

Mr. Lee's supporters have characterized him as a "pragmatist"—a "practical litigator," rather than a pro-preference ideolog. That is a familiar tune in this debate. Three years ago, the President nominated another individual who was widely hailed as a pragmatist. Deval Patrick, another man for whom I have a high personal regard, was described by one paper as "a practically oriented working lawyer." Based upon those assurances, I resolved to set aside my concerns about Mr. Patrick's views, gave him the benefit of the doubt, and supported his nomination.

But upon assuming the reins of the Civil Rights Division, Mr. Patrick revealed himself to be a liberal civil rights ideolog. He used statistical racial imbalances and the vast resources of the Justice Department to extract race-conscious settlements from businesses and governments, large and small. For example, he undertook a credit-bias probe of Chevy Chase Savings & Loan in Maryland based largely on the fact that the bank had opened branch offices in the District of Columbia suburbs, but not in the city itself. There was no evidence that the bank had discriminated against qualified individuals seeking bank services. Nevertheless, Mr. Patrick entered into a consent decree that essentially forced the bank to open a branch in a low-income District neighborhood, and measures the bank's compliance with the decree by assessing whether the the bank achieves a loan market share in minority neighborhoods that is reasonably comparable to its share in nonminority neighborhoods. Mr. Patrick's Civil Rights Division took it upon itself to decide where a bank must do business, and then implemented dubious statistical measurements to determine whether the bank's efforts stayed clear of the division's view of the law.

Mr. Patrick also forced municipalities across the country to abandon tests used to evaluate candidates for local police forces. In Nassau County, NY, Patrick entered into a consent decree that forced the county to abandon a rigorous test that yielded a differential passage rate for different ethnic groups. The test now used by the county, after the expenditure of millions of dollars in the action, is so weak that the reading portion of the exam is now graded on a pass/fail basis. A candidate passes the reading test if he or she reads at the level of the lowest 1 percent of existing officers. So much for high standards.

In another case, Mr. Patrick ordered Fullerton, CA to set-aside 9 percent of its police and fire department positions for African-Americans, despite the fact that fewer than 2 percent of the city's residents are black.

These cases suggest the damage that can be done when the resources of the Justice Department are brought to bear to force defendants into consent decrees. Such decrees are often attractive to both parties. Preference ideolog in the Justice Department win so-called voluntary commitments to undertake constitutionally suspect race-conscious action to eliminate racial disparities; defendants save millions of dollars in legal fees and receive a public disclaimer of liability. Everyone wins, except for consumers and individuals on the losing end of the racial or gender goals and preferences.

Given Deval Patrick's excesses in the Department, I am unprepared to again give the benefit of the doubt to a liberal activist nominee described by political allies as a pragmatist and a conciliator. When asked at his hearing how he would differentiate his views from those of Mr. Patrick, Bill Lee was unable to muster a response.

VIII. CONCLUSION

I am sad to say, Mr. President, that Bill Lann Lee has fallen victim to President Clinton's double-talk on the issue of racial and gender preferences. In the wake of the Adarand decision, the President pledged to "mend it, not end it." In practice, however, the President's policy on preferences can more accurately be described as "don't mend it, extend it." In fact, while the Congressional Research Service tells us that there are at least 160 Federal programs containing presumptively unconstitutional racial preferences, the President has seen fit to eliminate fewer than a handful of them. When Mr. Lee was asked to suggest real or hypothetical Federal programs that may not meet constitutional muster, he was able to come up with a whopping one—one that the Clinton administration had already seen fit to eliminate. In fact, the Clinton administration has sought to pitch Mr. Lee, and itself, as something they simply are not—centrists on civil rights policy.

In the end, my decision today is an unhappy one. It brings me no pleasure to oppose the nomination of this fine activist lawyer and this very fine human being. But fine human beings—and certainly fine lawyers—can make mistakes. And they can approach the law in a way that is flawed, and that disserves the laws they are sworn to uphold. That is the case with this nomination. Bill Lann Lee's long record of public service must ultimately be reconciled with the role he seeks. The Assistant Attorney General is America's civil rights law enforcer, not an advocate for the political left.

Unfortunately, Mr. Lee's understanding of the Nation's civil rights laws is sufficiently cramped and distorted to compel my opposition. The Assistant Attorney General for Civil Rights must abide by the law. In matters ranging from racial preferences, to proposition 209, to the Prison Litigation Reform Act, Mr. Lee has demonstrated a decided reluctance to enforce our Nation's civil rights laws as intended, and in some cases his litigation efforts expose an outright hostility to it. The Civil Rights Division requires a better approach, and our courts, the Senate, and the Nation demand it. It is for that reason that I must oppose this unfortunate nomination.

Mr. President, I ask unanimous consent that I be permitted to enter into the RECORD several items that echo my concerns about Mr. Lee's record. I would like to enter a letter from 16 Republican members of the California congressional delegation; a statement from California Gov. Pete Wilson; and letters from Mr. Ward Connerly of the American Civil Rights Institute in California, and Ms. Susan Au Allen, president of the U.S. Pan-Asian American Chamber of Commerce.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, October 30, 1997.

Hon. ORRIN G. HATCH,
Chairman, Senate Committee on the Judiciary, Washington, DC

DEAR MR. CHAIRMAN: We, the undersigned members of the California Congressional delegation, wish to express our deep concern regarding the confirmation of Mr. Bill Lann Lee as the Assistant Attorney General for Civil Rights. This confirmation is of particular concern to California.

California Governor Pete Wilson said, "All of the relevant evidence suggests that Mr. Bill Lann Lee will not enforce the civil rights laws as defined by the courts but as desired by special interest advocates of unconstitutional and unfair preferences. It is time we had a civil rights enforcer who enforced the law, not distorted it."

We find it very disturbing that Mr. Lee has actively advocated quotas and preferences. He attempted to force through a consent degree mandating racial and gender preferences in the Los Angeles Police Department. The Washington, DC-based Institute for Justice issued a twenty-page report on

Lee's litigation for the NAACP Legal Defense Fund, which has furthered legal action challenging the California Civil Rights Initiative and supported racial preferences and forced busing. The study's author and Institute director Clint Bolick stated, "Lee's assault on Proposition 209 and his support of racial preferences raises serious questions about his suitability as the nation's top civil rights official." Mr. Bolick further stated, "Unless Lee makes clear he will not transfer his personal agenda to the Justice Department, the Senate should not confirm him."

It appears to be fundamentally incompatible for the Senate to confirm as the Assistant Attorney General for Civil Rights an individual with a record of advocating racial discrimination through quotas and preferences. We respectfully urge the Senate Judiciary Committee to carefully and thoroughly review Mr. Lee's philosophy on basic civil rights issues before voting on his confirmation.

Sincerely,

HOWARD "BUCK" MCKEON.
DANA ROHRABACHER.
KEN CALVERT.
JAMES E. ROGAN.
ED ROYCE.
FRANK RIGGS.
ELTON GALLEGLY.
DAVID DREIER.
JERRY LEWIS.
WALLY HERGER.
RON PACKARD.
SONNY BONO.
JOHN T. DOOLITTLE.
BRIAN BILBRAY.
TOM CAMPBELL.
"DUKE" CUNNINGHAM.

AMERICAN CIVIL RIGHTS COALITION,
Sacramento, CA, October 23, 1997.

Hon. ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: I watched with interest yesterday's hearing on the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights. Prior to the hearing, my organization hesitated in taking a formal position on his nomination.

However, his comments of yesterday—namely, that he believes Proposition 209 is "unconstitutional" and that he disagrees with Adarand v. Pena—lead us to believe the most powerful civil rights law enforcement position in the United Stares belongs not to Mr. Lee, but to a nominee who respects the law of the land.

As of today, the American Civil Rights Institute is formally opposing Mr. Lee's nomination to this post and encourages your leadership in rejecting this nomination. An individual who neither understands or respects the people's and the court's commitment to race-neutral laws and policies does not deserve this important position.

Sincerely,

WARD CONNERLY,
Chairman.

STATE OF CALIFORNIA,
GOVERNOR'S COMMUNICATIONS OFFICE,
September 25, 1997.

[Memorandum]

To: John Kramer, Institute of Justice.
From: Kim Walsh.
Subject: Statement from Governor Wilson.

Summary: Below is a statement from Governor Pete Wilson regarding the nomination of Bill Lann Lee as Assistant Attorney General:

"All of the relevant evidence suggests that Mr. Bill Lann Lee will not enforce the civil rights laws as defined by the courts but as desired by special interest advocates of unconstitutional and unfair preferences. It is time we had a civil rights enforcer who enforced the law, not distorted it."

UNITED STATES PAN ASIAN
AMERICAN CHAMBER OF COMMERCE,
Washington, DC, October 28, 1997.

Re: Nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights.

Hon. ORRIN HATCH,
Chairman, Senate Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: Please vote against the nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights. I enclose a copy of the actual testimony I gave at Mr. Lee's nomination hearing before the Senate Committee on the Judiciary Last week.

Mr. Lee believes the California Civil Rights Initiative (Proposition 209) is unconstitutional. Thus, he is the wrong person to hold the nation's top civil rights enforcer position.

Proposition 209 mirrors the language of the Civil Rights Act of 1964. Mr. Lee's latest assertions during his nomination hearing, of his opposition against Proposition 209, adds to our apprehension that he will further divide America along racial lines because of his conviction that civil rights are not for all Americans, but select Americans based on their race and gender. Should he become the nation's top civil rights enforcer, he will have 250 lawyers to help him do the job. This must not happen. America cannot afford it.

I ask you to vote against his nomination as the Assistant Attorney General for Civil Rights.

Sincerely,

SUSAN AU ALLEN.

Mr. HATCH. Mr. President, I yield the floor.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Kansas is recognized.

WAIVING MANDATORY QUORUM IN RELATION TO H.R. 2646

Mr. ROBERTS. Mr. President, I ask unanimous consent, pursuant to rule XXII, that the mandatory quorum in relation to H.R. 2646 be waived.

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

UNITED STATES PRESENCE IN BOSNIA

Mr. ROBERTS. Mr. President, yesterday those who cover national security policy and issues within our Nation's press reported the best-kept nonsecret in Washington; namely, what has already been discussed or leaked or trial ballooned or decided upon and reported for weeks in the United States and the international media has finally become public—sort of.

In the last days of this session, the administration apparently will now consult with the Congress and today announce what has been obvious, and that is, Mr. President, that the United States has no intention of leaving Bosnia by the once stated deadline of the 8th of June of next year.

President Clinton has not said this outright. The position to date is that he has not ruled out staying beyond June 8. However, given the overall goals of the Dayton accords in juxtaposition with the ongoing ethnic apartheid reality in Bosnia, the concern of our allies, the coming of winter in Bosnia, and the crucial and obvious need for U.S. and allied commanders to have enough time for central planning have all forced the administration's hand.

Simply put, the clock is moving toward the stated deadline to have the SFOR mission in Bosnia completed. And simply put, whatever that mission is and despite recent and obvious changes under our stated mission, it is not complete.

It is long past the time for the President and his national security team to simply tell it like it is. Despite the past promises to limit our engagement to 1 year, and then 2 years, and now indefinitely—I might add, promises that should not have been made and could not be kept—we are in Bosnia, for better or worse, for the long haul.

First of all, our commanders and troops in the field know there are many actions that need to take place now or should have already taken place if, in fact, we are serious about ending the commitment in Bosnia in June 1998. From a military point of view, we have established significant infrastructure in Bosnia to support the SFOR troops, and unless we just intend at great cost to abandon what we have established—and we are not going to do that—the military needs a plan and time to remove equipment, to disassemble buildings, to conduct the environmental cleanup and a myriad of other tasks.

Several months ago, I visited Bosnia, and I saw firsthand the extent of our involvement and developed an understanding of the complexity required to extract the SFOR troops should that decision be made. On that same trip, I visited Taszar, Hungary, the staging base for U.S. troops going into and coming out of Bosnia. Taszar also provides operational support for logistics in Bosnia.

I asked the commanding general in Taszar, what is the drop dead time to support an orderly withdrawal from Bosnia and fully restore the facilities in country? And his answer was, 9 to 10 months to do the job right. Guess what? We are already past that deadline. We should have already made the decision and started to work. But apparently we have not because the President has not publicly admitted what is obvious to most people—we have no intention of leaving Bosnia in June 1998. All I am asking of the President and the administration is to be candid, come before the people and explain his intention concerning our commitment in Bosnia.

Even a casual reading, Mr. President, of U.S. and European newspapers reveals numerous stories spelling out the

need for continued presence of NATO forces past June 1998. These stories frequently quote U.S. administration and NATO ally decisionmakers. Let me give you an example of what I am talking about.

New York Times, just last week: "Policymakers Agree on Need to extend U.S. Mission in Bosnia."

The Clinton administration's top foreign policymakers have reached a broad consensus on the need to keep some American troops in Bosnia after their mission ends in June of next year.

The article further quoted the White House National Security Adviser, Sandy Berger: "We must not forget the important interests that led us to work for a more stable, more peaceful Bosnia" including European stability and NATO's own credibility, he said at Georgetown University. "The gains are not irreversible, and locking them in will require that the international community stay engaged in Bosnia for a good while to come."

In the Great Britain Guardian, also last week; "Bosnia forces await US Green light."

Although the multinational NATO-led Forces are supposed to disband next June, plans for a follow-on force—unofficially the Deterrent force (D-Force)—

We are going from IFOR to SFOR to DFOR—

have already begun.

The article continues:

But senior military officials are reluctant to talk openly—

Let me repeat this, Mr. President—

But senior military officials are reluctant to talk openly until a skeptical United States Congress has been convinced there is no alternative to staying on.

The Financial Times as of Tuesday, October 14: "Solana plea over Bosnia support."

Javier Solana, the NATO secretary general, made his strongest plea to date for "a long-term commitment" by the alliance to peacekeeping in Bosnia.

Continuing, the article states:

Following the lead of US administration officials who have recently started to prepare public opinion for some residual US role in Bosnia after the middle of next year, Mr. Solana said: "NATO troops cannot and will not stay indefinitely, but NATO has a long-term interest in and commitment to Bosnia."

The French Press Agency, 3 weeks ago: "A 'dissuasion' force to replace SFOR in Bosnia."

A "dissuasion" force will take over from the NATO-led Stabilization Force in Bosnia. . ., Defense Minister Volker Ruehe told the weekly Der Spiegel. The new "Deterrent Force" will be significantly smaller than SFOR, which [now] numbers 36,000 men. . .

These, Mr. President, are but a few examples of reports of a debate and subsequent decisions that apparently have taken place on future actions in Bosnia involving NATO and United States forces. But the sad commentary is that the Congress and the American people have been left out of this important discussion.

All I am asking, Mr. President—I am referring to President Clinton—is for you to be candid. Let us have straight talk. Come clean. Come to the Congress. Tell us your plan. Let us know what your thoughts are and the forces required after June 1998.

It is my understanding that this afternoon, at approximately 4:30, that many Members of Congress, the Senate, will go to the White House to enter into a discussion finally on the administration's decision in regard to Bosnia.

I have tried to understand why the President is reluctant to directly engage the Members of this body on this vital foreign policy matter. Perhaps it is because there has been some misunderstanding or maybe even he has misled us on his intent in Bosnia for the past 3 years.

"We'll be out in just 1 year." That was the first statement that is starting to ring a little hollow on the Hill. Does he think that we are so naive that we will not notice that the term "SFOR" has been replaced by "DFOR," and we will think he has kept his commitment to end SFOR in June 1998? I think not. Mr. President, the issue is not the name of the commitment but the commitment itself. The use of United States forces in Bosnia is what we are concerned about.

Some have suggested that the reluctance on the part of the President is the concern of two events: NATO enlargement and the decision on Bosnia will happen at about the same time next year and that both will be negatively impacted in the debate in Congress. That certainly could happen.

He could be right, if an examination into the commitment in Bosnia and the debate on enlarging NATO occurs at the same time—that debate should take place at about the same time—and there will be troubling questions raised.

But the fact remains that we are in Bosnia, SFOR ends in June 1998, and the administration has done much work on the follow-on forces in Bosnia. Again, however, the administration has failed to include the Congress in its decision process. That time is now.

These questions are not difficult. They are challenging, but they are obvious.

I would like to review the requirement added to the defense appropriations bill that requires the President to provide certain information on our Bosnian policy. This is a matter of law. These provisions are about being honest with the American public.

I want to thank the distinguished chairman of the Senate Appropriations Committee for referring to these amendments as the Roberts amendment. We have had long talks about the need to become candid.

Specifically, these provisions require the President to certify to Congress by May 15 that the continued presence of United States forces in Bosnia is in our national security interest and why. He must state the reasons for our deployment and the expected duration of deployment.

He must provide numbers of troops deployed, estimate the dollar costs involved, and give the effect of such deployment on the overall effectiveness of our overall United States forces.

Most importantly, the President must provide a clear statement of our mission and the objectives.

And he must provide an exit strategy for bringing our troops home.

If these specifics are not provided to the satisfaction of Congress, funding for military deployment in Bosnia will end next May. Let me repeat: We are requiring the administration to clearly articulate our Bosnia policy, justify the use of military forces, and tell us when and under what circumstances our troops can come home.

I do not think that is asking too much.

In my view, events of recent weeks make this an urgent matter, Mr. President. It has become increasingly clear that in the wake of the Dayton accords this administration has, to some degree, lost focus and purpose in Bosnia.

Just consider the following:

After drifting for months, and with elections on the near horizon, and the crippling winter only days away, I believe the mission has been changed. We have gone from peacekeeping, which is the stated goal, to peace enforcement with very dubious tactics.

Item. Troop protection, refugee relocation, democracy building, and economic restoration and, the other policy goal, "Oh, by the way, if we run across a war criminal, well, let's arrest him"—that has all been replaced.

Today, we see increased troop strength—we are not revolving the troops home—have picked a United States candidate for president of Bosnia—we are no longer neutral—we have embarked upon aggressive disarmament and the location, capture and prosecution of war criminals.

Is this mission creep or long overdue action? We do not know.

The world was treated to the spectacle of American troops, the symbol of defenders of freedom, taking over a Bosnian television station in an effort to muzzle its news. And the troops were then stoned by angry citizens.

In our new role as TV executives in Bosnia, we actually suggested what kind of programs could be run and what kind of programs could not be run. We ordered TV stations to read an apology concerning their inaccurate and unfair broadcasting. We wrote the message for them and required they read it every day for 5 days.

Gen. Wesley Clark is now a new TV executive in determining what goes on television and what does not.

The Washington Times reported United States troops have become the butt of jokes in Bosnia because of pregnancies. It seems the pregnancy rate among our female soldiers is between 7.5 to 8.5 percent. The Bosnia media joked that the peacekeepers are breeding like rabbits while turning a blind eye to war criminals on the lam.

In a country where any benevolent leader is very scarce, we have chosen up sides, we have picked our candidates, supporting the cause of one candidate over another. I might add, that candidate has lost support as a result.

Elections were conducted, but to cast ballots, many citizens had to be bussed back to their homes, which they now cannot live in or may never occupy, and then bussed out.

NATO forces, which include U.S. troops, have been cast into the role of cops on the beat, chasing war crimes suspects. Just to arrest Mr. Karadzic, we are told, try him for war crimes and our problems will be solved. But as the New York Times recently pointed out: "[Mr.] Karadzic reflects widely held views in Serbian society." If you bring him to trial in The Hague, somebody else will take his place.

Do these events reflect a sound and defensible Bosnian policy that is in our national interest? Or do they sound an ominous alarm as America is dragged down into a Byzantine nightmare straight out of a Kafka novel?

Ask the basic question, "Who's in charge and where are we heading?" and to date there has been silence from the administration. But that silence speaks volumes, Mr. President, about the lack of direction and focus of our Bosnian policy.

If the provisions of the defense appropriations bill do nothing else, they should force a major reexamination of our Bosnian involvement from top to bottom.

As Chairman STEVENS, the distinguished chairman of the Senate Appropriations Committee, will tell you, our involvement in Bosnia has come at a large price. There are approximately 9,000 American troops in Bosnia. That is closer to 15,000 today. That is nearly one-third of the NATO troops involved.

Dollar costs are escalating. From 1992 until 1995, the United States spent about $2.2 billion on various peacekeeping operations in the Balkans. From 1996 through 1998, costs are estimated to be $7.8 billion. That figure, too, is escalating.

In justifying our policy in Bosnia, the administration must include a plan to fund the costs. Do they intend to take these rising costs out of the current defense budget, money we need for modernization, procurement, quality of life for the armed services to protect our vital national security interests? Or is the administration prepared to come clean and ask for the money up front?

Finally, I offer these thoughts, Mr. President. All of us in this body desperately want lasting peace in Bosnia. I know it is easy to criticize, but we want the killing to stop. We all want that. We want stability in that part of the world. We do not want a Palestine in the middle of Central Europe. Permanent peace, permanent stability, but wishing—wishing—it does not make it so.

Richard Grenier, writing for the Washington Times, put it this way:

> . . . generally speaking, Serbs didn't love Croats, Croats didn't love Serbs, nor did either of them love Muslims. Reciprocally, Muslims loved neither Croats or Serbs.
>
> What happened to the lessons we're supposed to have learned in Beirut and Somalia? What happened to our swearing off of mission creep? In Beirut we were intervening in Lebanese domestic affairs, which led to the death of 241 U.S. Marines. Our mission in Somalia, originally purely humanitarian, expanded like a balloon as we thought, given our great talent, we could build a new Somali nation. [We all saw] what happened.
>
> But here we go again in Bosnia. Once again our goal was at first laudably humanitarian: to stop the killing.
>
> We have done that, thank goodness.
>
> But it expanded as we thought how wonderful it would be if we could build a beautiful, tolerant, multi-ethnic Bosnia, on the model of American multiculturalism. . .

Gen. John Sheehan, a Marine general, just stated in the press—and a remarkable candidate interviewed just this past week—we can stay in Bosnia for 500 years and we would not solve the problem. It is a cultural war. It is an ethnic war.

The Bosnian situation is complex. And it is shrouded by centuries of conflict that only a few understand. They have had peace and stability and order and discipline only a few times in their history—the latest being with an iron fist by Marshal Tito.

Is that what NATO is going to be all about? What we have seen in recent months is a lull in the fighting, unfortunately not its end. It is a fragile peace held together only by continued presence of military force. How long can that continue? Are we prepared to pay the price?

National Security Adviser Sandy Berger said the United States must remain engaged in Bosnia beyond June of next year, but that continued American troop presence has not been decided.

This afternoon, when Members of Congress meet at the White House, it is time to decide what the specifics of our Bosnian policy will be.

Compare that statement of our National Security Adviser, Sandy Berger, with that of the advice of former Secretary of State Dr. Henry Kissinger, who wrote just this past week: "America must avoid drifting into crisis with implications it may not be able to master" and that "America has no [vital] national interest for which to risk lives to produce a multiethnic state in Bosnia."

Mr. President, no more drift. It is time for candor and clear purpose. Let the debate begin when the White House meets, finally, with Members of Congress this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. DODD. Mr. President, I know we have a vote at about 11 o'clock and my colleague from Georgia wants to be heard before that time. I will try and move this along.

Mr. President, the vote around 11 o'clock is on a cloture motion dealing with a proposal that has been offered by my colleague from Georgia, whom I respect greatly and agree with on many issues. On this one we disagree, not because of his intent at all, but rather because I am concerned it is not the best use of scarce resources. Even though our budget situation is vastly improved from what it was even a few months ago—with the deficit now down around to unimaginably low levels—still we must make careful decisions about how to best invest those dollars.

When you are trying to help out working parents with the costs of raising children, the question becomes one of priorities in allocating resources. As I understand it, if the cloture motion that will be offered shortly were to be agreed to, an amendment that I would like to offer would be foreclosed because it would probably not pass the procedural test of being germane. I am concerned about that, and for that reason will oppose the cloture motion.

The amendment I would offer, Mr. President, would propose a substitute to what our colleague from Georgia has offered. My proposal would allow for a refundable tax credit for child care. As it is right now, we have some 2 million American families—working families; not on welfare, but working—who don't have any tax liability at all and, therefore, cannot claim the current child care tax credit.

The affordability and quality of child care, Mr. President, is an area in which most Americans are developing a growing sense of concern. The recent tragedy in Massachusetts that we have all been witness to over the last several days, highlights the concerns that millions and millions of American families have today about who will care for their children and whether they can afford to place them in a quality environment.

In contrast, when we are talking about education, choices do exist for parents. There are 53 million American children who are in our elementary and secondary schools at this very hour. About 90 percent of them are in public schools, about 10 percent in private and parochial schools. There is a choice,

Mr. President. Parents have a choice. Now, it is expensive in some private and parochial schools, but the choice of free public schooling is there. It is not a great choice in many areas because of the condition of our public schools, but at least affordability is not an issue.

When it comes to child care, Mr. President, there really are not many choices available to parents. If you are coming off welfare, if you are working, you have to place your children someplace. The issues of quality and accessibility are obviously important, but if you can't afford it at all, if you can't afford the $4,000 to the $9,000 a year that it costs to place your child in a child care setting, you have no choices.

Today, when we have working families out there that are barely making it and we have about $2 billion in tax credits we can offer, I ask the question of my colleagues of whether we can't do something to help. While we might like to do everything for everyone if we could, given the choice of providing a tax credit to someone making $85,000 a year to send their child to a private school or saying to a working family that is barely making it, here are some resources that will allow you to place your child while you work in a decent child care setting, what choice do we make? Do we provide a tax break, with all due respect, to people who have a choice? Or do we offer a refundable tax credit of roughly the same cost as Senator COVERDELL's amendment to working families, struggling to hold body and soul together—people who have no choices.

Mr. President, the other day there was an article in the Hartford Courant about a woman who has three children, making $6.50 an hour. She has a small apartment and a 1981 automobile. Now she is about to leave welfare. She will lose her welfare benefits of $500 or $600 a month. That ends this week. Now, at $6.50 an hour, with three kids, trying to keep an apartment, trying to keep her family going, I would like to say to her I can't do everything for you with regard to your children as you go to work. But I would at least like to say that I can offer you a refundable tax credit—because at $6.50 an hour you are not paying taxes—and give you a break to see that your three children can be in a child care setting where they may be safe.

The question is, do I try to help her? Or, with all due respect, do I instead help someone making—$50,000, $60,000, or $70,000 a year to go to a private school in Washington, Maryland or Virginia? Those are the kind of choices we have to make.

I argue very strongly that when you have limited resources, let's put them to work for people who are struggling out there, who need the help the most. Because I can't offer an amendment that I think would make the right choice if cloture were adopted, with all due respect to the authors of the amendment, I will oppose cloture.

I yield the floor.

Mr. COVERDELL. Mr. President, I ask unanimous consent that I be permitted to complete my remarks prior to the scheduled 11 a.m. vote.

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

Mr. COVERDELL. Mr. President, originally we were allocated some 15 minutes for comments prior to the vote. Under this unanimous consent, I yield up to 7 minutes of my time to my distinguished colleague from New Jersey.

Mr. TORRICELLI. I thank the Senator from Georgia for yielding.

Mr. President, through the years there has been no more compelling voice on the floor of this Senate for the interests of children and families than Senator DODD. Today is no exception. Senator DODD has made a compelling case for the need for child care in America. I could not agree more strongly. I wish he had a chance on this day to have his amendment offered, and I would join in voting with him.

The choice before the Senate today is not a choice between Senator COVERDELL's proposal and Senator DODD. Both have merit. I would support each. Senator COVERDELL's proposal is fully paid for by offsetting the elimination of a corporate deduction. It has no negative impact on the budget. It is paid for, as Senator DODD's amendment, indeed, can also be paid for.

What the Senate has before it today is a chance to escape this continuing nonproductive dialog about whether or not we will engage in vouchers for private school or leave the plight to private school students unanswered. Senator COVERDELL has offered an imaginative answer by expanding what is indeed a proposal that the Senate adopted earlier in the year for HOPE scholarships offered by President Clinton. By that same concept of allowing families to save their own money to make their own choices for the education of their families, Senator COVERDELL's proposal would be expanded to high school and grade school.

It is an economic sense and a compelling answer to a real national dilemma. First, that the education of a child and some of those decisions be retained by families, where families use their own resources—not just mothers and fathers but aunts, uncles, sister and brothers—who may not be able to put away $2,000 or $2,500 in a year with limited resources, but can on every birthday and every anniversary and every holiday put away $10, $20, and $100 so that during the course of a child's life those resources are available, families are involved, using their money.

Second, it isn't just a question of whether this money would be available for private school students. The Joint Committee on Taxation estimates that 70 percent of the families who would avail themselves of these resources would be public school students because under the proposal that money is available to buy home computers or transportation for extracurricular activities, school uniforms or, most importantly in my mind, after-school tutors to help with the advancing math and science curriculum in our schools.

Third, also a compelling aspect of this case is not only is it private money, not only would much of it go to public school students, but it will also stop potentially the hemorrhaging loss of private schools in this country. A parochial school in America closes every week. We are not opening up enough public schools to make up the difference. At a time when education is the Nation's principal challenge to our economic well-being, the number of classrooms and chairs for American students is declining. This is the use of private savings, private resources, to stop that hemorrhaging loss.

Critics argue this is money that is going to help the wealthiest families in America when we should be doing more for working families. On the contrary. First, there is a cap in the legislation of $95,000 for single filing taxpayers. Overwhelmingly, three-quarters of this money is going to families that earn less than $70,000 a year. This is the answer to giving working families a chance to get involved in the education of their children.

Mr. President, I make no case for the procedures involved in this. There are worthwhile additions to this bill I would like to support. Senator LANDRIEU and Senator GRAHAM have a worthwhile proposal for prepaid tuitions. I believe in Senator DODD's proposal for day care and child care. I would like to see the Senate address both. Indeed, in time, I hope and I trust that we will.

But on this day we address the question of whether or not families will be able to use their own resources to become involved in their own planning for their children's public or private education. This Congress has been presented with a series of challenges by the President. One was to address new resources to education. We do it. Second, to get families back involved. We do it. Third, he has stated a great national goal to get every school in America online into the new century. We go beyond it. Sixty percent of American families and 85 percent of minority students have no access to a home computer. They are not going to school on an equal basis with all other American students. They don't have it for their homework, they don't have it for composition, they don't have it for research. The Internet and those computers are the principal tool for American students in the 21st century.

Under the Coverdell-Torricelli proposal not only will America schools be

online but so will American families at home because these students can use these A-plus accounts to buy that equipment for home.

Mr. President, I join with Senator COVERDELL on this day, asking that this be a genuinely bipartisan answer for a genuinely bipartisan problem. Education is the American issue of these last years of the 21st century. It is the question of whether or not America maintains our standard of living and is economically competitive. Education is an issue without par in this Congress and in this country. This may not be a total answer. It is certainly not the last of the answer but it is an important addition for the labyrinth of issues and questions we must walk through in answering the education question.

Mr. President, I thank the Senator from Georgia for yielding the time.

Mr. COVERDELL. Mr. President, I want to compliment the Senator from New Jersey for his remarks, and more importantly, for his steadfast support of this proposal, and not always under the easiest of circumstances. He has been a great colleague and advocate and I have enjoyed working with him on this proposal.

Where we find ourselves, moments away from this vote, Mr. President, is that the filibuster could not be broken last week and it was suggested that if we could just iron out a few amendments that both sides would come together.

Over the weekend we suggested that we would agree to two or three amendments on both sides and try to proceed. That would require a unanimous consent, or for those listening, a unanimous agreement—everybody will have to agree. The other side of the aisle cannot secure that.

Given the hour of this session, this is no time to open it up to a free-for-all. So the filibuster will probably continue and my prediction is, fall a vote or two short of ending the filibuster and proceeding with what would be easy passage of the education savings account. It is unfortunate, because every time we delay these ideas another week, another month, we just slow down the great need to get at the problems in education in grades kindergarten through high school. Every time we delay, we create another student whose economic opportunity, whose challenges in this society will be inhibited because of a lack of resources that might have been made available to that child.

However, the adoption of this concept is inevitable. The status quo, which has fought from day one and continues to do everything it can to block almost any new idea, will not prevail. The American people will override the status quo, and ideas like the education savings account are going to become law. My prediction is that, come February 1998, this proposal will be back before us and we will ultimately secure passage of it.

Just a reminder. Mr. President, the education savings account will allow families to save up to $2,500 a year of their own aftertax money, and the interest buildup would not be taxed if the proceeds of the principal and interest are used to help an education purpose—essentially, grades kindergarten through high school, which is where our problems are; although it could be used in college.

Senator DODD, in his remarks, inferred that these were resources that were going to allow somebody to enjoy private education. I think it's important that we take an overview of the entire proposal. The Joint Committee on Taxation says that the education savings account will be used by 14 million American families. That probably equates to 20 to 25 million children that would be the beneficiaries of this concept. That is almost half the school population in the United States that would benefit from this new structure, this education savings account. And 10.8 million of these families would be families with children in public schools. Seventy percent of all the value of these savings accounts will go to augment public schools. Thirty percent will augment those that are in a private school.

It is statistically insignificant, but it is a fact that some families will use the account to change schools. But in the overall picture, you are essentially bringing new dollars that don't have to be taxed, new dollars that people are saving themselves and, as Senator TORRICELLI said, families becoming involved, families setting aside money to augment the child's education deficiency.

Now, I call these dollars smart dollars. They are smart dollars because the family is directing their expenditure, and we know that it will, therefore, go to the exact child deficiency, which may be the fact that the child does not have a home computer; it may be that the child needs a math tutor; it may be that the child is experiencing dyslexia or some medical problem and the family will be able to augment and help support a learning disability. Well, the list goes on and on and on, as to the kind of particular or peculiar deficiencies that the child may suffer. This allows a resource to be gathered together to be put right on the problem. Unfortunately, you can't get that kind of utility for most public dollars.

As Senator TORRICELLI said, 70 percent of all these resources will assist families making $75,000 or less. So it's going right to the hardest pressed, the middle class. It's right on target.

Mr. President, there is another unique feature about the education savings account. The education savings account, which for most people would resemble an IRA, is different in that it would allow sponsors to contribute to the account. That could be an extended family member, an uncle, aunt, cousin, grandparent. More importantly, it could be a church, it could be an employer, it could be a community assistance organization, it could be a labor union. The imagination can't even perceive the kinds of community activities. How often have we seen a law enforcement officer fall in the line of duty and the community wants to come forward to help? This is the kind of tool that would be used. That community could set up an education savings account for the surviving children so that they would be more able to deal with their educational needs as they grow older without their father or mother.

I can envision a company saying, well, we will put $50 a month in the account for the children that work for our employees if the employee will match it. By the end of the year, that would be half of the amount of money that is legally available; that would be $1,200. So it's an instrument that allows the entire community, the entire family to bring together resources to help with whatever problem that child may confront when they get to school.

The other side has tried to describe it as a voucher. It's not. A voucher is public money given to the parents to decide what to do with. This is the parents' money. This is private money. We are allowing the parents an opportunity to get focused on that child's education, and just with the attention alone in creating 14 million family accounts like this, there will be an attitude change. You know, they can get focused on it and they think of their child and what that child needs, and they will have an exhilarated feeling of putting a resource in that account once a month, or every quarter, or on holidays, as Senator TORRICELLI said.

They have said this goes to the wealthy. It does not. It goes to the middle class. They have even said, at one point, well, it doesn't amount to much. If it doesn't, I can't imagine why in the devil I am facing this filibuster and why the President said he would veto the entire tax relief plan if this proposal were in the tax relief bill.

Mr. President, this is an idea whose time has come. The education savings account is going to become law. It is just a matter of time. I hoped we could do it in this session, but I think the filibuster is, once again, going to deny a good idea. America, as Senator TORRICELLI said, is focused on education. It will not accept the status quo. It is going to force new ideas. We cannot afford to have a failed elementary education system in place as we come to the new century.

So, Mr. President, I thank my colleagues on the other side of the aisle that have stood up to the special interests and have said we are going to

change the status quo. I appreciate all the assistance from the colleagues on my side of the aisle.

I yield the floor.

Mr. GRAMS. Mr. President, today we will vote on whether to invoke cloture on a bill—H.R. 2646—that would allow parents to save money for their children's education without incurring tax liability.

The proposed new education savings account, which expands existing law, would allow families to contribute up to $2,500 per year in a savings account for a variety of public or private education-related expenses. Congress had earlier voted to support the Coverdell amendment 59 to 41, on June 27.

Currently, the reconciliation law we passed this year as part of the budget agreement, allows parents to save up to $500 per year for their children's college education without penalty.

The new education savings accounts are more expansive in that they allow the money to be used for children's kindergarten through 12th grade education expenses as well as college.

Our adoption of this bill without further delay comes at a notable time, a time of increasing focus on the future of America's children. Just over a week ago, the White House held a summit intended to bring children's issues into the forefront as a national priority.

What better way to turn consensus-building into action than to give parents the practical tool which the Coverdell bill supplies; a tool which allows parents to better provide options for their children's education.

The education savings accounts help working families. They are a good complement to the $500 per child tax credit I have long championed, which was included in the tax bill this year. They encourage savings and allow families to make plans which shape a child's future.

This provision is directed at low- and middle-income families, not wealthy families who currently have education options. All families should have a better opportunity to choose the best education for their children.

According to the Joint Committee on Taxation, the great majority of families expected to take advantage of the education savings accounts have incomes of $75,000 or less.

In other words, in families where both parents are working, individual parent income is at the very most an average of $37,500 in more than two-thirds of the families expected to take advantage of this legislation. Clearly, these are the families who need our help the most.

Mr. President, this important legislation offers a real solution for America's working families. We must act now to help families best provide for one of life's most basic necessities—a child's education.

Mr. KENNEDY. Mr. President, I oppose the Coverdell bill because it uses regressive tax policy to subsidize vouchers for private schools. It does not give any real financial help to low-income, working- and middle-class families, and it does not help children in the Nation's classrooms. What it does is undermine public schools and provide yet another tax giveaway for the wealthy.

Public education is one of the great successes of American democracy. It makes no sense for Congress to undermine it. This bill turns its back on the Nation's longstanding support of public schools and earmarks tax dollars for private schools. This bill is a fundamental step in the wrong direction for education and for the Nation's children.

Senator COVERDELL's proposal would spend $2.5 billion over the next 5 years on subsidies to help wealthy people pay the private school expenses they already pay, and do nothing to help children in public schools get a better education.

It is important to strengthen our national investment in education. We should invest more in improving public schools by fixing leaky roofs and crumbling buildings, by recruiting and preparing excellent teachers, and by taking many other steps.

If we have $2.5 billion more to spend on elementary and secondary education, we should spend it to deal with these problems. We should not invest in bad education policy and bad tax policy. We should support teachers and rebuild schools—not build tax shelters for the wealthy.

Proponents of the bill claim that it deserves our support because the Joint Committee on Taxation estimates that almost 75 percent of funds will go to public school students.

But they're distorting the facts. According to the Department of Treasury, 70 percent of the benefit of the bill would go to those families in the highest income brackets. An October 28, 1997, Joint Tax Committee memorandum states that 83 percent of families with children in private schools would use this account, but only 28 percent of families with children in public schools would make use of it. It is a sham to pretend that the bill is not providing a subsidy for private schools. The overwhelming majority of the benefits go to high-income families who are already sending their children to private school, and does nothing to improve public education.

In fact, the Joint Tax Committee memorandum clearly confirms this basic point that the bill disproportionately benefits families who send their children to private schools. As the committee memorandum states, "The dollar benefit to returns with children in public schools is assumed to be significantly lower than that attributable to returns with children in private schools."

Proponents of the bill claim that 70 percent of the benefits from the Coverdell accounts would go to families that earn under $70,000 a year.

But again, they're distorting the facts. The facts are that the majority of the benefits under the proposal go to upper income families. Only about 10 percent of taxpayers have incomes between $70,000 and the capped income levels. Therefore, 30% of the benefits would go to just 10 percent of the taxpayers. In addition, the majority of the benefits for families who earn under $70,000 a year go to those earning between $55,000 and $70,000 a year.

Other families will get almost no tax break from this legislation. Families earning less than $50,000 a year will get a tax cut of $2.50 a year from this legislation—$2.50. You can't even buy a good box of crayons for that amount. Families in the lowest income brackets—those making less than $17,000 a year—will get a tax cut of all of $1—$1. But, a family earning over $93,000 will get $97.

Proponents also claim that these IRA's do not use public money. The money invested in the accounts, whether by individuals, their employer, or their labor union is their own money, not public funds.

But the loss to the Treasury is clear. This proposal will cost the Treasury $2.5 billion in the first 5 years. It is nonsense to pretend that these funds are not a Federal subsidy to private schools.

Scarce tax dollars should be targeted to public schools, which don't have the luxury of closing their doors to students who pose special challenges, such as children with disabilities, limited English-proficient children, or homeless students. Private schools can decide whether to accept a child or not. The real choice under this bill goes to the schools, not the parents. We should not use public tax dollars to support schools that select some children and reject others.

We all want children to get the best possible education. We should be doing more—much more—to support efforts to improve local public schools. We should oppose any plan that would undermine those efforts.

This bill is simply private school vouchers under another name. It is wrong for Congress to subsidize private schools. We should improve our public schools—not abandon them.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Kelly Miller be granted floor privileges during this vote.

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

CLOTURE MOTION

The PRESIDING OFFICER (Mr. ALLARD). Pursuant to rule XXII, the clerk

will report the motion to invoke cloture on H.R. 2646.

The bill 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 H.R. 2646, the Education Savings Act for Public and Private Schools.

Trent Lott, Paul Coverdell, Robert F. Bennett, Pat Roberts, Strom Thurmond, Gordon H. Smith, Bill Frist, Mike DeWine, Larry E. Craig, Don Nickles, Connie Mack, Jeff Sessions, Conrad Burns, Lauch Faircloth, Thad Cochran, and Wayne Allard.

CALL OF THE ROLL

The PRESIDING OFFICER. Under a previous order, the live quorum required under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 2646, the Education Savings Act for public and private schools, shall be brought to a close?

The yeas and nays are mandatory. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—56

Abraham	Gorton	McConnell
Allard	Gramm	Murkowski
Ashcroft	Grams	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Roth
Brownback	Hagel	Santorum
Burns	Hatch	Sessions
Campbell	Helms	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lieberman	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Torricelli
Faircloth	Mack	Warner
Frist	McCain	

NAYS—44

Akaka	Durbin	Lautenberg
Baucus	Feingold	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Chafee	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Wellstone
Dodd	Kohl	Wyden
Dorgan	Landrieu	

The PRESIDING OFFICER. On this vote the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote and I move to table the motion.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business until the hour of 12:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

Following morning business, the Senate would then stand in recess under the previous order until 2:30 p.m.

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

Mr. LOTT. Therefore, the next rollcall vote would occur at 2:30 p.m. That vote would be on the cloture motion with respect to the motion to proceed to the fast-track legislation.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

ADVANCE PLANNING AND COMPASSIONATE CARE ACT

Ms. COLLINS. Mr. President, last week I was pleased to join with my colleague from West Virginia, Senator ROCKEFELLER, in introducing S. 1345, the Advance Planning and Compassionate Care Act which is intended to improve the way we care for people at the end of their lives.

Noted health economist Uwe Reinhardt once observed that "Americans are the only people on earth who believe that death is negotiable." Advancements in medicine, public health, and technology have enabled more and more of us to live longer and healthier lives. However, when medical treatment can no longer promise a continuation of life, patients and their families should not have to fear that the process of dying will be marked by preventable pain, avoidable distress, or care that is inconsistent with their values or wishes.

The fact is, dying is a universal experience, and it is time to reexamine how we approach death and dying and how we care for people at the end of their lives. Clearly there is more that we can do to relieve suffering, respect personal choice and dignity, and provide opportunities for people to find meaning and comfort at life's conclusion.

Unfortunately, most Medicare patients and their physicians do not currently discuss death or routinely make advance plans for end-of-life care. As a result, about one-fourth of Medicare funds are now spent on care at the end of life that is geared toward expensive, high-technology interventions, and rescue care. While four out of five Americans say they would prefer to die at home, studies show that almost 80 percent die in institutions where they may be in pain, and where they are subjected to high-technology treatments that merely prolong suffering.

Moreover, according to a Dartmouth study released earlier this month, where a patient lives has a direct impact on how that patient dies. The study found that the amount of medical treatment Americans receive in their final months varies tremendously in the different parts of the country, and it concluded that the determination of whether or not an older patient dies in the hospital probably has more to do with the supply of hospital beds than the patient's needs or preference.

The Advance Planning and Compassionate Care Act is intended to help us improve the way our health care system serves patients at the end of their lives. Among other provisions, the bill makes a number of changes to the Patient Self-Determination Act of 1990 to facilitate appropriate discussions and individual autonomy in making difficult discussions about end-of-life care. For instance, the legislation requires that every Medicare beneficiary receiving care in a hospital or nursing facility be given the opportunity to discuss end-of-life care and the preparation of an advanced directive with an appropriately trained professional within the institution. The legislation also requires that if a patient has an advanced directive, it must be displayed in a prominent place in the medical record so that all the doctors and nurses can clearly see it.

The legislation will expand access to effective and appropriate pain medications for Medicare beneficiaries at the end of their lives. Severe pain, including breakthrough pain that defies usual methods of pain control, is one of the most debilitating aspects of terminal illness. However, the only pain medication currently covered by Medicare in an outpatient setting is that which is administered by a portable pump.

It is widely recognized among physicians treating patients with cancer and other life-threatening diseases that self-administered pain medications, including oral drugs and transdermal patches, offer alternatives that are equally effective in controlling pain, more comfortable for the patient, and much less costly than the pump. Therefore, the Advance Planning and Compassionate Care Act would expand Medicare to cover self-administered pain medications prescribed for the relief of chronic pain in life-threatening diseases or conditions.

In addition, the legislation authorizes the Department of Health and Human Services to study end-of-life issues for Medicare and Medicaid patients and also to develop demonstration projects to develop models for end-of-life care for Medicare beneficiaries who do not qualify for the hospice benefit, but who still have chronic debilitating and ultimately fatal illnesses. Currently, in order for a Medicare beneficiary to qualify for the hospice benefit, a physician must document that

the person has a life expectancy of 6 months or less. With some conditions—like congestive heart failure—it is difficult to project life expectancy with any certainty. However, these patients still need hospice-like services, including advance planning, support services, symptom management, and other services that are not currently available.

Finally, the legislation establishes a telephone hotline to provide consumer information and advice concerning advance directives, end-of-life issues and medical decision making and directs the Agency for Health Care Policy and Research to develop a research agenda for the development of quality measures for end-of-life care.

The legislation we are introducing today is particularly important in light of the current debate on physician-assisted suicide. As the Bangor Daily News pointed out in an editorial published earlier this year, the desire for assisted suicide is generally driven by concerns about the quality of care for the terminally ill; by the fear of prolonged pain, loss of dignity and emotional strain on family members. Such worries would recede and support for assisted suicide would evaporate if better palliative care and more effective pain management were widely available. I ask unanimous consent that this editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Ms. COLLINS. Mr. President, patients and their families should be able to trust that the care they receive at the end of their lives is not only of high quality, but also that it respects their desires for peace, autonomy, and dignity. The Advanced Planning and Compassionate Care Act that Senator ROCKEFELLER and I have introduced will give us some of the tools that we need to improve care of the dying in this country, and I urge my colleagues to join us in this effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EXPLOITATIVE CHILD LABOR

Mr. HARKIN. Mr. President, I want to speak for a few minutes about a very troubling shortcoming in the legislation to grant the President fast-track authority, and that is its failure to adequately address the issue of abusive and exploitative child labor.

First, let me discuss what I mean by exploitative child labor. It is a term well known in international relations. We are not talking about children who work part time after school or on weekends. There is nothing wrong with that. I worked in my youth. I bet the occupant of the Chair worked in his youth. There is nothing wrong with young people working. That is not the issue.

Exploitative child labor involves children under the age of 15, forced to work, many times in hazardous conditions, many under slave-like conditions, who sweat long hours for little or no pay. They are denied an education or the opportunity to grow and develop. It is the kind of work that endangers a child's physical and emotional well-being and growth. The International Labor Organization estimates that there are some 250 million children worldwide engaged in this sort of economic activity.

These are the kind of kids we are talking about. We are talking about this young Mexican girl, harvesting vegetables in the fields of Hidalgo State. They are out there working long hours, all day long. They are not in school. You know, my farmers in Iowa can compete with anybody around the world. That is why we have always believed in free trade. But we believe in a level playing field. My farmers cannot compete with this slave. That is what she is. You can dress it up in all kinds of fancy words and cover it up, but that girl out in that field is working under slave-like conditions because she has no other choice. And isn't that the definition of slavery?

She is not alone. It is in Pakistan and India, Bolivia, Southeast Asia, all around the world—children working under these kinds of conditions. I am not talking about after school. I am talking about kids who are denied an education, forced to work in fields and factories under hazardous conditions for little or no pay.

I have been working on this issue for a long time. In 1992 I introduced the Child Labor Deterrence Act, to try to end abusive and exploitative child labor. It would have banned the importation of all goods into the United States made by abusive and exploitative child labor.

Some have said this is revolutionary, but I don't believe so. I believe it is written in the most conservative of all ideas that this country stands for; that international trade cannot ignore international values.

Would the President of the United States ever send a bill to Congress dealing with free trade or opening up trade with a country that employed slave labor? Of course not; he would be laughed off the floor. But what about this young girl? What about the millions more like her around the world? They are as good as slaves because they don't have any other choice and they are forced to do this under the guise of free trade.

We, as a nation, cannot ignore, this. In 1993, this Senate put itself on record in opposition to the exploitation of children by passing a sense-of-the-Senate resolution that I submitted.

In 1994, as chairman of the Labor, Health and Human Services Appropriations Subcommittee, I requested the Department of Labor to begin a series of reports on child labor. Those reports, now three in number, represent the most thorough documentation ever assembled by the U.S. Government on this issue. They published three reports; the fourth will be completed shortly.

Earlier this year, I introduced a bill called the Child Labor Free Consumer Information Act, which would give consumers the power to decide through a voluntary labeling system whether they want to buy an article made by child labor or not. Every time you buy a shirt, it says on the shirt where it was made. It tells you how much cotton, how much polyester and how much nylon, et cetera, is in that shirt. It has a price tag on it and tells you how much it cost to buy. But it won't tell you what it may have cost a child to make that shirt or that pair of shoes or that glassware or that brass object or that soccer ball or any number of items, including the vegetables that this girl is harvesting in Mexico.

So we said, let's have a voluntary labeling system, and if a company wanted to import items into the United States, they could affix a label saying it was child labor free. In exchange for that label, they would have to agree to allow surprise inspections of their plants to ensure that no children were ever employed there.

To me, this puts the power in the hands of consumers. It gives us the information that we need to know. I still think this is the direction in which we ought to go, a labeling system, and we have experience in that.

Right now "RUGMARK" is being affixed to labels on rugs coming out of India and Nepal that verifies that rug was not made with child labor, and it is working. It is working well, because now the people authorized to use the "RUGMARK" label have to open up their plants for people to come in and make sure no children are employed there, and they get the label "RUGMARK," which certifies it was not made with child labor. The "RUGMARK" program also provides funds to build schools and provides teachers to educate these children so that they are not displaced. So if I, as a consumer, want to buy a nice hand-knotted rug, if I see that "RUGMARK" label, I know it was not made by child labor. More and more importers are importing "RUGMARK" rugs into this country. It has worked well in Europe, and now it is in the United States.

In October of this year, Congress passed into law another provision that I had worked on with Congressman SANDERS in the House. It is regarding section 307 of the Tariff Act of 1930, which makes it clear that goods made with forced or indentured labor are to be barred from entry into the United States. Section 307 of the tariff law of

1930 banned articles made by prison labor and forced labor from coming into this country. That has been on the books since 1930. What Congress passed was a clarification of that law or an explanation of that law to say that it also covers goods made by forced or indentured child labor. Congress passed it as part of the Treasury-Postal appropriations bill.

So you might say, Well, if you have done that, then there is nothing else to do. But that is only an appropriations bill, and it is only good for 1 year. We are now working with Customs officials to try to decide how they find those articles made by exploitative child labor. Again, it is only good for 1 year. Will we be able to put this into permanent law next year? I don't know. And that still does not address the issue of children who don't make goods bound for the U.S. market.

Right now, Mr. President, it is estimated somewhere in the neighborhood of 12.5 million kids around the world are involved in this kind of exploitative child labor, making goods that go into foreign trade that come into this country; 12.5 million kids, a large number being exploited for the economic gain of others.

Make no mistake about it, their economic gain is an economic loss for this child and their country and for the United States. Every child lost to the workplace in this manner is a child who will not learn a valuable skill to help their country develop economically or becoming a more active participant in the global markets.

We have done much to address the issue of exploitative child labor, but I am sorry to say that one of the most important measures that we will be asked to vote on this year or perhaps next year, depending on when it comes here for a vote—this bill, S. 1269, the so-called fast-track bill—does not recognize the depths of the problem of exploitative child labor and does little to help protect them from exploitation.

This bill protects songs. It protects computer chips. Let me read. Intellectual property. This bill, under part B, says, "the principal trade negotiating objectives." There are 15. Principal trade negotiating objectives. The first is reduction of barriers to trade in goods. The second is trade in services. The third is foreign investment. Fourth is intellectual property, and it says:

> The principal negotiating objectives of the United States regarding intellectual property are—

And it has a bunch of things here. It says:

> . . . to recognize and adequately protect intellectual property, including copyrights, patents, trademarks, semiconductor chip layout designs. . .

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

Mr. HARKIN. I ask unanimous consent for 5 more minutes to finish up.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Three more minutes.

Mr. BOND. No objection.

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

Mr. HARKIN. Mr. President, I know people are here to speak. I just want to finish.

We are protecting semiconductor chip computer design layouts. If we can protect a song, we can protect a child. That is my bottom line on this. What do they do with child labor? Oh, it is back here on page 18, "It's the policy of the United States to reinforce trade agreements process by seeking to establish in the International Labor Organization"—the ILO—"a mechanism for the examination of, reporting on"—et cetera, and includes exploitative child labor. It doesn't mean a thing. I know all about the ILO. It is a great organization. It has absolutely zero enforcement powers.

If we can protect a song, why can't we protect a child? Why don't we elevate exploitative child labor to the same status as intellectual property rights? Let's make it a separate principal trade negotiating objective of this Government that when we negotiate a trade agreement with a country, yes, we will negotiate on trade in services and on foreign investment and intellectual property. But let's also put child labor right up there as one of the principal negotiating objectives of our Government.

I have an amendment drafted to that extent. It mirrors exactly what is done in intellectual property. We make this young girl the equivalent of a song or a computer chip layout design. Anything less than that means that this fast-track legislation ought to be consigned to the trash heap of history. If we are not willing to take that kind of a step to announce it loudly and forcefully to the White House and to instruct the people who are involved in negotiating our trade agreements, then this body has no reason at all to pass fast-track legislation. We must elevate the issue of exploitative child labor to that level. Anything less will not do.

I yield the floor and thank my friend from Missouri for giving me the opportunity to finish my statement.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Missouri.

TRANSPORTATION REAUTHORIZATION BILL

Mr. BOND. Mr. President, I rise today to present to my colleagues what I think is a compromise that will help us get over a very difficult situation. I am very proud to be a member of the Environment and Public Works Committee and to have joined with the leadership of that committee—Chairman CHAFEE, Senator WARNER, Ranking Member BAUCUS, and the other members of the committee, in reporting out what I believe is an excellent transportation reauthorization bill.

I think this is a bill that we need for the next 6 years. We need it for transportation, for safety, for economic development. The simple fact of the matter is, without discussing the whys, the "where we are" is we are not going to get that passed this year. There, in my view, is no way that we can get agreement, get it passed on the floor of the Senate, and agree with the House on a very different approach they are taking prior to the time we adjourn for the remainder of the year.

If we don't—and we had a hearing today in Environment and Public Works—No. 1, the Department of Transportation operations cannot continue, vitally needed safety programs cannot continue, transit programs cannot continue, and many States will not be able to let the contracts they need for major construction projects in the coming months because they will not have the obligational authority.

There is a lot of money in the States—over $9 billion—that is unobligated that has been authorized, but the problem is very often it is in the wrong category. The States have money, but it may be in CMAQ when they need it in STP or the various different programs.

The question is, what are we going to do about it? Some in the House have presented a proposal that is sort of a 6-month extension. It keeps the old formula and tries to jam everything into 12 months. Frankly, that is very unfair to my State and quite a few other States that are known in this body as donor States.

I can assure you that any time we try to do something in the highway and transportation area that gets us into a formula discussion, we are going to spend some time at it. I feel very strongly about the formulas, and I intend to express myself about them, as other Members should.

What are we going to do about it? What are we going to do about the fact that safety and transit programs run out and many States will not be able to let contracts they need for major projects at the end of the winter when they have to get ready for the summer construction season?

Today I presented to my colleagues in the Environment and Public Works Committee a compromise which I think enables us to continue these vitally important operations. Certainly highways and transportation are right at the top of the list of things that my constituents in Missouri want to see us do. It will enable us to come back after the first of the year, pass a 6-year reauthorization and do so without penalizing the States and the transit and the safety programs.

What we would do under my bill is provide 6 months of funding for the

safety programs, the Department of Transportation operations and transit. For the unobligated balances, we would give the States complete flexibility. If they want to put surface transportation money into construction mitigation, they could do so, and they would be able to continue their operations and issue contracts through March 31.

Some States do not have enough unobligated balances to be able to continue their contracting authority through March 31 at the same rate they had done in this year or the previous year. So for those States, my measure would provide them an advance, an advance against what we are going to authorize in the bill that we must pass and that the President must sign so transportation can go forward in this country.

For most States, it means a small amount, but we would advance fund that money without regard to the formula. Say, for example, you had $250 million in unobligated balances, but in the first 6 months in one of those years you obligated $290 million. We would have the Department of Transportation advance $40 million to that State so that between now and March 31, the State would be able to obligate $290 million for transportation purposes.

Later on in the year, when that State's allocation is determined and, say, under the formula that State would get $500 million from probably, say, $800 million for the year, that $40 million would be deducted from the allocations under the new authorization, and they would get $760 million.

What this does, Mr. President, is allow us to keep things operating, keep contracts being let, keep transit programs and safety programs operating without getting bogged down in the formula fight.

As I said earlier, when I say "bogged down," I look forward to the very active discussion of the funding formula. It is one of the most important things that we need to do around here in terms of economic development, transportation and safety. But it will take some time. I would envision that whenever the majority leader wants to schedule it, it would take at least a couple of weeks and maybe more. So while we are doing that, we should not cut off the transit, the safety, or the contracting obligation that the States would normally do.

As I said, we presented this at the EPW hearing this morning. We had a very good discussion with representatives of the National Governors' Association and the Department of Transportation.

Mr. President, the National Governors' Association has sent a letter signed by 39 Governors. Getting 39 Governors—having been one—I can tell you, to sign on a letter is not easy. But the Governors very simply said:

. . . it is imperative for the Senate to consider and pass short-term legislation providing funding for highway, transit, and safety programs and to complete a conference on that legislation with the House of Representatives. Such legislation would minimize the interruption in funding to State and local governments. It would also avoid the disastrous effects that a several-month lapse in authorization would have on many States' transportation programs.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

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

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, November 4, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT AND SENATOR DASCHLE: Given the very limited time remaining in this legislative session, it is imperative for the Senate to consider and pass short-term legislation providing funding for highway, transit, and safety programs and to complete a conference on that legislation with the House of Representatives. Such legislation would minimize the interruption in funding to state and local governments. It would also avoid the disastrous effects that a several-month lapse in authorization would have on many states' transportation programs.

Sincerely,

Governor George V. Voinovich; Governor Thomas R. Carper; Governor Edward T. Schafer, Co-Chair, Transportation Task Force; Governor Paul E. Patton, Co-Chair, Transportation Task Force; Governor Mike Huckabee; Governor Roy Romer; Governor Lawton Chiles; Governor Philip E. Batt; Governor Terry E. Brandstad; Governor Mike Foster; Governor Parris N. Glendening; Governor Arne H. Carlson; Governor Marc Racicot; Governor Jeanne Shaheen; Governor Jane Dee Hull; Governor Pete Wilson; Governor John G. Rowland; Governor Zell Miller; Governor Frank O'Bannon; Governor Bill Graves; Governor Angus S. King, Jr.; Governor John Engler; Governor Mel Carnahan; Governor Bob Miller; Governor Christine T. Whitman; Governor James B. Hunt, Jr.; Governor David M. Beasley; Governor Don Sundquist; Governor Howard Dean, M.D.; Governor Gary Locke; Governor Tommy G. Thompson; Governor Benjamin J. Cayetano; Governor John A. Kitzlaber; Governor William J. Janklow; Governor Michael O. Leavitt; Governor Roy Lester Schneider, M.D.; Governor Cecil H. Underwood; Governor E. Benjamin Nelson; Governor Pedro Rosselló.

Mr. BOND. Mr. President, in conclusion, let me say that we have had good ideas from both sides of the aisle in the EPW Committee. We look forward to working with Chairman WARNER, Senator BAUCUS, Chairman CHAFEE, the other members of the committee.

I hope this is something that we could agree on and move forward on quickly so that our States and the traveling public will not suffer while we go through the very important discussions on coming up with a new highway funding formula.

I invite comments. I look forward to working with my colleagues. This one I hope we can do on a bipartisan basis without the regional differences that will inevitably arise when we begin discussion of the funding formula.

Mr. President, I appreciate the time, and I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, November 3, 1997, the Federal debt stood at $5,427,078,768,247.28 (Five trillion, four hundred twenty-seven billion, seventy-eight million, seven hundred sixty-eight thousand, two hundred forty-seven dollars and twenty-eight cents).

Five years ago, November 3, 1992, the Federal debt stood at $4,068,937,000,000 (Four trillion, sixty-eight billion, nine hundred thirty-seven million).

Ten years ago, November 3, 1987, the Federal debt stood at $2,392,685,000,000 (Two trillion, three hundred ninety-two billion, six hundred eighty-five million).

Fifteen years ago, November 3, 1982, the Federal debt stood at $1,142,065,000,000 (One trillion, one hundred forty-two billion, sixty-five million).

Twenty-five years ago, November 3, 1972, the Federal debt stood at $435,625,000,000 (Four hundred thirty-five billion, six hundred twenty-five million) which reflects a debt increase of nearly $5 trillion—$4,991,453,768,247.28 (Four trillion, nine hundred ninety-one billion, four hundred fifty-three million, seven hundred sixty-eight thousand, two hundred forty-seven dollars and twenty-eight cents) during the past 25 years.

ENSURING THE HEALTH OF INTERNATIONALLY ADOPTED CHILDREN UNDER 10

Mr. ABRAHAM. Mr. President, I rise to express my support for H.R. 2464, legislation to exempt internationally adopted children under age 10 from the immunization requirement that was contained in last year's immigration bill.

Mr. President, in my view it is important that the Federal Government not unnecessarily burden American parents who adopt foreign born children. The process of adopting a child abroad is already quite arduous and involves great emotional risk. The Federal Government should not make that process yet more difficult. It is particularly important that we not endanger the health of these children.

Last year's immigration bill unnecessarily and unintentionally made the process of adopting foreign born children more difficult.

I am, however, concerned that this bill did not go far enough. There are adopted children 10 years of age and older who do not need to be treated differently than those under 10 years old. Moreover, the problems with infected needles in many countries should give us serious pause as to whether immigrant children who are not adopted are undergoing undue risk.

I also want to call attention to a provision that I would have preferred not be in this bill—the provision requiring that parents of the exempted adopted children must sign an affidavit promising to vaccinate their children within 30 days or when it is medically appropriate. I think we do not want to imply in this or other legislation that the Federal Government cares more about children than parents do and, unfortunately, I think that is what this provision says.

Despite these reservations, I think that this is a good bill and it is an important bill for the many Americans who will be adopting children internationally both this year and in the years to come. I want to commend the sponsors of the bill and commend the leadership on this issue of the two Senators from Arizona, Senator KYL and Senator MCCAIN, who have helped see to it that this important correction in law will become a reality and thus help ensure the safe adoption of foreign-born children by American citizens.

ONE-CALL NOTIFICATION PROVISIONS

Mr. FAIRCLOTH. I would like to clarify the intent of the Commerce Committee's ISTEA transportation safety amendment as it relates to State one-call—call-before-you-dig—programs. It is my understanding that the one-call provisions of this amendment are the same as the provisions of S. 1115, the Comprehensive One-Call Notification Act of 1997.

Mr. LOTT. The Senator is correct. The minority leader and I introduced as S. 1115 on July 31. Thirteen of our colleagues have joined us as cosponsors to the bill, and the Committee on Commerce, Science, and Transportation held a hearing on the bill on September 17. I will be happy to respond to the Senator's questions.

Mr. FAIRCLOTH. I have received a number of calls and letters from North Carolina contractors concerned about this bill and its inclusion in ISTEA. As the leader knows, these companies are overwhelmingly small businesses, and they provide a large number of jobs for people in our States. However, when they think of the Federal Government and its regulators, they think of the Occupational Safety and Health Administration. Their experience with OSHA has not been good. The contractors are definitely not interested in seeing a toehold established for further regulation of this type under the guise of one-call notification. Can the leader tell me that the provisions we are talking about here will not be converted into a Federal regulatory program effecting small business?

Mr. LOTT. I can assure the Senator, most emphatically, that this will not happen. This is not a regulatory bill. The Lott-Daschle bill presumes that each State provides the legislative foundation for the one-call notification program in that State. Remember, all one-call programs are currently State programs, and this will remain unchanged. The sole aim of the bill is to encourage States to act voluntarily to improve their own State one-call programs by providing fiscal assistance for those States who want to do more.

Furthermore, this legislation does not regulate through the back door by imposing a Federal mandate on the States to modify their existing one-call programs. Rather, it makes funding available to improve these programs. To be eligible for the funding, the programs must meet certain minimum standards, but even those standards are performance-based, not prescriptive. And States will be involved in the rulemaking which establishes these standards. No State has to apply for these funds if it doesn't wish to.

The bill does not preempt State law. Let me repeat that; no State law will be preempted. States continue to their responsibility for the regulations for notification prior to excavation and for location and for marking of underground facilities. Nothing in this bill changes this. States prescribe the details of one-call notification programs. This not something the Federal Government should do or is able to do effectively.

This bill is not intended to lead to a Federal regulatory program on the backs of small business. It is not intended to do this, and it will not do this.

Mr. FAIRCLOTH. I thank leader for that assurance.

Among the minimum standards required for a one-call notification program to be eligible for Federal assistance is the requirement for "appropriate participation" by all excavators and underground facility operators. "Appropriate participation" would be determined based on the "risks to public safety, the environment, excavators and vital public services."

Contractors who visited my office see this as a loophole that could actually weaken State programs. The contractors are very concerned that the Federal Government would declare some situations to be low risk, and this would in turn encourage facility operators to seek exemptions from one-call requirements because their participation would be deemed no longer "appropriate".

Mr. LOTT. First, let me say to my colleague that I am very much in favor of encouraging Federal and State agencies put regulatory effort where the real risks are. We don't have so much money and so much desire to regulate that we can afford to spend our time and money regulating nonexistent risks. There is far too much regulating of fictitious risks going on in our economy today. So I think the emphasis on looking at actual risk is desirable. And the other side of it is that situations that pose a real risk should be covered, absolutely should be covered. We think the Lott-Daschle bill will encourage the States to look at risks that are not now covered and increase participation in one-call notification programs accordingly.

In answer to the contractors' contention, I would reply to them that the intent of this bill is to strengthen State one-call programs and not to weaken them. This is what the Congress is saying to the States with the Lott-Daschle bill: "Strengthen your programs. Strengthen your programs, and you will be rewarded."

And the Department of Transportation, which will administer this program, is saying the same thing. I recently received a letter from Secretary of Transportation Rodney E. Slater supporting the Lott-Daschle one-call notification bill. I put that letter in the RECORD of October 22. In his letter, Secretary Slater says, "safety is the Department of Transportation's highest priority."

Secretary Slater is not interested in weakening State one-call notification programs. A State that submits a grant application to the Department of Transportation with a weakened State one-call program is not going to see that application approved. The Department of Transportation will make sure of that.

Finally, the Lott-Daschle bill does not provide for a one-size-fits-all Federal determination of what constitutes a risk. Under the bill the intent is that the determination of risk will be made at the State level, where local conditions and practices can be taken into account.

This is another reason that I'm sure we don't need to be concerned about weakening State laws. States with strong laws are not going to undertake to weaken them in order to apply for a grant from the DOT under this bill. They know that DOT is trying to strengthen these laws. It just wouldn't make any sense.

A State which successfully confronted special interests and enacted a strong one-call program would be both unlikely and foolish to try to use this bill to weaken these programs. If a State were that misguided, the DOT is certain to reject their application.

This bill will mean stronger State one-call notification laws, more participation and better enforcement. That's why 15 Senators want to advance this legislation.

Mr. FAIRCLOTH. The contractors who visited my office felt that the bill is a dagger pointing at them, and that it unfairly singles out excavators as the cause of accidents at underground facilities. Can the bill be made more evenhanded?

Mr. LOTT. I believe the bill does attempt to be evenhanded. For example, finding (2) of the bill points to excavation without prior notice as a cause of accidents, but in the same phrase it includes failure to mark the location of underground facilities in an accurate or timely way as a cause as well. In truth, these are both causes of accidents, and the bill proposes to deal with both.

Both excavators and underground facilities can stand to improve performance in the area of compliance with one-call requirements. There is no intent in this bill to blame one side or the other. If the Senator believes that the bill unfairly stigmatizes contractors, I would want to right the balance, because that is not what is intended.

What we are trying to do is to set up a process where the States can address problems we all know are there. There are too many accidents at underground facilities. Let's see what we can do to improve that situation. Let's see what we can do cooperatively, underground facility operators and contractors, Federal agencies and State agencies. Let's use incentives rather than preemption and regulation. That is what this bill is trying to do.

Mr. FAIRCLOTH. I thank the leader for these clarifications.

BEING ON TIME

Mr. GRASSLEY. Mr. President, in the spirit of legislation I am sponsoring with Senator WYDEN, I want to make something clear. I want to make it a matter of public record that I am putting a hold on the nominations for ambassador of individuals being considered for posts in Bolivia, Haiti, Jamaica, and Belize. I am also asking to be consulted on any unanimous-consent agreements involving the Foreign Service promotion list if it should come up for consideration.

I am taking this step to make it clear to the State Department and the administration that the Congress takes the law seriously. Something the administration appears not to do. Under the law, the administration is required to submit to the Congress on November 1 of each year the names of countries that the administration will certify for cooperation on drugs. Last year, the administration was late in submitting that list. The administration had asked for more time and we gave it to them. Although I believe 6 weeks was pushing it.

The Congress made it clear then, however, that being late was not a precedent. We gave the administration an extra month in law. And they missed that deadline. They asked for more time last year and we gave it to them. We made it clear, though, that giving more time last year was not to become an excuse for being tardy in the future.

This point seems to have gotten lost. This year, again, the administration has not submitted the list as required by the law on the date specified. And there is no indication just when or if it may arrive. This is simply not acceptable. This leisurely approach and irresponsible attitude needs an appropriate response.

It appears we need to get the administration's attention so that they will abide by the law. This needs to be done especially on a law involving drug control issues at a time of rising teenage use. In the spirit, then, of reminding the administration that we in Congress actually do mean the things we say in law, I am putting a hold on these nominations.

The countries in question have been on past lists, and therefore there is a link to my hold now. That hold will remain in place until such time as we receive the list in question. If we do not receive a timely response, I may consider adding to my list of holds.

Let me note, also, that by "timely response" I do not mean a request for more time. I mean having the list in hand. The November 1 deadline is not a closely held secret. The fact that the list is due is not an annual surprise. Or it shouldn't be. I hope that the administration will find it possible to comply with the law, late though this response now is. And that they will do the responsible thing in the future. I thank you.

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

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

(The remarks of Mr. ABRAHAM, Mr. GRAMS, and Mr. D'AMATO pertaining to the introduction of S. 136 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS UNTIL 2:30

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:30 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

CLOTURE MOTION

The PRESIDING OFFICER. The Chair directs the clerk to report the motion to invoke cloture on the motion to proceed to the fast track legislation.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 198, S. 1269, the so-called fast-track legislation.

Trent Lott, Bill Roth, Jon Kyl, Pete Domenici, Thad Cochran, Rod Grams, Sam Brownback, Richard Shelby, John Warner, Slade Gorton, Craig Thomas, Larry E. Craig, Mitch McConnell, Wayne Allard, Paul Coverdell, and Robert F. Bennett.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate shall be brought to a close on the motion to proceed to S. 1269, the so-called fast track legislation?

The rules require a yea or nay vote. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 31, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—69

Abraham	Dodd	Landrieu
Akaka	Domenici	Lautenberg
Allard	Frist	Leahy
Ashcroft	Glenn	Lieberman
Baucus	Gorton	Lott
Bennett	Graham	Lugar
Biden	Gramm	Mack
Bingaman	Grams	McCain
Bond	Grassley	McConnell
Breaux	Gregg	Moynihan
Brownback	Hagel	Murkowski
Bryan	Hatch	Murray
Bumpers	Helms	Nickles
Chafee	Hutchinson	Robb
Cleland	Hutchison	Roberts
Coats	Inouye	Rockefeller
Cochran	Jeffords	Roth
Collins	Johnson	Sessions
Coverdell	Kempthorne	Smith (OR)
Craig	Kerrey	Thomas
D'Amato	Kerry	Thompson
Daschle	Kohl	Warner
DeWine	Kyl	Wyden

NAYS—31

Boxer	Ford	Sarbanes
Burns	Harkin	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Inhofe	Snowe
Conrad	Kennedy	Specter
Dorgan	Levin	Stevens
Durbin	Mikulski	Thurmond
Enzi	Moseley-Braun	Torricelli
Faircloth	Reed	Wellstone
Feingold	Reid	
Feinstein	Santorum	

The PRESIDING OFFICER. On this vote the yeas are 69, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

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

The motion to lay on the table was agreed to.

RECIPROCAL TRADE AGREEMENT OF 1997—MOTION TO PROCEED

The Senate proceeded to consider the motion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, under the rule, I would like to yield 1 hour that I have to the distinguished ranking member of the Senate Finance Committee, Senator MOYNIHAN.

The PRESIDING OFFICER. If the Senator will suspend for a moment, the Senate is not in order. If Members will take their conversations off the floor? The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the generosity of my good friend and colleague on the Finance Committee, the Senator from Nevada. He is, as ever, generous and not without a certain wisdom because this debate could be going on for a long time.

I yield the floor.

The PRESIDING OFFICER. The question is on the motion to proceed to the bill. Is there further debate?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, could I clarify with the Presiding Officer the parliamentary situation? My understanding is that we are in a postcloture period of up to 30 hours debate?

The PRESIDING OFFICER. The Senator is advised we are under postcloture debate, 30 hours of consideration.

Mr. DORGAN. Might I ask the Parliamentarian how that debate will be managed and or divided? My understanding is that each Senator is allowed to speak for up to 1 hour during the postcloture period, is that correct?

The PRESIDING OFFICER. The Senator is correct. A maximum of 1 hour.

Mr. DORGAN. With the exception being that time can be provided, up to 3 hours, to managers of the bill, is that correct, if another Senator would yield his or her hour?

The PRESIDING OFFICER. The Senator is correct. Each manager and each leader may receive up to 2 hours from other Senators, and then of course with their own hour the total would be 3.

Mr. DORGAN. Would I be correct to say that in a postcloture proceeding of this type, that the manager on each side can be a manager on the same side of the issue?

The PRESIDING OFFICER. That could occur.

Mr. DORGAN. So I then ask the managers, if I might yield to them for a response, because we will be involved here in a period of discussion prior to the vote on the motion to proceed, and that discussion is a period provided for up to 30 hours, I would like to ask my colleagues how we might decide that all sides will have an opportunity for full discussion of this?

I guess what I would ask the ranking manager, and the chairman of the Finance Committee as well, is how they would envision us proceeding in this postcloture period? I will be happy to yield to the chairman of the Senate Finance Committee for that purpose.

The PRESIDING OFFICER. Does the Senator from North Dakota yield the floor?

Mr. DORGAN. No. I do not. As I understand it, the Presiding Officer was intending to move to put the question on the motion to proceed. Because the Presiding Officer was intending to do that, I sought recognition and the Presiding Officer recognized me. My understanding is we are now in a postcloture period providing up to 30 hours of discussion.

The PRESIDING OFFICER. The Senator is correct. The 30 hours of consideration.

Mr. DORGAN. Consideration. Then I seek to be recognized, inasmuch as no one else was intending to be recognized and inasmuch as I certainly want time to be used to discuss this issue. I was simply inquiring of the chairman of the Finance Committee and the ranking member of the Finance Committee the process they might engage in, in terms of using this time that we are now in, in postcloture. I was intending to yield—not yield the floor, but I was intending to ask a question so we might have a discussion about how we use this time.

If I am unable to do that, I will just begin to use some time, I guess, if that would be appropriate.

I invite again—I didn't seek the floor for the purpose of intending to speak ahead of those who perhaps should begin this discussion. But neither did I want the Presiding Officer to go to the question, which the Presiding Officer was intending to do.

Is the Senator——

The PRESIDING OFFICER. The Senator presumes to know what the Presiding Officer was intending to go do. He may or may not be correct in that assertion.

Mr. DORGAN. The Presiding Officer announced his intention, which was the reason I sought the floor. If it is not inappropriate, then, I would simply begin a discussion. But I don't want to do that if the chairman of the Finance Committee, who I think should certainly have the opportunity to begin the discussion, or the ranking member, wish to do that. I was simply inquiring about the opportunity on how we might divide some of the time as we proceed.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. DORGAN. Mr. President, having invited that response, if there is no response I will be happy to begin a discussion in the postcloture period. But again I certainly want to——

Mr. ROTH. Parliamentary inquiry, doesn't he have to yield the floor to get a response?

The PRESIDING OFFICER. The Chair would advise, in response to the question of the Senator from Delaware, that the Senator who has the floor has no right to pose the question to another Senator unless he yields the floor.

Mr. DORGAN. Mr. President, I make the point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROTH. Mr. President, it is unthinkable that the Senate would not revive the fast-track trade negotiation authority enjoyed by previous Presidents.

Since its inception, the United States has been a trading state, and from the Jay treaty that ended the Revolutionary War to the Uruguay round agreements that established the World Trade Organization, we have, in the main, pursued a policy of free and open commerce with all nations.

That legacy has helped bring us unrivaled prosperity. We are in the seventh year of sustained economic expansion, and during that same period, the United States has registered the greatest rise in industrial production of any developed nation, an increase over the last decade of 30 percent.

It is no coincidence that our economic growth has taken place at a time when we have struck a series of international agreements that have sharply lowered barriers to American trade abroad. The opponents of trade and economic growth do not want you to hear that the United States has been a significant winner in those agreements.

In the Uruguay round, we cut our tariffs an average of 2 percentage points, while trading partners cut theirs between 3 and 8 percent.

In NAFTA, while we eliminated the average 2-percent tariff on Mexican imports, Mexico eliminated its 10-percent average tariffs, as well as a host of nontariff barriers that inhibited United States market access.

That job is not done. In most developing countries which represent the markets of the future for U.S. goods and services, tariffs on many products range up to 30 percent and higher. Developed countries continue to maintain high barriers in sectors where the United States has a tremendous comparative advantage. In Europe, for example, tariffs on our dairy products exceed 100 percent. In Japan, the tariffs

on United States dairy products exceed 300 percent, and tariffs on our wheat exports, most of it grown in Midwestern States such as North Dakota, remain above 150 percent. In other words, we have vastly more to gain from trade than we do to lose.

Let's agree on this much: We cannot legislate reduction in foreign tariffs or market access. That has to be done at the negotiating table. For that, the President needs negotiating authority. Simply put, a vote for fast track recognizes the fact that today, more than ever, our economic well-being is tied to trade.

Exports now generate one-third of all economic growth in the United States. Export jobs pay 10 to 15 percent more than the average wage. In the last 4 years alone, exports have created 1.7 million well-paying jobs and, by some estimates, as many as 11 million jobs, and this country now depends directly on exports.

As a result, when asked why the Senate would extend fast-track authority to the President, I offered a very practical answer. In 1989, General Motors exported three automobiles to Mexico. This past year, the third full year after we reached a trade agreement with Mexico that many have criticized, General Motors exported over 60,000 vehicles. That amounts to $1.2 billion in sales and paychecks for workers in General Motors' facilities and those of their U.S. suppliers.

I also explained that trade benefits all of us in many other ways. By producing more of what we are best at and trading for those goods in which we do not have a comparative advantage, we ensure that every working American has access to a wider array of higher quality goods at lower prices. In that respect, using the fast-track authority to liberalize trade acts just like a tax cut; we leave more of each consumer's paycheck in their pocket at the end of each month by ensuring that they get the highest quality goods at the lowest price.

I think it is also worth underscoring that trade does not mean fewer jobs. By increasing the size of the economic pie, trade means more jobs and better pay, as the figures I noted attest. Higher wages depend on rising productivity, a growing economy and rising demand for labor. Each of those factors depend on expanding our access to foreign markets, and to expand our access to foreign markets, the President needs fast-track authority.

I do not, therefore, view the question before this body as simply whether another, in a long line of bills, will pass. The question before this body is whether the United States will maintain its leadership role as the world's foremost economic power and assure our future economic prosperity.

Some might ask why the United States should continue to bear that responsibility. The answer lies in our own history. It relates those times when we have forsaken our traditional policy of open commerce in favor of protectionism, as some would have us do now.

The Smoot-Hawley tariff and the retaliation it engendered among our trading partners gravely deepened the Great Depression. Economic deprivation left citizens in many countries easy prey for the political movements that led directly to the Second World War. And it is worth remembering that the foundations of the current international trading system were built on the ashes of that great conflict. America led the way in establishing the current economic order as a means of ensuring that the trade policies of the past would not—and I emphasize would not—lead to similar devastating conflicts in the future.

It was, in fact, the effects of the Smoot-Hawley tariff and the Depression that led to the original grant of tariff negotiating authority and the namesake of this bill: Reciprocal Trade Agreement Act of 1934.

On the strength of that grant of negotiating authority, President Roosevelt and his Secretary of State Cordell Hull, a distinguished former Member of this body and a member of the Finance Committee, created the trade agreements programs that reversed the protectionist course of trade relations and laid the groundwork for the post-war economic order. Five decades and eight multilateral rounds of trade negotiations have helped us to build this burgeoning economy.

The lessons of the postwar years are easy to forget. It is easy to forget that Congress' grant of trade negotiating authority to the President was one of the key components of our economic success, and led to reduction in tariffs among developed countries from an average of over 40 percent to just 6 percent at the end of the Uruguay Round.

It is easy to forget that on the strength of those grants of negotiating authority, Democratic and Republican Presidents alike helped forge economic relationships with our allies that have seen us through the succeeding decades to the dawn of a new era.

American firms and American workers now compete in a global marketplace for goods and services, and the economic future of each and every American now depends on our ability to meet that challenge. The changes we see in the marketplace and in our daily lives represent the benefits and costs of technological change. We should not make trade a scapegoat, as some do, for that process.

Progress brings dislocation and requires adjustment. Indeed, with every expansion of our economy there are dislocations. This is an inevitable part of the economic process. Every expansion exposes inefficiency.

At its most basic and personal level, economic progress occurs when an individual worker shifts from an inefficient way of doing things to a more efficient one, from stage coach driver, the original teamster, to railroad engineer, to truck driver, to pilot for an overnight air delivery system.

Such transitions, of course, are not always easy. I firmly believe that the many who benefit from expanding trade and economic growth must help those who do not. But that adjustment is the inevitable effect of technological progress and economic growth, not the grant of fast-track authority.

There are some who argue that the cost of these transitions is too high, that we are doing just fine economically without further trade agreements, and that there is no need for fast-track negotiating authority. My reply is simple and straightforward. We need fast-track authority now more than ever. Without the ability to take a seat at the negotiating table, we will be giving up the ability to shape our own economic destiny. If we leave it to others to write the rules for the new era of international competition, we will be leaving our economic future in their hands, and we will lose the ability to shape the rules of the new global economy to our liking.

The evidence of that is already mounting. Our trading partners are proceeding without us and giving their firms a competitive advantage over American businesses in the process. Canada and Mexico have, for example, negotiated free-trade arrangements with Chile while we have debated the merits of fast track. And because Chilean tariffs average 11 percent, our firms now compete at an 11-percent disadvantage against Canadian and Mexican goods in the Chilean market.

The same holds true more broadly in the rest of the rapidly growing markets of Latin America and Asia. A recent article in the Wall Street Journal described the efforts of European trade negotiation to steal a march on the United States and Latin America while the debate on fast-track authority continues here.

There is even more at stake in upcoming negotiations in the World Trade Organization. We are scheduled to complete talks on opening foreign markets to our financial services, a sector in which the United States has a strong comparative advantage.

Without fast-track authority, the President is unlikely to be able to conclude these terms or these talks on terms most favorable to the United States. In a little over a year, the World Trade Organization will once again take up the difficult and contentious issue of barriers to trade and agriculture.

I know of no one in the agricultural sector who was entirely satisfied with the outcome of the Uruguay round

talks. It is difficult, as a consequence, to conceive of a more harmful message to send our own agricultural community than derailing fast-track negotiating authority that will allow the United States to participate fully in those talks.

Thus, we in this body face a simple choice—we can reject our heritage as the world's greatest trading state, or we can vindicate the faith of our forefathers and America's ability to compete anywhere in the world where the terms of competition are free and fair. We can focus only on the possible economic dislocations that occur when trade barriers are lowered, or we can look at the common good that results from economic growth. We can leave our economic fate in the hands of others, or we can step forward to shape our own economic destiny.

For me, the choice is clear. We must move forward to maintain our economic leadership in the eyes of the world, as well as provide the fruits of an expanding economy to our citizens. Enacting the pending legislation is indeed essential to that effort. Our trading partners will not negotiate trade agreements with us unless we as a nation can speak with one voice.

That is what this bill does. It allows two branches of the Government, the President and the Congress, to speak with one voice on trade. This bill creates a partnership between two branches that allows us to speak with one voice and does so to a degree greater than previous fast-track bills.

As it has since the original grant of fast-track authority, Congress establishes the negotiating objectives that will guide the President's use of this authority. The negotiating objectives also serve as limits on the Executive, since the bill ensures that only agreements achieving the objectives set out in the bill will receive fast-track treatment.

In that regard, I want to emphasize the effort we have made to ensure that the negotiating objectives restore the proper focus of the fast-track authority. This authority is granted for one reason alone, to allow the President to negotiate the reduction or elimination of barriers to U.S. trade.

Authority granted in this bill is not designed to allow the President to rewrite the fundamental objectives of our domestic laws. Rather, the fast-track process applies solely to those limited instances in which legislation is needed to ensure that U.S. law conforms to our international obligations.

There is one trade negotiating objective that has drawn particular attention. It relates to foreign government regulations. It includes labor and environmental rules that may impede U.S. exports and investments in order to provide a commercial advantage to locally produced goods and services.

Indeed, in this provision is the concern that foreign governments might lower their labor, health and safety or environmental standards for the purpose of attracting investment or inhibiting U.S. exports. I want to emphasize that this negotiating objective is limited to affecting conduct by foreign governments in these areas. It does not authorize the President to negotiate any change in U.S. labor, health, safety or environmental laws at either the Federal or State level, nor does it authorize a negotiation of any rules that would otherwise limit the autonomy of our Federal or State governments to set their own health, safety, labor or environmental standards as they see fit.

I view these provisions of the bill as protecting everyone's interests in these areas. I know of no one who is an advocate of labor or environmental interests that would want the President to be able to negotiate international trade agreements that effectively weaken U.S. standards and then submit the implementing legislation on a fast-track basis. Under this bill, no President can negotiate an agreement that raises or lowers U.S. labor or environmental standards and then submit an implementing bill for consideration on a fast-track basis.

Beyond setting the specific negotiating objectives, we have also strengthened Congress' role in the trade agreement process in several ways.

First, we have ensured the right of the two committees of the Congress that have general trade jurisdiction to veto at the outset any negotiation that might ultimately rely on fast-track authority if those committees disagreed with the President's objective. This check on the Executive applies to all negotiations, not merely bilateral free trade negotiations as under prior law. The only exceptions are for negotiations already underway, such as financial services negotiations in the World Trade Organization, those anticipated with Chile.

Second, the bill strengthens Congress' role and the partnership with the President by requiring greater consultation by our trade negotiators than has ever occurred in the past.

The bill requires the U.S. Trade Representative to consult closely and on a timely basis throughout the process and even immediately before the agreement is initialed. The bill obliges the President to explain the scope and terms of any proposed agreement, how the agreement would achieve the policy purposes and objectives set out in this bill, and whether implementing legislation on nontrade items would also be necessary since only trade provisions are entitled to fast-track treatment.

Any nontrade items would be handled under the regular practices and procedures of the Senate, which allow for amendment and unlimited debate. Clearly, many in the Congress have been displeased in the past with cursory and nontimely consultation. The legislation in our report makes clear that this will no longer do.

The bill provides an explicit provision allowing Congress to withdraw the fast-track procedures with respect to any agreement for which consultation has not been adequate. So not only does the legislation exhort the trade negotiators to consult; it provides sanctions if they do not adequately do so.

Third, the bill carefully circumscribes the scope of the implementing legislation that can be considered under fast-track procedures. Basically, to qualify, the implementing legislation must be a trade bill. It must be limited to approving a trade agreement, which is defined to include only, one, reducing or eliminating duties and barriers and, two, prohibiting or limiting such duties or barriers.

Moreover, the implementing legislation may only include provisions necessary to implement such trade agreement and provisions otherwise related to the implementation, enforcement, and adjustment to the efforts of such trade agreement that are directly related to trade.

Examples of such provisions would include amendments to our antidumping laws and extensions of trade adjustment assistance such as those reauthorized with this bill.

Finally, the implementing bill may include pay for provisions needed to comply with budget requirements. Since this component of the implementing legislation does not address the agreement and its implementation but is included only to satisfy interim budget requirements, some have suggested that this portion of the implementing legislation be fully amendable.

The Finance Committee decided to follow previous fast-track legislation out of concern that allowing amendments to this portion would make passage of the implementing bill more difficult. There was concern about turning every implementing bill into a general tax bill, that pay for provisions might be offered by opponents to cause mischief, and that adopting amendments would create the need for conference with the House and would invite deadlock over nontrade issues.

In sum, the terms of the partnership between Congress and the President are these: If the President adheres to the trade objectives expressed in the bill to which fast-track procedures apply, if he provides us an opportunity to disapprove of a specific negotiation at the outset, if he consults with us closely throughout the negotiation right up to the time the agreement is to be initialed, if the agreement is a trade agreement as defined in the bill, and if the implementing legislation contains only the trade-related items I

noted, Congress agrees to allow an up-or-down bill after 30 hours of debate on the implementing legislation.

Now, I think for Congress that is a very good deal. I fully appreciate the important role and responsibility this body has in American Government: The right to offer amendments, to debate the merits of an issue as long as necessary, are rights not to be laid aside lightly. That is why at every juncture we have sought to refocus the fast-track procedure on reducing trade barriers.

We have done our best to make sure that matters of domestic policy remain outside the limited scope of the fast-track procedure. Such matters of domestic policy should and will remain subject to the traditional practices and procedures of the U.S. Senate. I would not support this limited exception to our Senate traditions were it not absolutely essential to our continued economic leadership around the world. This is a critically important accommodation. It is not unprecedented. Grants of similar authority for the President, in effect, exceptions to our Senate rules, have been provided in the past, dating back to the Trade Act of 1974.

As recently as 1988 a Democrat-controlled Congress provided a Republican President the legal assurance that America would speak with one voice on trade. I hope that a similar spirit of bipartisanship envelops us today.

Let me say in conclusion that if in 1988 my colleagues on the other side of the aisle do, for the good of this country, see fit to entrust a President from another party with this authority, that today it would help us in extending this authority to President Clinton.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I rise with a measure of ebullience. By a solid majority of both sides of the aisle, we have just voted to do exactly what our revered chairman said ought to be done, and reported how in the past it has been done. The vote was 69 to 31. I think that augurs well.

I would particularly like to note a fact about this legislation which has been little remarked, the fact that with great felicity and sense of historic importance, the chairman has given to the bill the title the Reciprocal Trade Agreements Act of 1997. The Reciprocal Trade Agreements Act, hearkening back almost two-thirds of a century to 1934 when Cordell Hull, a former member of the Finance Committee, as Secretary of State helped the Nation out of the ruin that had been brought about by the Smoot-Hawley Tariff Act of 1930, a tariff meant to raise living standards and do all the things that seem so easy if you don't think them through.

If you were to make a list of five events that led to the Second World War and the horror of that war, that tariff bill of 1930 would be one of them. If there was a harbinger of the reemergence of the civilized world and the reinstitution of intelligent analysis of public policy, it was the Reciprocal Trade Agreements Act of 1934.

I might like to take a preliminary effort to note that in 1934 the United States, in fact, did two things of note regarding legislation before the Senate today. We passed the Reciprocal Trade Agreements Act, and the President proposed and Congress agreed to our membership in the International Labor Organization, two parallel but distinct measures. We began opening our trade and in the same year, same Congress, moved to join the International Labor Organization for purposes not different than ones we have expounded in this legislation, which speaks directly to that issue. Now, the matter before the Senate is of the highest portent and urgency. Just yesterday in the Washington Post our—how do I say it? Has Bob Dole been gone long enough to be called fabled, legendary? Certainly vastly embraced by this institution on both sides of the aisle. Senator Dole, Republican candidate in the last election, wrote in yesterday's Post, "the fate of fast-track legislation this fall may determine whether the President ever will negotiate another free trade agreement." He urged that we give the President this power, a power which every President since President Ford has had and which under the original Reciprocal Trade Agreements Act has been in place for two-thirds of a century.

Since the fast-track authority lapsed, as it did 3 and one half years ago, the United States has effectively been reduced to the status of an observer as unprecedented new trading arrangements, bilateral and multilateral, have been put in place. The changes in trade and patterns and arrangements that you see very much correspond to the change in techniques of production, in modes of manufacture and in the information age of which we have heard so much. They reflect the technological underpinnings which have changed the economies of the developed world, are changing the developing world, and in consequence, change the economy.

For example, as the chairman remarked, Mexico and Chile negotiated a free trade agreement in 1991 and now are engaged in talks to expand the scope of that agreement by the end of this year. On July 2 of this year, Canada's free trade agreement with Chile entered force, giving Canadian exports just that advantage, the 11-percent tariff advantage, that the chairman has spoken of. Remember, the pattern of Canadian production and exports is very like ours. We are in a competing world with them. We wish them every success. But there is no point in hindering our own ability to negotiate and trade in the same way.

If I may remind the Senator, we have been here before. On March 4, 1974, President Nixon's Special Trade Representative, William D. Eberle, testified before the Finance Committee in support of the legislation that established the first fast-track procedures for non-tariff matters. He said, "Without the fast-track authority, our trading partners will continue to negotiate but they will do so bilaterally and regionally, to the probable exclusion of the United States."

Do not suppose that cannot happen again. The United States is at a position of unparalleled influence and importance in the world. That can produce an unparalleled resentment with consequences that will move through the generations to come. Do not be overconfident in a moment such as this, and certainly do not be fearful. We have nothing to fear from world trade. We gain from it. We have gained from it. And now I am confident with that resounding bipartisan vote, we will.

Of course, in 1994 we created the World Trade Organization. It took us a long time. In the aftermath of World War II it had been understood we would have an international trade organization to correspond with the World Bank and the International Monetary Fund. That never came to pass. It came to grief, in point of fact, in the Finance Committee.

The WTO, the World Trade Organization, is beginning negotiations on agricultural trade, protection of intellectual property. By intellectual property, think Silicon Valley, think Microsoft, think of all the innovations we have made in the world, and the innovators have the right to see their work protected. And, again, international trade in services, think banking, insurance, all those areas in which we have been particularly excluded in the developing world and which we can now negotiate.

The Uruguay round of negotiations represented the first serious attempt to address barriers to American farm products, but a great deal needs to be done. The last area of economic activity which is freed from protection will always be farm matters. It is one of the great events of our age that the great agricultural States in this Nation have seen what trade can do for them and are supporting these measures. Agriculture is always protected, always subsidized, but in 1999, the World Trade Organization on that matter will begin and we ought to take these negotiations seriously. We ought to be part of them and now we will be.

American farm exports in 1996 reached $60 billion in an overall global market estimated at something more than half a trillion. So we have something like 10 percent of that trade. This export sector alone represents about 1 million American jobs.

A similar situation exists with respect to services trade, which was addressed for the first time in the Uruguay round, and the financial services, banking, insurance, securities, are scheduled to wrap up in December in an important round of talks. Another round will begin on January 1 of the year 2000 involving a full range of services, including such sectors as health care, motion pictures, and advertising, where American companies are among the strongest in the world. I don't think it would be in any way inappropriate to recall the remarks of President Jiang Zemin of the People's Republic of China just a few feet off the floor here a week ago, in which he described the formative experience of his college years when he watched the film "Gone With the Wind." It is America that makes the movies for the world to see. Getting them in is a matter of negotiation. Now we can do it.

I would like to make a point of particular importance to the matter before us. First of all, this is not a new authority, untested or untried. We have been with it for two-thirds of a century. The Smoot-Hawley Act, in which Congress, line by line, set more than 20,000 tariffs, resulted in an average tariff rate, by the estimate of the International Trade Commission, of 60 percent. The result was ruinous, not only to us, but to our trading partners. The British abandoned their free trade policy and went to empire preferences. The Japanese went to the Greater East Asian Co-Prosperity Sphere. In that year, Adolf Hitler became chancellor of Germany in a free election. Such was the degree of unemployment and seeming despair that the consequences of the First World War would never be over.

Next came one of the largest trade events of the postwar period, the Kennedy round, which came about because of the Trade Expansion Act of 1962. I make the point, sir, that there were persons at that time, as now, concerned about the impact of expanding trade on American workers and American firms. As a condition of a Senate vote on giving the President the power to negotiate what became the Kennedy round—it was named for the President who began it—we had to negotiate a separate agreement, the Long-Term Cotton Textile Agreement, and three persons were sent to do this negotiation: W. Michael Blumenthal, Deputy Assistant Secretary of State; Hickman Price, Jr., an Assistant Secretary of Commerce; and myself, then an Assistant Secretary of Labor. We negotiated to limit surges of imports that might come about from drops in tariffs. It was meant to be a 5-year matter, as I recall. That was 35 years ago, and it's still in place. It was succeeded by the Multi-Fiber Agreement. We have not been unattending to the needs of our workers in these matters. To the contrary. We began Trade Adjustment Assistance in the 1970's. We have more Trade Adjustment Assistance in this legislation. We negotiate these matters with the interests of the American worker in mind, and the evidence is the standard of living we have achieved in this country, of which there is no equal.

With that point, sir, I would like to call attention to a very special issue. We are asked by some to include in this legislation a requirement that trade agreements include provisions, in effect, statutory requirements, concerning labor and the environment. At first, it seems a good idea. Why not? But let me tell you why not, and if I can just presume on age at this point, which is getting to be a factor in my perspective. I have been there and it doesn't happen, it doesn't work.

If you go to a developing country and say to them, "We would like to enter into a trade arrangement whereby you will reduce your tariffs and barriers—non-tariff barriers—we will do the same, so we can have more trade," and at the same time, in the same setting, say, "We want you to adopt higher environmental standards and higher labor standards," right or wrong, the negotiating partners will say, "Oh, you want us to lower our tariff barriers and raise our costs." Well, they won't do it. "You are asking that we be put at a double disadvantage. We put those tariffs in to protect ourselves against you, and our environmental and labor standards are those of a developing nation. Now you want to put us at a double disadvantage." It won't happen. There will be no such agreements.

I can speak to this. I was Ambassador to India when our trade was at a very, very low level. The great anxiety of the Government of India was that we would somehow use trade in a way that would disrupt their internal affairs, which was never our intention, but it was a perception, and will be even more so now. That is why I point to the serendipity, if you would like, of the provisions in this bill. I made the point that the Reciprocal Trade Agreements Act—the original one—was enacted in 1934, and the United States joined the International Labor Organization in 1934—a measure of great importance at that time. President Roosevelt was very firmly in favor of it, and Frances Perkins—and I talked to her about it—thought it was one of the central initiatives. They saw it as parallel to trade—parallel.

Over the years, the International Labor Organization has developed a series of what are called the ILO Core Human Rights Conventions. There are a great many important conventions, but they tend to be on technical matters. These go right to the rights of working people. And there are not many. They are the Forced Labor Convention of 1930; Freedom of Association and Protection of the Right to Organize Convention of 1948; Right to Organize and Collective Bargaining Convention of 1949; Equal Remuneration Convention, equal pay for men and women, of 1951; Abolition of Forced Labor Convention of 1957.

In 1991, I stood on the floor of this Senate, with Claiborne Pell, then chairman of the Foreign Relations Committee, and we called that up, and it passed the U.S. Senate unanimously. It is our law now because we chose to make it our law. We passed it. It is a treaty and we passed it as such. And then there was the Discrimination (Employment and Occupation) Convention of 1958, and the Minimum Age Convention—a child labor convention—of 1973.

Now, in this bill before you is an extraordinary initiative. We fought for an initiative by the United States to promote respect for workers' rights by seeking to establish in the International Labor Organization a mechanism for the systematic examination of and reporting on the extent to which ILO members promote and enforce the freedom of a subsidization, the right to organize and bargain collectively, prohibition on the use of forced labor, prohibition on exploitive child labor, and a prohibition on discrimination in employment.

We have never before made such a proposal. It has enormous possibilities. The ILO is the oldest of our international organizations. But it comes from an era when the idea of sending inspectors into a country to see whether that country was keeping an agreement would have been thought much too radical. That all changed in the aftermath of World War II.

Just this moment, we are going through something of a crisis with Iraq over the right of American members of the inspection team from the International Atomic Energy Agency to look into Iraqi production of nuclear power and the possibility of nuclear weapons. That begins with the International Atomic Energy Agency, which is part of the United Nations system. You send inspectors in to see what they are doing. It is now a common practice over a whole range of international concerns.

What we propose is that the International Labor Organization bundle, if you like, the core labor standards, and then set about an inspection system, to see to it how China is doing on prison labor, or child labor, or how the United States is doing—we will be looked into, too—and how countries around the world have done. Now, this will take energy. I would like to think that, somewhere in the executive branch, someone is listening to this debate because these measures were proposed by the President. But it takes energy in the executive to get this done. Come to

think of it, Alexander Hamilton's definition of good government was "energy in the executive."

I would like to think that our Trade Representative, our Department of Labor, our Department of Commerce, will be actively involved. I say the Department of Commerce because business is involved. The ILO is a tripartite group. Business has a vote, the U.S. Council for International Business, as does the AFL-CIO. They each have a vote, and the U.S. Government has two votes. This is a business-labor enterprise. We have been involved with it for a very long time. Herbert Hoover, as Secretary of Commerce under President Harding, sent delegates to the ILO conference in Geneva from the Chamber of Commerce and from the AFL-CIO. So we are addressing concerns about the environment and labor standards in their proper context and setting. If you want them, you have to do it there.

If you only want not to have more open trade, you can try it in negotiations. But Mr. President, it won't work. The trading partners just will not agree. And if you want to take the time to find it out, very well, but for the moment, I think you will find that the overwhelming judgment of economists is that what we have here is a clean measure. That is the way to go. And this is what we now need to do—give the President fast-track authority, which will enable him to enter negotiations that will result in agreements, and with those agreements in place, we will go into the 21st century proud of what we began in the 20th.

Mr. President, I again thank my chairman for the felicity with which he chose to give the name Reciprocal Trade Agreements Act of 1997 to this legislation.

For the purpose of the RECORD, I ask unanimous consent that the description of the ILO Core Human Rights Conventions be printed in the RECORD at this time.

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

ILO HUMAN RIGHTS (CORE) CONVENTIONS

The ILO's human rights conventions, commonly referred to as "core" conventions, are receiving more attention as the debate on trade and labor standards continues after the World Trade Organization's ministerial meeting last December.

Informal agreement on which ILO conventions are human rights standards dates at least as far back as 1960. Formal recognition was achieved when the Social Summit in Copenhagen in 1995 identified six ILO conventions as essential to ensuring human rights in the workplace: Nos. 29, 87, 98, 100, 105, and 111. In addition, the United Nations High Commissioner for Human Rights now includes these conventions as the list of "International Human Rights Instruments."

The Governing Body of the ILO subsequently confirmed the addition of the ILO Convention on Minimum Age, No. 138 (1973), in recognition of the rights of children. An ILO convention banning intolerable forms of child labor is in preparation and is scheduled for a vote on adoption in 1998.

Conventions Nos. 87 and 98 form the cornerstone of the ILO's international labor code. They embody the principle of freedom of association, which is affirmed by the ILO Constitution and is applicable to all member states. A complaint for non-observance of this principle may be brought against a member state under a special procedure, whether or not the member state has ratified these two conventions.

The following list presents the seven core conventions and their coverage. The chart on the reverse side of this sheet shows which countries have ratified them as of December 31, 1996.

NO. 29—FORCED LABOR CONVENTION (1930)

Requires the suppression of forced or compulsory labor in all its forms. Certain exceptions are permitted, such as military service, convict labor properly supervised, emergencies such as wars, fires, earthquakes . . .

NO. 87—FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE CONVENTION (1948)

Establishes the right of all workers and employers to form and join organizations of their own choosing without prior authorization, and lays down a series of guarantees for the free functioning of organizations without interference by the public authorities.

NO. 98—RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING CONVENTION (1949)

Provides for protection against anti-union discrimination, for protection of workers' and employers' organizations against acts of interference by each other, and for measures to promote collective bargaining.

NO. 100—EQUAL REMUNERATION CONVENTION (1951)

Calls for equal pay and benefits for men and women for work of equal value.

NO. 105—ABOLITION OF FORCED LABOR CONVENTION (1957)

Prohibits the use of any form of forced or compulsory labor as a means of political coercion or education, punishment for the expression of political or ideological views, workforce mobilization, labor discipline, punishment for participation in strikes, or discrimination.

NO. 111—DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION (1958)

Calls for a national policy to eliminate discrimination in access to employment, training and working conditions, on grounds of race, color, sex, religion, political opinion, national extraction or social origin and to promote equality of opportunity and treatment.

NO. 138—MINIMUM AGE CONVENTION (1973)

Aims at the abolition of child labor, stipulating that the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling.

Mr. MOYNIHAN. Mr. President, without further comment, I yield the floor once again with a sense of ebullience. We are going to do this. We kept the faith. We followed the convictions and the experience of Presidents going all the way back to the 1930's.

So I close simply by quoting again, Senator Dole in his fine op-ed piece in yesterday's Washington Post:

The decision to give the President fast-track authority is urgent and must be made now. Very simply, passing fast track is the right thing to do. Our Nation's future prosperity, the good jobs that will provide a living for our children and grandchildren, will be created through international trade. Today it is more important than ever that the debate between advocates of free trade and protectionism is over. Global trade is a fact of life rather than a policy position. That is why we cannot cede leadership in developing markets to our competitors through inaction, thereby endangering America's economic future and abandoning our responsibility to lead as the sole remaining superpower.

Mr. President, I thank the Chair for his courteous attention and I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened with interest to the two presentations. They are thoughtful Senators, but Senators with whom I disagree. I would like to spend some time describing my view of where we are. Let me start by saying what this debate is not about.

This debate is not about whether we should be involved in global trade. Nor is it about whether expanded global opportunities are going to be part of this country's future. That is not what this debate is about. There are some who will always say, the minute you start talking about trade, that there are those of us who believe in free trade and then there are the rest of you who don't understand. They say that there are those of us who believe in the global economy and the benefits and fruits that come from being involved in expanded trade in a global economy, and then there are the rest of you who are xenophobic isolationists who want to build a wall around America. That is the way it is frequently described when we discuss trade.

But that is not what this discussion is about; not at all. It is about our trade strategy and whether it works. When I think of our trade strategy I think of watching a wedding dance when I was a little boy. A man and woman were trying to dance. One was dancing the waltz and the other was dancing the two-step. Needless to say, it didn't work out.

We have a trade strategy that is a unilateral free trade strategy that says we are going to confront others, who have managed trade strategies, with our trade strategy. Somehow this strategy is going to work out. We are going to open our markets but we are not going to pressure other countries to do the same. We are going to pass free trade agreements and we are going to move on to the next agreement without enforcing the agreement we had.

I would like to just take inventory, if I might. Let's take some inventory about what we have experienced in trade. For those who are color conscious, the red in this chart would not

be considered good. Red represents deficits. This chart represents this country's merchandise trade deficit. We have had 21 straight years of trade deficits. The last 3 years have been the worst three in the history of this country, and we will set a new record again this year. In 36 out of the past 38 years we had current account deficits. We had 21 merchandise trade deficits in a row. This year will mean 4 years of higher record trade deficits.

I want to ask a question. When you suffer these sort of merchandise trade deficits every year—and they are getting worse, not better—is this a country moving in the right direction? Is this a trade strategy we want more of? Or should we, perhaps, decide that something is wrong and we ought to stop and evaluate what doesn't work and how do we fix it?

We are choking on red ink in international trade. This trade strategy doesn't work. So the debate is going to be between those of us who want change and those who want to cling to the same old thing. There are those of us who believe this policy isn't working and we want to change that policy. We want to reduce and eliminate these trade deficits and expand this country's trade opportunities. We want to do it in a way that is fair to this country and improves this country's economy. Then there are those who say no, and who are against change. They are for the same old thing. They support the same, tired, shopworn strategy that I say doesn't work. That is what this debate is about.

The last debate we had about trade was a few years ago. It was on NAFTA, the North American Free Trade Agreement. And you had fast track for that. It is a trade agreement with Canada and Mexico. Before we adopted that trade agreement we had an $11 billion trade deficit with Canada and we adopted that agreement and the trade deficit has doubled. Before we adopted this trade agreement we had a $2 billion trade surplus with Mexico and that has collapsed to a $16 billion trade deficit.

According to an Economic Policy Institute recent study, 167,000 jobs were lost to Canada, 227,000 jobs lost to Mexico, 395,000 jobs lost as a result of NAFTA. The combined accumulated deficit as a result of NAFTA cannot possibly be anything that anyone around here wants to stand up on the floor and raise their hand about and say, "Yes, that's what I envisioned. I voted for that. That's what I was hoping would happen."

Surely we must have someone who will come to the floor and say I voted for this but boy, this turns out to be a pretty sour deal. We didn't expect the deficits to expand and mushroom. Is there someone who will suggest that somehow this hasn't worked out the way we expected? Or is this, in fact, the kind of thing that we embrace? Do we have a trade strategy that no matter how bankrupt, we continue to say, "Yes, we are the parents. This is ours. This is our conception." I am wondering when enough is enough?

Let's look at the trade treaty tally. We are told that if you don't have fast-track procedures given to this President, he can't do anything about trade. They ask who on Earth would negotiate with him? Well, there have been countries apparently that will negotiate, because there have been 220 some separate trade agreements negotiated by the USTR since 1993. That is the President's own statement. He has negotiated 220 agreements . Only two of them have used fast track. He didn't need fast track on the rest of them. So why would they have negotiated with him if he didn't have fast track?

Fast track has been used five times in this country's history: The Tokyo round in 1975; United States-Canada, 1988; United States-Israel, 1989; NAFTA, 1993 and the Uruguay round and WTO—GATT, in 1994.

Let me show you what has happened with respect to each of these areas. When the Tokyo round took effect, we had a $28 billion annual merchandise trade deficit. Then we had a United States-Canada free trade agreement. By that time the trade deficit was $115 billion. Go to NAFTA, $166 billion. Then the Uruguay round it was $173 billion. We now are up to a $191 billion merchandise trade deficit and it is getting worse, not better. Does anybody here think we are moving in the right direction? If you do, tell us we need more of this. I guess that is what we are hearing. This is working so well. Let's have more of this red ink. Let's accumulate more of these deficits.

Let me describe this here. I mentioned the trade agreements, NAFTA, and others. We have bilateral trade arrangements with Japan and China that also yield huge deficits for this country. One of our problems in this trade strategy that doesn't work is that we negotiate bad agreements, No. 1; and then, No. 2, we don't enforce the agreements we negotiated.

The American Chamber of Commerce in Japan said the following:

> Indeed, the American Chamber of Commerce in Japan was astonished to learn that no U.S. Government agency has a readily accessible list of US-Japan agreements or their complete texts. This may indicate it has often been more important for the two Governments to reach agreement and declare victory than to undertake the difficult task of monitoring the agreements to ensure their implementation produces results.

My point is this. We go out and negotiate trade agreements and don't even keep track of them let alone enforce them. We can't even get a list of them. No Federal agency had a list of the trade agreements we had with Japan. Does that tell you they are probably not being enforced, aside from the fact they were not negotiated well? I can give chapter and verse on negotiations with Japan on which we are able to lose almost in a nanosecond.

Senator HELMS reminded me the other day of something I read previously by Will Rogers. He said many years ago, "The United States has never lost a war and never won a treaty." That is certainly true with respect to trade. Take a look at these records and tell me whether you think this country is moving in the right direction in trade.

So, what is this about? One of the columnists for whom I have very high regard in this town is David Broder. I think he is one of the best journalists in Washington, DC, and he writes a column today that could have been written by virtually anybody in this town because they all say the same thing: If Clinton fails to win fast-track negotiating authority, "it would threaten a central part of his overall economic policy, it would signal a retreat by the United States from its leadership role for a more open international marketplace."

I have great respect for him. I think he is one of the best journalists in town. Yet my point is that he says what they all say. There becomes a "speak" in this town, about these issues. Then because everybody says it, they think it is true.

It is not the case that if this Congress doesn't give fast-track trade authority to this President, that we will not be able to have future trade agreements and will not be able to expand our international trade. It is the case that some of us believe we ought to stand up for the economic interests of this country.

Let me go through a few points because we are going to deal with this issue in macroeconomic terms. We are going to be hearing the debate about theory, and all of the trade concepts that people have. Then we negotiate trade agreements and then the jobs leave and people lose their jobs and it doesn't matter, I guess, to some because these are just the details.

Jay Garment Corporation had two plants with 245 jobs in Portland, IN and Clarksville, TN. They produced blue jeans. They moved the plants to Mexico where they could get people to work for 40 cents an hour.

For the past 75 years in Queens, NY, workers have been making something called Swingline brand staplers. They had 408 workers. They are now moving the plant to Mexico. Nancy Dewent is 47 years old. She has been working at that plant for 19 years and was making $11.58 an hour. Manufacturing jobs are often the better jobs, paying better wages and better benefits. That assembly job, now, making staplers, will be in Mexico at 50 cents a hour. That plant owner expects to save $12 million a year by moving that plant to Mexico

and selling the products back into the United States.

Borg Warner is closing a transmission plant in Muncie, IN. That means 800 people will lose their jobs, jobs that were paying an average of $17.50 an hour. Production is moving to Mexico.

Atlas Crankshaft, owned by Cummins Engine, literally put its plant on trucks and moved the plant from Fostoria, OH, to San Luis Potosi in Mexico; 200 jobs gone south.

In North Baltimore, OH, the Abbott Corporation produces wiring harness for Whirlpool appliances, closed its plant; 117 jobs moved to Mexico.

Bob Bramer, who worked 31 years at Sandvik Hard Metals in Warren, MI, watched his plant closed down. The equipment was put on trucks and moved to Mexico. Another 26 American jobs gone south.

People say you don't understand. That is the natural order of things. If we can't compete, tough luck for us. If we can't compete we lose our jobs.

The question we ought to ask ourselves in this discussion is not whether this is a global economy. It is. Not whether we are going to have expanded trade, we should. We are a recipient for massive quantities of goods produced in China, massive quantities of goods produced in Japan and in Mexico and elsewhere. The question is not whether our economy is going to assimilate and purchase much of those goods. The question is what is fair trade between us and these countries? I hope, in this discussion, we might get to this question. Is there anything—is there anything that would concern Members of Congress about what is called the free market system and accessing the American marketplace with foreign production?

For example, is it all right to hire 12-year-old kids and pay them 12 cents an hour and work them 12 hours a day and have them produce garage door openers? Is that all right? Is that fair trade? And then ship those garage door openers to Pittsburgh, Los Angeles, Fargo, and Denver and then compete with someone in this country who produces the same garage door openers, hires American workers, has to abide by safety laws, by child labor standards, by workplace safety laws, and pay minimum wages? Is that fair trade? Is it fair competition?

The answer clearly is no. If we allow producers to decide that in the world marketplace you can pole vault over all the discussions we have had for 50 years and you can produce where there is a lot less hassle, you can move your plant and move your jobs to a foreign land, and you can dump the chemicals in the water, you can pollute the air, hire kids and pay a dime an hour and you can bloat your profits and ship that product to Delaware, to North Dakota, to Colorado, and to New York, is that fair trade?

It is not fair trade where I come from. That is not fair trade. This country ought to be concerned about the conditions of trade and about the circumstances of trade that we are involved with. That is why we have these swollen trade deficits year after year after year. I know those who push fast track and push the current system, the same old thing, say, "We are the ones for expanded trade." I don't think so at all.

The reason we have not gotten our products into foreign markets, at least not with the success we should have, is this country doesn't have the nerve and the will to require it, and the other countries know it. They know there are going to be enough in the Senate and enough in the House to stand up and make these claims that if you don't support the current trade strategy and you don't support expanded trade, that you are a protectionist. Other countries know that. This country doesn't have the nerve and the will to say to Japan and China, Mexico, and others that if our market is open to you, you had better understand that your market is required to be open to us. Our country simply has not required that of our trading partners. Until it does, we will continue to run these huge swollen trade deficits.

The question that we will get to soon will be a narrower question of fast-track trade authority. Very simply, for those who don't know what that means, it means that the President will go off and negotiate a trade treaty through his trade negotiators, bring it back to the Congress, and then fast-track authority means no one in Congress may offer any amendments.

I have been through this with the United States-Canada trade agreement. I want to describe for my colleagues why I feel so passionate about this.

The United States-Canada Free-Trade Agreement passed the Congress. I was in the House of Representatives at the time and on the Ways and Means Committee, where it passed by a vote of 34 to 1. I was told just before the vote, "We have to have a unanimous vote here in the House Ways and Means Committee. We need to get everybody voting for this. You can't be the only holdout. How would you feel about 34 to 1? What does that say, 34 to 1?"

I said, "No, that is not a source of trouble to me, that is a source of enormous pride, because you are engaging in a trade agreement with Canada that fundamentally sells out the interests of the American farmers."

"We don't do that," they said. "In fact, we'll provide you paper," and they shoved all this paper at me saying that we guarantee, we promise and they made all the promises in the world, and I still voted against it.

Guess what is happening? The United States-Canada trade agreement went into effect and our farmers, especially in North Dakota and the northern part of this country, have seen a virtual deluge of Canadian grain coming into our country undercutting our markets, taking $220 million a year out of the pockets of North Dakota farmers—durum wheat, barley. So we complain about it and say this is unfair trade. It is clearly and demonstrably unfair trade.

It comes in from a state trading enterprise in Canada called the Canadian Wheat Board, which would be illegal in our country. It is clearly unfair trade. Just as clearly to me, it violates our antidumping laws because every bushel that comes in comes in with secret prices. In our country, when you sell grain, prices are fully disclosed. With the Canadian Wheat Board those are secret prices by a state trading enterprise that would be illegal in this country.

For 8 years this has gone on, and we can't correct it. Why? Because this trade agreement was so incompetently negotiated that we traded away our ability to solve the trade problems resulting from it.

I come here to say this. I have great respect for this President. This President has taken some of the few enforcement actions that have ever been taken with respect to some of our trading partners. But, until this President and until these trade negotiators and others involved in our current trade strategy in our country demonstrate the nerve, the will and the interest to stand up for the interests of American producers and, yes, farmers and manufacturers and workers; until they demonstrate a willingness and ability to stand up for the interests of this country, I do not intend to vote for fast-track trade authority.

Once we decide as a country we are willing to stand up for our economic interests and say to China, "You cannot continue to run up a $50 billion trade surplus with us; we cannot continue to stand a $50 billion trade deficit with you," or say to Japan, "We will not allow you year after year after year every year to have a $50 to $60 billion trade surplus with this country"—we have a deficit with them; they have a surplus with us.

What does that mean. The past 21 years of merchandise trade deficits contribute a combined nearly $2 trillion to our current accounts deficit? It means somebody has to pay the bill some day. When we pay the bill, we will pay it with a lower standard of living in this country, all because we had a trade strategy that did not stand up for the economic interests of this country's producers.

I know there are people here who say, "Gosh, look how well things are going in this country; things are going so well." In fact, we have a proclivity in this country to measure how well we

are doing every month by what we consume. If we have good consumption numbers, boy, we are doing well.

It is not what we consume that measures the economic health of a nation, it is what we produce. No country will long remain a strong economically healthy country, a country with a strong economy, unless it retains a strong, vibrant and growing manufacturing base. That is not the case in this country, because we have decided with trade agreements that it is fine for American producers to get in a small plane, circle the globe, find out where they can relocate their plant and pay pennies an hour and not be bothered by child labor laws or by environmental restrictions or by minimum wages or all the other things we fought about for 50 to 75 years in this country, move the production there, produce the same product and ship it back here. The net result is a trade loss for this country, a loss of good-paying, important manufacturing jobs for this country, and a continued erosion of this country's manufacturing base. That, I think, is moving in the wrong direction.

Mr. President, I am not going to take the full hour allotted to me at this point. I intend to, at another point in this process, speak more about the issue, but I want to finish by saying, once again, that we will have, I assume, a discussion that represents the same old discussion, and that is an attempt to portray those who don't support this fast-track proposal as those who don't support expanded international trade.

Let me portray it the way I think it really is. We have some people clinging to a failed trade strategy that has produced the largest trade deficits in the history of this country, clinging to it with their life because they resist change at every turn. There are those of us who understand that this trade strategy does not strengthen this country. It weakens this country. Increasing deficits don't strengthen this country. They undermine this country. Those of us who believe that it is time to change our trade policies.

Do we want to change by keeping imports out? No. Do we want to change by retreating from the international economy? No. We want to change by insisting and demanding that it should be fashionable for a while to stand up for the economic interests of this country and that those who do so should not be called protectionists. Those of us who stand up, do so in a way that is designed to strengthen and to expand our country's economic opportunity in the years ahead.

So, Mr. President, we will have many hours this week to talk about trade. I come from a State that needs to find a foreign home for much of what it produces. I am not someone who wants to retard trade. I want to expand trade. But I am someone who believes our Nation's trade strategy has not worked. Instead, we need a new trade strategy to expand exports, to expand opportunity and to diminish and eliminate these bloated trade deficits that threaten, in my judgment, this country's economic future. Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, in the trial of a case, when you present a witness such as a doctor or an engineer, you qualify the witness by providing his background and experience. I am in the same position of having to qualify myself—not that I am expert on any particular thing—because only yesterday in a discussion on the floor, one of my esteemed colleagues said, "I know how you are going to vote with respect to fast track because you are against trade." Mr. President, nothing could be further from the truth.

Let me say at the very beginning that I was raised and still live in a port city. I worked in that port two summers, paying my way through college with a coastal geodetic survey before World War II, when we were laying submarine nets in the harbor.

I also was a lawyer later on in life, practicing before the U.S. Customs Court with the Honorable Judge Paul Rayall of New York. As an attorney, I also represented the South Carolina Port Authority. So I am familiar with the field of trade law.

Later, as Governor of South Carolina, I had the privilege of putting in all the expanded facilities for our State ports, such as grain elevators for our farmers so that they could compete, but more particularly. During my tenure as Governor, I also was one of the first elected representatives to take trips abroad to promote trade and to encourage foreign companies to open plants in the United States.

I was just thinking the other day, when the President was going for the first time to Latin America, that I took that trip to Buenos Aires, Argentina, back in 1960. I have been there a half dozen times since then. And I have been not just to Sao Paulo but to the port of Santos in Brazil and to Caracas, where we buy now a majority of our oil.

I learned early on in looking for trade opportunities that my hometown of Charleston is 350 miles closer to Caracas, Venezuela, and the Latin American markets than New Orleans. Look at it sometimes—the offset of the South American continent—and you will see that my hometown of Charleston is about on the same latitude as the Panama Canal.

So I went after trade and have been working on trade for at least 40 years, as an attorney and as Governor. Today, my office in Charleston is in the Customs House.

I have participated in the various trade debates in my 30 years in the U.S. Senate. I have heard the same things come up time and time again without any understanding of the fact that we do not have a trade policy. We have a foreign policy.

A friend who says you are against trade and he is for foreign aid is not for trade. We were fat, rich, and happy after World War II, and, yes, we taxed ourselves to the tune of what would be equal to some $80 billion in today's amounts. We couldn't even get taxes to pay our own bills, much less the vanquished enemy in Europe and in the Pacific, but we taxed ourselves and we sent over not just the best expertise to tell them how to develop industrially, but more particularly, Mr. President, the best machinery.

I have always heard people talk about textile fellows. According to critics, we want subsidies and protectionism. Now, we have asked for enforcement of and protection under U.S. international trade agreements, but we never have asked for subsidies like the airline manufacturers receive, for example.

And of course, much of our technology comes from Defense. Then we make sure that it is financed under the Export-Import Bank. And incidentally, the $3 billion contract with China, you might as well count on only a percentage of that—China is in part trading with itself, because it has Boeing China where they make the tail assemblies, and they make the electronic parts in Japan, and everything else of that kind, so we can look at really where the contract is being sourced.

Unfortunately, Mr. President, we are exporting our most precious technology. General Motors, for example, has agreed not only to produce cars in the People's Republic of China, but also China has required, Mr. President, that they design the automobiles. So the new cars that we in America will be buying here at the turn of the century will be designed in downtown Shanghai with the finest computerization and machinery being installed there now by American companies.

So we watch this particular trend. And we understand that the administration and those championing fast track are totally off-base with respect to the welfare of the United States of America, with respect to the security of the United States of America.

Mr. President, the Nation's security rests on a three-legged stool. The three legs comprise our defense, values, and economy. And we have the one leg that is military power, which is unquestioned. Our troops and our military technologies are without equal in the world today. This leg is sound.

The second leg is that of our Nation's values. This leg, too, is sound, our values unquestioned. We commit ourselves to freedom, democracy, and individual

rights the world around—from Haiti and Bosnia. We work hard in all the councils of the world to promote the health and welfare of the free world. Our commitment to democracy and human rights is unwavering and our democratic values still are strong, as was noted here just last week on the visitation of Jiang Zemin.

But, Mr. President, the third leg of our Nation's security—and this must be emphasized—is the economic leg. Unfortunately, the economic leg has been fractured over the last 50 years, somewhat in an intentional manner.

I mentioned the Marshall plan. I mentioned the expertise we supplied to our vanquished foes. I mentioned the attempt to build up freedom and capitalism around the world, continuing today with the fall of the wall in Europe and the capitalistic trends even in People's Republic of China. And we have succeeded in this policy, so we do not regret it. But too often over the last 50 years we have given in to our competitors.

When 10 percent of U.S. textile consumption was provided by imports, President John F. Kennedy declared an emergency, and under the law he appointed a cabinet commission. And he had the Secretaries of Treasury, Agriculture, Commerce, Labor and State meet. In May, 1961, complying with national security provisions, they determined that before President Kennedy could move, he was required to find that the particular commodity was important to our national security.

At the Department of Defense, this particular commission found that next to steel, textiles were the commodity most important to our national security. After all, our Government could not send our soldiers to war in a Japanese-made uniform. So President Kennedy took action and formulated a 7-point program with respect to textiles. But this program has never been enforced.

I continue to say that if we were to go back to our dumping laws and enforce them, we wouldn't have to have a debate of this kind on the floor of the U.S. Senate. But they are not enforced, Mr. President, and now two-thirds of the clothing worn here on the floor of the U.S. Senate is imported. And 86 percent of the shoes are imported.

While I am on this subject, Mr. President, we have gradually gone out of the role of a productive United States of America to a become a consuming people.

I ask unanimous consent to have printed in the RECORD a ratio of imports to domestic consumption of various items.

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

1996 Data

Industry/commodity group	*Ratio imports to domestic consumption in percents*
Metals:	
Ferroalloys	52.8
Machine tools for cutting metal and parts	44.3
Steel Mill products	16.7
Industrial fasteners	29.5
Iron construction castings	46.2
Cooking and kitchen ware	59.5
Cutlery other than tableware	31.8
Table flatware	63.6
Certain builders' hardware	19.5
Metal and ceramic sanitary ware	18.2
Machinery:	
Electrical transformers, static converters, and inductors	38.6
Pumps for liquids	29.8
Commercial machinery	19.7
Electrical household appliances	18.2
Centrifuges, filtering, and purifying equipment	51.2
Wrapping, packing, and can-sealing equipment	26.7
Scales and weighing machinery	29.8
Mineral processing machinery	64.2
Farm and garden machinery and equipment	21.7
Industrial food-processing and related machinery	23.0
Pulp, paper, and paperboard machinery	34.4
Printing, typesetting, and bookbinding machinery	54.8
Metal rolling mills	61.4
Machine tools for metal forming	61.4
Non-metal working machine tools	44.1
Taps, cocks, valves, and similar devices	27.6
Gear boxes, and other speed changers, torque converters	30.5
Boilers, turbines, and related machinery	48.0
Electric motors and generators	21.1
Portable electric hand tools	27.4
Nonelectrically powered hand tools	34.1
Electric lights, light bulbs and flashlights	31.0
Electric and gas welding equipment	18.4
Insulated electrical wire and cable	30.9
Electronic products sector:	
Automatic data processing machines	59.3
Office machines	48.0
Telephones	26.2
Television receivers and video monitors	53.4
Television apparatus (including cameras, and camcorders)	74.7
Television picture tubes	33.8
Diodes, transistors, and integrated circuits	60.6
Electrical capacitors and resistors	68.1
Semiconductor manufacturing equipment and robotics	21.9
Photographic cameras and equipment	84.0
Watches	95.9
Clocks and timing devices	54.9
Radio transmission and reception equipment	47.9
Tape recorders, tape players, VCR's, CD players	100
Microphones, loudspeakers, and audio amplifiers	67.6
Unrecorded magnetic tapes, discs and other media	48.2
Textiles:	
Men's and boys' suits and sport coats	39.4
Men's and boys' coats and jackets	56.3
Men's and boys' trousers	37.7
Women's and girls' trousers	47.9
Shirts and blouses	54.8
Sweaters	71.1
Women's and girls' suits, skirts, and coats	55.9
Women's and girls' dresses	26.9
Robes, nightwear, and underwear	51.0
Body-supporting garments	37.0
Neckwear, handkerchiefs and scarves	55.5
Gloves	68.5
Headwear	50.5
Leather apparel and accessories	70.2
Rubber, plastic, and coated fabric material	86.4
Footwear and footwear parts	83.1
Transportation equipment:	
Aircraft engines and gas turbines	47.5
Aircraft, spacecraft, and related equipment	30.5
Internal combustion engine, other than for aircraft	19.9
Forklift trucks and industrial vehicles	21.5
Construction and mining equipment	28.6
Ball and roller bearings	24.9
Batteries	26.4
Ignition and starting electrical equipment	22.3
Rail locomotive and rolling stock	22.8
Carrier motor vehicle parts	19.5
Automobiles, trucks, buses	39.0
Motorcycles, mopeds, and parts	51.8
Bicycles and certain parts	54.5
Miscellaneous manufacturers:	
Luggage and handbags	76.9
Leather goods	37.4
Musical instruments and instruments	57.7
Toys and models	72.3
Dolls	95.8
Sporting Goods	32.0

Brooms and brushes	26.5

*1996 data from ITC publ. 3051

Mr. HOLLINGS. Mr. President, my time is limited. It is unfortunate we have forced cloture. We have had no debate. This is an arrogant procedure: on a Friday afternoon, late on Friday when everyone was gone, they put in the so-called bill with the cloture motion, and now the world's most deliberative body is not going to have a chance in the world to deliberate. We had no debate on Monday, and now after forcing a vote on Tuesday they say, "All right. You've got an hour." Oh, isn't that fine. Isn't that polite? Isn't that courteous? Isn't it Senatorial? Not at all. Not at all.

What we really need is an extended debate on the most important item that faces this country—our economic security.

Today we practically are out of business in manufacturing. People talk about the manufacturing jobs that have been created, but 10 years ago we had 26 percent of our work force in manufacturing. We are down to 13 percent of jobs now in manufacturing.

I go right to one of our adversaries, who is one of the finest industrialists in the history of man, Akio Morita of Sony Corp. And on a seminar in the early 1980's, in Chicago, we were talking about the developing Third World countries. And he said, "Oh, no. They cannot become a nation state until they develop a strong manufacturing capacity." And later on in that seminar he pointed to me and said, "By the way, Senator, that world power that loses its capacity of manufacturing will cease to be a world power."

We are going to have Veterans Day here very shortly. And I think back to my the 3-year jaunt overseas in World War II and the invasion of North Africa, and Corsica, and Southern France. And I remember well how valiant our fighting men were. And I take pride in average citizens from the main streets and farms of America volunteering to fight and die for our Nation.

In those days, when we looked up at the skies we saw our wonderful Air Force. And we saw them bombing the adversary into smithereens, to the point where they had no productive industrial manufacturing capacity. We, in contrast, were turning out five B-29's a day at the Marietta plant just outside of Atlanta. They were not turning out any planes at all. Their plants had been destroyed. And so we had a superiority of equipment and everything else as we moved forward through Alsace and across the Rhine.

And as much as congratulating all the veterans on Veterans Day, I will be making talks like other politicians. I want to emulate Rosy the Riveter who, back home, kept things going. It was the wonderful productive capacity of the United States of America that kept this world free. Let us never forget it. So when we talk of trade, we are talking of something of historic proportions here.

I will go to the history here in the unlimited time because in a few hours—in an hour and a half, to be exact—the Commerce Committee, with the Capitol Historical Society, will celebrate the 181st anniversary of the Committee of Commerce, Space, Science, and Transportation.

That brings us back to our earliest days and the mistaken idea that there is somewhere, somehow, other than here in the United States, free trade, free trade, free trade, free trade. There is absolutely no free trade in the world. Trade is reciprocal and competitive. The word "trade" itself means something for something. If it is something for nothing, it is a gift.

I know some people talk about different subsidies and different nontariff trade barriers, and that is what they mean. But what has come about, as we have been setting the example by just that, with free trade with Chile, our average tariff was 2 percent. The average tariff in Chile is 11 percent. So the people in Chile now almost have free trade. We have almost nothing left to swap in order to bring them to terms to open their markets.

As long as we cry and moan and grown, "free trade, free trade," like the arrogant nonsense that somehow our way is the only way, we are going to wake up in America like the United Kingdom. They told Great Britain at the end of World War II, "Don't worry, instead of a nation of brawn, you're going to be a nation of brains. And instead of producing products, you're going to provide services. And instead of creating wealth, you're going to handle it and be a financial center." And England has gone to hell in an economic handbasket; downtown London is an amusement park. Poor Great Britain: it is not great any longer. And that is the road that we are on here in the United States.

I want to get off that road and sober these folks up and let them stop, look, and listen to what they are talking about. I would like, Mr. President, to emphasize what the global competition is. Some act as if it's something new, and we have just come into it. No. We started 220-some years ago, in the earliest days of our republic.

Thinking today about this particular celebration we are going to have this evening, I realized that in 1816, when the Commerce Committee was first started, it was started as the Committee of Commerce and Manufacturing. Commerce and Manufacturing was the name of it.

That was foremost in the minds of the Founding Fathers when they thought about our relations with Great Britain, the mother country, once we had won our freedom and were a fledgling colony. The British wanted to trade with us under the doctrine of competitive advantage. They said at that particular time that what you ought to do back in the colony is trade with what you can produce best and we will trade back with the little fledgling colony from the United Kingdom what we produce best—free trade, free trade, Adam Smith, Adam Smith, free trade, consumption.

Well, Alexander Hamilton wrote "Report on Manufactures," and there is one copy left that I know of over at the Library of Congress under lock and key. I won't read it—I would if we had extended time where we can debate this and begin to understand the Founding Members. In a line in that booklet, Alexander Hamilton told Great Britain essentially, bug off, we are not going to remain your colony. The second act ever enacted by Congress—which had a mindset of competition and building, rather than buying votes with consumption and tax cuts and free trade and all that kind of nonsense—passed a tariff of 50 percent on some 60 articles, which included textiles, iron, and just about everything else.

What we said was "no, thank you." We are going to follow Friedrich List, who said that the strength of a nation is measured not by what it can consume but rather by what it can produce. And the Founders said that they we going to produce our own industrial backbone, beginning with tariffs and instituting a Committee of Commerce and Manufactures.

This mindset continued through President Lincoln. His advisors told the President during the construction of the transcontinental railroad, "Mr. President, we ought to get that steel cheap from England." And he said "No, we are going to build the steel mill, and when we get through we not only will we have the transcontinental railroad but we will have a steel capacity to make the weapons of war and the tools of agriculture."

And in the darkest days of the Depression we passed price supports for America's agriculture which this Senate supports. It is not like we are against the farmer. I have had the pleasure of being elected six times, and each time the farm vote has either put me over the top or saved me. I have been elected six times. I have the greatest respect and we had not only the price supports but protective quotas, import quotas.

Eisenhower, in 1955, put in oil import quotas so we could build up our own capacity of oil production. So we have been practicing that until we have been overcome, so to speak, with the multinational singsong.

You see the policy of building up capitalism the world around has worked. I was with the manufacturers in the early 1950's. They hated to fly all the way to the Far East and come back.

But after a while they found out they could produce cheaper by producing overseas.

We had this testimony and we had the hearing before the Finance Committee which is a procedure of parliamentary fix. We had hearings that proved that 30 percent of the cost of manufacturing is in labor and you can save as much as 20 percent of your labor costs by moving offshore to a low-wage country. In other words, if you have a volume or sales of $500 million, you can keep your headquarters and sales force here but move your production overseas and save tens of millions of pretax dollars; or you can continue to stay home and work your own work force and go bankrupt.

That is the jobs policy of this Congress. That is the jobs policy of this fast track. That is the jobs policy of President Clinton and his administration. That is why I am so strongly opposed to this kind of nonsense.

They come around here with talking about consulting and retraining and everything else of that kind but the truth of the matter is, I will take them down to Andrews or some other towns in my State of South Carolina. We have lost, since NAFTA, some 23,500 jobs when counted last May and over 25,000 jobs easily since then.

Go to where they make simple T-shirts, in Andrews, SC, where they had 487 workers. The age average is 47 years. And let's do it Washington's way, let's retrain the 487 workers so tomorrow morning they are all computer operators. Are you going to hire the 47-year-old computer operator or the 21-year-old computer operator? You are not going to take on the health care costs, the retirement costs of the 47-year-old. Andrews is drying up. They are gone with all this retraining. We don't need retraining. I have the best training facilities. That is how I get Hoffmann-La Roche, BMW and all the sophisticated plants, Honda and otherwise, that are coming into my State.

So we say with knowledge that we are not against trade; we have experience in this field. In South Carolina, we have the best industries on the one hand, 2.8 percent unemployment in Greenville County. But go down to Williamsburg County and you have 14 percent unemployment.

On October 28, one week ago, the Washington Post published an editorial by James Glassman. Obviously, Mr. Glassman does not understand exactly what is at issue here.

I ask unanimous consent to have the article printed in the RECORD.

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

[From the Washington Post, Oct. 28, 1997]

CONSUMERS FIRST

(By James K. Glassman)

We work in order to eat, not vice versa. In other words, an economy should, first and foremost, benefit consumers, not producers—individuals rather than the established interests of business and labor.

This simple truth, which is regularly ignored by politicians and the media, is at the heart of many of our current debates—over free trade, taxes and, most recently, the antitrust action against Microsoft.

Adam Smith said it best in 1783: "Consumption is the sole end and purpose of all production, and the interest of the producers ought to be attended to, only in so far as it may be necessary for promoting that of the consumer."

That's why free trade is so beneficial. If we make it easy for Italy to export inexpensive shoes to us, then U.S. shoemakers may have to find jobs in other fields. But, meanwhile, the 260 million Americans who wear shoes every day get a bargain. The money they save can be used to buy other things and start businesses, such as software, in which Americans have a clear advantage.

In its defense of fast-track to boost trade deals, the Clinton administration has completely ignored this approach: that the main reason we trade is to get good, low-priced imports, which, incidentally, help keep down inflation. Politicians have spent so much of their time helping producer interest groups (a term that always includes big labor) that they've forgotten the best argument for free trade—that it's a tremendous boon to consumers.

But consumers, who, by their very nature, are unorganized, are consistently given short shrift—even by groups, such as Ralph Nader's, that purport to represent them. Take Attorney General Janet Reno's million-dollar-a-day fine against Microsoft, hailed by Nader and based on her claim that the company is "forcing PC manufacturers to take one Microsoft product as a condition of buying a monopoly product like Windows 95."

Yes, producers are forced to do something they may not like, but consumers get something free—a browser that helps them move around the Internet. It's difficult to see how the aggressive, even vicious, competitive tactics of companies like Microsoft and Intel have hurt consumers, who now enjoy more and more computer power for less and less money.

It's nonsense to believe that a computer industry in a constant state of revolution will thwart individuals unless government steps in. It's consumers who determine whether a product succeeds or fails. For an economy to reward the best producers, consumers have to be given free rein to make choices and send signals about what they really want.

Unfortunately, the history of antitrust—not to mention trade policies like high tariffs, quotas and anti-dumping rules—reveals a pattern of enforcement that benefits politically powerful producers, while paying only lip service to consumers.

If I seem overly agitated about producer-favoritism, it's because I've seen the deadly results. I just returned from a trip to Germany, a country which, only a few years ago, U.S. politicians held up as an ideal. Today, there's a complacency and hopelessness about the economy. Unemployment is 11.7 percent. "This has little to do with the business cycle," Otto Graf Lambsdorff, the respected former economics minister, told me. "It is structural unemployment."

Germans are—stereotypically and actually—precise, diligent, well-educated and technically proficient. But between 1990 and 1996, their total industrial output actually declined by 3 percent while that of the United States rose 17 percent. (Output in Japan, another producer-oriented economy that's in the dumps, fell 5 percent.)

Why? One reason is the drag imposed by the sheer size of the German welfare state, but at least as important is an economic policy that consistently stymies the interests of consumers.

For instance, wage agreements, enshrined in law, are set by the big manufacturers and their unions, then imposed on smaller companies—a process that prevents serious competition that would drive down prices and help Germans live better.

German regulations also keep new entrants out of the marketplace. The medieval guild system still rules, and it's hard to start a business without the certification of companies that are already in it. Three people told me the same story: Bill Gates never could have launched Microsoft in Germany because it's illegal to work in a garage—no windows.

The most glaring example of producers-first is the law that sets nationwide operating hours for retail businesses. Exactly a year ago, those hours were finally extended—for just 90 minutes. Now, businesses have to close Monday through Friday at 8 p.m. and on Saturdays at 4 p.m. On Sundays, only bakeries can open.

Why have such a law at all? While some in the Bundestag argued that longer hours hurt family life and church-going (then why not ban telecasts of soccer games?), the main opposition came from producers themselves (and their attendant unions). Cartels love the status quo. Allow innovation, and new firms might drive us out of business. In other words, the consumer be damned.

Economic policy really isn't as complicated as it seems. Since, as Adam Smith pointed out, the consumer comes first, then the first question should always be: Does this help consumers, not in some imagined future but in the here and now? Free trade does. Microsoft's free browser does. A tax system that stresses low rates, simplicity and no breaks for special interests does.

The people who run Germany may never learn this important axiom, but most Americans know it instinctively. Now, if only the politicians and the press would catch on.

Mr. HOLLINGS. "Since as Adam Smith pointed out, the consumer comes first."

Come on, that is historically inaccurate. If we would have done that, we would still be a colony. He doesn't know what he is talking about. They didn't land here from the Mayflower looking for consumption and a cheap T-shirt. They came here to build a nation. You don't build it without a strong manufacturing capacity and you can find more silly articles running around loose. There is one by David Broder. He was quoted by my distinguished colleagues from New York and from North Dakota on both sides of the issue, but I want to read one paragraph, and I ask unanimous consent this article be printed in the RECORD.

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

[From the Washington Post, Nov. 4, 1997]

FAST TRACK, HEAVY FREIGHT

(By David S. Broder)

For President Clinton, the big trade vote scheduled later this week represents "Double Jeopardy."

If Clinton fails to win the same "fast track" negotiating authority that previous presidents have carried into international bargaining, it would threaten a central part of his overall economic policy and rattle already jumpy world stock markets. It would signal retreat by the United States from its leadership role for a more open international marketplace and—by the sober judgment of the embassies of at least two key allies—could set off serious trade wars.

Chances are, it won't come to that. The Senate, which is scheduled to vote first, seems likely to approve the fast-track procedure in which trade agreements are voted up or down by Congress but are not subject to amendment. In the House, which is slated to follow on Friday, Clinton faces an uphill struggle, but one he might still win.

The cost of victory may be high, however. By every calculation, more than two-thirds of the affirmative votes will have to come from Republicans. The more Clinton has to turn to Speaker Newt Gingrich and his allies, the higher the price they can extract on other issues. Gingrich, still trying to shore up his own shaky position after last summer's failed coup, simply cannot afford to be altruistic.

The reason Clinton may have to pay a high price is that he has signally failed to persuade his own party of the rightness of his trade policy. In 1993, after a vigorous campaign by Clinton, only 40 percent of House Democrats supported NAFTA—the free trade agreement with Mexico and Canada. "On fast track, he will lose 20 or more people who voted for NAFTA," House Democratic Whip David Bonior of Michigan, an ardent opponent, told me over the weekend. A key House Democratic Supporter conceded that Clinton is unlikely to get many more than 30 percent of the 206 Democrats to go along—a figure low enough that it could prove fatal.

Clinton aides blame the problem on organized labor, which has led the fight against "fast track," just as it did against NAFTA. "This is the most blatant example of the corrupting effect of campaign finances on Washington policy-making I know," one high administration official said.

Even if you accept AFL-CIO lobbyist Peggy Taylor's assurance that "we have not threatened to cut off contributions to anyone," there is no doubt the dependence of most congressional Democrats on unions for their bedrock financing makes them receptive to the arguments Taylor and other labor lobbyists offer.

But there's more than money involved. In the 1994 midterm election, a year after the NAFTA vote, union activists, stung by losing that fight to Clinton and by the president's failure to get a Democratic Congress even to vote on his promised health care reform, deserted their posts. Phone banks went unmanned; the turnout of union families plummeted; 40 percent of those who bothered to vote backed GOP candidates, and the Democrats lost the House for the first time in 40 years.

In 1996, by contrast, labor, under new leadership, targeted Gingrich and the GOP early, boosted its share of the electorate and helped the Democrats to a 10-seat gain. Understandably, its arguments are heeded.

Labor is less monolithic than it appears, however. The growing unions—notably those representing public employees and service industries—care much less about the trade issue than do the teamsters or the big industrial unions. Vice President Al Gore, despite his pro-NAFTA and pro-fast-track stance, has at least as many allies among top unionists as his prospective opponent for the 2000 nomination, Minority Leader Dick Gephardt of Missouri, who is leading the fight for labor.

What Clinton and the White House have been slow to realize is that Gephardt has convinced many of his colleagues that demanding stronger worker and environmental protections as part of future trade agreements is a way of helping their constituents—not undercutting a successful Clinton economic policy. Until very recently, the president let the opposition dominate the public debate.

As a result, Cliton will not get the votes of such thoughtful Democrats as Rep. Ron Kind, a moderate freshman from a marginal district in Wisconsin, who concedes he is adopting the "parochial concern" of dairy farmers frustrated by their post-NAFTA dealings with Canada. "Very few of us oppose giving the president the authority to negotiate," he said, "but he should have elevated this to a national debate on what the rules of trade should look like in the 21st century. That is what Ronald Reagan would have done."

As a result of that failure, Clinton will pay Gingrich a high price if he is to avoid a truly devastating defeat.

Mr. HOLLINGS. The article reads in part:

Clinton aides blame the problem on organized labor which has led the fight against fast track just as it did against NAFTA. "This is the most blatant example of the corrupting effect of campaign finances on Washington policy-making I know," one high administration official said.

Boy, oh boy, is it. Is it one of the most scandalous, corrupting effects of campaign finances. Why? Mr. President, 250 of these multinational corporations are responsible for 80 percent of the exports. That is the moneyed crowd that came with the white tent on the lawn for NAFTA. That is the moneyed crowd and the Business Advisory Council that sent around a month ago, "We are allocating $50,000 for this debate." Each of your corporate entities, send the money in so we can buy the TV to bamboozle those silly Senators in Congress.

It is one of the most corrupting—not labor. God bless labor. At least they are fighting for what Henry Ford said: "I want to make sure that the man that produces the car can buy the car." And he brought in good, responsible wages. That is what labor is trying to get—a responsible wage and working conditions and no child labor and no environmental degradations.

Since I'm talking, I want everyone to know I'm just not reading things. I have been there and I have seen, as Martin Luther King, Jr. said, the other side. So at Tijuana, Mr. President, you go there and you think you are in Korea. Go across from San Diego into Tijuana—beautiful industries, mostly Korean, and what happens? Then you go out to the living conditions, some 150,000 to 200,000 people in that dust bowl. The mayor comes up and he says, "Senator, I want you to meet with 12 people if you don't mind." I said I would be glad to. "I would like you to listen to what they are talking about."

It so happens that in that area, the mills have the flag, whether American or Korean, they have a beautiful lawn, a nice, clean factory on the outside and the living conditions are squalid—literally, five garage doors put together as a hovel to live in, no running water, the electric power is one little electric line where I was visiting and the fellow had a car battery to turn on his TV because if he turned on the light and TV everything blew up.

There wasn't any sewage, there weren't any roads or streets. When they had a heavy rain and when the rains came at the turn of the year, it washed down all that mud, dust, and what have you, and their homes were literally being washed away. Trying to save them, they missed a day's work, these 12 workers. Later in February, one of the workers in a plastic coat hanger factory—a factory that had moved down from Los Angeles, CA, to Mexico, a low-wage thing, maquiladora is the word for it—had lost his eyesight from the dust flicked up in his eyes by the coat hangers. That caused real concern because they had been docked having missed 1 day's work. They were docked under the work rules. They lost 4 days' pay. And now they were losing one of their companion workers and his eyesight, and around the first of May the most popular supervisor was expecting childbirth and she went to the front office and said, "I'm feeling badly and I have to go home this afternoon," and the plant managers said, "Oh, no, you are not, you are working out there," and she stayed that afternoon and miscarried.

So these 12 that the mayor had me meet said they were going to get a union and they went up to Los Angeles. You know what they found, Mr. President? These are labor rights they have down in Mexico. They found they already had a union. When the plants had moved down there 3 years before they had signed a legal document back there in Los Angeles between lawyers for the so-called union that they never saw, never saw. The union master or anything else of that kind never visited the plant, and under Mexican law, since they had a union, these workers were fired because you are not allowed to try to organize a union when you have one. That is labor rights in Mexico. So they lost their jobs. And the mayor was pointing them out to me.

Labor is there working so that the United States can go out and spread its values. I talked about our values as a Nation, the strength of them, and it isn't to get a cheap T-shirt or cheap production. It is to extend those rights.

We had the highest standard of living here in the United States, and we are trying to extend that standard of living so that others can buy and purchase. If we had the time, Mr. President, I would go into overcapacity. I remember when Bill Greider published his book a couple of years ago, "One World, Ready or Not." He talked about overcapacity; at the time, commentators ridiculed Greider, but now they find that we in the United States have the capacity to produce 500,000 more cars than we can sell; in the European sector, they have the capacity to produce 4 to 5 million more cars than they can sell, and with the yen down, you can watch automobiles coming in here like gangbusters.

Now, what are we saying? They don't know what they are talking about. We are trying to produce consumers to go and buy those cars. And what did we get out of NAFTA? Instead of $1 an hour workers' wages have gone down. Read the American Chamber of Commerce report in Mexico earlier this year. Instead of $1 an hour they now make 70 cents an hour. They can't buy the car. There are no consumers there; that is why there is the overcapacity. They act like we have equals; they say in a naive fashion that 96 percent of the consumers are outside the United States, when all that they are doing is looking at population figures.

They don't know what they are talking about. They are not consuming. They are not able. I wish I had the Boston Globe article about the shoe manufacturer. I don't want to mention the name because I want to be accurate. But the tennis shoes were being made by three young women who slept on the floor, without a window, in a shack down in Malaysia, and their monthly salary was less than the cost of one pair of the shoes they were making. Now, come on. These are facts we must bring out in this debate. Wait a minute here, we know how to compete, how to open up markets. Via Friedrich List, we have been trying for 50 years to get into Japan and we have had little success.

If you want to sell textile products, you have to go to the textile industry of Korea and get permission or you don't get it. In Europe, the VCR's shipped there—there are nontariff trade barriers. They put VCR's up in Dijon, France. It took a year to get up there and clear all the redtape, get them released from the warehouse. Automobiles stayed on the dock in Europe—Toyota—and are still there. If you want to buy a 1998 model, you are going to have to wait until October 1, 1998, not October 1, 1997, because the '98 models that just came out, they have a year to inspect.

The competition, Mr. President, out there in this global economy is the Friedrich List model, not the Adam Smith model. We just need to get that through the hard heads of the State Department and the White House and the leadership in this Congress. Labor is being derided because they are trying to bring the benefits to all so they can become consumers, so, yes, as a result all will be able to purchase these products. But we are roaring blindly into an overcapacity problem the world around and the global economy, and we are headed for deflation. Remember that we said it first here in the beginning of November in 1997.

Mr. President, I have the article I was mentioning earlier. It was Reebok. My staff has just given that to me.

We have learned the hard way. We know our responsibility. That is what really boils me. Here comes this crowd from the White House: "Give the President the authority, give him the authority." He has had the authority to negotiate since 1934 under the Reciprocal Trade Act. We delegated that negotiating authority on behalf of the Congress. I am reminded of my friend Congressman Mendel Rivers, who used to be chairman of the Armed Services Committee. He had a seal in front of his desk that said "Congress of the United States." When Secretary McNamara would come up, Chairman Rivers would lean over and say to Robert McNamara, "Not the President, not the Supreme Court, but the Congress of the United States shall raise and support armies," article I, section 8. Also in article I, section 8 it says "the Congress of the United States shall regulate foreign commerce," not the President, not the Supreme Court, but the Congress of the United States. That is not only our authority, it is our responsibility. But they say: Fast track, fast track, fast track. Forget your responsibility constitutionally. Take it or leave it.

How do they get NAFTA passed? The White House amends the treaty. Mr. President, in that particular debate, we remembered there were some 16 amendments. One Congressman down in Texas got 2 additional C-17's and he gave in his vote. Another distinguished Congressman, my good friend Jake Pickle, got a trade center. Another group down in Florida got a citrus amendment to take care of their concerns, and the Louisiana vote was taken care of with sugar, and for the Midwest, up by the border, it was a Durum wheat amendment. I could go down the list of the 16 amendments. What I am saying to this body is that we, the Congress, can't amend the treaties, but the White House can. It is the most arrogant, unconstitutional assault and usurpation. Said George Washington in his farewell address, if in the opinion of the people the distribution of powers under the Constitution be in any particular wrong, "then let it be amendable in the way that the Congress designates, for in the usurpation may in the one instance be the instrument of good, it is the customary weapon by which free governments are destroyed." And so we are in the hands of the Philistines, the multinationals.

As I started out saying, the program of spreading capitalism has worked. That is what defeated the Soviet Union and brought about the fall of the wall. We all glory in it. But in the meantime, those who had gone abroad spreading that subsidized initiative learned that they could produce cheaper overseas, that they could save one-third of their sales of volume cost. So they began moving overseas their offshore production. And then the banks financing this movement—Chase Manhattan and Citicorp, as of the year 1973—I remember that debate—made a majority of their profits outside of the United States. IBM is no longer an American company. They have a majority of workers outside of the United States. We could go down the list. But they had the banks and then the nationals were becoming multinationals. Then they had all the consultants and the think tanks that they financed to grind out all these papers. They come around babbling, "free trade, free trade." So you have the multinationals, the banks, the consultants, the think tanks, the college campuses—oh, yes, and the retailers.

Every time we debated the textile bill—five times we passed it—I would go down to Herman's and find a catcher's mitt, one made in Michigan and one made in Korea, both for $43, the same price. We went down to Bloomingdale's and got a ladies' blouse made in Taiwan and one made in New Jersey, both for $27.

My point was that they get their imports, bring it in for the large profit, and only give a little bit of the overrun of the particular sales to Grand Rapids in New Jersey. They are not lowering their price as a result of competition. The retailers put out all of this nonsense about Smoot-Hawley. Paul Krugman said the best of the best—we had some quotes from him. We had that debate.

I will ask, Mr. President, to have printed in the RECORD the quote with respect to Smoot-Hawley because we heard that same thing here a little earlier today.

I ask unanimous consent to have printed in the RECORD at this point the record on Smoot-Hawley made by our distinguished colleague, the late Senator John Heinz, in 1983, where he made a studied report of it.

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

THE MYTH OF SMOOT-HAWLEY

Mr. HEINZ. Mr. President, every time someone in the administration or the Congress gives a speech about a more aggressive trade policy or the need to confront our trading partners with their subsidies, barriers to import and other unfair practices, others, often

in the academic community or in the Congress immediately react with speeches on the return of Smoot-Hawley and the dark days of blatant protectionism. "Smoot-Hawley," for those uninitiated in this arcane field, is the Tariff Act of 1930 (Public Law 71-361) which among other things imposed significant increases on a large number of items in the Tariff Schedules. The act has also been, for a number of years, the basis of our countervailing duty law and a number of other provisions relating to unfair trade practices, a fact that tends to be ignored when people talk about the evils of Smoot-Hawley.

A return to Smoot-Hawley, of course, is intended to mean a return to depression, unemployment, poverty, misery, and even war, all of which apparently were directly caused by this awful piece of legislation. Smoot-Hawley has thus become a code word for protectionism, and in turn a code word for depression and major economic disaster. Those who sometimes wonder at the ability of Congress to change the country's direction through legislation must marvel at the sea change in our economy apparently wrought by this single bill in 1930.

Historians and economists, who usually view these things objectively, realize that the truth is a good deal more complicated, that the causes of the Depression were far deeper, and that the link between high tariffs and economic disaster is much more tenuous than is implied by this simplistic linkage. Now, however, someone has dared to explode this myth publicly through an economic analysis of the actual tariff increases in the act and their effects in the early years of the Depression. The study points out that the increases in question affected only 231 million dollars' worth of products in the second half of 1930, significantly less than 1 percent of world trade; that in 1930-32 duty-free imports into the United States dropped at virtually the same percentage rate as dutiable imports; and that a 13.5 percent drop in GNP in 1930 can hardly be blamed on a single piece of legislation that was not even enacted until midyear.

This, of course, in not to suggest that high tariffs are good or that Smoot-Hawley was a wise piece of legislation. It was not. But it was also clearly not responsible for all the ills of the 1930's that are habitually blamed on it by those who fancy themselves defenders of free trade. While I believe this study does have some policy implications, which I may want to discuss at some future time, one of the most useful things it may do is help us all clean up our rhetoric and reflect a more sophisticated—and accurate—view of economic history.

Mr. President, I ask that the study, by Don Bedell of Bedell Associates, be printed in the RECORD.

The study follows:

BEDELL ASSOCIATES,
Palm Desert, Calif., April 1983

TARIFFS MISCAST AS VILLAIN IN BEARING BLAME FOR GREAT DEPRESSION—SMOOT/HAWLEY EXONERATED

(By Donald W. Bedell)

SMOOT/HAWLEY, DEPRESSION AND WORLD REVOLUTION

It has recently become fashionable for media reporters, editorial writers here and abroad, economists, Members of Congress, members of foreign governments, UN organizations and a wide variety of scholars to express the conviction that the United States, by the single act of causing the Tariff Act of 1930 to become law (Public Law 361 of the 71st Congress) plunged the world into an economic depression, may well have prolonged it, led to Hitler and World War II.

Smoot/Hawley lifted import tariffs into the U.S. for a cross section of products beginning mid-year 1930, or *more than 8 months following the 1929 financial collapse.* Many observers are tempted simply repeat "free trade" economic doctrine by claiming that this relatively insignificant statute contained an inherent trigger mechanism which upset a neatly functioning world trading system based squarely on the theory of comparative economics, and which propelled the world into a cataclysm of unmeasurable proportions.

We believe that sound policy development in international trade must be based solidly on facts as opposed to suspicious, political or national bias, or "off-the-cuff" impressions 50 to 60 years later of how certain events may have occurred.

When pertinent economic, statistical and trade data are carefully examined will they show, on the basis of preponderance of fact, that passage of the Act did in fact trigger or prolong the Great Depression of the Thirties, that it had nothing to do with the Great Depression, or that it represented a minor response of a desperate nation to a giant world-wide economic collapse already underway?

It should be recalled that by the time Smoot/Hawley was passed 6 months had elapsed of 1930 and 8 months had gone by since the economic collapse in October, 1929. Manufacturing plants were already absorbing losses, agriculture surpluses began to accumulate, the spectre of homes being foreclosed appeared, and unemployment showed ominous signs of a precipitous rise.

The country was stunned, as was the rest of the world. All nations sought very elusive solutions. Even by 1932, and the Roosevelt election, improvisation and experiment described government response and the technique of the New Deal, in the words of Arthur Schlesinger, Jr. in a New York Times article on April 10, 1983. President Roosevelt himself is quoted in the article as saying in the 1932 campaign, "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

The facts are that, rightly or wrongly, there were no major Roosevelt Administration initiatives regarding foreign trade until well into his Administration; thus clearly suggesting that initiatives in that sector were not thought to be any more important than the Hoover Administration thought them. However, when all the numbers are examined we believe neither. President Hoover nor President Roosevelt can be faulted for placing international trade's role in world economy near the end of a long list of sectors of the economy that had caused chaos and suffering and therefore needed major corrective legislation.

How important was international trade to the U.S.? How important was U.S. trade to its partners in the Twenties and Thirties?

In 1919, 66% of U.S. imports were duty free, or $2.9 Billion of a total of $4.3 Billion. Exports amounted to $5.2 Billion in that year making a total trade number of $9.6 Billion or about 14% of the world's total. See Chart I below.

CHART I.—U.S. GROSS NATIONAL PRODUCT, 1929-33

[Dollar amounts in billions]

	1929	1930	1931	1932	1933
GNP	$103.4	$89.5	$76.3	$56.8	$55.4

CHART I.—U.S. GROSS NATIONAL PRODUCT, 1929-33—Continued

[Dollar amounts in billions]

	1929	1930	1931	1932	1933
U.S. international trade	$9.6	$6.8	$4.5	$2.9	$3.2
U.S. international trade percent of GNP	$.3	7.6	5.9	5.1	$5.6[1]

[1] Series U, Department of Commerce of the United States, Bureau of Economic Analysis.

Using the numbers in that same Chart I it can be seen that U.S. imports amounted to $4.3 Billion or just slightly above 12% of total world trade. When account is taken of the fact that only 33%, or $1.5 Billion, of U.S. imports was in the Dutiable category, the entire impact of Smoot/Hawley has to be focused on the $1.5 Billion number which is barely 1.5% of U.S. GNP and 4% of world imports.

What was the impact? In dollars Dutiable imports fell by $462 Million, or from $1.5 Billion to $1.0 Billion, during 1930. It's difficult to determine how much of that small number occurred in the second half of 1930 but the probability is that it was less than 50%. In any case, the total impact of Smoot/Hawley in 1930 was limited to a "damage" number of $231 Million; spread over several hundred products and several hundred countries.

A further analysis of imports into the U.S. discloses that all European countries accounted for 30% or $1.3 Billion in 1929 divided as follows: U.K. at $330 Million or 7½%, France at $171 Million or 3.9%, Germany at $255 Million or 5.9%, and some 15 other nations accounting for $578 Million or 13.1% for an average of 1%.

These numbers suggest that U.S. imports were spread broadly over a great array of products and countries, so that any tariff action would by definition have only a quite modest impact in any given year or could be projected to have any important cumulative effect.

This same phenomenon is apparent for Asian countries which accounted for 29% of U.S. imports divided as follows: China at 3.8%, Japan at $432 Million and 9.8% and with some 20 other countries sharing in 15% or less than 1% on average.

Australia's share was 1.3% and all African countries sold 2.5% of U.S. imports.

Western Hemisphere countries provided some 37% of U.S. imports with Canada at 11.4%, Cuba at 4.7%, Mexico at 2.7%, Brazil at 4.7% and all others accounting for 13.3% or about 1% each.

The conclusion appears inescapable on the basis of these numbers; a potential adverse impact of $231 Million spread over the great array of imported products which were available in 1929 could not realistically have had any measurable impact on America's trading partners.

Meanwhile, the Gross National Product (GNP) in the United States had dropped an unprecedented 13.5% in 1930 alone, from $103.4 Billion in 1929 to $89 Billion by the end of 1930. It is unrealistic to expect that a shift in U.S. international imports of just 1.6% of U.S. GNP in 1930, for example ($231 Million or $14.4 Billion) could be viewed as establishing a "precedent" for America's trading partners to follow, or represented a "model" to follow.

Even more to the point an impact of just 1.6% could not reasonably be expected to have any measurable effect on the economic health of America's trading partners.

Note should be taken of the claim by those who repeat the Smoot/Hawley "villain" theory that it set off a "chain" reaction around

the world. While there is some evidence that certain of America's trading partners retaliated against the U.S. there can be no reliance placed on the assertion that those same trading partners retaliated against each other by way of showing anger and frustration with the U.S. Self-interest alone would dictate otherwise, common sense would intercede on the side of avoidance of "shooting oneself in the foot," and the facts disclose that world trade declined by 18% by the end of 1930 while U.S. trade declined by some 10% more or 28%. U.S. foreign trade continued to decline by 10% more through 1931, or 53% versus 43% for worldwide trade, but U.S. share of world trade declined by only 18% from 14% to 11.3% by the end of 1931.

Reference was made earlier to the Duty Free category of U.S. imports. What is especially significant about those import numbers is the fact that they dropped in dollars by an almost identical percentage as did Dutiable goods through 1931 and beyond: Duty Free imports declined by 29% in 1930 versus 27% for Dutiable goods, and by the end of 1931 the numbers were 52% versus 51% respectively.

The only rational explanation for this phenomenon is that Americans were buying less and prices were falling. No basis exists for any claim that Smoot/Hawley had a distinctively devastating effect on imports beyond and separate from the economic impact of the economic collapse in 1929.

Based on the numbers examined so far, Smoot/Hawley is clearly a mis-cast villain. Further, the numbers suggest the clear possibility that when compared to the enormity of the developing international economic crisis Smoot/Hawley had only a minimal impact and international trade was a victim of the Great Depression.

This possibility will become clear when the course of the Gross National Product (GNP) during 1929–1933 is examined and when price behaviour world-wide is reviewed, and when particular Tariff Schedules of Manufacturers outlined in the legislation are analyzed.

Before getting to that point another curious aspect of the "villain" theory is worthy of note. Without careful recollection it is tempting to view a period of our history some 50–60 years ago in terms of our present world. Such a superficial view not only makes no contribution to constructive policy-making. It overlooks several vital considerations which characterized the Twenties and Thirties:

1. The international trading system of the Twenties bears no relation to the interdependent world of the Eighties commercially, industrially and financially in size or complexity.

2. No effective international organization existed, similar to the General Agreement for Tariffs and Trade (GATT) for example for resolution of disputes. There were no trade "leaders" among the world's nations in part because most mercantile nations felt more comfortable without dispute settlement bodies.

3. Except for a few critical products foreign trade was not generally viewed in the "economy-critical" context as currently in the U.S. As indicated earlier neither President Hoover nor President Roosevelt viewed foreign trade as crucial to the economy in general or recovery in particular.

4. U.S. foreign trade was relatively an amorphous phenomenon quite unlike the highly structured system of the Eighties; characterized largely then by "caveat emptor" and a broadly laissez-faire philosophy generally unacceptable presently.

These characteristics, together with the fact that 66 percent of U.S. imports were Duty Free in 1929 and beyond, placed overall international trade for Americans in the Twenties and Thirties on a very low level of priority especially against the backdrop of world-wide depression. Americans in the Twenties and Thirties could no more visualize the world of the Eighties than we in the Eighties can legitimately hold them responsible for failure by viewing their world in other than the most pragmatic and realistic way given those circumstances.

For those Americans then, and for us now, the numbers remain the same. On the basis of sheer order of magnitude of the numbers illustrated so far, the "villain" theory often attributed to Smoot/Hawley is an incorrect reading of history and a misunderstanding of the basic and incontrovertible law of cause and effect.

It should also now be recalled that, despite heroic efforts by U.S. policy-makers its GNP continued to slump year-by-year and reached a total of just $55.4 billion in 1933 for a total decline from 1929 levels of 46 percent. The financial collapse of October, 1920 had indeed left its mark.

By 1933 the 1929 collapse had prompted formation in the U.S. of the Reconstruction Finance Corporation, Federal Home Loan Bank Board, brought in a Democrat President with a program to take control of banking, provide credit to property owners and corporations in financial difficulties, relief to farmers, regulation and stimulation of business, new labor laws and social security legislation.[1]

So concerned were American citizens about domestic economic affairs, including the Roosevelt Administration and the Congress, that scant attention was paid to the solitary figure of Secretary of State Cordell Hull. He, alone among the Cabinet, was convinced that international trade had material relevance to lifting the country back from depression. His efforts to liberalize trade in general and to find markets abroad for U.S. products in particular from among representatives of economically stricken Europe, Asia and Latin America were abruptly ended by the President and the 1933 London Economic Conference collapsed without result.

The Secretary did manage to make modest contributions to eventual trade recovery through the Most Favored Nation (MFN) concept. But it would be left for the United States at the end of World War II to undertake an economic and political role of leadership in the world; a role which in the Twenties and Thirties Americans in and out of government felt no need to assume, and did not assume. Evidence that conditions in the trade world would have been better, or even different, had the U.S. attempted some leadership role cannot responsibly be assembled. Changing the course of past history has always been less fruitful than applying perceptively history's lessons.

The most frequently used members thrown out about Smoot/Hawley's impact by those who believe in the "villain" theory are those which clearly establish that U.S. dollar decline in foreign trade plummeted by 66 percent by the end of 1933 from 1929 levels, $9.6 billion to $3.2 billion annually.

Much is made of the co-incidence that world-wide trade also sank about 66 percent for the period. Chart II summarizes the numbers.

[1] Beard, Charles and Mary, New Basic History of the United States.

CHART II.—UNITED STATES AND WORLD TRADE, 1929–33

[In billions of U.S. dollars]

	1929	1930	1931	1932	1933
United States:					
Exports	5.2	3.8	2.4	1.6	1.7
Imports	4.4	3.0	2.1	1.3	1.5
Worldwide:					
Exports	33.0	26.5	18.9	12.9	11.7
Imports	35.6	29.1	20.8	14.0	[a] 12.5

[a] Series U Department of Commerce of the United States, League of Nations, and International Monetary Fund.

The inference is that since Smoot/Hawley was the first "protectionist" legislation of the Twenties, and the end of 1933 saw an equal drop in trade that Smoot/Hawley must have caused it. Even the data already presented suggest the relative irrelevance of the tariff-raising Act on a strictly trade numbers basis. When we examine the role of a worldwide price decline in the trade figures for almost every product made or commodity grown the "villain" Smoot/Hawley's impact will not be measurable.

It may be relevant to note here that the world's trading "system" paid as little attention to America's revival of foreign trade beginning in 1934 as it did to American trade policy in the early Thirties. From 1934 through 1939 U.S. foreign trade rose in dollars by 80% compared to world-wide growth of 15%. Imports grew by 68% and exports climbed by a stunning 93%. U.S. GNP by 1939 had developed to $91 billion, to within 88% of its 1929 level.

Perhaps this suggests that America's trading partners were more vulnerable to an economic collapse and thus much less resilient than was the U.S. In any case the international trade decline beginning as a result of the 1929 economic collapse, and the subsequent return by the U.S. beginning in 1934 appear clearly to have been wholly unrelated to Smoot/Hawley.

As we begin to analyze certain specific Schedules appearing in the Tariff Act of 1930 it should be noted that sharp erosion of prices world-wide caused dollar volumes in trade statistics to drop rather more than unit-volume thus emphasizing the decline value. In addition, it must be remembered that as the Great Depression wore on, people simply bought less of everything increasing further price pressure downward. All this wholly apart from Smoot/Hawley.

When considering specific Schedules, No. 5 which includes Sugar, Molasses, and Manufactures Of, maple sugar cane, sirups, adonite, dulcite, galactose, inulin, lactose and sugar candy. Between 1929 and 1933 import volume into the U.S. declined by about 40% in dollars. In price on a world basis producers suffered a stunning 60% drop. Volume of sugar imports declined by only 42% into the U.S. in tons. All these changes lend no credibility to the "villain" theory unless one assumes, erroneously, that the world price of sugar was so delicately balanced that a 28% drop in sugar imports by tons into the U.S. in 1930 destroyed the price structure and that the decline was caused by tariffs and not at least shared by decreased purchases by consumers in the U.S. and around the world.

Schedule 4 describes Wood and Manufactures Of, timber hewn, maple, brier root, cedar from Spain, wood veneer, hubs for wheels, casks, boxes, reed and rattan, toothpicks, porch furniture, blinds and clothes pins among a great variety of product categories. Dollar imports into the U.S. slipped by 52% from 1929 to 1933. By applying our own GNP as a reasonable index of prices both at home and overseas, unit volume decreased only 6% since GNP had dropped by 46% in

1933. The world-wide price decline did not help profitability of wood product makers, but to tie that modest decline in volume to a law affecting only 6½% of U.S. imports in 1929 puts great stress on credibility, in terms of harm done to any one country or group of countries.

Schedule 9, Cotton Manufactures, a decline of 54% in dollars is registered for the period, against a drop of 46% in price as reflected in the GNP number. On the assumption that U.S. GNP constituted a rough comparison to world prices, and the fact that U.S. imports of these products was infinitesimal, Smoot/Hawley was irrelevant. Further, the price of raw cotton in the world plunged 50% from 1929 to 1933. U.S. growers had to suffer the consequences of that low price but the price itself was set by world market prices, and was totally unaffected by any tariff action by the U.S.

Schedule 12 deals with Silk Manufactures, a category which decreased by some 60% in dollars. While the decrease amounted to 14% more than the GNP drop, volume of product remained nearly the same during the period. Assigning responsibility to Smoot/Hawley for this very large decrease in price beginning in 1930 stretches credibility beyond the breaking point.

Several additional examples of price behaviour are relevant.

One is Schedule 2 products which include brick and tile. Another is Schedule 3 iron and steel products. One outstanding casualty of the financial collapse in October, 1929 was the Gross Private Investment number. From $16.2 Billion annually in 1939 by 1933 it has fallen by 91% to just $1.4 Billion. No tariff policy, in all candor, could have so devastated an industry as did the economic collapse of 1929. For all intents and purposes construction came to a halt and markets for glass, brick and steel products with it.

Another example of price degradation world-wide completely unrelated to tariff policy is Petroleum products. By 1933 these products had decreased in world price by 82% but Smott/Hawley had no Petroleum Schedule. The world market place set the price.

Another example of price erosion in world market is contained in the history of exported cotton goods from the United States. Between 1929 and 1933 the volume of exported goods actually increased by 13.5% while the dollar value dropped 48%. This result was wholly unrelated to the tariff policy of any country.

While these examples do not include all Schedules of Smoot/Hawley they clearly suggest that overwhelming economic and financial forces were at work affecting supply and demand and hence on prices of all products and commodities and that these forces simply obscured any measurable impact the Tariff Act of 1930 might possibly have had under conditions of several years earlier.

To assert otherwise puts on those proponents of the Smoot/Hawley "villian" theory a formidable challenge to explain the following questions:

1. What was the nature of the "trigger" mechanism in the Act that set off the alleged domino phenomenon in 1930 that began or prolonged the Great Depression when implementation of the Act did not begin until mid-year?

2. In what ways was the size and nature of U.S. foreign trade in 1929 so significant and critical to the world economy's health that a less than 4% swing in U.S. imports could be termed a crushing and devastating blow?

3. On the basis of what economic theory can the Act be said to have caused a GNP drop of an astounding drop of 13.5% in 1930 when the Act was only passed in mid-1930? DId the entire decline take place in the second half of 1930? Did world-wide trade begin its decline of some $13 Billion only in the second half of 1930?

4. Does the fact that duty free imports into the U.S. dropped in 1930 and 1931 and in 1932 at the same percentage rate as dutiable imports support the view that Smoot/Hawley was the cause of the decline in U.S. imports?

5. Is the fact that world wide trade declined less rapidly than did U.S. foreign trade prove the assertion that American trading partners retaliated against each other as well as against the U.S. because and subsequently held the U.S. accountable for starting an international trade war?

6. Was the international trading system of the Twenties so delicately balanced that a single hastily drawn tariff increase bill affecting just $231 Million of dutiable products in the second half of 1930 began a chain reaction that scuttled the entire system? Percentage-wise $231 Million is but 0.65% of all of 1929 world-wide trade and just half that of world-wide imports.

The preponderance of history and facts of economic life in the international area make an affirmative response by the "villain" proponents an intolerable burden.

It must be said that the U.S. does offer a tempting target for Americans who incessantly cry "mea culpa" over all the world's problems, and for many among our trading partners to explain their problems in terms of perceived American inability to solve those problems.

In the world of the Eighties U.S. has indeed very serious and perhaps grave responsibility to assume leadership in international trade and finance, and in politics as well.

On the record, the United States has met that challenge beginning shortly after World War II.

The U.S. role in structuring the United Nations, the General Agreement on Tariffs and Trade (GATT), the International Monetary Fund, the Bretton Woods and Dumbarton Oaks Conference on monetary policy, the World Bank and various Regional Development Banks, for example, is a record unparalleled in the history of mankind.

But in the Twenties and Thirties there was no acknowledged leader in International affairs. On the contrary, evidence abounds that most nations preferred the centuries-old patterns of international trade which emphasized pure competition free from interference by any effective international supervisory body such as GATT.

Even in the Eighties examples abound of trading nations succumbing to nationalistic tendencies and ignoring signed trade agreements. Yet the United States continues as the bulwark in trade liberalization proposals within the GATT. It does so not because it could not defend itself against any kind of retaliation in a worst case scenario but because no other nation is strong enough to support them successfully without the United States.

The basic rules of GATT are primarily for all those countries who can't protect themselves in the world of the Eighties and beyond without rule of conduct and discipline.

The attempt to assign responsibility to the U.S. in the Thirties for passing the Smoot/Hawley tariff act and thus set off a chain reaction of international depression and war is, on the basis of a prepondance of fact, a serious mis-reading of history, a repeal of the basic concept of cause and effect and a disregard for the principle of proportion of numbers.

It may constitute a fascinating theory for political mischief-making but it is a cruel hoax on all those responsible for developing new and imaginative measures designed to liberalize international trade.

Such constructive development and growth is severely impeded by perpetuating what is no more than a symbolic economic myth.

Nothing is less worthwhile than attempting to re-write history, not learning from it. Nothing is more worthwhile than making careful and perceptive and objective analysis in the hope that it may lead to an improved and liberalized international trading system.

Mr. HOLLINGS. Mr. President, the crash occurred October 29, and Smoot-Hawley passed June 19, 8 months later. It didn't cause any crash. It didn't have any affect on the economy. Neither President Hoover nor President Roosevelt had any particular concern with it, because it was less than 2 percent, a little over 1 percent of GNP. Trade now is 18 percent of the GDP. But it was less than 2 percent at that particular time, and two-thirds of the trade was duty free. The two-thirds duty free was affected the same as the Smoot-Hawley tariff type trade. While in the year 1933, under reciprocal free trade, reciprocity, we came back with a plus balance of trade. So we have to listen to these things about we are going to start a domino effect with Smoot-Hawley again coming in.

I can tell you that right now, I would be glad to debate Smoot-Hawley at any particular time.

Well I just read the book called "Agents of Influence." This takes place 7 or 8 years ago. The gentlemen was a Vice President of TRW and he lost his job because he wrote the truth. He said one country, Japan, had over 100 law firms, consultant firms in Washington representing itself, at the cost of $113 million. The consummate salary of the 100 Senators and 435 House Members is only $73 million. The people of Japan, by way of pay, are better represented in Washington than the people of America.

When are we going to wake up? I have been sitting on the Commerce Committee for 30 years and I see the front office fill up on every kind of trade matter that comes about. Why? Because the multinationals. Now, by gosh, not just 41 percent, but the majority, let's say over 50 percent of what they are producing has been manufactured offshore and brought back in. So if they are going to lead the cheer "free trade, free trade, Japan, Korea, People's Republic of China, right on, brother, you lead the way, we will follow you."

Do you blame the People's Republic of China for not agreeing to anything? I have to note one agreement. Oh, boy, it turned everybody upside down in this town 2 weeks ago. We had an agreement with Japan relative to our maritime services, and our ships would go into the ports of Tokyo and the

other ports in Japan. And they had finally came around agreeing to the same privileges that we grant them, the stevedores. They actually handle the goods and so forth. The Japanese ship that comes into Charleston can have its own stevedore, but the American ships going in to Japan could not, up until this time. And we have been trying for years—and they have all kinds of controls over us in shipping that are absolutely burdensome. They agreed—Japan and the United States—in April. At that particular time in April, when they agreed, we sat down and said, fine, let's go with it. They passed four deadlines, in June, July, August and September. Every time we added a drop-dead date, when are you going to do it? Oh, we are going to do it. So we stopped the ships coming in. You know what happened? My phone rang off. The 100 lawyers, the ports authority lawyers, the lobbyists—Christmas wasn't going to happen, children weren't going to get any toys, the world was going to end, but we had one distinguished gentlemen with his maritime commission, Hal Creel, the chairman, who I want to praise this afternoon. He held his guns. The State Department later came in, and I will credit Stuart Eizenstat with sticking up for the United States. But it was many times that they came before we got them finally to agree.

So, we stuck to the guns, and who was on our side? The shipping industry of Japan, because organized crime had taken over, in many instances, in these ports. And they, the shipping industry in Japan, had been trying to do something, too. It wasn't until we stopped veritably the Japanese ship from coming into the American harbor that they finally sat down and got to the table. The White House was calling: Give in, give in. Oh, this is going to be a hard incident. This is going to be terrible. Chicken Little, the sky is falling, we are going to start a trade war and everything else of that kind.

Mr. Creel stuck to his guns. That is what I am talking about on trade. That is the global competition.

The other day former Majority Leader Dole wrote an op-ed regarding fast track. Don't give me Bob Dole writing the thing is a fact. The distinguished gentleman should put under there that he represents the Chilean salmon industry. Don't give me our good friend, Jay Berman. Everyone knows he lost out for the recording industry on the last two agreements. He said, I'm not going to lose out, I am going to be the President's handler, I am going to handle the Congress for the White House.

We are in the hands of the Philistines. The country is going down the tubes and all they are doing is the rich folks are hollering, give the President authority. He has the authority, but give me my constitutional duty of doing just exactly what we did.

Come on, we have had, as the Senator from North Dakota said, in 221 years hundreds of trade agreements. We had one this morning in committee. It was an OECD shipbuilding trade agreement that we approved between 16 nations at the Commerce Committee just today, without fast track. We negotiated the telecommunications agreement, an international agreement with 123 countries, without fast track.

I better stop. I don't know that I have any time left. Mr. President, I thank the distinguished body for yielding me this time. I hope I have some time left here, because we have plenty more to debate to wake up this country and start competing.

There is nothing wrong with the industrial worker of the United States. He is the most competitive, the most productive in the world. Look at any of the figures. What is not producing and not competitive is the Government here in Washington. It has to stop.

I yield the floor. I reserve the remainder of my time.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that full floor privileges be granted to Grant Aldonas during the pendency of S. 1269 and the House corresponding bill, H.R. 2621, during this Congress, and that, too, the privilege of the floor be granted to Robert M. Baker with respect to the same bills during the first session.

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have enjoyed listening to my friend, the distinguished Senator from South Carolina, who knows this subject up and down, back and forward, around and around. I thank him for the contribution he has made to the debate. I wish he had another hour.

Mr. President, there has been a great deal of discussion during the past several months about fast track. Sadly, little of that discussion has been enlightening or informative. The administration, which submitted the Export Expansion and Reciprocal Trade Agreement Act of 1997 in September, has apparently decided that misleading, exaggerated, and vacuous rhetoric is necessary if it is to win fast track renewal. Thus, the U.S. Trade Representative—for whom I have great respect—has described the President's fast track proposal to the Senate in the following terms:

> What is at stake in your consideration of this proposal is nothing less than whether the United States will continue to be at the forefront of nations seeking the reduction of trade barriers and the expansion of more open, equitable and reciprocal trading practices throughout the world.

Let me say that again:

> What is at stake in your consideration [meaning the consideration by the Congress] of this proposal is nothing less than whether the United States will continue to be at the forefront of nations seeking the reduction of trade barriers and the expansion of more open, equitable and reciprocal trading practices throughout the world . . . . This is not the time to shrink from the future, but to seize the opportunities it holds.

Let me assure you, Mr. President, that I am fully in favor of "seizing the future." I, too, seek the reduction of trade barriers, and I long for "more open, equitable and reciprocal trading practices." That is why I am firmly and implacably opposed to fast track.

Mr. President, I did not come here today to add to the miasma of confusion that fast track supporters have created with their murky logic and overheated rhetoric. My purpose is to shed a little light, if I may, into the murk by exploring the institutional and practical problems that fast track presents. I believe that it is my duty toward my colleagues and my constituents to lay out in clear, simple and direct language the reasons for my opposition to fast track.

I haven't been invited down to the White House. I presume that my good friend from South Carolina has not had an invitation down there.

Mr. HOLLINGS. No.

Mr. BYRD. I haven't been invited down. I am not looking for an invitation. I do not expect any invitation to change my mind. I have had the master of arm twisters ahold of my arm, Lyndon B. Johnson. He was the master arm twister. But I said no to him.

When my first grandchild was born I gave to my daughter, the mother of that grandchild, a Bible. In that Bible I wrote these words: "Teach him to say no." That's all I wrote, "Teach him to say no."

Mr. President, it doesn't make any difference if you have a vocabulary of 60,000 or 600,000 words. If you can't say no, then all these other words at some point or another in your lifetime are going to find you sadly lacking—if you can't say no. I am telling this story in my autobiography, of how I said no to Lyndon B. Johnson on more than one occasion. It was hard to do, because he put me on the Appropriations Committee when I first came here. And I felt as though I had been put through a wringer after going through a 30-minute skirmish with Lyndon Johnson but still saying, "No. No, Mr. President."

So, I haven't been invited down to the White House. But I can still say no and would be glad to.

So, if the President wants to hear me say no, all he has to do is call me on this. He doesn't have to invite me down to the White House. I'll bet the Senator from South Carolina won't get any invitation either.

Mr. HOLLINGS. No.

Mr. BYRD. I don't blame those who accept the invitation. I assume some of them will say no likewise.

I don't expect to convince my colleagues, all of them or maybe any of them. But I do hope to lay the groundwork for the healthy, open and honest debate about fast track that this Chamber and this country sorely need.

So let me start by making clear that Congress has and must continue to have a central role in regulating trade with foreign countries. The Constitution—here it is, right out of my shirt pocket. Here is the anchor of my liberties, the Constitution. Let's see what it says.

Article I, section 8 assigns to the Congress the power "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes," assigns the power "to regulate Commerce with foreign Nations," and to "lay and collect * * * Duties, Imposts, and Excises." Pursuant to this authority, Congress may, for example, impose tariffs, authorize reciprocal trade agreements, grant or deny most-favored-nation status, and regulate international communication. All this Congress can and must do according to the Constitution of the United States.

Nor is this the extent of Congress' involvement in matters of foreign trade. It scarcely needs to be pointed out that Congress' central function—Congress' central function as laid out in the first section of the first article of the Constitution, the very first sentence—its central function is to make the laws of the land. This means that any trade agreements that are not self-executing, meaning that they require changes in domestic law, can only take effect if and when Congress passes implementing legislation codifying those changes.

So it should be clear from the Constitution that the framers assigned Congress broad authority over foreign trade agreements. Even Alexander Hamilton, who so often championed the President's supremacy in foreign affairs, acknowledged in the Federalist Papers that Congress' authority to regulate foreign commerce was essential to prevent the President from becoming as powerful as the King of Great Britain.

Given the President's responsibilities in conducting relations with foreign powers, Hamilton argued that Congress' regulation of foreign trade was a vital check upon Executive power. But look what we are doing, look what we are about to do. We are, through fast track, just as we did with the line-item veto, handing off the few powers that we have to check the Executive. Let me say that again.

We are, through fast track, just as we did with the line-item veto, handing off the few powers that we have to check the Executive. We are making a king. He already has his castle with his concrete moat. I can see it out there. The Senator from Delaware can see it. Here he has this concrete moat out there, and with the king's guard standing watch in dark glasses—you know how they wear those dark glasses—with ears glued to wrist radios, and little implements on their lapels, he has his own private coach, his own chef and royal tasters, his retinue of fancy-titled king's men. You read "All the King's Men"?

So what are we waiting for? What are we waiting for? Just call in the jeweler, contact the goldsmith, let's make the crown; let's make the crown. Crown him king. That is the road on which we are traveling.

We gave away the line-item veto. The Roman Senate did the same. It gave away the power of the purse, and when the Roman Senate gave away the power of the purse, it gave away its check against the executive. So Sulla became dictator in 82 B.C. He was dictator from 82 to 80 B.C., and then a little later, the Senate—it wasn't under pressure to do it—voluntarily ceded the power over the purse to Caesar and made him dictator for a year. That was in 49 B.C.

Then in 48 B.C., it made him dictator again. And in 46 B.C., it made him dictator for 10 years, just as we are going to do with fast track now for 5 years. We don't do it a year at a time. The Roman Senate made Caesar dictator for 10 years. That was in 46 B.C. But the very next year, in 425 B.C., it made him dictator for life.

I don't know when we will reach that point, but we have already ceded to this President great power over the purse. It has never before been done in the more than 200 years of American history. It was never given to any President, the power over the purse. Now we are going to give the President fast track. So we are just waiting, just waiting for the jeweler! We are on the point of contacting the goldsmith! Let's now make the crown!

From 1789 to 1974, Congress faithfully fulfilled Hamilton's dictate, and the dictate of the Constitution that it regulate foreign trade. During those years, Congress showed that it was willing and able to supervise commerce with other countries. Congress also proved that it understood when changing circumstances required it to delegate or refine portions of its regulatory power over trade. For example, starting with the 1934 Reciprocal Trade Act, as trade negotiations became increasingly frequent, Congress authorized the President to modify tariffs and duties during his negotiations with foreign powers. Such proclamation authority has been renewed at regular intervals, most recently in the 1994 GATT Reciprocal Trade Act, which I voted against.

I mentioned that Congress fulfilled its obligation to regulate foreign trade from 1789 to 1974. Well, what, you may wonder, happened in 1974?

Mr. President, it was in 1974 that Congress first approved a fast-track mechanism to allow for expedited consideration in Congress of trade agreements negotiated by the President. Fast track set out limits on how Congress would consider trade agreements by banning amendments, limiting debate and all but eliminating committee involvement.

So we relegated ourselves to a thumbs-up or thumbs-down role. Thumbs up, thumbs down. Under fast track, Congress agreed to tie its hands and to gag itself when the President sends up a trade agreement for our consideration.

Why on Earth, you might ask, would Congress agree to such a thing? What would convince Members of Congress to willingly relinquish a portion of Congress' constitutional power over foreign commerce? What were Members thinking when they agreed to limits on the democratic processes by which laws are made? And why, if extensive debate and the freedom to offer amendments are essential to all of the areas of lawmaking, would Congress decide that when it comes to foreign trade, we can do without such fundamental legislative procedures?

Mr. President, the answers to these questions are straightforward. When Congress established fast track in 1974, it did so at a time when international commercial agreements were narrowly—narrowly—limited to trade. Consider the first two instances in which fast track was employed.

The first was for the 1979 GATT Tokyo Round Agreement. The implementing bill that resulted dealt almost exclusively with tariff issues and required few changes in U.S. law.

The second use of fast track was for the U.S.-Israel Free Trade Agreement of 1985. The implementing language for that agreement was all of 4 pages—all of 4 pages—and it dealt only with tariffs and rules on Government procurement.

If its first two uses were relatively innocuous, starting with its third use, fast track began to change and to develop an evil twin. I refer to the 1988 U.S.-Canada Free Trade Agreement which, despite its title, extended well beyond trade issues to address farming, banking, food inspection and other domestic matters. One has only to see the size of the agreement's implementing bill, covering over 100 pages now, to see how different this was from the first two agreements approved under the fast-track mechanism.

By the time of the NAFTA agreement in 1993 and the GATT Uruguay Round of 1994, the insidious nature of fast track was becoming apparent for all to see.

NAFTA required substantial changes in U.S. law, addressing everything from local banking rules to telecommunications law to regulations regarding the weight and length of American trucks. And these changes were bundled aboard a hefty bill numbering over

1,000 pages and propelled down the fast track before many Members of Congress knew what was going on.

I doubt that many of my colleagues realized the extent to which, first, NAFTA and then GATT would alter purely domestic law.

Most of us thought of GATT as related to trade and foreign relations, but through the magic mechanism of the fast-track wand—presto—trade legislation became a vehicle for sweeping changes in domestic law.

So what had happened? What had happened? Mr. President, Socrates, in his Apology to the judges said "Petrifaction is of two sorts. There is a petrifaction of the understanding, and there is also a petrifaction of the sense of shame." I fear that with respect to the Constitution, there is not only a petrifaction of our understanding of that document, but there is also a petrifaction of reverence for the document, and a petrifaction of our sense of duty toward that organic law. So petrifaction has set in.

Mention the Constitution to Members: "When did you last read it? What did you mean when you swore that you would support and defend the Constitution of the United States against all enemies, foreign and domestic? What did you have in mind? Did you have in mind some foreign invader that was about to set foot on American soil? Was that it? Or did you think about emasculating the Constitution by passing line-item veto legislation or by passing fast track?"

Has a petrifaction of our sense of duty to the Constitution set in? Has a petrifaction of our understanding of the Constitution set in? Has a petrifaction of our caring about the Constitution taken over?

Well, fast track served to bind and gag the Senate, preventing much needed debate and precluding the possibility of correcting amendments. Think about that. We give up our right to amend. And the result, as many observers today would agree, is hardly a triumph for free trade or American workers.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia has 36 minutes remaining.

Mr. BYRD. I thank the Chair.

Mr. President, it was our first and, in my opinion, greatest President, George Washington, who analogized the Senate to a saucer, we are told, into which we pour legislation so as to cool it. Washington foresaw that a country as young, as aggressive and at times as impatient as ours needed some institutional curb to prevent it from rashly throwing itself into action without sufficient reflection.

Indeed, Mr. President, the Senate has more than once lived up to this role by providing a forum where cool minds and level intellects prevailed.

Alas, the Senate did not fulfill this role when NAFTA and GATT came along. And the fault lies with the adoption of the artificial and unwise procedure now known as fast track—fast track. That is what the administration is telling Members of Congress we have to have. Instead of scrutinizing these proposals closely, instead of engaging in prolonged and incisive debate, we were forced to play our parts in ill-considered haste. Rather than patiently and thoughtfully evaluating the pros and cons—what did we do?—we buckled—buckled—in the face of administration pressure.

And that is what we will do again. That is what we will do again. We are not going to think about the Constitution. How many of us cared a whit about what the Constitution said?

Rather than pouring over the trade agreements, we peered at them from afar like tourists gawking at a distant and rapid train thundering down a very fast and very slick track indeed.

The GATT and NAFTA experiences suggest that fast track—like the fast lane—can be risky business for U.S. trade policy. Fast track was Congress' response to a time when trade agreements were just that—trade agreements, agreements on trade and trade alone.

Now that time has passed—it is gone—as huge, sprawling agreements like GATT and NAFTA propose changes in trade policy whose ramifications spill outwards into all aspects of domestic law and policy. Now what is our duty? What is our duty? Where does our duty lie?

It is time that we in Congress wake up and resume a more traditional role of treating trade agreements with the care and the attention that they deserve and the care and attention that the Constitution requires that we give them.

Now, Mr. President, I have tried to shine a few rays of truth through the murky rhetoric that surrounds this contentious issue. I have patiently laid out the history of foreign trade regulations in order to emphasize the important role that tradition and the Constitution assigned to Congress and to show how fast track has impeded our recent efforts to fulfill that role. But I would be remiss in my duties if I did not take the time to address some of the supposedly compelling justifications that fast track supporters have advanced.

So let me start with the first myth—the first myth—of fast track, which posits that no country will negotiate with the United States unless the administration has fast track in place. How laughable, how preposterous.

In the President's words:

> Our trading partners will only negotiate with one America—not first with an American President and next with an American Congress.

Well, what did the framers say about that? What did the framers say about that? They said that Congress shall regulate, have the power to regulate foreign commerce. The Constitution placed the duty upon us 100 Senators and upon the other 1,743 Members of this body who have walked across this stage in the more than 200 years. So we 100 need to remember that this document—this document—places the responsibility on us.

Do not be blinded by the glittering gewgaws in the form of words that come from the White House. Do not let a call from the President of the United States, his "Eminence," as John Adams wanted to refer to the President, do not let a call or a handshake or a look in the eye from the chief executive, awe one—he puts his britches on just like I do, one leg at a time. And when he nicks himself with a razor, he bleeds just like I do.

So the President said:

> Our trading partners will only negotiate with one American—not first with an American President and next with an American Congress.

What does the Constitution say?

As I suggested earlier, the absence of fast track in the years before 1974 did not seem to discourage nations from negotiating trade agreements with the United States. Moreover, even since 1974, fast track has been used so infrequently that it can scarcely be said to have affected prospective trade partners.

Listening to the administration might lead one to conclude that every trade agreement since 1974 could not have been concluded—just could not have been concluded—without fast track. To hear them tell it down on the other end of Pennsylvania Avenue, the western end, where the Sun rises—but not according to this, not according to this Constitution. The Sun does not rise in the west.

But listening to the administration might lead one to conclude that every trade agreement since 1974 simply could not have been concluded without fast track. Well, nothing could be further from the truth. Of the hundreds and hundreds of trade agreements that we have entered into over the past 23 years, only—only—the five that I mentioned earlier have used fast track.

"What? Are you out of your head?" Only the five that I mentioned earlier have used fast track? That is right.

Fast track has been used on a grand total of five occasions. Indeed, the current administration alone has entered into some 200 trade agreements without the benefit of fast track.

Mr. President, the divine Circe was an enchantress. And Homer tells us that Odysseus was urged by Circe to stay away from the sirens' isle. "Don't go near it," the sirens' isle, with their melodious voices that came from lips as sweet as honey. "Odysseus alone

must hear them. Don't let your companions hear them." So plugging his companions' ears with wax, Odysseus ordered his companions to bind him to the mast of the ship with ropes, and that if he should ask them to untie him and let him go, to bind him even tighter.

And so they bound him, hand and foot, with ropes to the mast of the ship. And he instructed them to disregard his order. "Don't follow my orders," he said. "Tie them tighter than ever," until they were a long way past the sirens' isle.

That is what we have been hearing—these voices, the sirens. They come out of the west, down where the Sun rises at the western end of Pennsylvania Avenue. That is where the Sun rises, believe it or not, in the west.

I say to my colleagues, plug your ears with wax if you are invited down to the White House. Plug your ears with wax or, better still, find somewhere else to go. Just do not go. Do not go down there. Tie yourselves with ropes to the columns of the Capitol. Do not go down there in the land of the rising sun, the western end of Pennsylvania Avenue. Do not go. But if you do go, plug your ears with wax, lest you fall victim to the blandishments of the sirens.

Mr. President, I sincerely doubt that any country will hesitate to negotiate trade agreements with the dominant economic and political power of our time out of concern that that country's legislative procedures will impede a proper agreement. So do not listen to that argument. Do not listen to the argument of the administration when they say, if they do not have a fast-track agreement other countries simply will not negotiate with us.

No country—no country—in my judgment, will hesitate to negotiate trade agreements with this country, the dominant economic and political power of the age out of concern that this country's legislative procedures will impede a proper agreement. If any country does entertain such concerns, then I suspect that the fault lies with the administration, whose alarmist statements and doom-laden prophecies have doubtless misled many foreign and domestic observers into thinking that fast track is the only key to open trade. The administration's Chicken Little impersonation has succeeded in whipping up false fears and phony worries that never existed before. One has only to ignore this rhetoric and look at the administration's actual trade record to see that the sky, far from falling, is still solidly secured to the heavens.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 40 minutes and has 20 minutes remaining.

Mr. BYRD. I thank the Chair.

The record speaks for itself: Over 200 trade agreements entered into without fast track—and I am talking about the record which speaks for itself. The administration's actual trade record, over 200 trade agreements entered into without fast track versus 2 trade agreements entered into with fast track—200 without fast track, 2 with fast track. I might add that the latter 2 agreements have probably generated more controversy than the other 200 combined. I suspect that many of my colleagues rue the day that they allowed the administration to speed GATT and NAFTA through Congress.

The other great myth of fast track is that the possibility of Congress' amending trade agreements will seriously hamper future negotiations. Lest I be accused of distorting the administration's position, let me quote the President's words on trade negotiations verbatim.

> . . . I cannot fully succeed without the Congress at my side. We must work in partnership, together with the American people, in securing our country's future. The United States must be united when we sit down at the negotiating table.

Mr. President, I fully agree with the notion of a partnership between the executive and legislative branches, and I assure you that I will work with this President and with future Presidents to ensure our mutual trade objectives. But I will not accept the argument that America's trade interests are best served by Congress taking a walk, abdicating its responsibility to consider, abdicating its responsibility to debate, abdicating its responsibility to amend, if necessary, trade proposals.

Now, the Constitution gives this Senate the right to amend and we ought not give away that right. We ought not to agree to anything less than that. This Constitution says that when it comes to raising money, those measures shall originate in the other body but that the Senate may amend as on all other bills. So there you are. The Constitution recognizes the right of the Senate to amend. The Senate may propose or concur with amendments as on other bills. There it is. That is the Constitution.

So Congress ought not take a walk. Congress ought not abdicate its responsibility to consider, debate, and, if necessary, to amend trade proposals.

The President asked that we trust him alone to make trade decisions. Now, I like the President and I respect the President, but our political system was not built on trust. The Constitution did not say "trust in the President of the United States with all thy heart, with all thy mind, and with all thy soul." Our political system was built on checks and balances, on separation of powers, on each branch of Government looking carefully and meticulously over the other branch's shoulder. That is how much trust the system has built into it.

Our Constitution's Framers realized that the surest way of preventing tyranny and achieving enlightened rule was to divide power among distinct coordinate branches of Government. As Madison famously observed, men are not angels. Accordingly, the Framers devised a "policy of supplying, by opposite and rival interests, the defect of better motives" in which "the constant aim is to divide and arrange the several offices of Government in such a manner as that each may be a check on the other."

Mr. President, that was a good reply that Diogenes made to a man who asked him for letters of recommendation. "That you are a man, he will know when he sees you. Whether you are a good man or a bad one he will know, if he has any skill in discerning the good and the bad. But if he has no such skill, he will never know though I write to him 1,000 times."

"It is as though a piece of silver money desired someone to recommend it to be tested. If the man be a good judge of silver, he will know. The coin," said Diogenes, "will tell its own tale." And so will the Constitution, Mr. President. It needs no letters of recommendation.

The President asks for a "partnership" with Congress. He asks the country to be united at the negotiating table. But I'm afraid that what he really wants is an unequal partnership in which the administration sits at the negotiating table and Congress sits quietly and subserviently at his feet while he negotiates. Congress sits subserviently.

Mr. President, I have a different view of the partnership between the President, any President, and Congress, a view that is rooted in the Congress and in the institutional traditions of this country. I see a partnership in which the executive fulfills its role at the negotiating table and Congress makes sure that the product of such negotiations serves the national interest, not just the interests of a party but the national interest. I don't believe that either branch has a monopoly on wisdom or a monopoly on patriotism or a monopoly on savvy. That is why I believe that each can improve the other's actions. I have no doubt that Congress, after careful scrutiny, will continue to approve agreements that truly improve trade and open markets.

Now, I'm not interested in looking at the duties on every little fiddle string or corkscrew that is brought into this country, but they are overweighing policy matters that Congress ought to be interested in and acted about, and it may be that Congress should offer an amendment in one way or another.

Congress must be free to correct possible mistakes or sloppiness or oversight in the negotiating process that would harm this country's interests and impede truly free trade. Congress

knows full well that any amendments it may offer could unravel a freshly negotiated agreement. It knows that amendments should not be freely offered and adopted promiscuously, haphazardly, but should rather be seen as a last resort to remedy serious deficiencies in an agreement. I see no reason, however, why a legislative procedure that is considered essential in all other policy debates should not be used in debating trade agreements.

We amend bills, we amend resolutions on various and sundry subjects, we amend legislation that raises revenues, we amend bills that make appropriations and public moneys. Why, then, if that legislative procedure is essential in all other debates, why should it not be used in debating trade agreements?

Mr. President, I recognize the importance of opening markets and removing trade barriers. I also appreciate the tremendous difficulty, the tremendous difficulty of negotiating trade agreements that benefit all sectors of our society.

Mr. President, I cannot support fast track. I cannot support surrendering the rights and prerogatives and duties and responsibilities of this body under the Constitution to any President. I cannot support fast track. To do so would prevent me from subjecting future trade agreements to the close scrutiny that they deserve on behalf of the people of this Nation. I can and will strive to exercise my limited powers in pursuit of freer, more open trade which serves the interests of everyone in this Nation. But I cannot, in good conscience, allow fast track to strip me and my constituents of our constitutional prerogatives and strip this branch of its rightful role in regulating foreign commerce. I can't do that for any President.

Mr. President, on December 5, 63 B.C. the Roman Senate sat to debate and to decide the fate of five accomplices of Catiline. Silaneus proposed the death penalty. Julius Caesar, when he was called upon, proposed that the death penalty not be applied, but that the five accomplices of Catiline be scattered in various towns, that their properties be confiscated, and that their trials await another day.

Cato the Younger was then called upon and asked for his opinion. He said to his fellow Senators, "Do not believe that it was by force of arms alone that your ancestors lifted the state from its small beginnings and made it a great Republic. It was something quite different that made them great, something that we are entirely lacking. They were hard workers at home. They were just rulers abroad. And they brought to the Senate untrammeled minds, not enslaved by passions."

And I say to my colleagues, on this question, we should come to the Senate with untrammeled minds, not enslaved by passions—partisan, political, or otherwise, keeping uppermost in our minds our duties and responsibilities under the Constitution of the United States. That is the mast to which we should tie ourselves—the Constitution.

I close with these final words by Cato: "We have lost those virtues," he said—speaking of the virtues of their ancestors—"we pile up riches for ourselves while the state is bankrupt. We sing the praises of prosperity and idle away our lives, good men or bad; it is all one. All the prizes that merit ought to win are carried off by ambitious intriguers, and no wonder each one of you schemes only for himself, when in your private lives you are slaves to pleasure. And here in the Senate the tools of money or influence."

Those are Cato's words, and his words are just as fitting today and on this question. Cato said, "The result is that when an assault is made upon the republic, there is no one here to defend it."

Mr. President, how true are Cato's words today! I urge my colleagues to vote no on the motion to proceed.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise today to use my time to discuss the fast-track bill. First, let me commend the excellent statement by the Senator from West Virginia. His staunch defense of the Senate and the Congress is based not only on his unsurpassed knowledge of the Constitution, but also his common sense and appreciation that the wisdom of the American people expressly represent the best way to make a treaty.

I rise to discuss a number of issues with respect to our trade policy, most particularly, the fast-track legislation that is before us today. Like all of my colleagues, I understand the importance of international trade. Today, the value of trade equals 30 percent of our gross domestic product, which is up from about 13 percent in 1970. Indeed, trade is of great importance to my State of Rhode Island, which exported goods totaling $1 billion in 1996.

There is nobody on this floor today that is arguing that trade is not important and that the United States shouldn't be actively involved in international trade. The question today is not whether the United States should engage in trade. The question today is whether we will establish a framework that will open markets without undermining our standard of living. This debate is more than about simply increasing our access to cheap goods; it is about our continuing efforts to promote employment at decent wages here at home, continuing our efforts to protect the environment around the world, and strengthening our efforts to promote stable trade and fair trade throughout the world.

The critical aspects of this fast-track legislation are the goals which we set as Members of the Senate. These goals are known as principal negotiating objectives. This is the mission we give to the President—to go out and negotiate, based on these goals, to reach settlements that will advance these multiple objectives: freer trade, fairer trade, a rising standard of living here in America and, we hope, around the world.

The rationale for fast track was aptly summarized back in 1974 when the Senate Finance Committee wrote its report with respect to the first fast-track legislation. This report language bears repeating:

> The committee recognizes that such agreements negotiated by the executive should be given an up-or-down vote by the Congress. Our negotiators cannot be expected to accomplish the negotiating goals if there are no reasonable assurances that the negotiated agreement would not be voted up or down on their merits. Our trading partners have expressed an unwillingness to negotiate without some assurances that Congress will consider the agreement within a definite timeframe.

The key operative phrase in this passage is the phrase which we have highlighted behind me. The negotiated goals. That essentially is what we are about today. Charting negotiating goals that will give the President of the United States the direction and the incentive to conduct appropriate negotiations, to yield a treaty which will benefit ourselves, and also to signal to our trading partners what is critical and crucial to this Congress and the American people in terms of trade agreements. This rationale for fast track makes sense, and only makes sense, if we get it right here, if we get the negotiating goals correct.

Unfortunately, the bill before us does not provide the President with the full range of goals necessary to increase U.S. trade and enhance our standard of living. Indeed, this bill is contrary to some of the provisions of the 1988 fast-track legislation which specifically recognized workers' rights and monetary coordination as fundamental negotiating goals. In addition, the 1988 fast-track bill gave the President greater authority to negotiate on environmental issues in the context of these trade agreements. The Roth bill limits this authority.

Fast track is a great slogan. Free trade is a great slogan. But here today we are not about sloganizing, we are about legislating. And, as such, we must look to this bill, to all of its details and specifically to the goal which it lays out for the President of the United States. In failing to adequately address issues such as labor and monetary conditions, the Roth bill neglects the serious assumptions that underlie the whole theory of free trade.

The theory of free trade evolved over many, many years, based upon the economic notions of comparative advantage and specialization, notions that

were advanced hundreds of years ago by David Ricardo, the English economist. At the core of these notions of comparative advantage and specialization is that certain nations can produce or prepare goods and services better than others, and that if we trade we can maximize values throughout the world. These assumptions, though, rest on other critical assumptions. As Professor Samuelson, the famous economist, pointed out in his 10th edition work on economic theory:

> The important law of comparative advantage must be qualified to take into account certain interferences with it. Thus, if exchange rate parities and money wage rates are rigid in both countries, or fiscal or monetary policies are poorly run in both countries, then the blessings of cheap imports that international specialization might give would be turned into the curse of unemployment.

We will hear a lot about free trade, but this bill does not give the President the direction to establish the underlying environment which is necessary for free trade—respect for and recognition of the rights of workers to freely associate, to seek higher wages, respect for and acknowledgment of the critical role of currencies in the world of trade. Because of these reasons and many others, this bill, I think, falls far short of what we should in fact pass as a means to achieve the goal we all fervently seek, which is free, open trade and fair trade throughout the world.

Now, the debate on trade in the United States is not new. From the beginning of our country we have fiercely debated the role of trade in our economy. Beginning with Alexander Hamilton's "Report On Manufacturers," there has been a constant ebb and flow between those that would advise protective tariffs and those that would suggest free, open trade is the only route. This battle back and forth between opposing views took on, in many respects, the characterization of protectionism versus free traders. It reached its culmination, perhaps, before World War II when, in 1930, this Congress passed the Smoot-Hawley Tariff Act which has become infamous because of its effect upon, at that time, the beginning of the world depression. And then, in 1934 the protective tariffs embedded in Smoot-Hawley were reversed. In 1934, the Tariff Act gave the President the right to reciprocally negotiate trade and tariff adjustment. So, this phase, running from the beginning of the country to the advent of World War II, saw a fierce battle between protectionists and open-marketeers.

The second phase of our debate on trade began in the aftermath of World War II where a dominant American economy sought to establish rules for freer trade. But from World War II through 1974, particularly with respect to the Kennedy and Tokyo Rounds of GATT, our view was more or less using trade as a foreign policy device, using trade as a way to establish bulwarks against the threats of communism, the threats of instability. And in so many respects it was this unintended but accumulation of concessions to trading partners around the world that has left us where we are today, which in many respects our market is virtually open in terms of tariffs and in terms of nontariff barriers, but there are many other countries who still maintain barriers to our trade.

Beginning in 1974, we recognized that an important part of access to markets was not just the tariff level but those nontariff barriers. As a result, we started the fast-track process. In this context that I described, fast track makes sense if we get the goals right. Today's legislation, I suggest, does not get the goals right. Indeed, since 1974 international trade has taken on a much more central position in our economy in terms of its size and, now, in a variation on some of the foreign policy themes we heard during the 1950's and 1960's, as a way of some to create the democracies, the markets which we think are essential to progress around the world. In any respect, we are here today not to stop the progress of free trade but, in fact, to ensure that free trade results in benefits for all of our citizens and, indeed, benefits for those citizens of the world economy which we hope to trade with.

Some have labeled anyone who opposes this fast-track mechanism as a protectionist. I think quite the contrary, those of us—let me speak for myself. I certainly think that we represent interventionists, because we feel that to get trade right, you can't simply leave the country we trade with as we found it. We have to insist that they begin to adapt to and accept international standards with respect to workers' rights, environmental quality, currency coordination, a host of issues. In fact, when we look at the agreement, we see instances within this legislation, it is quite clearly acknowledged, where we are pushing or trying to push countries to adapt to our way of doing business. But they seem to be exclusively with respect to commercial practices—commercial laws or agricultural policies. So we have in some respects the will to try to develop a world system based upon our model, but when it comes to critical issues like workers' protections and environmental quality, this legislation does not express that necessary role.

The administration has expressed their deep desire for this legislation. Indeed, I hope we could pass a fast-track legislative bill this session to open up markets to American firms, to compete in a global economy. With under 5 percent of the world's population living in the United States, we certainly have to find ways to sell to the remaining 95 percent of the world's population. It is no secret that economies in many parts of the world are growing faster than we are and offer tremendous opportunities for our investment and our exports. It is indeed predicted that economies in Asia and economies in Latin America will continue to grow at significant rates and we have to be part of this.

But we have to be part of this growth in trade in a way that will ensure that American firms and American workers are in the best position to compete and win in this global economy, this battle for success in the global economy. But I don't think, as I mentioned before, that this bill will set the goals necessary to win that competition.

Now, as Senator BYRD indicated so eloquently, this legislation also represents a significant expansion in the authority of the President to conduct the foreign policy of the United States and the commercial policy of the United States. In fact, since the adoption in 1974, the President's ability to negotiate and enter into trade agreements to reduce or eliminate tariff and nontariff barriers has increased significantly. But because it is such a significant delegation of authority, we have to, as I indicated before, make sure that we get the general goals correct, because we won't have the opportunity, as we do in other ways, to second-guess or correct the President's decision as we go forward.

So, again, as the Senator from West Virginia indicated, this is the opportunity for us, and maybe the only opportunity, to set the appropriate agenda for discussions going forward on international trade. I think, as I said, the current bill before us does not establish the appropriate negotiating goals so that we do ensure the President not only has the authority but the appropriate direction to serve the interests of the American people in establishing a regime of free and open trade throughout the world.

Now, as I indicated before, the Roth bill that is before us today is deficient in many specifics. First, let me take one specific and that is the notion of providing a very active negotiating goal to seek ways to improve and enforce labor relations in other countries around the world. In 1988, fast-track legislation stated that one of the administration's principal negotiating objectives in trade agreements was:

> To promote respect for worker rights; to secure a review of the relationship between worker rights to GATT articles, objectives, and related instruments with a view to ensuring that the benefits of the trading system are available to all workers; to adopt as a principle of the GATT, that the denial of worker rights should not be a means for a country or its industries to gain competitive advantage in international trade.

This legislation before us eliminates this workers' rights provision as a principal negotiating objective in trade agreements. I dare say if we read that to any Member of this Senate, they

would say of course that has to be a goal of our trade negotiators. Yet in this legislation it is not such a goal.

As a result, it will limit the President's ability to try to negotiate improvements of labor standards and, as such, it will cast aside the interests of millions of American workers as well as the interests of workers worldwide.

It is no secret that income inequality has risen substantially in the United States in recent years. For nearly 2 decades the real wages and compensation of American blue-collar workers have been declining. Hourly compensation for nonsupervisory production workers fell by approximately 9.5 percent between 1979 and 1995.

There are many reasons for this. Some would cite declining rates of unionization, some the erosion of the real value of the minimum wage. But others would cite the increasing globalization of trade. Although it is difficult to determine exactly the composition, the factors that are influencing this phenomena, there is an emerging consensus by economists that approximately 30 percent of the relative decline in the wages of non-college-educated workers, and even a larger share in the decline with respect to production-wage workers, is a result of international trade and its effects. And I should say even though the President has suggested Executive initiatives in the last 2 days to try to correct some of these incongruities, it is not likely to do so. In fact, if we want to ensure that our wages remain comparable with our increases in productivity, we have to ensure that when our negotiators go to the table and negotiate arrangements, they are conscious of the rights of American workers and conscious of the rights of those workers in the countries with which we are attempt to go negotiate these trade agreements. Indeed, in light of these trends it is imperative that this provision be part of our fast-track legislation. It is not such a part of the legislation.

We have the recent experience of NAFTA to further inform the debate on these issues. It has been estimated that since enactment of NAFTA in 1993, trade with Canada and Mexico has cost the United States approximately 420,000 jobs, including 2,200 in my home State of Rhode Island. As a minimal estimate of job loss, the Labor Department has certified approximately 143,000 workers as being eligible for assistance because of trade dislocation.

The list of companies that have made NAFTA-related layoffs is a veritable "Who's Who" of American industry. It includes General Electric, Allied Signal, Sara Lee, Black and Decker, TRW, Georgia Pacific, Johnson & Johnson—and the layoffs continue.

Indeed, I don't think one can point the finger merely at these companies because they are certainly just taking advantage of something which we created, the opportunity legally—in fact some would argue the incentive legally—to move production out of the United States to other areas, in this case Mexico.

But the effect is not simply in the jobs lost. The effect perhaps is more decisive in the suppression of wages. There are reports that companies will either explicitly or implicitly threaten to relocate to places like Mexico if wage concessions are not made. In fact, during the debate last year on NAFTA, a Wall Street Journal poll of executives found a majority of executives from large companies intended to use NAFTA, as they indicated, as "a bargaining chip to keep down wages in the United States."

And this is borne out by numerous anecdotes. For example, workers at a plant in my home State in Warwick, RI, agreed to freeze wages and work 12-hour shifts without overtime pay because the company threatened to move production to Mexico. Similarly, 4,000 workers in a plant in Webster, NY, accepted 33-percent cuts in base pay to avoid a threatened plant relocation. A company in Georgia threatened to move 300 jobs at a lighting plant to Mexico unless workers took a 20-percent cut in pay and 36-percent cut in benefits. Mr. President, 220 workers at a plant in Baltimore agreed to take a $1-an-hour pay cut to keep the plant open. And the list goes on and on and on.

The negative implications of NAFTA has been felt by U.S. workers and it should give us renewed energy and commitment to ensure that in the next round of fast-track legislation we at least replicate the 1988 goal of actively trying to ensure that worker protection, workers' rights are a central part of our negotiating strategy. Once again, this legislation does not do that.

It is important also to note that in the context of NAFTA, the benefits for Mexican workers have not been what they were advertised as. Since the passage of NAFTA, real manufacturing wages of Mexican workers have declined 25 percent. Part of this decline is attributable, of course, to the peso crisis. However it is important to recognize that real wages were stagnating prior to the peso crisis, while worker productivity in Mexico continued to grow. So, despite increased productivity, wages in Mexico continue to stagnate or decline. In fact, the percentage of Mexicans considered extremely poor rose from 31 percent in 1993 to 50 percent in 1996, after NAFTA. And two out of three Mexicans report that their personal economic situation is worse now than before NAFTA.

Following NAFTA, we have the benefit of these experiences which we did not have when we were considering the legislation back in 1988. Again, it seems inconceivable that seeing what has taken place in NAFTA, seeing how important—not only to our workers but to the workers of the country we hope to trade with—how important it is to negotiate and to reach principled agreements on worker protections and worker rights, that we are neglecting to do that in this legislation. And, as such, we have left a huge hole in our responsibility to give the President the responsibility and the direction to do what is best for the working men and women of this country, do what is best for the overall welfare of this country.

Now, with respect to the environment, that is another area where this legislation is deficient. It restricts the ability of the President to negotiate environmental issues and trade agreements by requiring that they be "directly related" to trade. And this differs from the 1988 fast-track bill which provided greater latitude for the President to negotiate on environmental issues. I would assume that "directly related to trade" means that if we have a problem getting a good into a country because they object to an environmental rule, that we might say, for example, labeling of a can, of a product, that that might be actionable. But it is not actionable if the country has absolutely no environmental enforcement; that it allows pollution to run rampant, that it actually encourages the relocation of factories and production facilities because of lax environmental rulings, because one I assume would argue that's not directly related to trade, it's not directly related to a good we are trying to get into the economy. But in fact, and again the NAFTA experience is instructive, this is precisely one of the ways in which countries undermine our environmental laws at home on the standard of living of our workers here in the United States. Indeed, after NAFTA we should be much more interested in including strong environmental protections. For the examples that the NAFTA experience has given us.

Subsequent to the passage of NAFTA the Canadian province of Alberta, which was only one of two Canadian provinces to sign the NAFTA environmental side agreement, adopted legislation in May 1996 prohibiting citizens from suing environmental officials to enforce environmental laws. And, in fact, since that time, to attract corporate investment, Alberta has advertised its lax regulatory climate as part of "the Alberta advantage."

Now, it might be an advantage to Alberta. Certainly I don't think it is to many residents of Alberta. And it is not an advantage to U.S. companies or U.S. workers who are faced with laws that we passed, and rightfully so, that demand high-quality environmental controls in the workplace.

In October 1995 Mexico announced that it would no longer require environmental impact assessments for investments in highly polluting sectors

such as petrochemicals, refining, fertilizers and steel.

(Mr. BROWNBACK assumed the chair.)

Mr. REED. Mr. President, Mexican officials said they were eliminating these environmental impact assessments to increase investment, which may well be an apparent violation of NAFTA because it prohibits, apparently, the weakening of environmental laws to attract investment.

So our experience with NAFTA should tell us that we must redouble our efforts to have the principal negotiating objective of environmental concerns. Yet, again we have constrained and circumscribed the ability of the President by simply saying they have to be directly related to trade, and many environmental problems are not directly related to trade.

For example, near the United States-Mexican border, there is an area known as Ciudad Industrial, where a number of sophisticated, highly automated manufacturing plants have been established since NAFTA. These manufacturing plants discharge hazardous waste through a nearby sewer outfall which adjoins a river that is used for washing and bathing. The Mexican Government has enacted a number of institutional barriers to environmental progress to prevent pollution abatement. For example, Mexican law prohibits the local government from taxing these state-of-the-art factories to pay for sewers, to pay for cleaning up.

In these ways, unrelated directly to trade, there are advantages to relocating production in countries. These are the type of actions which we should be concerned about, that we should, in fact, direct the President to be concerned about, that we should, in fact, insist the President bring to the table as a significant negotiating goal.

There is a final point I would like to make with respect to the specific deficiency of these goals, and that is the issue of monetary coordination. The 1988 fast-track bill included monetary coordination as a principal negotiating objective. Specifically the bill stated:

> The principal negotiating objective of the United States regarding trade in monetary coordination is to develop mechanisms to ensure greater coordination, consistency and cooperation between international trade and monetary systems and institutions.

The bill before us today eliminates monetary coordination as a principal negotiating objective, thereby limiting the President's ability to address issues of currency valuation, fluctuating currency, all of the issues that have become tangible and palpable in the last few days, as we witnessed the gyrations of currency and the stock market throughout the Orient.

Currency valuation is a key component of trade policy because it affects the price of imports and exports. For example, as the U.S. dollar gets stronger relative to other currencies, U.S. exports to a foreign country will likely become more expensive in that country and the country's imports will become cheap in the United States. Inversely, as the U.S. dollar gets weaker relative to other currencies, U.S. exports to a foreign country will become cheaper in that country, and that country's imports will become more expensive in the United States. As a result, and quite clearly, currency valuation affects trade flow between countries and, consequently, the trade deficit.

We have to be terribly conscious of these currency valuations. It is evident in recent statistics on the valuation of the dollar in trade that there is a high correlation between the two. Since mid-1995, the dollar has risen against a number of foreign currencies, and during this period, the United States trade deficit rose also. It is estimated the trade deficit will increase to $206 billion by the end of 1997. Also, currency valuation affects direct investment into our country by foreign investors, and that is something that we also have to be sensitive to.

Again, the NAFTA experience gives us further evidence—if we didn't know about it before—it gives us further evidence. As you know, NAFTA was enacted and shortly thereafter, the peso collapsed. What we thought were significant reductions in Mexican tariffs were wiped out by a 40-percent reduction in the value of the peso.

This reduction was part of inevitably the continuing strategy of Mexico, and the strategy of many countries, to have export-led growth to reduce the cost of their goods to United States consumers, and one way they did this was through the devaluation of the peso.

If we continue to be indifferent to the notion of currency and its role in our international trade, we are going to continue to see these problems and others like them.

It turned out that before the negotiation of NAFTA, Mexico was running a trade deficit of $29 billion with the United States, a very large trade deficit, 8 percent of its gross domestic product. By 1994, after the onset of NAFTA and towards 1996, their deficit had turned into a surplus, again, in many respects because of the currency changes that took place because of the peso prices.

So we do have to be very, very conscious of these currency effects. Once again, this is not a part of the major negotiating goals for this legislation.

Reduced currency values in Mexico has prompted increased investment there. In the past year, investment in maquiladora plants in the Mexican State of Baja California, have increased by more than 35 percent. In effect, because of their policies, because of our adoption of NAFTA, we have created monetary incentives to move and invest in Mexico and not just for the United States but for other countries around the world who are using Mexico as a platform for low-cost production which, in turn, is imported into the United States without duties.

Over the horizon, there is another major trading partner whose currency manipulations, if you will, can cause us significant problems, and that is China. As part of its strategy to encourage exports and discourage imports, China has engaged in an effort to reduce the value of its currency relative to the dollar. These currency valuations wipe out many of the concessions that we think we have sometimes with the Chinese with respect to their trade and our trade.

It puts, of course, downward pressure on the wages of U.S. workers as we cannot produce here the items that can be produced overseas more cheaply, not because of differences in productivity, but, in many cases, in part at least in the very calculated manipulation of currencies by foreign countries.

Again, the absence of such a major negotiating provision within the bill, I think, is a fatal flaw.

Overall, the bill before us continues a policy of protecting capital without, I think, sufficient protection for workers, protecting the ability of capital to relocate throughout the world, without recognizing that there must be commensurate protections for workers, workers both here in the United States and workers worldwide.

Because of the incentives now to deploy capital almost everywhere, we are beginning to recognize the phenomena of excess capacity in production facilities around the world, and many economists fear that this will lead to a massive deflation, and this massive deflation could be the major economic challenge that we face in the year's ahead.

The lack of work protections, the fact that countries can manipulate currencies, the lack of sensitivity to environmental policies has been an incentive, a very powerful incentive, to move production from the United States into these developing countries. For example, Malaysia's booming electronics industry is based on the explicit promise to American semiconductor companies that workers will effectively prohibited from unionizing. In fact, when Malaysia considered lifting this ban on unionizing, American companies threatened to move to China or Vietnam, more receptive countries. This competition for cheap labor continues to put downward pressure on wages in developed countries as companies use the threat of relocation to leverage or reduce the pay of their workers.

These trends, related to labor and technology, are creating a situation, as I indicated, of overcapacity in many respects which may outstrip the ability of the workers to afford the very goods

they are producing. The economic journalist, William Grieder, characterized the situation as follows:

The central economic problem of our present industrial revolution, not so different in nature from our previous one, is an excess of supply, the growing permanent surpluses of goods, labor and productive capacity. The supply problem is the core of what drives destruction and instability. Accumulation of factories, redundant factories as new ones are simultaneously built in emerging markets, mass unemployment and declining wages, irregular mercantilist struggles for market entry and shares in the industrial base, market gluts that depress prices and profits, fierce contests that lead to cooperative cartels among competitors and other consequences.

That is an outline of a world which faces increasing prices. The oil companies are a good example potentially of that world. By the year 2000, the global auto industry will be able to produce nearly 80 million vehicles. However, there will only be a market for approximately 60 million buyers. These imbalances, created by excessive supply, will put downward pressure on prices, and reduced profits and begin a deflationary trend.

Another commentator, William Gross, is managing director of Pacific Mutual Investment Co., which manages more than $90 billion worldwide, now pegs the risk of a general deflation at 1 in 5 in the next several years. He states:

My deflationary fears are supported by two arguments: exceptional productivity growth and global glut.

He cites twin causes. Real wages both in the United States and abroad cannot keep up with the rapid growth of new production. That is, there will not be enough demand to buy all excess goods and emerging economies create aggressive new players eager to outproduce and underprice everyone else.

Overcapacity may be at the heart of the crisis that we have seen in Asia, the crisis which is manifested through currency turbulence and also through the stock market gyrations. We have seen in Thailand, for example, where, fueled by massive capital infusions, the economy in Thailand took off at a staggering rate. Between 1985 and 1994, the Thais had the world's highest growth rate, an average of 8.2 percent. It was prompted by developers who were building office towers and industrial parks that were built regardless of demand. They continued to build even as the completed buildings were half empty.

Petrochemical, steel, and cement plants were operating at half capacity because of oversupply. To address the oversupply issue, currency speculators thought it inevitable that the Thai currency, which was pegged to the dollar, would be devalued to boost Thailand's exports. Based on those assumptions, currency speculators began selling Thai currency and it decreased. The Government was forced to step in. They could not sustain their support and the bottom, if you will, dropped out of the local Thai currency, the baht. We feel similar pressures with the Philippines, Malaysia, and Indonesia.

All of this is prompted, in part, by the fact that capital can move everywhere, capital is moving everywhere, and we are not, I think, recognizing it in terms of our overall trade policy and certainly not recognizing in terms of this legislation.

We have to be conscious, very conscious, that the conditions of untrammeled deployment of capital around the world has beneficial effects but can have very detrimental effects. It has to be balanced. It has to be balanced by similar regimes in terms of workers' rights, in terms of environmental quality, in terms of coordinating currency, in terms of those factors which will allow free trade to be truly free and not allow situations to develop where capital is attracted not because of quality of workers, not because of natural resources, not because of factories that go to the heart of the production function, but because countries consciously try to depress their wages, try to suppress enforcement of environmental quality, try to manipulate currency, try to lure for short-term growth capital which will end up eventually bringing their house of cards down but, in the meantime, affecting the livelihood, the welfare and the state of living of millions and millions of American workers.

This bill does not adequately address those capital movements. It doesn't adequately understand or recognize that modern technology is assisting these capital movements. It does not recognize that we have to have policies that comprehend what is going on in the world today. This migration of capital, this technological expansion, all of these things have an impact on the wages of American workers. All of these have an impact on what we should be doing here today in terms of developing our response to world trade as it exists today.

There is another aspect of this capital deployment and this technology deployment and that is the notion of forced technology transfer which many of our trading allies engage in, specifically China. Their trade policies have demanded that companies investing in or exporting to China must also transfer product manufacturing technology to China.

A recent article in the Washington Post chronicled this issue. For example, to win the right to form a joint venture with China's leading automaker, General Motors promised to build a factory in China featuring the latest in automotive manufacturing technology, including flexible tooling and lean manufacturing process.

GM also pledged to establish five training institutes for Chinese automotive engineers and to buy most of its parts for the Chinese venture locally after 5 years.

Similarly, an unidentified United States manufacturer is planning to build a major facility in China instead of the United States in response to Chinese pressure. An executive with the company indicated that production will be more expensive in China and the quality will be worse, but in order to do business in China, they had to conform to these demands.

According to many United States business executives, China's demands for technology are simply a cost of doing business with China. However, the effect is that our companies are transferring their facilities to China, making China not trading partners but ultimately competitors to our own world.

An interesting experience of DuPont. In the late 1980's, DuPont negotiated with China's Chemical Industry Ministry to form a joint venture to make a rice herbicide called Londax. By the time the venture started production in 1992, several factories in China were already producing Londax using DuPont technology that it was providing to the joint venture. Soon thereafter, approximately 30 Chinese factories were making several DuPont proprietary herbicides, all without the explicit permission of DuPont.

So what we are seeing again is not only the deployment of capital because of natural market forces, but because of the will and because of the negotiating stance of foreign countries that are required as a part of free trade, we are seeing the free transfer of our expertise, our proprietary information, our technology, and ultimately in many cases our jobs.

The other aspect of this legislation which should be noted, I think with some significance, is the fact that this legislation really does not recognize the fact that we have been running trade deficits of staggering proportions year in and year out.

It is interesting to hear the proponents of fast track talking about this as the great salvation for our trading partners. And we have had fast track now since 1974. I would daresay, we were probably running trade deficits in 1974. So clearly, fast track is a mechanism—in fact, some would argue the way we conduct some of these bilateral Free Trade Agreements is not the answer to the most consistent foreign problem we face in America today; that is, continued trade deficits. We have to address these problems.

The major trade deficit we run of course is with the Japanese. But we are also running significant deficits with the Chinese.

In some respects, one wonders why we are here today talking about fast

track when one would argue our major problem is adjusting our trade relationship not with emerging countries like Chile, but with countries like Japan and China. Once again, I do not know what this legislation will do to effect those major problems.

Let me just suggest that we have entered into a fast-track procedure which is flawed because the goals we have established do not reach the most important issues that we face in the world today. They do not address our trade deficit directly. They certainly do not address the issues of work protections, environmental policy, currency issues. In fact, also they are sending wrong signals to our allies, our potential trading partners.

By not adopting these as central, important key negotiating goals, we are essentially telling our potential trading partners we do not care. Oh, yes, we will have side agreements. We will have executive initiatives. We will talk a good game about these issues. But they are not at the heart of this legislation which is the defining legislation for our whole procedure.

I do not think it takes much for a trade minister in a foreign country to figure out pretty quickly it is not important—not important—to the American people, not important to Congress, not important to our trade effort when, in fact, I would argue it is the most important thing that we can and should do.

We have seen the side agreements mentioned, but the side agreements have not, I think, produced anything near the type of mechanism, type of framework which is essential to good trade policy throughout the country and throughout the world.

Let me just conclude by saying that the fast-track procedure will work if we get the goals right. We have neglected to get negotiating goals right. We have neglected key issues with respect to worker protections, key issues with respect to environment, key issues with respect to the coordination of currency. And the suggestion that we can, by side agreements or by legislative initiatives, make up the difference I think is mistaken. The experience of NAFTA has been very instructive in that regard.

Today, we are here as Members of this Senate to do what we must do in the trade process. And that is, to write legislation which will clearly define all the relevant goals that are necessary to not only open up markets but to maintain the standard of living of the United States.

This is a central issue that we face today and will face in the days ahead. This bill, sadly, will not give us the kind of direction, give the President the kind of direction that he needs and that the American people demand.

I yield back the balance of my time.

Mr. President, could I reserve the balance of my time?

The PRESIDING OFFICER (Mr. ALLARD). That will be reserved.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. First, I want to commend the very able Senator from Rhode Island for a very thorough and thoughtful analysis of the issues surrounding this legislation. Obviously, a great deal of work went into that statement, and I think the distinguished Senator touched on a number of very important and critical issues.

Mr. President, I rise in opposition to the motion to proceed to S. 1269. This legislation would provide trade agreement approval procedures, so-called fast-track procedures, for implementing the results of trade agreements that require changes in U.S. law.

In my view, this is a poorly conceived piece of legislation that does not serve the interests of the American people.

First, let me observe the fast-track procedures are relevant only to a narrow range of trade agreements, specifically, those agreements which require Congress to make changes in existing U.S. law in order for the agreements to be implemented.

Most trade agreements do not require legislative changes and, therefore, fast track consideration would in effect be inapplicable to them.

It is my understanding, for example, that the Clinton administration has negotiated over 220 trade agreements. Only two required fast-track authority—NAFTA and the GATT Uruguay round agreement.

So let me just observe at the outset that there is a great deal of overstatement going on as to the importance of fast-track authority to the administration's ability to negotiate trade agreements and open foreign markets to U.S. exporters.

The fact is that for the overwhelming majority of trade agreements, fast-track authority is not needed. And based on its own record, the administration has concluded a large number of such trade agreements without fast-track authority—not under fast-track authority.

The question then becomes, for the narrow range of trade agreements that will require legislative action by the Congress, because the trade agreement reached requires a change in U.S. law, what is the appropriate role for the Congress in approving those agreements?

Now, article II, section 8 of the Constitution explicitly grants Congress the authority "To regulate Commerce with foreign Nations . . ."

The authority of Congress to approve trade agreements is unquestioned. And it is very clearly spelled out in the Constitution. So the issue is simply, how should the Congress best exercise this authority?

I want to go back just a little bit historically and trace some of the evolution of trade negotiating authority in order to bring us to set the current situation in context.

As many have observed, up until a couple of decades ago, most trade agreements dealt with setting tariffs on traded goods.

Up until 1930, Congress passed occasional tariff acts that actually set tariff terms. However, Congress became increasingly reluctant to set tariff schedules in legislation. And in 1934, in the Reciprocal Trade Act—I emphasize the word "reciprocal" —the Reciprocal Trade Act, Congress granted to the President for the first time so-called proclamation authority, the power to set tariffs by executive agreement with U.S. trading partners.

But that was a power with respect to the setting of tariffs that was limited, specifically limited within certain limits and for fixed periods of time. From the 1930's through the 1960's, Congress extended the 1934 act authorizing the President to negotiate reductions in U.S. tariffs in exchange for comparable reductions by U.S. trading partners.

Congress would typically limit how much tariffs could be reduced. In other words, we would set the range below which the administration could not go. We would give a range how long negotiations could go on, and the Congress even exempted specific products from the negotiations. But once the reductions were negotiated within the range that the Congress had established, the President then issued an order proclaiming the new tariffs and trade agreements between 1934 and 1974 were negotiated pursuant to this authority.

Now, during the 1960's, trade talks began to expand into nontariff trade areas that were governed by existing U.S. law; in other words, the trade talks began to involve matters that were not tariff matters but matters that were covered by our law. The Kennedy round GATT negotiations, for example, required for the first time changes to U.S. antidumping laws. We had antidumping laws on the books. The negotiated agreement required changes in those antidumping laws. The Congress made clear at that time that the executive branch had to obtain authority from the Congress to change a U.S. law in a trade agreement. The executive branch can't go and negotiate a trade agreement and simply by signing off on the trade agreement change an existing law without the approval of the Congress.

Now, proclamation authority for the President, which had been used in the reciprocal trade agreements for tariffs, did not extend to authority to proclaim all changes to U.S. law called for in a trade agreement.

Fast track was a procedure first enacted by Congress in the Trade Act of 1974 to deal with trade agreements that called for changes in U.S. law. What

fast track provided for was a commitment by the Congress before the negotiations started that whenever an agreement came back from the trade negotiations, the executive branch could write legislation implementing the trade agreement and have that legislation voted on by the Congress without any opportunity to change or amend it. In other words, it had to be voted as presented by the administration. Only 20 hours of debate are allowed and a floor vote must take place within 60 days after the legislation is submitted.

Now, since its initial enactment, fast-track authority has been utilized for five trade agreements: The GATT Tokyo round agreement of 1979; the United States-Israel Free Trade Agreement of 1985; the United States-Canada Free Trade Agreement of 1988; the North American Free Trade Agreement, NAFTA, 1993; and the GATT Uruguay round of 1994. Fast-track authority expired in December 1994 at the conclusion of the Uruguay round and has not been extended since, and the Congress is now confronting that question.

Now, over that same period of time, hundreds of trade agreements were reached by U.S. administrations. Hundreds of agreements were reached. Other countries were prepared to enter into them, and they did not require fast track and were not submitted under fast-track authority to the Congress.

Now, in examining this grant of authority, I first want to differ with one of the assertions that is made by its supporters that the executive branch would not be able to negotiate trade agreements if those agreements were subject to amendment by the Congress. That is the argument that is made. Unless we have this authority, we won't be able to negotiate agreements. As I have already indicated, the vast majority of trade agreements do not require changes to U.S. law and do not utilize fast-track procedures, and the successive administrations have been able to negotiate such agreements without any apparent significant difficulty.

Now, the very idea that the Congress should, in effect, delegate to the executive branch the authority to write changes in U.S. law and not have those changes subject to modification or amendment by the Congress represents an extraordinary grant of authority by the Congress to the Executive. My very distinguished colleague, Senator BYRD of West Virginia, spoke to this issue eloquently earlier in this debate, pointing out what a derogation of authority this represents from the legislative to the executive branch.

It is my own view that if changes are going to be made in U.S. statutes, those changes ought to be subject to the scrutiny of the Congress and amendment by the Congress. That is the role the Congress is given under the Constitution. Failure to provide for that congressional role, for that discipline, may leave the American people without any recourse to change unwise agreements entered into by the Executive.

Who is to say that all of the particular decisions made by the Executive in reaching an agreement are the right ones, or that the balance struck by the Executive is the right one? Is the Congress, then, simply to have to take this package and consider it as an all-or-nothing proposition? That is not what the Constitution calls for, and I don't think Congress ought to be delegating this authority.

I recognize that a stronger case can be made for the availability of fast-track authority to approve large multilateral trade agreements involving well over 100 countries, like the Uruguay round of the GATT and bilateral trade agreements like NAFTA. There is a plausible argument that concluding such multilateral agreements might be complicated by the ability of individual countries, then, to make legislative changes in the agreement. That argument has been asserted and, on occasion, recognized by Members of the Congress. However, I point out that argument loses any persuasive weight when only two or a few countries are involved in the trade agreement. This legislation makes no such distinction between multilateral and bilateral trade agreements and would provide fast track for both.

It is worth noting that all major U.S. tax, arms control, territorial, defense, and other treaties are done through normal constitutional congressional procedures. We negotiated an arms control agreement with the Soviet Union. What can be more important? It is submitted to the Senate for approval. The Senate has the authority, if it chooses to do so, to amend that agreement. There is no fast track on an agreement far more important than trade agreements, involving the national security of our country, where they say to the Senate, "You must approve this arms control agreement exactly as it was negotiated by the administration, and you can only vote for it or against it." We have never accepted that.

The argument will be made at the time, "Don't amend it because we don't want to have to go back and have to renegotiate," but clearly our power to amend it is recognized and it is submitted to us under those terms.

Now, if the agreement can withstand the scrutiny as to why it ought not to be amended, then it should not be amended. But to bind ourselves in advance that we will only vote it up or down, without the opportunity to amend it, is to give away a tremendous grant of legislative authority.

Among the nontrade treaties done under regular procedures during the 1970's, 1980's and 1990's are the Nuclear Weapons Reduction Treaty, SALT I, SALT II, START, Atmospheric Test Ban Treaty, Biological Weapons Convention, the Customs Harmonization Convention, dozens of international tax treaties, Airline Landings Rights Treaty, Convention on International Trade and Endangered Species, Montreal protocol, Ozone Treaty, and on and on and on and on.

No one said at the time that the Congress can only consider these to vote yes or no, without the power and authority to amend them; and no one said that unless you give us such a grant of authority, we won't be able to negotiate these treaties.

Now let's turn for a moment and examine the question of what benefits have we received from this extraordinary grant of authority to the executive embodied in the fast-track procedures. The fact of the matter is—and I am not necessarily asserting that, because the time period corresponds, the whole cause was fast-track authority—but since fast-track authority was first granted by the Trade Act of 1974, there has been a sharp deterioration in the U.S. balance of trade with the rest of the world. During the period 1945 to 1975, the United States generally enjoyed a positive balance of trade with the rest of the world, running for most of the time a modest surplus. Since then, the U.S. balance of trade has sharply declined.

Now, I first want to show a chart that shows the merchandise trade, goods traded.

What this chart shows, Mr. President, is this. It begins back in the late 1940's and it comes through to the present day. This is our merchandise trade deficit. We ran a modest but positive balance throughout the 1940's, 1950's, 1960's, and into the 1970's. Here about 1975, this trade balance begins to deteriorate, and it's now down here at $200 billion a year. In fact, from 1948 until 1970, we had a positive merchandise trade balance in each and every year. In 1971 and 1972, we had a slight minus, but it was back positive in 1973, minus in 1974, positive in 1975; and since 1975, every year we have had a negative merchandise trade balance. We have been in deficit on our merchandise trade balance.

Listen to the numbers. I will just take a few of them. It was $28 billion in 1977. In 1984, it jumped to $106 billion. It was $152 billion in 1987. It dropped back down; it was down to $84 billion in 1992. It went back up. In the last 4 years, it was $115 billion, $150 billion, $158 billion, and $168 billion—negative trade deficits.

Now, this incredible deterioration in the merchandise trade balance was offset somewhat—by no means anywhere near entirely, but it was offset somewhat, to give a full picture—by an improvement in our services trade balance. Again, that had run in balance

more or less all the way, and we have had an improvement here, as you can see, over the last few years.

The total trade deficits—in other words, adding the two together—however, continues to show a deterioration in the U.S. economic position. This is what has happened to the total trade balance. We are running along here more or less with a positive balance, and then we have had this deterioration in the trade balance. During the first 9 months of 1997, the United States has been running a trade deficit that is outpacing the 1996 rate. The cumulative U.S. trade deficit from 1974 to 1996, according to the Congressional Research Service, is $1.8 trillion. Let me repeat that. The cumulative U.S. trade deficit from 1974 to 1996 is $1.8 trillion. The cumulative current account deficits, when you offset the surface improvement during that period, is $1.5 trillion.

We are running these enormous deficits. This is what we ought to be debating. One argument to turn down this fast-track authority is in order to precipitate a national debate on what our trade policy ought to be and what our trade position is. We have been running these huge trade deficits year in and year out. I defy anyone to assert that that is a desirable thing to do—to run trade deficits of the kind and magnitude that we are talking about here—$1.5 trillion over the last 22 years.

What these mounting trade deficits have done, which have persisted over this 20-year period, is they have resulted in the accumulation of U.S. foreign debt obligations that will approach $1 trillion by the end of this year—$1 trillion in foreign debt obligations. The fact of the matter is that our trade deficits over the last 15 years have moved the United States from being the largest creditor nation in the world in 1981 to being the largest debtor nation in the world in 1996. And this debtor status is continuing to deepen. Let me repeat that. These large trade deficits that we have run successively over the last 20 years have moved the United States from being the largest creditor nation in the world in 1981 to being the largest debtor nation in the world in 1996. Just think of that. We have gone from being the largest creditor nation to being the largest debtor nation. And then everyone is saying that the trade policy is a source of great strength. How can it be a source of great strength when we are getting deeper and deeper into the hole as a debtor?

This development has raised concerns about the ability of the United States to finance the debt. These are claims that foreigners hold on us. For example, Lester Thurow, in his recent book "The Future of Capitalism" wrote:

> No country, not even one as big as the United States, can run a trade deficit forever. Money must be borrowed to pay for the deficit, and money must be borrowed to pay interest on the borrowings. Even if the annual deficit does not grow, interest payments will grow until they are so large that they cannot be financed. At some point world capital markets will quit lending to Americans and Americans will run out of assets foreigners want to buy.

Now, I am not suggesting that all of the blame for this ought to be laid on fast-track authority. There is a complex factor. But what I am suggesting is that contrary to the constant assertions, it cannot be shown by the statistics that fast-track authority has had a positive impact on the U.S. balance of trade. That is what we should be debating. We ought to be debating why is this happening? What can be done about it? What does it do to the United States to become the world's largest debtor country?

Now, in many respects the assertion that fast track is needed in order to resolve some of our trade problems, I think, misses the mark. Let me give you a very clear example. The United States bilateral trade deficit with China in 1996 was $40 billion, second only to our trade deficit with Japan, and that trade deficit is continuing to deteriorate in 1997. In other words, the figures for 1997 will be more than the $40 billion figure for the 1996 trade deficit with China. Resolving our trade deficit with China does not require fast-track procedures. It requires a determined effort by our Government to address the type of problem described in a recent Washington Post article entitled, "China Plays Rough: Invest and Transfer Technology or No Market Access."

"China Plays Rough: Invest and Transfer Technology or No Market Access."

That article describes how China forces United States companies to transfer jobs and technology as a price for getting export sales. That is the so-called offsets issue. Of course, what we are doing is to gain a temporary, momentary advantage we are giving away the long run. In other words, because of this requirement, companies come in. In order to get some exports now, they transfer the technology and make the investments in China which will guarantee that they will get no exports in the future. And the Chinese are requiring that as part of the trade negotiation.

Those are the kinds of issues we ought to be addressing here. That is a serious issue. And that has very severe and consequential long-term implications.

The ongoing deterioration in the international position of the United States should raise fundamental questions about our trade posture. I defy anyone to look at these charts and this movement in terms of our trade balance and not conclude that we are facing a serious problem here.

I am frank to tell you, I think those agreements ought to come to the Congress and let the Congress scrutinize them. The Executive makes these agreements. They develop the package. They do all the tradeoffs. They say, if it goes to the Congress, there will be all kinds of tradeoffs, as if there are no tradeoffs downtown, as if the Executive is not engaged in all sorts of tradeoffs. Who is to say that their tradeoffs better serve the public national interests of the country than the judgments or decisions that Congress would make?

Recently, Kenneth Lewis, the retired chief executive of a shipping company in Portland, OR, and a member of the Presidential Commission on United States Pacific Trade and Investment Policy, wrote an article in the New York Times. In that article, he called for a significant dialog on U.S. trade policy and the establishment of a permanent commission charged with developing plans to end in the next 10 years our huge and continuing trade deficits. In fact, Senators BYRD and DORGAN and I have sponsored legislation to establish such a commission. In his article Mr. Lewis wrote:

> Full discussion is needed on questions like: What is the purpose of our trade policy and what do we want our domestic economy to look like? Who gains and who loses, and to what extent, from the increases in exports and the greater increases in imports?

The greater increases in imports, what this chart says. See, everyone comes in, and they say, well, we are going to be able to increase our exports. Everyone says, well, that's a wonderful thing. No one looks at the other side of the ledger, which is this incredible increase which has taken place in imports and, therefore, the deteriorating economic position of the United States as we run these very large trade deficits—$1.5 trillion deficits since 1974, and because of that the United States, which has been the world's largest creditor nation into the 1970's—and we even survived up to 1980 because we had a creditor position before it was worked down. Eventually it was worked down. At the end of this year we will be a $1 trillion debtor, with every indication that it will continue on out into the future—continue on out into the future.

Let me go back to this quote from Mr. Lewis:

> Full discussion is needed on questions like: What is the purpose of our trade policy and what do we want our domestic economy to look like? Who gains and who loses, and to what extent, from the increases in exports and the greater increases in imports? Do American workers benefit, or only consumers and investors? What conditions must exist—concerning human rights, workers rights, or environmental protections—for us to allow other nations' goods to enter our country?

These strike me as the fundamental questions that we are failing to ask about our trade policy, and fast track

is not an answer to any of those questions. What we really should do here is not do the fast track. Launch a major debate on our trade policy, a major examination of the trade figures and a major consideration of why the United States is running these large trade deficits. I defy anyone to come to the floor and suggest that running these large trade deficits is to our national interest, that that is a positive situation. It is clearly not a positive situation.

Throughout this whole period we ran modest but positive trade balances. In fact, many have said that the United States purposely tried to hold down its positive trade balances in order to help the rest of the world develop subsequent to World War II. So we ran these modest but positive trade balances, and beginning in the mid-1970's—coincidentally, as I said, about the time we started doing fast-track authority—we began to get this deterioration. That's in the overall trade balance.

In the merchandise trade balance, the deterioration was absolutely dramatic, as I have indicated earlier. We just had an incredible deterioration in the goods balance, as we can see by this chart here. This is about a $1.8 trillion deterioration in the trade. Now, it is somewhat offset a bit by the improvement in the service balance. But the net figure comes out to show this figure on total trade balance.

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

Mr. SARBANES. Certainly.

Mr. BYRD. It is really difficult to comprehend how much a trillion dollars is. And the distinguished Senator has pointed to the trade deficit that our country has been running. And he said that up until the early part of the 1980's our country was a creditor Nation, the foremost creditor Nation on Earth. And that during the 1980's it became a debtor Nation, to the tune of $1 trillion.

Mr. SARBANES. Now we are at a trillion. Each year, if you add $100 billion, $125 billion, $150 billion, if you run a deficit that year at $100 billion to $150 billion, that is another $100 billion or $150 billion you add to your debtor status. So, unless you get out of this status, you are continuing to worsen your position and get deeper and deeper into the hole. What it means to be in a debtor status is that others abroad have claims on us. When we were a creditor Nation we had claims on them. Now they have claims on us. I submit that is a weakening, that is a deterioration of the U.S. economic position.

Then they will come along and say, "Well, the economy is working well." The economy is working well now. There is no question about it. But the one thing we have not straightened out or addressed are these constant trade deficits which get us deeper and deeper into the hole. Others continue to finance us. But you wonder how long they are going to go on doing it. And even if they continue to do it, we nevertheless are more and more at their mercy.

I mean we are depending on the good will of strangers, is what it amounts to, on the economic front. And I am just saying —now, if you didn't have fast track, would you correct it? Well, I don't know. At least the agreements would be subjected to a much closer scrutiny. In any event, we could turn our attention to finding out what the factors are that cause this.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SARBANES. Certainly.

Mr. BYRD. I compliment the Senator on the presentation that he is making and on his charts. It is amazing, when one contemplates that, if one were to count a trillion dollars at the rate of $1 per second, it would require 32,000 years to count a trillion dollars. It is pretty amazing. The Senator and his charts point to the road that we are traveling. I thank the Senator for his fine statement. He has been a student of this matter for many years and on his committee, the Joint Economic Committee, I believe it is, he has accumulated a tremendous amount of knowledge in this respect. I thank him for his presentation. I hope that Senators who are not here will take the time to read it in tomorrow's RECORD.

I thank the Senator for yielding.

Mr. SARBANES. I appreciate the comments of my distinguished colleague.

Mr. President, I have one final point I want to make and that is on this matter of protection for workers' rights, health and safety standards, and environmental standards.

Actually, in many respects, this legislation is weaker than the legislation which last reauthorized fast track in 1988 in these areas. The administration has come in today with a number of so-called initiatives and I am sure we will see more tomorrow, more the next day, and so forth. But, as I read them, none of those initiatives go right to the heart of the fast-track negotiating process in terms of what the negotiating goals should be. Let me just point out that under this legislation, we drastically limit the extent to which workers' rights, health and safety standards, and environmental protection are addressed in the principal negotiating objectives of the fast-track authority. The fast-track authority sets out principal negotiating objectives. And it is those objectives that describe the subject matter of trade agreements which are covered by fast-track procedure.

My very able colleague from Rhode Island, Senator REED, made this point in a very careful and thoughtful way. The bill states that the principal negotiating objectives with respect to labor, health and safety, or environmental standards only include foreign government regulations and other government practices, "including the lowering of or derogation from existing labor, health and safety or environmental standards for the purpose of attracting investment or inhibiting U.S. exports."

"The lowering of or derogation from existing * * * standards. * * *" Thus the bill would not allow for fast track-consideration of provisions to improve labor, environmental and health and safety standards in other countries. It, in effect, says they can't lower it. But it says nothing about improving it. And one of the problems, of course, that we face is that environmental standards, workers' standards, health and safety standards in other countries are completely inadequate and we are in that competitive environment.

The principal negotiating objectives, which are what the implementing legislation has to be limited to, leave no room for provisions that are outside a very narrow range, strictly needed to implement the trade agreement. So this provision, despite these assurances now which are coming in, all of which are unilateral assurances by the executive branch and not included in the negotiating objectives, would be included within the fast-track authority. So we are not even going to be able to start addressing this very serious and severe question about the discrepancy between workers' standards, environmental standards, and health and safety standards—between what exists in this country and what exists with a number of our competitors.

What is the answer to that? Are we simply going to accept these lower standards, many of which result in lower costs, and then continue to experience these growing trade deficits? Are we going to lower our own standards, when clearly we put them into place because we perceive that they are necessary in order to deal with the sort of problems at which they are directed, when we are trying to get the rest of the world to come up not to go down? These are many of the questions that I think need to be addressed on the trade issue.

Very quickly in summary, the fast-track authority represents a tremendous derogation of the power of the Congress. The Constitution gives us the power to regulate foreign commerce and we ought to exercise that power. We do very serious consequential arms control agreements that are open to amendment when they come to the floor of the Senate. We may not amend them. We may decide not to amend them. But we don't give away or forswear the power to do so. I don't see why we should give away or forswear that power when it comes to trade agreements.

Of course we have had this incredible deterioration in our trade situation.

That is the issue that ought to be addressed. It would serve everyone's purpose if we rejected the fast-track authority and then provoked or precipitated, as a consequence, a major national debate with respect to trade policy. It is constantly asserted—I understand the economic theory for free trade and I don't really differ with it, although I do submit to you that many of the countries with which we are engaged in trade are not practicing free trade. They are not playing according to the rules. They are manipulating the rules to their own advantage and to our disadvantage—witness these. In many instances the consequence of that is to contribute to these very large trade deficits. But those are the matters that we ought to be debating. We ought to have a full-scale examination of that and the Congress ought not to give away its ability to be a full partner in developing and formulating trade policy. This proposal that is before us, in effect, requires the Congress to give up a significant amount of its authority in reviewing trade agreements. I think, therefore, they don't get the kind of scrutiny which they deserve.

The examination is always on one side. It says, we will get these additional exports. No one looks at what is going to happen on the import side and what the balance will be between the two.

As a consequence of not examining the balance, we have had this incredible deterioration. We used to not do that. We used to have in mind the fact there was a balance and that it was important to us. We sought to sustain that balance, as this line indicates. We held that line for 25 years after World War II. Since then, we have gone into this kind of decline, and I, for one, think it is time to address that problem. I think the way to begin is not to grant this fast-track authority.

Mr. President, I yield the floor and reserve the remainder of my time. 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that 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.

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Mr. THURMOND. Mr. President, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384), Notices of Adoption of Amendments to Regulations and Submission for Approval were submitted by the Office of Compliance, U.S. Congress. These notices contain amendments to regulations under sections 204, 205 and 215 of the Congressional Accountability Act. Section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988; section 205 applies rights and protections of the Worker Adjustment Retraining and Notification Act; and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970.

Section 304 requires these notices and amendments be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notices and amendments be printed in the RECORD and referred to the appropriate committee for consideration.

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

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing section 204 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1314, and is hereby submitting the amendments to the House of Representatives and the Senate for publication in the CONGRESSIONAL RECORD and for approval. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch, and section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"). Section 204 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 204 to include GAO and the Library. The amendments also make minor corrections to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board's regulations under sections 205 and 215 of the CAA, which apply the rights and protections, respectively, of the Worker Adjustment and Retraining Notification Act and the Occupational Safety and Health Act of 1970. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 205 and 215 together with this Notice to the House and Senate for publication and approval.

For further information contact: Executive Director, Office of Compliance, John Adams Building, Room LA 200, Washington, D.C. 20540–1999. Telephone: (202) 724–9250 (voice), (202) 426–1912 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 Cong. Rec. S9014 (daily ed. Sept. 9, 1997) ("NPRM"), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 204 of the CAA, 2 U.S.C. § 1314, applies the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA") by providing, generally, that no employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the EPPA, 29 U.S.C. § 2002 (1), (2), (3).

For most employing offices and covered employees, section 204 became effective on January 23, 1996, and the Board published interim regulations on January 22, 1997 and final regulations on April 23, 1996 to implement section 204 for those offices and employees. (142 Cong. Rec. S260–62, S262–70) (daily ed. Jan. 22, 1996) (Notices of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations); 142 Cong. Rec. S3917–24, S3924 (daily ed. Apr. 23, 1996) (Notices of Issuance of Final Regulations). However, with respect to GAO and the Library, section 204 will become effective on December 30, 1997, and the purpose of this rulemaking is to adopt regulations to implement section 204 with respect to GAO and the Library as well.

2. Description of Amendments

In the NPRM, the Board proposed that coverage of the existing regulations under section 204 be extended so that the same regulatory provisions would apply to GAO and the Library and their employees as now apply to other employing offices and covered employees. No comments were received, and the Board has adopted the amendments as proposed.

In the Board's regulations under section 204, the scope of coverage is established by the definitions of "employing office" in section 1.2(i) and "covered employee" in section 1.2(c), and the amendments add GAO and the Library and their employees into these definitions. In addition, as proposed in the NPRM, the amendments make minor corrections to the regulations.[1]

Recommended method of approval. The Board adopted three identical versions of the amendments, one amending the regulations that apply to the Senate and employees of the Senate, one amending the regulations that apply to the House of Representatives and employees of the House, and one amending the regulations that apply to other covered employees and employing offices, and the Board recommends, as it did in the NPRM, (1) that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, (2) that the version

[1] In the definitions of "employing office" and "covered employee," the references to the Office of Technology Assessment and to employees of that Office are removed, as that Office no longer exists.

amending the regulations that apply to the House and employees of the House be approved by the House by resolution, and (3) that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, DC, on this 31st day of October, 1997.

GLEN D. NAGER,
Chair of the Board, Office of Compliance.

The regulations implementing section 204 of the CAA, issued by publication in the CONGRESSIONAL RECORD on April 23, 1996 at 142 Cong. Rec. S3917–24 (daily ed. Apr. 23, 1996), are amended by revising section 1.2(c) and the first sentence of section 1.2(i) to read as follows:

"*Sec. 1.2 Definitions*

* * * * *

"(c) The term covered employee means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Congressional Budget Office; (5) the Office of the Architect of the Capitol; (6) the Office of the Attending Physician; (7) the Office of Compliance; (8) the General Accounting Office; or (9) the Library of Congress.

* * * * *

"(i) The term employing office means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress.* * *".

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing section 205 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1315, and is hereby submitting the amendments to the House of Representatives and the Senate for publication in the Congressional Record and for approval. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch, and section 205 applies rights and protections of the Worker Adjustment Retraining and Notification Act ("WARN Act"). Section 205 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 205 to include GAO and the Library. The amendments also make a minor correction to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board's regulations under sections 204 and 215 of the CAA, which apply the rights and protections, respectively, of the Employee Polygraph Protection Act of 1988 and the Occupational Safety and Health Act of 1970. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 204 and 215 together with this Notice to the House and Senate for publication and approval.

For further information contact: Executive Director, Office of Compliance, John Adams Building, Room LA 200, Washington, D.C. 20540–1999. Telephone: (202) 724–9250 (voice), (202) 426–1912 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 Cong. Rec. S9014 (daily ed. Sept. 9, 1997) ("NPRM"), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 205 of the CAA, 2 U.S.C. §1315, applies the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act") by providing, generally, that no employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the WARN Act, 29 U.S.C. §2102, until 60 days after the employing office has provided written notice to covered employees.

For most covered employees and employing offices, section 205 became effective on January 23, 1996, and the Board published interim regulations on January 22, 1997 and final regulations on April 23, 1996 to implement section 205 for those offices and employees. 142 Cong. Rec. S270–74) (daily ed. Jan. 22, 1996) (Notice of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations); 142 Cong. Rec. S3949–52 (daily ed. Apr. 23, 1996) (Notice of Issuance of Final Regulations). However, with respect to GAO and the Library, section 205 will become effective on December 30, 1997, and the purpose of this rulemaking is to adopt regulations to implement section 205 with respect to GAO and the Library as well.

2. Description of Amendments

In the NPRM, the Board proposed that coverage of the existing regulations under section 205 be extended so that the same regulatory provisions would apply to GAO and the Library and their employees as now apply to other employing offices and covered employees. No comments were received, and the Board has adopted the amendments as proposed.

In the Board's regulations implementing section 205, the scope of coverage is established by the definition of "employing office" in section 639.3(a)(1), which, by referring to the definition of "employing office" in section 101(9) of the CAA, 2 U.S.C. §1301(9), includes all covered employees and employing offices other than GAO and the Library. The amendments add to this regulatory provision a reference to section 205(a)(2) of the CAA, which, for purposes of section 205, adds GAO and the Library into the definition of "employing office." In addition, as proposed in the NPRM, the amendments make a minor correction to the regulations.[1]

[1]The title at the beginning of the regulations is being corrected.

Recommended method of approval. The Board adopted three identical versions of the amendments, one amending the regulations that apply to the Senate and employees of the Senate, one amending the regulations that apply to the House of Representatives and employees of the House, and one amending the regulations that apply to other covered employees and employing offices, and the Board recommends, as it did in the NPRM, (1) that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, (2) that the version amending the regulations that apply to the House and employees of the House be approved by the House by resolution, and (3) that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, DC, on this 31st day of October, 1997.

GLEN D. NAGER,
Chair of the Board, Office of Compliance.

The regulations implementing section 205 of the CAA, issued by publication in the Congressional Record on April 23, 1996 at 142 Cong. Rec. S3949–52 (daily ed. Apr. 23, 1996), are amended by revising the title at the beginning of the regulations and the introductory text of the first sentence of section 639.3(a)(1) to read as follows:

"APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

* * * * *

"*§639.3 Definitions.*

"(a) *Employing office.* (1) The term "employing office" means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. §1301(9), and either of the entities included in the definition of "employing office" by section 205(a)(2) of the CAA, 2 U.S.C. §1315(a)(2), that employs—

"(i) * * *".

* * * * *

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing section 215 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1341, and is hereby submitting the amendments to the House of Representatives and the Senate for publication in the CONGRESSIONAL RECORD and for approval. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch, and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). Section 215 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 215 to include GAO and the Library. The amendments also make minor corrections and changes to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board's regulations under sections 204 and 205 of the CAA, which apply the

rights and protections, respectively, of the Employee Polygraph Protection Act of 1988 and the Worker Adjustment and Retraining Notification Act. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 204 and 205 together with this Notice to the House and Senate for publication and approval.

For further information contact: Executive Director, Office of Compliance, John Adams Building, Room LA 200, Washington, DC 20540-1999. Telephone: (202) 724-9250 (voice), (202) 426-1912 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 CONG. REC. S9014 (daily ed. Sept. 9, 1997) ("NPRM"), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 215 of the CAA, 2 U.S.C. §1341, applies the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct") by providing, generally, that each employing office and each covered employee must comply with the provisions of section 5 of the OSHAct, 29 U.S.C. §654.

For most covered employees and employing offices, section 215 became effective on January 1, 1997, and the Board adopted regulations published on January 7, 1997 to implement section 215 for those offices and employees. 143 CONG. REC. S61-70 (Jan. 7, 1997) (Notice of Adoption and Submission for Approval). However, with respect to GAO and the Library, section 215 will become effective on December 30, 1997, and the purpose of this rulemaking is to adopt regulations to implement section 215 with respect to GAO and the Library as well.

2. Description of Amendments

In the NPRM, the Board proposed that coverage of the existing regulations under section 215 be extended so that the same regulatory provisions would apply to GAO and the Library and their employees as would apply to other employing offices and covered employees. No comments were received, and the Board has adopted the amendments as proposed.

In the Board's regulations implementing section 215, the scope of coverage is established by the definitions of "covered employee" in section 1.102(c) and "employing office" in section 1.102(i) and by the listings in sections 1.102(j) and 1.103 of entities that are included as employing offices if responsible for correcting a violation of section 215 of the CAA, and the amendments add GAO and the Library and their employees into these definitions and listings. In addition, in the provisions of the Board's regulations that cross-reference the Secretary of Labor's regulations under the OSHAct, the amendments correct several editorial and technical errors and incorporate recent changes in the Secretary's regulations, and the amendments make other typographical and minor corrections to the Board's regulations.[1]

Recommended method of approval. The Board adopted three identical versions of the amendments, one amending the regulations that apply to the Senate and employees of the Senate, one amending the regulations that apply to the House of Representatives and employees of the House, and one amending the regulations that apply to other covered employees and employing offices, and the Board recommends, as it did in the NPRM, (1) that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, (2) that the version amending the regulations that apply to the House and employees of the House be approved by the House by resolution, and (3) that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution. The Board's regulations under section 215 have not yet been approved by the House and Senate, and, if the regulations remain unapproved when the amendments come before the House and Senate for consideration, the Board recommends that the House and Senate approve the amendments together with the regulations.

Signed at Washington, DC, on this 31st day of October, 1997.

GLEN D. NAGER,
Chair of the Board, Office of Compliance.

The regulations implementing section 215 of the CAA, adopted and published in the CONGRESSIONAL RECORD on January 7, 1997 at 143 CONG. REC. S61, 66-69 (daily ed. Jan. 7, 1997), are amended as follows:

1. EXTENSION OF COVERAGE.—By revising sections 1.102(c), (i), and (j) and 1.103 to read as follows:

"§1.102 Definitions.

* * * * *

"(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; (9) the General Accounting Office; and (10) the Library of Congress.

* * * * *

"(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress."

* * * * *

"(j) The term *employing office* includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.

* * * * *

"§1.103 Coverage.

"The coverage of Section 215 of the CAA extends to any "covered employee." It also extends to any "covered employing office," which includes any of the following entities that is responsible for the correction of a violation of section 215 (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs:

"(1) each office of the Senate, including each office of a Senator and each committee;

"(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

"(3) each joint committee of the Congress;

"(4) the Capitol Guide Service;

"(5) the Capitol Police;

"(6) the Congressional Budget Office;

"(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

"(8) the Office of the Attending Physician;

"(9) the Office of Compliance;

"(10) the General Accounting Office; and

"(11) the Library of Congress.".

2. CORRECTIONS TO CROSS-REFERENCES.—By making the following amendments in Appendix A to Part 1900, which is entitled "References to Sections of Part 1910, 29 CFR, Adopted as Occupational Safety and health Standards Under Section 215(d) of the CAA":

(a) After "1910.1050 Methylenedianiline." insert the following:

"1910.1051 1,3-Butadinene.

"1910.1052 Methylene chloride.".

(b) Strike "1926.63—Cadmium (This standard has been redesignated as 1926.1127)." and insert instead the following:

"1926.63 [Reserved]".

(c) Strike "Subpart L—Scaffolding", "1926.450 [Reserved]", "1926.451 Scaffolding.", "1926.452 Guardrails, handrails, and covers.", and "1926.453 Manually propelled mobile ladder stands and scaffolds (towers)." and insert instead the following:

"Subpart L—Scaffolds

"1926.450 Scope, application, and definitions applicable to this subpart.

"1926.451 General requirements.

"1926.452 Additional requirements applicable to specific types of scaffolds.

"1926.453 Aerial lifts.

"1926.454 Training.".

(d) Strike "1926.556 Aerial lifts.".

(e)Strike "1926.753 Safety Nets.".

(f)Strike "Appendix A to Part 1926—Designations for General Industry Standards" and insert instead the following:

[1] In the definition of "employing office" in section 1.102(i) "the Senate" is stricken from clause (1) and "of a Senator" is inserted instead, and "or a joint committee" is stricken from that clause, for conformity with the text of section 101(9)(A) of the CAA, 2 U.S.C. §1301(9)(A). In section 1.102(j), "a violation of this section" is stricken and "a violation of section 215 of the CAA (as determined under section 1.106)" is inserted instead, for consistency with the language in section 1.103 of the regulations.

"APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS INCORPORATED INTO BODY OF CONSTRUCTION STANDARDS".

SENSE OF THE CONGRESS REGARDING PROLIFERATION OF MISSILE TECHNOLOGY FROM RUSSIA TO IRAN

Mr. HELMS. Mr. President, as chairman of the Senate Foreign Relations Committee, I am pleased that the committee has reported favorably Senate Concurrent Resolution 48, expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

The committee held a hearing on alleged Russian ballistic missile proliferation activities with Iran on October 8, but the committee did not hold a specific hearing on Senate Concurrent Resolution 48. The resolution was placed on the agenda of the committee's business meeting for October 9, 1997. During the business meeting several members of the committee raised questions about the intent, scope, and implication of the resolution. Desirous of maintaining consensus, I postponed consideration of the resolution until the questions were answered.

Specifically, questions arose regarding paragraph (2) of section (1) of the resolution. After consultation, the sponsors and co-sponsors of Senate Concurrent Resolution 48 agreed with the committee that the resolution does not raise, suggest, or recommend reassessment of those programs which are in the national security interests of the United States. Accordingly, in the committee's view this interpretation removes from consideration, under this resolution, any ongoing programs and projects currently being conducted by the United States which seek to reduce the threat of the proliferation of weapons of mass destruction, their materials and know-how, as well as associated means of delivery. The resolution is also not intended to affect cooperative space programs between the United States and Russia. Nor is the resolution intended to affect humanitarian assistance or the programs of the National Endowment for Democracy, which promote democracy and market economic principles. Finally, the committee intends that the responsibility for making the determination regarding the adequacy of the Russian response under paragraph (2) lies with the President.

Mr. KYL. Mr. President, over the past few weeks, a series of increasingly troubling reports have been published in the press indicating Iran has nearly completed development of two long-range missiles that will allow it to strike targets as far away as central Europe. According to these press reports, Russian missile assistance has been the critical factor that has enabled Tehran's missile program to make such rapid progress.

In order to halt this dangerous trade, Representative HARMAN and I have introduced a bipartisan concurrent resolution expressing the sense of the Congress that proliferation of such technology and missile components by Russian governmental and nongovernmental entities must stop. Our resolution calls on the President to use all the tools at his disposal, including targeted sanctions, to end this proliferation threat, if these activities do not cease.

I join with Representative HARMAN, in clarifying that this resolution is not intended to affect the Cooperative Threat Reduction Program or similar U.S. government projects and programs which seek to reduce the threat of proliferation of weapons of mass destruction, their materials, know-how, as well as associated means of delivery currently being conducted. But we need to be clear that those individuals who proliferate will be penalized with the tools the U.S. has available.

Mr. LUGAR. Mr. President, would the Senator yield?

Mr. KYL. Mr. President, I would be happy to yield to the Senator from Indiana.

Mr. LUGAR. I thank the Senator. I think we both agree that the proliferation of weapons of mass destruction, their materials, known-how, as well as associated means of delivery might very well be the number one national security threat facing the United States.

As the Senator knows, when his resolution was raised at the Committee on Foreign Relations business meeting on October 9, 1997, I was concerned about the meaning of paragraph (2) of section (1). Paragraph (2) of section (1) states that: "if the Russian response in inadequate" to Presidential demands that the Russian Government take concrete actions to stop governmental and nongovernmental entities from providing ballistic missile technology and technical advice to Iran, "the United States should impose sanctions on the responsible Russian entities in accordance with Executive Order 12938 on the Proliferation of Weapons of Mass Destruction, and reassess cooperative activities with Russia."

I was joined by several colleagues on the Foreign Relations Committee who were also unsure of the intent of the Senator's language as well as the definition of the term "cooperative activities". As the Senator knows, many of our colleagues in Congress and in the executive branch believe that our ongoing cooperative efforts with Russia to dismantle, eliminate, destroy, and convert weapons of mass destruction, their materials, know-how, as well as associated means of delivery is vital of the national security interests of the United States. In particular, I am proud of the steps of our Department of Defense, Department of Energy and other executive agencies have made in reducing the threats to the United States from weapons and materials of mass destruction.

I thank the Senator for taking the time to contact me personally and for working with me to ensure that this resolution does not have the unintended consequence of calling in question these critical national security programs. I believe the Cooperative Threat Reduction Program, the Department of Energy's Material Protection Control and Accounting Program, and others have played and will continue to play a critical role in serving the national security interests of the United States.

Mr. President, I thank the Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Indiana and I assure him that I support the Committee's report language which removes from consideration, under this resolution, any ongoing programs and projects which seek to reduce the threat of the proliferation of weapons of mass destruction, their materials, and know-how; as well as cooperative space programs between the United States and Russia and the programs of the National Endowment for Democracy which promote democracy and market economic principles in Russia.

A+ EDUCATION SAVINGS ACCOUNTS

Mr. ABRAHAM. Mr. President, I rise today as a cosponsor of the Coverdell A+ education accounts, offered in legislation by my colleague the Senator from Georgia. This legislation would allow parents to contribute up to $2,500 per child to an education savings account, in which it would accrue tax-exempt interest that could be used for K–12 education expenses.

Each year, Mr. President, we are bombarded with statistics showing that our children are losing ground academically.

Each year, colleges and universities spend millions on remedial education for children entering their halls without the basic skills necessary to succeed in their courses.

Fully 60 percent of our 17-year-olds are not reading at grade level. They are unprepared to take their place in a college classroom, or in the many skilled occupations that literally make our country work. It is painfully clear, in my view, that something must be done to improve the quality of our K–12 education.

We spend more money per child than nearly any other industrialized nation. But, tragically, half of American children cannot meet minimum standards in reading and math.

The problem with our schools is not how much money we are spending on

them. It is how that money is being spent—and even more importantly who is deciding how that money will be spent.

Too many decisions regarding our children's education are being made by bureaucrats in Washington and too few by parents. Thus too much money is being spent on bureaucrats and Washington-knows-best regulations, and too little on meeting the real educational needs of our children.

Mr. President, Michigan does not need Federal programs and Beltway bureaucrats to improve our education system; we need more power in the hands of our parents.

Teachers, principals, and school boards also are crucial to educating our children. But we must not forget that every child's most important, extensive, and fundamental education takes place in the home and must be guided by the principles and habits established there.

Every day parents educate children—helping with homework, looking over tests, and providing the love and support that foster successful intellectual, moral, and spiritual growth. No Washington program can provide this nurturing. And this makes it our duty to increase parents' power and resources as they seek to steer their children to successful and responsible adulthood.

During the balanced budget debate, Congress focused a great deal of attention on loans and other assistance for higher education. But while the availability and quality of higher education should be an issue of tremendous concern for our Nation, it becomes a moot point if children do not receive the education they need in elementary and secondary school.

During consideration of the Taxpayer Relief Act last summer, Congress debated legislation allowing parents to set up an education savings account to help pay tuition and other expenses at public or private colleges.

Senator COVERDELL offered an amendment to that provision, allowing the funds to also be used for K–12 education expenses. This amendment passed the Senate but, regrettably, was taken out during conference due to a threatened veto by the President.

Thankfully, the Senator from Georgia has reintroduced his amendment as a free-standing bill. In doing so, he has forced Congress to address the critical question of what we can do to support parents as they struggle to provide the best education possible for their children.

Senator COVERDELL's legislation is an important step in the right direction because it provides parents greater opportunity to save and invest in not only their child's higher education, but in their child's elementary and secondary education as well.

Specifically, the Coverdell A+ accounts bill expands the use of education savings accounts to include expenses related to elementary and secondary education at public, private, or religious schools and homeschools.

Parents may withdraw from the account to pay for tuition, fees, tutoring, special needs services, books, supplies, computer equipment and software, transportation, and supplementary expenses.

This legislation provides parents with a wide variety of opportunities to supplement their child's education. Some parents may choose a private or specialized education setting for their child.

For children attending public school, parents can use the money for tutoring or transportation costs. For parents of a child with special needs, the money could be used for tutoring or other personalized services.

Put simply, the Coverdell A+ accounts bill provides parents with more options to meet the educational needs of their children at an early age. And this improved education will produce better opportunities for their children throughout their lives.

Mr. President, the education savings account proposal for higher education passed Congress overwhelmingly, and was supported by the President. It is simply irrational to oppose the same concept for elementary and secondary education.

For all the reasons Congress supported investing in higher education, Congress must support investing in elementary and secondary education. Both proposals are based on a sound principle, that parents should plan for the long-term educational needs of their children. The Coverdell proposal allows parents to do that from the moment their child enters elementary school until that child graduates from college.

In my view, Mr. President, there is no reason to oppose A+ accounts on the grounds that they would provide Federal support to religious schools.

Right now, today, Federal funds in the form of student loan guarantees and other assistance are helping thousands of college students attend religious colleges. I have heard no serious objections to this practice, and I am glad for that.

There is no reason to discriminate against students choosing to attend Catholic University, Notre Dame, Calvin College, or any of the many other fine religious colleges in America.

By the same token, however, there is no sound reason for objecting to students and their parents who choose to attend primary and secondary schools with religious affiliations.

Likewise, Mr. President, I see no basis for the charge that A+ accounts will starve our public schools of needed funds. No provision in this legislation will cost public schools so much as one thin dime.

Rather, A+ accounts will bring significant benefits to our public schools. We should keep in mind, for example, that fully 70 percent of the children whose parents will receive benefits under this legislation attend public school. The extra help in the form of tutors, computers and other aids that the children will receive thanks to A+ accounts will make them better students and enhance the learning experience for all children in those schools.

HONORING THE KIRKS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Frankie and Harlan Kirk of St. Louis, MO, who on November 15, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Kirks' commitment to the principles and values of their marriage deserves to be saluted and recognized.

HONORING THE PRICES ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Pauline and Larry Price of St. Louis, MO, who on November 12, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Prices' commitment to the principles and values of their marriage deserves to be saluted and recognized.

MESSAGES FROM THE PRESIDENT

REPORT OF THE EXECUTIVE ORDER BLOCKING SUDANESE GOVERNMENT PROPERTY AND PROHIBITING TRANSACTIONS WITH SUDAN—MESSAGE FROM THE PRESIDENT—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report to the Congress that I have exercised my statutory authority to declare that the policies of the Government of Sudan constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and to declare a national emergency to deal with the threat.

Pursuant to this legal authority, I have blocked Sudanese governmental assets in the United States. I have also prohibited certain transactions, including the following: (1) the importation into the United States of any goods or services of Sudanese origin, other than information or informational materials; (2) the exportation or reexportation to Sudan of any nonexempt goods, technology, or services from the United States; (3) the facilitation by any United States person of the exportation or reexportation of goods, technology, or services from Sudan to any destination, or to Sudan from any destination; (4) the performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Sudan; (5) the grant or extension of credits or loans by any United States person to the Government of Sudan; and (6) any transaction by any United States person relating to transportation of cargo to, from, or through Sudan, or by Sudanese vessel or aircraft.

We intend to license only those activities that serve U.S. interests. Transactions necessary to conduct the official business of the United States Government and the United Nations are exempted. This order and subsequent licenses will allow humanitarian, diplomatic, and journalistic activities to continue. Other activities may be considered for licensing on a case-by-case basis based on their merits. We will continue to permit regulated transfers of fees and stipends from the Government of Sudan to Sudanese students in the United States. Among the other activities we may consider licensing are those permitting American citizens resident in Sudan to make payments for their routine living expenses, including taxes and utilities; the importation of certain products unavailable from other sources, such as gum arabic; and products to ensure civilian aircraft safety.

I have decided to impose comprehensive sanctions in response to the Sudanese government's continued provision of sanctuary and support for terrorist groups, its sponsorship of regional insurgencies that threaten neighboring governments friendly to the United States, its continued prosecution of a devastating civil war, and its abysmal human rights record that includes the denial of religious freedom and inadequate steps to eradicate slavery in the country.

The behavior of the Sudanese government directly threatens stability in the region and poses a direct threat to the people and interests of the United States. Only a fundamental change in Sudan's policies will enhance the peace and security of people in the United States, Sudan, and around the world. My Administration will continue to work with the Congress to develop the most effective policies in this regard.

The above-described measures, many of which reflect congressional concerns, will immediately demonstrate to the Sudanese government the seriousness of our concern with the situation in that country. It is particularly important to increase pressure on Sudan to engage seriously during the current round of negotiations taking place now in Nairobi. The sanctions will also deprive the Sudanese government of the material and financial benefits of conducting trade and financial transactions with the United States.

The prohibitions set forth in this order shall be effective as of 12:01 a.m., eastern standard time, November 4, 1997, and shall be transmitted to the Congress and published in the *Federal Register*. The Executive order provides 30 days in which to complete trade transactions with Sudan covered by contracts that predate the order and the performance of preexisting financing agreements for those trade initiatives.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 3, 1997.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2107. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

PETITIONS AND MEMORIALS

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

POM-296. A resolution adopted by the Council of the City of Warren, Michigan relative to global climate change; to the Committee on Environment and Public Works.

POM-297. A resolution adopted by the Commissioners of Benton County, Iowa relative to the English language; to the Committee on Governmental Affairs.

POM-298. A petition from a citizen of the State of Texas relative to the Twenty-Seventh Amendment to the U.S. Constitution; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1219. A bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria pisicicida and other aquatic toxins (Rept. No. 105-132).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 651. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. No. 105-133).

H.R. 652. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. No. 105-134).

H.R. 848. A bill to extend the deadline under the Federal Power Act applicable to the construction of the AuSable Hydroelectric Project in New York, and for other purposes (Rept. No. 105-135).

H.R. 1184. A bill to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes (Rept. No. 105-136).

H.R. 1217. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. No. 105-137).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 858. A bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities (Rept. No. 105-138).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 759. A bill to provide for an annual report to Congress concerning diplomatic immunity.

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 1258. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an

alien who is not lawfully present in the United States from receiving assistance under that Act.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 48. Concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

S. Con. Res. 58. Concurrent resolution expressing the sense of Congress over Russia's newly passed religion law.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCain, from the Committee on Commerce, Science, and Transportation:

Duncan T. Moore, of New York to be an Associate Director of the Office of Science and Technology Policy.

Arthur Bienenstock, of California, to be an Associate Director of the Office of Science and Technology Policy.

Raymond G. Kammer, of Maryland, to be Director of the National Institute of Standards and Technology.

Terry D. Garcia, of California, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE COAST GUARD

The following-named individual for appointment as a permanent regular officer in the United States Coast Guard in the grade indicated under title 14, U.S. Code, section 211:

To be lieutenant (junior grade)

Whitney L. Yelle, xx...

The following-named officers for appointment to the grade indicated in the U.S. Coast Guard under title 14, United States Code, section 271:

To be lieutenant commander

Thomas Flora, xx...
Alfredo T. Soriano, xx...
William E. Thompson, xx...
Allen B. Cleveland, xx...
Timothy M. Fitzpatrick, xx...
Michael J. Kelly, xx...
Peter W. Seaman, xx...
William P. Green, xx...
John R. Turley, xx...
Markus D. Dausses, xx...
John L. Bragaw, xx...
Glenn L. Gebele, xx...
Michael S. Sabellico, xx...
Laura H. O'Hare, xx...
Susan K. Vukovich, xx...
Craig O. Fowler, xxx...
Daniel S. Cramer, xx...
John J. Metcalf, xx...
Steven J. Reynolds, xx...
Sean M. Mahoney, xx...
Kevin J. McKenna, xx...
Christopher E. Alexander, xx...
James W. Sebastian, xx...
Han Kim, xx...
Phyllis E. Blanton, xx...
Andrew C. Palmiotto, xx...
Matthew K. Creelman, xx...
Caleb Corson, xx...
Marc H. Nguyen, xx...
Cynthia L. Stowe, xx...
Charles Jennings, xx...
Mary J. Sohlberg, xx...
John F. Maloney, xx...
Craig T. Hoskins, xx...
James P. McLeod, xx...
Raymond D. Hunt, xx...
Kenneth V. Fordham, xx...
Jon S. Kellams, xx...
Keith M. Smith, xx...
Donna L. Cottrell, xx...
James W. Crowe, xx...
Peter D. Conley, xx...
Kelly L. Kachele, xx...
Scott A. Buttrick, xx...
Janet R. Florey, xx...
Melissa A. Bulkley, xx...
James H. Whitehead, xx...
William R. Kelly, xx...
Jason Lyuke, xx...
John M. Danaher, xx...
John E. Boris, xx...
Mark D. Berkeley, xx...
Richard A. Sandoval, xx...
Charles M. Greene, xx...
Brian P. Hall, xx...
Eric P. Christensen, xx...
Ronald J. Haas, xx...
Mark D. Wallace, xx...
Matthew C. Stanley, xx...
Frank G. DeLeon, xx...
Rod D. Lubasky, xx...
Darcy D. Guyant, xx...
Perry S. Huey, xx...
Donald F. Potter, xx...
Kevin M. Balderson, xx...
Patrick Flynn, xx...
Wayne A. Stacey, xx...
Patrick G. McLaughlin, xx...
Wayne C. Conner, xx...
Jeffrey S. Phelps, xx...
Michael G. Bloom, xx...
Roger D. Mason, xx...
Michael W. Duggan, xx...
Bruce E. Graham, xx...
Lamberto D. Sazon, xx...
Henry D. Kocevar, xx...
Bruce D. Henson, xx...
Sean A. McBrearty, xx...
Robert C. Wilson, xx...
Gary L. Bruce, xx...
Jim L. Munro, xx...
Kevin P. Frost, xx...
Robert D. Kirk, xx...
William L. Stinehour, xx...
Scott B. Varco, xx...
Dawayne R. Penberthy, xx...
Keith R. Bills, xx...
Richard K. Woolford, xx...
Timothy A. Orner, xx...
Douglas M. Gordon, xx...
James D. Jenkins, xx...
Larry D. Bowling, xx...
Drew J. Trousdell, xx...
Scott W. Bornemann, xx...
Paul A. Titcombe, xx...
William M. Drelling, xx...
Kristin A. Williams, xx...
John E. Hurst, xx...
Kevin D. Camp, xx...
Steven W. Poore, xx...
Arthur R. Thomas, xx...
Thomas E. Cafferty, xx...
Jeffrey A. Reeves, xx...
Ronald L. Hensel, xx...
Marc P. Lebeau, xx...
Barry O. Arnold, xx...
Samuel Short, xx...
Gary E. Bracken, xx...
David C. Hartt, xx...
Richard T. Gatlin, xx...
Joseph P. Kelly, xx...
Eric V. Walters, xx...
Corey J. Jones, xx...
Michael J. Bosley, xx...
Roger R. Laferriere, xx...
John G. Keeton, xx...
Robert S. Young, xx...
John J. Dolan, xx...
Alan W. Carver, xx...
Leonard C. Greig, xx...
David A. Walker, xx...
David L. Hartley, xx...
Michael A. Megan, xx...
William J. Boeh, xx...
Stewart M. Dietrick, xx...
Thomas Tardibuono, xx...
John E. Souza, xx...
Timothy J. Heitsch, xx...
Julie A. Gahn, xx...
Donald E. Culkin, xx...
Byron L. Black, xx...
James E. Hanzalik, xx...
Kurt A. Sebastian, xx...
Gregory J. Sanial, xx...
Frank R. Parker, xx...
John A. Healy, xx...
Tina L. Burke, xx...
John D. Wood, xx...
Jan M. Johnson, xx...
Timothy G. Stueve, xx...
Keith A. Russell, xx...
John F. Moriarty, xx...
Michael P. Ryan, xx...
John B. Sullivan, xx...
Larry R. Kennedy, xx...
Robert P. Hayes, xx...
Stuart L. Lebruska, xx...
Christopher J. Meade, xx...
Charles A. Richards, xx...
Donald Jillson, xx...
Charles E. Rawson, xx...
Janet E. Stevens, xx...
Cirristopher D. Nichols, xx...
Joel D. Slotten, xx...
Dominic Dibari, xx...
Stephen P. Czerwonka, xx...
Kurt C. O'Brien, xx...
Robert T. McCarty, xx...
Kevin P. Freeman, xx...
Joel D. Dolbeck, xx...
Richard D. Fontana, xx...
Sean M. Burke, xx...
Edgars A. Auzenbergs, xx...
Joel D. Magnussen, xx...
Michael J. Lopez, xx...
Thomas F. Ryan, xx...
Alan N. Arsenault, xx...
Peter N. Decola, xx...
Thomas G. Nelson, xx...
James Carlson, xx...
Philip J. Skowronek, xx...
Pat Dequattro, xx...
David M. Dermanelian, xx...
Austin J. Gould, xx...
Stephen M. Sabellico, xx...
Andy J. Fordham, xx...
Scott D. Pisel, xx...
Laurence J. Prevost, xx...
Joseph M. Pesci, xx...
Charles L. Cashin, xx...
Jesse K. Moore, xx...
Glenn M. Sulmasy, xx...
Matthew J. Zamary, xx...
Anthony S. Lloyd, xx...
Kirk A. Bartnik, xx...
William J. Wolter, xx...
Francis E. Genco, xx...
David P. Crowley, xx...
Joseph F. Hester, xx...
John C. Rendon, xx...
Charles S. Camp, xx...
William R. Meese, xx...
Michael P. Carosotto, xx...
Steven A. Banks, xx...
Joseph E. Manjone, xxx...
Timothy F. Pettek, xx...

Keith T. Whiteman, xx...
James E. Scheye, xx...
Joseph E. Balda, xx...
James R. Olive, xx...
James Tabor, xx...
Gary A. Charbonneau, xx...
Edward J. Cubanski, xx...
Eric G. Johnson, xx...
Patrick J. McGuire, xx...
Bradford Clark, xx...
Joseph J. Losciuto, xx...
Victoria A. Huyck, xx...
Romualdo Domingo, xx...
Cameron T. Naron, xx...
Jason A. Fosdick, xxx...
Adam J. Shaw, xx...
Ian Liu, xx...
Patrick Foley, xx...
Basil F. Brown, xx...
George M. Zeitler, xx...
Christian J. Herzberger, xx...
Robert F. Olson, xx...
Michael Z. Ernesto, xx...
Mitchell C. Ekstrom, xx...
Michael D. Callahan, xx...
Robert E. Styron, xxx...
Douglas M. Ruhde, xx...
Darwyn A. Wilmoth, xx...
Steven M. Sheridan, xx...
James B. Nicholson, xx...
Joseph L. Duffy, xxx...
Robert A. Laahs, xx...
Cedric A. Hughes, xx...
Carmen T. Lapkiewicz, xx...
Glena T. Sanchez, xx...
Roderick D. Davis, xx...
Brian K. Gove, xx...
Russell C. Proctor, xx...
Gerardo Morgan, xx...
David S. Fish, xx...
Kevin C. Burke, xx...
Michael A. Jendrossek, xx...
Tony C. Clark, xx...
Robert D. Phillips, xx...
Steven R. Sator, xx...
Theodore R. Salmon, xx...
Jason L. Tengan, xx...
Mark S. Ryan, xx...
Robert J. Greve, xx...
Peter M. Kilfoyle, xx...
Brian K. Moore, xx...
William F. Adickes, xx...
Mark J. Wilbert, xxx...
Thurman T. Maine, xx...
Craig A. Petersen, xxx...
Robert I. Griffin, xx...
Donald R. Ling, xx...
Jeffrey S. Hudkins, xx...
Mark J. Gandolfo, xxx...
Dirk A. Greene, xx...
David J. Rokes, xx...
Todd A. Tschannen, xx...
Michael R. Olson, xxx...

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. SPECTER, from the Committee on Veterans' Affairs:

William P. Greene, Jr., of West Virginia, to be an Associate Judge of the U.S. Court of Veterans Appeals for the term of fifteen years.

Richard J. Griffin, of Illinois, to be Inspector General, Department of Veterans Affairs.

Joseph Thompson, of New York, to be Under Secretary for Benefits of the Department of Veterans Affairs.

Espiridion A. Borrego, of Texas, to be Assistant Secretary of Labor for Veterans' Employment and Training.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Kevin Emanuel Marchman, of Colorado, to be an Assistant Secretary of Housing and Urban Development.

Saul N. Ramirez, Jr., of Texas, to be an Assistant Secretary of Housing and Urban Development.

Jo Ann Jay Howard, of Texas, to be Federal Insurance Administrator, Federal Emergency Management Agency.

Richard F. Keevey, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development.

Eva M. Plaza, of Maryland, to be an Assistant Secretary of Housing and Urban Development.

F. Amanda DeBush, of Maryland, to be an Assistant Secretary of Commerce.

Gail W. Laster, of New York, to be General Counsel of the Department of Housing and Urban Development.

R. Roger Majak, of Virginia, to be an Assistant Secretary of Commerce.

David L. Aaron, of New York, to be Under Secretary of Commerce for International Trade.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Nominee: Edward S. Walker, Jr.

Post: Ambassador to Israel.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: Wendy J. Walker, none.
3. Children: Kathryn E. Walker and Christopher J. Walker, none.
4. Parents: Deceased.
5. Grandparents: Deceased.
6. Brothers: None.
7. Sisters: Josephine F. Walker, none.

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Alexander R. Vershbow.

Post: U.S. Ambassador to NATO.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, $35, 1993, Dem. Nat'l Committee.
3. Children and spouses names, Benjamin, Gregory, none.
4. Parents names, Arthur E. Vershbow, Charlotte Z. Vershbow, $15, 1994, Sen. John Kerry.
5. Grandparents names, deceased.
6. Brothers and spouses names (no brothers), N/A.
7. Sisters and spouses names, Ann R. Vershbow, Charles Beitz, $100, 8/94, Tom Andrews; $100, 4/96, Tom Allen; $100, 7/96, Tom Allen; (all 3 U.S. Congressional Candidates—Maine).

William H. Twaddell, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Nominee: William H. Twaddell.

Post: Nigeria.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, nil.
2. Spouse, Susan Hardy, nil.
3. Children and spouses names, W. Sanderson Twaddell, Ellen J. Twaddell, nil.
4. Parents names, Helen J. Twaddell, nil.
5. Grandparents names, N/A.
6. Brothers and spouses names, James and Mandy Twaddell, Steven and Pye Twaddell, nil.
7. Sisters and spouses names, N/A.

Peter Francis Tufo, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Nominee: Peter F. Tufo.

Post: Ambassador to Hungary.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

1993:	
Bob Kerry for U.S. Senate Committee (D. NE)	$500
1994:	
Moynihan for Senate (D. NY)	1,000
Democratic National Committee	6,000
1995:	
Friends of Senator Carl Levin	500
A Lot of People Supporting Tom Daschle (D. SD)	1,000
Friends of Schumer (D. NY)	1,000
Democratic National Committee	10,000
Clinton for President	1,000
Emilys List	500
1996:	
Torricelli for U.S. Senate (D. NJ)	1,000
Friends of Tom Strickland (D. CO)	1,000
Friends of Carolyn McCarthy (D. NY)	1,000
Rangel National Leadership PAC (D. NY)	1,000
Italian American Democratic Leadership Council	1,000
Democratic National Committee	30,000
1997:	
Friends of Chris Dodd for Senate (D. CT)	1,000

Daschle for Senate (D. SD) 1,000

2. Spouse, Francesca S. Tufo, $1,000, 11/95, Clinton for President; $1,000, 2/97, Dodd for Senate.

3. Children and spouses names, Serena S. Tufo, Peter S. Tufo, none.

4. Parents names, Lee S. Tufo, none; Gustave F. Tufo (deceased).

5. Grandparents names, none.

6. Brothers and spouses names, none.

7. Sisters and spouses names, none.

Brenda Schoonover, of Maryland, 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 Togo.

Nominee: Brenda Brown Schoonover.

Post: Ambassador, Republic of Togo.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names, none.

5. Grandparents names, NA.

6. Brothers and spouses names, none.

7. Sisters and spouses names, none.

Lange Schermerhorn, of New Jersey, 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 Djibouti.

Nominee: Lange Schermerhorn.

Post: Djibouti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, none.

4. Parents names, none.

5. Grandparents, none.

6. Brothers and spouses names, none.

7. Sisters and spouses names, none.

James Carew Rosapepe, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: James C. Rosapepe.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: $250, 5/19/93, Kaptur for Congress; $350, 9/14/93, Democratic State Central Committee of Maryland; $1,000, 5/25/94, Friends of Tom Andrews; $250, 6/2/93, Mike Synar for Congress; $250, 6/20/94, Mike Synar for Congress; $250, 8/11/94, Robb for the Senate; $300, 10/4/94, New Mexicans for Bill Richardson; $750, 10/24/94, Larocco for Congress; $250, 10/2/95, Friends of John Conyers; $250, 11/10/95, Friends of Sen. Carl Levin; $500, 11/21/95, Defazio for Senate;

$250, 11/18/95, Karen McCarthy for Congress; $250, 7/18/95, Democratic State Central Committee of Maryland; $1,000, 11/10/95, Torricelli for U.S. Senate; $1,000, 3/18/96, Italian American Democratic Leadership Council; $250, 8/14/96, Cummings for Congress; $250, 9/27/96, Karen McCarthy for Congress; $1,000, 6/22/95, Clinton Gore '96 Primary Committee; $250, 10/26/95, Friends of Dick Durbin; $500, 8/7/95, Leahy for U.S. Senate; $250, 1/5/96, Sherman for Congress; $1,000, 7/30/96, Paolino for Congress;

$500, 9/19/96, Hoyer for Congress; $5,000, 8/21/96, Democratic National Committee; $600, 9/4/96, Democratic National Committee; $500, 9/14/96, Sherman for Congress; $1,000, 9/13/96, Democratic Congressional Campaign Committee; $500, 8/7/96, Citizens for Harkin; $250, 10/10/96, Friends of John LaFalce; $500, 8/21/96, Clinton-Gore '96 General Election Legal and Accounting Compliance; $500, 12/18/96, Leahy for U.S. Senator; $1,000, 1/24/97, Italian American Democratic Leadership Council; and $500, 4/4/97, Hoyer for Congress.

2. Spouse, Sheilah A. Kast, none.

3. Children and spouses, none.

4. Parents, Joseph S. Rosapepe, deceased; Dorothy Carew Rosapepe, deceased.

5. Grandparents, George Carew, deceased; Dora Carew, deceased; Attilio Rosapepe, deceased; Rebecca Rosapepe, deceased.

6. Brothers and spouses, none.

7. Sisters and spouses names, Dorothy C.R. Bodwell, Douglas F. Bodwell, none.

Kathryn Linda Haycock Proffitt, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Nominee: Kathryn Linda Haycock Proffitt.

Post: U.S. Ambassador to Malta.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee.

1. Self, $450, 6/19/92, McCain Re-election Committee; $400, 7/29/92, McCain Re-election Committee; $250, 9/15/92, Kolbe '92; $250, 9/11/92, Pastor for Arizona; $125, 10/25/92, Republican National Committee—Victory '92; $250, 1/13/94, Friends of Jim Cooper; $125, 5/22/94, National Republican Congressional Committee; $1,000, 12/5/94, Citizens Committee for Ernest F. Hollings; $1,000, 8/8/95, Clinton/Gore 1996 Primary Committee; $10,000, 11/21/95, Democratic National Committee; $5,000, 12/7/95, Democratic Party of Oregon; $1,000, 12/29/95, Steve Owens for Congress—Primary; $1,000, 12/29/95, Steve Owens for Congress—General; $500, 3/21/96, New Mexicans for Bill Richardson; $500, 3/27/96, Tim Johnson for Senate; $1,000, 8/13/96, Clinton/Gore Election Legal & Accounting; $5,000, 8/16/96, Birthday Victory Fund; $500, 10/7/96, Henry for Congress; $1,000, 10/22/96, Arizona Democratic Party Federal Account; $5,000, 1/21/97, Democratic Senatorial Campaign Comm.

2. Spouse (former), Paul W. Haycock.

I was divorced in February of 1994. I cannot respond with certainty regarding contributions made by my former spouse.

3. Children and Spouses, Korbin Haycock, None; Hollie Haycock, None; Garron Haycock, None; Rachelle Haycock, None.

4. Parents, Phyllis Douglas (mother), $1,000, 8/16/95, Clinton/Gore 1996 Primary Committee; Gary Douglas (step-father), $1,000, 8/16/95, Clinton/Gore 1996 Primary Committee.

5. Grandparents, Leslie Gloyd Hall, Deceased; Rhea Hall, Deceased; Thelma Proffitt, Deceased; David Proffitt, Deceased.

6. Brothers and Spouses, Francis Proffitt, None; Janet Proffitt (spouse), None; Wesley Proffitt, None; Rolanda Proffitt (spouse), None.

7. Sisters and Spouses, None.

Joseph A. Presel, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Nominee: Joseph A. Presel.

Post: Ambassador to Uzebekistan.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, Joseph Presel, $50, 7/29/96, Porter for Congress.

2. Spouse, Claire-Lise Presel, none.

3. Children and Spouses names, no children.

4. Parents names, Howard Presel, deceased; Marie Roitman Presel, deceased.

5. Grandparents names, Barnet Roitman, Kate Roitman, Joseph Presel, Esther Presel, all deceased.

6. Brothers and spouses names, no brothers.

7. Sisters and spouses names, no sisters.

Steven Karl Pifer, 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 Ukraine.

Nominee: Steven Karl Pifer.

Post: Ambassador to Ukraine.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date and donee.

1. Self, none.

2. Spouse, Marilyn Pifer, none.

3. Child, Christine Pifer, none.

4. Father, John Pifer, $19,93, 2/93, Jon Kyle Reelection Committee; $50.00, 5/93, Friends of Jon Kyle; $40.00, 9/93, Friends of Jon Kyle; $2,000.00, 6/96, Republican Senatorial Inner Circle; $500.00, 5/97, McCain for Senate; $1,000.00, 9/93, Pacific Legal Foundation; $1,000.00, 9/94, Pacific Legal Foundation; $1,000.00, 12/95, Pacific Legal Foundation; $1,000.00, 12/96, Pacific Legal Foundation; Mother, Norma Pifer, none; Stepmother, Stacy Pifer, none; Former stepmother, Yvonne Pifer, none.

5. Grandparents, Marguerite Clark, deceased; Oscar Smith, deceased; Althea Pifer, deceased; John Carl Pifer, deceased.

6. Brother, Kevin Pifer, none; Stepbrother, Hugo Olliphant, none.

7. Stepsister, Sandi Pifer, none.

Lyndon Lowell Olson, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Nominee: Lyndon Lowell Olson, Jr.

Post: U.S. Ambassador to Sweden.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, Lyndon Lowell Olson, Jr., $1,000, 4/8/97, Ken Bentsen for Congress; $1,000, 3/4/97, Gene Green Election Fund; $1,000, 3/10/97, Friends of Patrick Kennedy; $1,000, 3/13/97, New Democratic Network; $10,000, 2/20/97, Democratic Senatorial Campaign Committee; $1,000, 2/19/97, Citizens for Joe Kennedy; $1,000, 7/1/96, Martin Frost Campaign Committee; $1,000, 7/2/96, Bruggere for Senate; $1,000, 8/26/96, Weiland for Congress; $1,000, 9/5/96, Chas. Stenholm for Congress; $1,000, 9/26/96, Pat Frank for Congress; $2,000 12/13/96, Tom Daschle (Primary & General); $1,000, 7/12/96, Chet Edwards for Congress; $1,000, 1/9/96, Friends of Senator Rockefeller; $1,000, 7/18/96, Rangel Victory Fund; $1,000, 3/19/96, Tom Strickland; $1,000, 4/11/96, Sanders for Senate; $1,000, 6/12/96, Torricelli for Senate; $1,000, 12/5/96, Nick Lampson Campaign; $1,000, 9/25/95, Clinton/Gore '96 Primary Committee; $1,000, 4/19/95, Edwards for Congress; $1,000, 12/18/95, Odom U.S. Senate Campaign; $1,000, 3/22/95, Citizens for Harkin; $1,000, 8/24/95, Friends of Carl Levin; $1,000, 5/5/95, Citizens for Joe Kennedy; $1,000, 4/15/95, Kerry for Senate; $1,000, 9/11/95, Ben Nelson for Senate; $1,000, 12/28/95, Maloney for Congress; $1,000, 3/7/94, Cooper for Senate; $1,000, 10/3/94, Ken Bentsen for Congress; $1,000, 3/28/94, Harris Wofford; $1,000, 1/19/94, Craig Washington; $1,000, 2/24/94, Mike Andrews Campaign Committee; $1,000, 3/11/94, Jerry Nadler for Congress; $1,000, 4/11/94, Fisher for Senate; $2,500, 9/5/94, Effective Government Committee; $1,000, 10/7/94, Earl Pomeroy for Congress; $1,000, 9/27/94, Robb for Senate; $1,000, 7/14/94, Martin Frost Campaign Committee; $1,000, 4/12/93, Joe Kennedy Campaign; $1,000, 12/17/93, ACLI PAC; $1,000, 12/4/93, Frost Campaign Committee; $1,000, 6/18/93, Riegle for Senate; $1,000, 6/9/93, Edwards for Congress; $2,000, 8/9/93, Effective Government Committee; $250, 4/20/93, Effective Government Committee; $2,500, 10/10/93, Effective Government Committee; $1,000, 3/5/93, Krueger for Senate; $1,000, 12/7/93, Joe Lieberman Senate Campaign; $1,000, 8/16/93, Bingaman Campaign Committee; $1,000, 8/23/98, Jim Sasser Committee; $2,000, 12/24/92, Effective Gov't. Committee; $1,000, 8/25/92, Tom Daschle; $1,000, 9/18/92, Gephardt in Congress Committee; $1,000, 4/9/92, Life PAC; $1,000, 4/21/92, Democratic Senatorial Campaign Committee; $1,000, 7/12/92, Democratic Senatorial Campaign Committee; $1,000, 5/15/92, Democratic Congressional Campaign Committee; $1,000, 6/6/92, Pomeroy for Congress; $500, 9/6/92, Chet Edwards for Congress; $1,000, 12/2/92, Chet Edwards for Congress.

2. Spouse, Kathleen Woodward Olson, $1,000, 2/19/97, Citizens for Joe Kennedy;

1996

$1,000, 7/12/96, Chet Edwards Campaign Committee; $1,000, 12/13/96, Tom Daschle; $1,000, 4/11/96, Sanders for Senate; $1,000, 6/20/95, Pete Wilson for President; $1,000, 4/19/95, Edwards for Congress; $1,000, 6/11/93, Chet Edwards Campaign.

3. Children and spouses names, none.

4. Parents names, Lyndon L. Olson, Sr., $1,000, 4/21/95, Joe Kennedy Campaign Congress, Frances M. Olson, None.

5. Grandparents names, E.A. Olson & Beth Olson, deceased, none. C.B. McLaughlin & Lillie McLaughlin, deceased, none.

6. Brothers and spouses names, Kristine D. Olson, None. Charles D. Olson, $1,000, 5/13/96, Sanders for Senate; $250, 1/23/95, Chet Edwards; $250, 4/16/95, Chet Edwards; $250, 7/17/95, Chet Edwards; $250, 11/20/95, Chet Edwards; $1,000, 5/15/95, Citizens for Joe Kennedy; $1,000, 4/26/93, Citizens for Joe Kennedy; $1,000, 3/26/92 Clinton for President; $1,000, 12/17/92, Senator Lloyd Bentsen Campaign. Kristine K. Olson, none.

7. Sisters and spouses names, none.

George Edward Moose, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Nominee: George E. Moose.

Post: Representative of the United States to the European Office of the United Nations.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names, Ellen McCloud Moose, 1997, Democratic Congressional Committee, $50.00. 1996, Democratic National Committee, $900.00; Democratic Congressional Committee, $140.00; Democratic Senatorial Committee, $135.00; Democrats 2000, $100.00; Clinton-Gore GELAC, $400.00; National Comm. for an Elected Congress, $70.00; Colorado Democratic Party, $720.00. 1995, Democratic National Committee, $220.00; Clinton—America's Future Fund, $300.00; Democratic Senatorial Committee, $170.00; Clinton-Gore Primary Committee, $100.00. 1994, Clinton—America's Future Fund, $100.00; Democratic National Committee, $420.00; Democratic Senatorial Committee, $70.00. 1993, Estimated contributions of to DNC, DSC and other Democratic Party Funds, $1,200.00; Total: $5,045.00. Robert Moose, information not available (no contact).

5. Grandparents names, none (no grandparents living).

6. Brothers and spouses names, none (no brothers).

7. Sisters and spouses names, Adonica and Larry Walker, none.

William Dale Montgomery, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Nominee: William Dale Montgomery.

Post: Zagreb, Croatia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee.

1. Self, none.

2. Spouse, Lynne, none.

3. Children and spouses names, Alexander (14), Amelia (10), Katarina (9), none.

4. Parents names, Blondell Close Montgomery (mother); father, deceased, none.

5. Grandparents names, all deceased for more than ten years.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Merrie Montgomery King and husband Dennis King, none. Cynthia Montgomery Wernerfeldt and husband Birgir Wernerfeldt, up to $1,000, 1992, Clinton Presidential Campaign.

Stanley Louis McLelland, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Stanley Louis McLelland.

Post: Ambassador.

Contributions, amount, date, and donee:

1. Self, see attached schedule.

2. Spouse, not married.

3. Children and spouses, I do not have any children.

4. Parents names, Roberta Lois Chaudoin McLelland, none; Ralph Ervin McLelland, deceased.

5. Grandparents names, all grandparents have been deceased for over 15 years.

6. Brothers and spouses names, Gerald R. McLelland, none; Sue McLelland, none.

7. Sisters and spouses names, Martha L. McLelland Stenseng, none; Vern Stenseng, none.

ATTACHMENT TO FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Stanley Louis McLelland.

Social Sec. No.: 458-70-1863.

Post: Ambassador.

Contributions, amount, date, recipient:

Self, $10,000, 05/14/97, Dem. Senatorial Campaign Comm.

Self, $1,000, 05/09/97, Kay Bailey Hutchison.

Self, $1,000, 03/25/97, Friends of Chris Dodd.

Self (in-kind), $1,000, 03/25/97, Friends of Chris Dodd.

Self, $500, 02/20/97, Citizens for Joe Kennedy.

Self, $10,000, 02/14/97, Dem. Senatorial Campaign Comm.

Self, $2,000, 12/19/96, Tom Daschle Committee.

Self, $500, 11/21/96, Nick Lampson for Congress.

Self, $1,000, 11/21/96, Ken Bentsen for Congress.

Self, $5,000, 10/22/96, Presidential Unity '96 (non-federal).

Self, $500, 09/26/96, Nick Lampson for Congress.

Self, $5,000, 09/24/96, Dem. Senatorial Campaign Comm.

Self, $10,000, 08/20/96, Birthday Victory Fund ($8,000 attributed to Dem., Nat'l Comm. & $2,000 attributed, to Texas Dem. Comm.).

Self, $1,000, 08/19/96, Victory '96 Federal Account.

Self, $700, 08/16/96, Dem. Nat'l Comm. Convention Program (non-federal).

Self, $5,000, 08/01/96, Dem. Nat'l Comm. (non-federal).

Self, $20,000, 08/01/96, Dem. Nat'l Comm. (non-federal).

Self, $25,000, 06/25/96, Tex. Victory '96 (non-federal).

Self, $25,000, 05/09/96, Dem. Nat'l comm. (non-federal).

Self (in-kind), $529, 05/05/96, Dem. Nat'l Comm. (non-federal).

Self, $25,000, 12/05/95, DNC Media Fund: ($20,000 attributed to federal account and $5,000 attributed to non-federal account).

Self, $500, 09/22/95, Friends for Nelson wolff.

Self, $1,000, 08/07/95, John Odam for U.S. Senate.

Self, $1,000, 06/27/95, Clinton/Gore '94.

Self, $1,000, 07/14/94, Fisher for Senate '94.

Self, $1,000, 07/08/94, Doggett for Congress.

Self, $1,000, 02/16/94, Mike Andrews for U.S. Senate.

Self, $1,000, 01/24/94, Carrin F. Patman for Congress.

Self, $2,000, 03/25/93, Bob Krueger Campaign.

Self, $5,000, 3/25/93, Texas Dem. Party.

Gerald S.McGowan, of Virginia, to be Ambassador Extraordinary and Plenipotentiary

of the United States of America to be the Republic of Portugal

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Gerald S. McGowan.

Post: Ambassador of Portugal.

Contributions, amount, date, donee:

1. Self, (See Attachment C).

2. Spouse, Sharon S. McGowan (deceased) (1995).

3. Children and spouses names, Jason Gropper, Zachary Gropper, Lukas, Connor, Molly, Sean and Dylan McGowan, none.

4. Parents names, Harry McGowan, Mary McGowan, miscellaneous amount to Democrats—nothing over $100 (deceased).

5. Grandparents names, all deceased for over 20 years.

6. Brothers and spouses names, Harry J. and Victoria McGowan, none; James and Vivian McGowan, $25.00, 1996.

7. Sisters and spouses names, Maureen McGowan and Mark Malone, none; Michael Mulvihill and Kathleen McGowan Mulvihill, none.

Year, name, amount:

[Attachment C]

1991—Clinton for President	$1,000
1992—Democratic National Committee	7,500
Kopetski for Congress	500
1994—Democratic National Committee	75,000
Democratic Party of Virginia	1,000
Friends of Margolis-Mezvinski	850
1995—People for Wilhelm	1,000
1996—Democratic National Committee	700
Wilder Committee	1,000
Friends of Strickland	2,000
Friends of Senator Levin	500
Wyden for Senate	1,000
Clinton/Gore	1,000
Friends of Mark Warner	2,000
Friends of Evan Bayh	1,000
Markey for Congress	500
Levin for Congress	500
Levin & Levin	1,000
1997—Leahy for Senate	1,000
Dorgan for Senate	500

Victor Marrero, of New York, to be the Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Nominee: Victor Marrero.

Post: U.S. Representative to the OAS.

Contributions, amount, date, donee:

1. Self, $500, October 1996, Presidential Unity Fund, DNC. $250, May 1994, Chief Deputy Whip's Fund.

2. Spouse, Veronica White, none.

3. Children and spouses names, Andrew, none; Robert, none.

4. Parents names, Josefina, deceased; Ezequiel, deceased.

5. Grandparents names, N/A, deceased; N/A, deceased.

6. Brothers and spouses names, Louis Marrero, none; Virginia Marrero, none.

7. Sisters and spouses names, Carmen Gomez, none; Jemes Gomez, see attached; Yvonne Schonborg, none; David Schonborg, none.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Victor Marrero.

Post: U.S. Representative to the OAS.

Contributions, amount, date, donee:

Gomez, James,

$1,000, 7/7/93, Committee to elect Nydia M. Valazquez to Congress.

$1,000, 2/27/97, Juan Solis for Congress Committee.

$1,000, 2/16/97 Silvestre Reyes candidature for U.S. Congress.

$1,000, 2/18/96, Comite Eleccion de Carlos, Romero-Barcelo al Congreso Inc.

$500, 9/21/96, Friends of Chris Dodd—'98.

$1,000, 11/13/96, Committee to elect Nydia M. Valazquez to Congress.

$500 8/21/95, Goldman Sachs Partners PAC.

James A. Larocco, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James A. Larocco.

Post: Kuwait.

Contributions, amount, date, donee:

1. Self, James A. Larocco, none.

2. Spouse, Janet M. Larocco, none.

3. Children and spouses names, Stephanie, Charles, and Mary, none (all minors).

4. Parents names, Charles and Nena Larocco, James and Sylvia McIlwain, none (deceased).

5. Grandparents names, James and Lillian Larocco, Anthony and Theresa Amount, none (deceased).

6. Brothers and spouses names, Robert Larocco, none.

7. Sisters and spouses names, Sister Nina Larocco (Nun), Charlene and William Berg, Elaine and Charles Travers, none.

Daniel Charles Kurtzer, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Daniel Charles Kurtzer, none.

2. Spouse, Sheila Kurtzer, none.

3. Children and spouses names, David Shimon Kurtzer, none. Jared Louis Kurtzer, none.

4. Parents names, Jacob Doppelt Kurtzer, none; Nathan and Sylvia Kurtzer, none; Minnie Doppelt, none.

5. Grandparents, names, Rebecca Posner (deceased).

6. Brothers and spouses names, Benjamin and Melissa Kurtzer, none; Ira Doppelt, none.

7. Sisters and spouses names, Max and Gale Bienstock, none; Richard and Debra Forman, none; Arthur and Joyce Miltz, $100 to local Councilman campaign in 1990.

James Catherwood Hormel, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James C. Hormel.

Post: Ambassador to Luxembourg.

Contributions, amount, date, donee:

1. Self, James C. Hormel (See attached list).

2. Spouse, none.

3. Children and spouses names (See attached list).

4. Parents names Jay C. Hormel (deceased), Germaine Dubois Hormel (deceased).

5. Grandparents names, George A. Hormel (deceased), Lillian B. Gleason Hormel (deceased).

6. Brothers and spouses names (See attached list).

7. Sisters and spouses names, none.

FEDERAL CAMPAIGN CONTRIBUTION REPORT

1. Donor: James C. Hormel.

Amount, date, donee:

1993

$1,500, 2-5-93, Committee to Re-elect Edw. Kennedy. (Returned) (1994 election). (Contribution returned by Senator Kennedy after letter of recommendation written on my behalf.)

$1,000, 3-15-93, The Bob Krueger Campaign.

$1,000, 4-12-93, Citizens for Harkin (1996 election).

$1,000, 4-19-93, Mitchell for Senate (1994 election).

$1,000, 4-19-93, Human Rights Campaign Fund.

$500, 4-21-93, Democratic Congressional Campaign.

$1,000, 5-28-93, Feinstein for Senate 1994.

$5,000, 6-7-93, Human Rights Campaign Fund.

$1,000, 8-30-93, Robb for Senate Committee.

$5,000, 9-24-93, Democratic Congressional Campaign.

$5,000, 9-24-93, Ollie-PAC.

$5,000, 11-17-93, Democratic Senate Campaign Committee.

1994

$1,000, 2-15-94, Anna Eshoo for Congress.

$1,000, 2-22-94, Robb for Senate Committee.

$1,000, 2-22-94, Wolsey for Congress.

$1,000, 2-24-94, Nancy Pelosi for Congress.

$2,000, 2-28-94, Return on Kennedy for Senate '92 and '93.

$5,000, 3-14-94, Human Rights Campaign Fund.

$250, 3-14-94, Tom Duane For Congress.

$1,000, 3-28-94, Comm. to Elect Dan Hamburg.

$1,000, 3-29-94, Tom Andrews for Senate.

$1,000, 4-4-94, Studds for Congress Committee (primary).

$1,000, 4-4-94, Studds for Congress Committee (general).

$2,000, 5-19-94, California Victory '94.

$1,000, 5-19-94, Tom Andrews for Senate.

$1,000, 5-19-94, Fazio for Congress.

$1,000, 5-19-94, People for Marty Stone.

$200, 5-19-94, Zoe Logren for Congress.

1995

$10,000, 5-12-95, Democratic Congressional Campaign Committee.

$5,000, 6-30-95, Democratic Senatorial Campaign Committee.

$1,000, 6-30-95, Clinton/Gore '96 (96 Election).

$2,000, 9-8-95, Friends of Barbara Boxer (98 Election).

$1,000, 11–10–95, Jerry Estruth for Congress.
$1,000, 11–10–95, Kennedy for Senate 94 (Debt).
$205.74, 11–16–95, Kennedy for Senate 94 (Debt) reception expense.
$4,000, 11–30–95, Democratic Party of Oregon.
$500, 12–11–95, Richard Durbin for Senate (96 Election).
$1,000, 12–13–95, Friends of Carl Levin (96 Election).
$500, 12–13–95, Woolsey for Congress (96 Election).
$500, 12–13–95, Rick Zbur for Congress (96 Election).

1996

$5,000, 3–4–96, Democratic Senatorial Campaign Committee.
$1,000, 3–12–96, McCormick for Congress.
$1,000, 3–12–96, Gantt for U.S. Senate 96.
$500, 3–13–96, Nancy Pelosi for Congress 96.
$547.36, 4–29–96, John Kerry for Senate reception expense.
$1,000, 5–13–96, Michela Alioto for Congress.
$1,000, 5–15–96, Rick Zbur for Congress.
$1,000, 5–31–96, Wellstone for Senate.
$1,000, 6–27–96, Ellen Tauscher for Congress.
$500, 7–18–96, Committee for Loretta Sanchez.
$1,000, 8–20–96, Fazio for Congress.
$500, 8–23–96, Tom Bruggere for U.S. Senate.
$5,000, 8–23–96, Democratic Congressional Campaign Committee.
$500, 8–23–96, People for Weiland.
$500, 8–23–96, Friends of Walter Capps.

1997

$3,000, 3–6–97, California Victory '98 (98 Election).
$10,000, 5–8–97, Democratic Congressional Campaign Committee.
$1,000, 5–16–97, Nancy Pelosi for Congress.

3. Donor: Children and spouses: Alison M. Hormel Webb, daughter and Bernard C. Webb, none; Anne C. Hormel Holt, daughter and Cecil T. Holt, none; Elizabeth M. Hormel, daughter and A. Andrew Leddy, none; James C. Hormel, Jr., son and Kathleen G. Hormel, none; Sarah Hormel von Quillfeldt, daughter and Falk von Quillfeldt, none.

6. Donor: Brothers and spouses: George A. Hormel II, brother and Jamie Hormel, none; Thomas D. Hormel, brother and Rampa R. Hormel.

THOMAS D. HORMEL

Amount, date, donee:

1993

$1,000, 12–19–93, Gerry Studds for Congress.

1994

$1,000, 4–22–94, Dan Hamburg.
$1,000, 4–22–94, Tom Andrews.
$1,000, 5–9–94, Mike Burkett.
$1,000, 5–24–94, Dianne Feinstein.
$1,000, 6–15–94, Dan Hamburg.
$4,000, 7–18–94, Maine '94.
$1,000, 7–18–94, Tom Andrews.
$5,000, 10–8–94, League of Conservation Voters.
$1,000, 10–8–94, Jolene Unsoeld.

1995

$1,000, 7–25–95, Clinton/Gore 96.
$1,000, 8–3–95, Dan Williams.
$1,000, 11–2–95, Walt Minnick.

1996

1,000, 1–12–96, Wyden for Senate.
1,000, 3–31–96, Dan Williams.
1,000, 6–30–96, Walt Minnick.
1,000, 6–30–96, Luther for Congress.
1,000, 8–13–96, John Kerry for Senate.
1,000, 10–16–96, John Kerry for Senate.
1,000, 10–16–96, Wellington for Senate.
1,000, 10–16–96, Strickland for Senate.

1997

None.

RAMPA R. HORMEL

1993

None.

1994

1,000, 5–1–94, Dan Hamburg.
1,000, 5–11–94, Dianne Feinstein.
1,000, 5–16–94, Dan Hamburg.
1,500, 7–19–94, Maine '94.
1,000, 7–19–94, Tom Andrews.
1,000, 10–8–94, Jolene Unsoeld.

1995

1,000, 8–3–95, Dan Williams.
1,000, 11–2–95, Walt Minnick.

1996

1,000, 1–12–96, Wyden for Senate.
1,000, 1–31–96, Byron Sher for Senate.
1,000, 4–4–96, Ian Bowles for Congress.
1,000, 8–31–96, John Kerry for Senate.
250, 9–15–96, Democratic National Party.
1,000, 10–15–96, Walt Minnick for Senate.
500, 10–15–95, Michela Alioto for Congress.
500, 10–15–95, Capp for Congress.
500, 10–15–96, Rick Zbur for Congress.
500, 10–15–96, Loretta Sanchez for Congress.
500, 10–15–96, Brad Sherman.
1,000, 10–21–96, Wellington for Senate.
1,000, 10–21–96, Strickland for Senate.
1,000, 10–21–96, Swett for Congress.

1997

500, 2–15–97, Committee for Loretta Sanchez.

David B. Hermelin, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

Post: United States Ambassador to Norway.

Nominee: David B. Hermelin.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. David B. Hermelin, $250.00, 2/29/92, Reynolds for Congress '92; 100.00, 3/13/92, Dan Coats; 1,000.00, 3/30/92, Levine Campaign Committee; 500.00, 3/31/92, Levin for Congress; 150.00, 5/1/92, Fingerhut for Congress; 100.00, 5/8/92, JAPAC; 250.00, 5/14/92, Hagan for Congress; 1,000.00, 5/15/92, MOPAC; 100.00, 5/21/92, J. Dingell for Congress; 250.00, 6/9/92, Tanter for Congress; 500.00, 6/23/92, A Lot of People Supporting Tom Daschle; 500.00, 6/24/92, Friends of Chris Dodd; 500.00, 6/26/92, Friends of Bob Graham; 250.00, 6/30/92, Alice Gilbert for Congress; 250.00, 7/14/92, Committee for Wendell Ford; 125.00, 7/22/92, Friends of Barbara Rose Collins; 500.00, 8/11/92, Glickman for Congress; 12,500.00, 8/24/92, DNC Services Corporation; 50.00, 9/1/92, Broomfield Tribute; 250.00, 9/8/92, Bonior for Congress; 250.00, 9/25/92, W. Briggs for Congress; 500.00, 10/13/92, Dick Swett for Congress; 1,000.00, 10/13/92, Friends of Bob Carr; 250.00, 10/20/92, Briggs for Congress; 1,000.00, 12/18/92, Lautenberg Committee; 250.00, 12/18/92, Briggs for Congress; 1,000.00, 4/15/93, Riegle for Senate; 1,000.00, 4/15/93, Riegle for Senate; 1,000.00, 4/15/93, Riegle for Senate; (1,000.00), 8/5/93, Riegle for Senate; 100.00, 9/1/93, Connie Mack for Senate; 300.00, 9/3/93, Levin for Congress; 700.00, 11/11/93, Levin for Congress; (1,000.00), 11/18/93, Riegle for Senate; 1,000.00, 12/15/93, MOPAC; 1,000.00, 12/17/93, Friends of Bob Carr; 1,000.00, 12/28/93, Dick Swett for Congress; 100.00 2/21/94, Mahoney '94 Senate; 200.00, 2/23/94, Friends of Congressman Fingerhut; 500.00, 3/9/94, Glickman for Congress; 100.00, 3/9/94, Hollowell for Congress; 500.00, 3/21/94, Citizens for Sarbanes; 1,000.00, 4/13/94, Effective Gvt. Comm.; 1,000.00, 4/27/94, Friends of Bob Carr; 100.00, 5/1/94, Hollowell for Congress; 200.00, 5/1/94, Friends of John Glenn; 100.00, 5/10/94, Friends of Barbara Rose Collins; 1,000.00, 5/16/94, Lautenberg Committee; 300.00, 5/26/94, Tom Hecht for Congress; 500.00, 6/1/94, Friends for Bryan '94; 100.00, 6/2/94, John D. Dingell for Congress; 1,000.00, 6/6/94, Levin for Congress; 500.00, 6/8/94, Robb for the Senate; 180.00, 6/15/94, Friends of A. Gilbert; 320.00, 6/17/94, Friends of A. Gilbert; 500.00, 6/17/94, Lieberman '94 Comm.; 250.00, 6/22/94, Bob Mitchell for Congress; 100.00, 6/24/95, Rivers for Congress; 250.00, 8/5/94, Dhillon for Congress; 250.00, 8/28/94, Bonior for Congress; 500.00, 8/31/94, Committee to Re-elect Tom Foley; 1,000.00, 9/1/94, MOPAC; 2,500.00, 9/9/94, Democratic Senatorial Campaign Committee; 2,500.00, 9/9/94, Michigan Senate Victory Fund; 250.00, 9/9/94, Glickman for Congress; 250.00, 9/11/94, Sam Coppersmith for U.S. Senate; 1,000.00, 9/16/94, Levin for Congress; 500.00, 9/24/94, Committee to Re-elect Tom Foley; 300.00, 10/10/94, Friends of Congressman Fingerhut; 500.00, 10/17/94, Hyatt for Senate; 100.00, 10/17/94, Bob Mitchell for Congress; 500.00, 10/19/94, Dick Swett for Congress; 500.00, 10/24/94, Dick Swett for Congress; 250.00, 10/31/94, Bob Mitchell for Congress; 407.44, 11/7/94, Friends for Bob Carr; 70.00, 11/7/94, Friends of Bob Carr; 308.00, 1/23/95, DNC Services Corporation; 100.00, 2/23/95, Swett for Senate; 1,000.00, 4/28/95, Friends of Senator Carl Levin; 1,000.00, 4/28/95, Friends of Senator Carl Levin; 100.00, 5/30/95, Joint Action Committee for Public Affairs; 500.00, 6/21/95, Friends of Bob Carr; 500.00, 6/29/95, Levin for Congress; 1,000.00, 6/30/95, Clinton/Gore '96 Primary Committee; 1,000.00, 10/19/95, MOPAC; 150.00, 11/9/95, The Reed Committee; 50.00, 11/29/95, Friends of Barbara Rose Collins; 1,000.00, 11/29/95, Citizens for Biden '96; 1,000.00, 11/29/95, Citizens for Biden '96; 500.00, 12/1/95, Levin for Congress; 500.00, 12/5/95, Levin for Congress; 500.00, 12/29/95, Stabenow for Congress; 1,000.00, 12/31/95, Wyden for Senate; 50.00, 2/7/96, Yates for Congress; 500.00, 2/8/96, John D. Dingell for Congress; 500.00, 2/8/96, John D. Dingell for Congress; 200.00, 3/1/96, Stupak for Congress; 500.00, 3/4/96, Levin for Congress; 24,000.00, 3/6/96, Victory '96 (Non-Federal); 100.00, 3/19/96, Shirley Gold for Congress; 250.00, 3/22/96, Friends of Dick Durbin; 250.00, 3/31/96, Lynn Rivers for Congress '98; 250.00, 5/7/96, Richard Klein for Congress; 500.00, 5/13/96, Stabenow for Congress; 50.00, 5/23/96, Martin Frost Campaign; 100.00, 6/3/96, Committee to Elect Douglas Diggs; 1,000.00, 6/28/96, John D. Dingell for Congress; 1,000.00, 7/8/96, MOPAC; 1,000.00, 7/12/96, Friends of Tom Strickland; 150.00, 7/15/96, Friends of Senator Rockefeller; 100.00, 7/15/96, Joint Action Committee for Political Affairs; 500.00, 7/22/96, Dick Swett for Senate; 500.00, 7/23/96, Diggs for Congress; 250.00, 7/30/96, Friends of Max Cleland for the U.S. Senate; 250.00, 8/1/96, Ieyoub for Senate; 250.00, 8/9/96, Cohen for Congress; 50.00, 8/9/96, Martin Frost Campaign; 100.00, 8/14/96, Congressman Kildee; 250.00, 8/20/96, Sam Gejdenson Re-Election; 500.00, 8/21/96, Citizens for Harkin; 500.00, 8/21/96, Kerry Committee; 500.00, 8/21/96, Friends of Max Baucus; 250.00, 8/26/96, Bonior for Congress; 250.00, 9/4/96, Lynn Rivers for Congress '98; 250.00, 9/4/96, Reed Committee; 100.00, 9/6/96, Kilpatrick for Congress; 250.00, 9/6/96, Committee to Elect Morris Frumin; 250.00, 9/9/96, Bonior for Congress; 1,000.00, 9/9/96, Clinton/Gore '96 GELAC;

250.00, 9/16/96, Tunnicliff for Congress; 1,000.00, 9/19/96, Stabenow for Congress; 250.00, 10/26/96, Harvey Gant for Senate; 500.00, 10/30/96, Friends of Max Baucus; 500.00, 11/3/96, Swett for Senate; 500.00, 11/31/96, Congressman Kildee; 100.00, 12/13/96, Stabenow for Congress; 1,000.00, 3/11/97, Stabenow for Congress; 1,000.00, 3/20/97, Kennedy 2000; 1,000.00, 4/21/97, DNC.

2. Doreen N. Hermelin 250.00, 6/9/92, Tanter for Congress; 12,500.00, 8/24/92, DNC Service Corporation; 150.00, 10/1/92, Bill Ford; 1,000.00, 4/15/93, Riegle for Senate; (1,000.00), 11/18/93, Riegle for Senate; 500.00, 12/6/93, Nita Lowey for Congress; 1,000.00, 4/27/94, Friends of Bob Carr; 1,500.00, 9/9/94, Democratic Senatorial Campaign Committee; 2,500.00, 9/9/94, Michigan Senate Victory Fund; 1,000.00, 9/19/94, Friends of Bob Carr; 1,000.00, 9/19/94, Levin for Congress; 250.00, 11/11/94, Joint Action Committee for Political Affairs; 250.00, 1/18/95, Emily's List; 1,000.00, 5/22/95, Emily's List; 1,000.00, 6/26/95, Friends of Senator Carl Levin; 1,000.00, 6/30/95, Clinton/Gore '96 Primary Committee; 500.00, 10/26/95, Wyden for Senate; 2,000.00, 12/19/95, Citizens for Biden 1996; 1,000.00, 12/28/95, Friends of Senator Carl Levin; 250.00, 12/28/95, WINPAC; 500.00, 1/10/96, Wyden for Senate; 19,000.00, 3/6/96, Victory '96 Non-Federal; 5,000.00, 3/6/96, Victory '96; 250.00, 4/12/96, Joint Action Committee for Public Affairs; 125.00, 4/25/96, Nita Lowey for Congress; 250.00, 5/7/96, Richard Klein for Congress; 1,000.00, 5/13/96, Stabenow for Congress; 5,000.00, 5/21/96, Democratic Senatorial Campaign Committee; 1,000.00, 7/12/96, Friends of Tom Strickland; 5,000.00, 6/19/96, DNC Services Corporation; 200.00, 8/28/96, Lynn Rivers for Congress '98; 1,000.00, 9/19/96, Stabenow for Congress; 100.00, 9/27/96, Committee to Elect Godchaux; 250.00, 10/29/96, Joint Action Committee for Political Affairs.

3. Marcia Hermelin Orley, Robert Orley, spouse: 100.00, 5/7/92, Committee to elect Eric Fingerhut; 50.00, 6/16/92, Committee to re-elect Chris Dodd; 50.00, 6/16/92, Committee to re-elect Bob Graham; 50.00, 6/16/92, Committee to re-elect Tom Daschle; 125.00, 7/24/92, Committee to re-elect Barbara Rose Collins; 250.00, 8/27/92, Fingerhut for Congress; 100.00, 4/9/93, Emily's List; 100.00, 2/27/94, Friends of Fingerhut; 150,00, 3/29/94, Hollowell for Congress; 250,00, 4/27/94, Friends of Bob Carr; 100.00, 5/12/94, Friends of Joe Knollenberg; 200,00, 5/31/94, Friends of Bob Carr; 100.00, 6/1/94, Friends of Richard H. Bryan; 100.00, 6/1/94, Lieberman for Senate; 250,00, 6/8/94, Robb for Senate; 150.00, 7/8/94, Levin for Congress; 250,00, 7/8/94, Coppersmith for Senate; 500.00, 8/23/94, Friends of Congressman Fingerhut; 500.00, 9/10/94, Michigan Senate Victory Fund; 500.00, 9/10/94, Friends of Bob Carr; 250,00, 9/28/94, Friends of Congressman Fingerhut; 250,00, 9/30/94, Sam Coppersmith for U.S. Senate; 100.00, 10/7/94, Levin for Congress; 200.00, 11/21/95, Joint Action Committee for Political Affairs; 1,000.00, 12/21/95, Friends of Senator Carl Levin; 250,00, 5/13/96, Stabenow for Congress; 1,000.00, 8/5/96, Levin for Senate; 250,00, 8/12/96, Senator Max Baucus; 250,00, 8/12/96, Citizens for Harkin; 250.00, 8/21/96, Senator John Kerry; 250.00, 8/23/96, Levin for Congress; 100.00, 8/28/96, Committee to re-elect Carolyn Cheeks Kilpatrick; 250.00, 9/19/96, Wyden for Senate; 500.00, 12/9/96, Wyden for Senate.

Karen Beth Hermelin, None.

Brian Michael Hermelin, Jennifer, spouse, 1,000.00, 7/8/94, Friends of Bob Carr; 75.00, 8/9/94, Levin for Congress; 500.00, 10/20/94, Dick Swett for Congress; 1,000.00, 12/27/95, Friends of Senator Carl Levin; 75.00, 7/17/96, Levin for Congress; 100.00, 10/9/96, Rivers for Congress.

Julie Carol Hermelin, None.

Francine Gail Hermelin, Adam Levite, spouse, None.

4. Frances Heidenreich Hermelin (Deceased), None.

Irving M. Hermelin (Deceased), 12,500.00, 8/24/92, DNC Services Corporation; 100.00, 6/15/94, C. Burns for Senate.

5. Hannah Marks Heidenreich, Moses Heidenreich (Deceased), None.

Hendel Wolfe Hermelin, Chayim Shalom Hermelin (Deceased), None.

6. Marvin Hermelin (Deceased), None.

7. Henrietta Hermelin Weinberg, None.

Kathryn Walt Hall, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Post: Ambassador to Austria NOMINATED (Month, day, year)

NOMINEE: Kathryn Walt Hall

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee;

1, Self, 1,000.00, 10/16/96, Jill Docking for Senate; 1,000.00, 10/16/96, Roger Bedford for Senate; 1,000.00, 10/16/96, Tom Bruggere for Senate; 1,000.00, 10/16/96, Friends of Tom Strickland; 50.00, 09/11/96, The Victor Morales Campaign; 982.00, 08/21/96, Eddie Bernice Johnson For Congress; 1,000.00, 07/09/96, The Mary Landrieu for Senate Committee; 1,000.00, 07/01/96, People for Weiland; 1,000.00, 06/10/96, Torricelli For US Senate; 950.00, 01/18/96, Wyden For Senate; 5,000.00, 01/15/96, Democratic Party of Oregon; 1,000.00, 01/15/96, Oregon Victory Fund; 1,000.00, 01/15/96, 01/15/96, Friends of Senator Rockefeller; 1,000.00, 01/15/96, John Pouland For Congress; 10,000.00, 12/20/95, Democratic Senatorial Campaign Committee; 1,000.00, 11/17/95, Tim Johnson For South Dakota, Inc.; 1,000.00 10/12/95, Clinton/Gore '96 Primary Committee Inc.; 5,000.00, 09/28/95, Democratic Senatorial Campaign Committee; 1,000.00, 08/14/95, Dallas County Democratic Party; 1,000.00, 07/27/95, Friends of Senator Carl Levin; 1,000.00, 07/27/95, Friends of Senator Carl Levin; 5,000.00, 06/30/95, Democratic Senatorial Campaign Committee; 1,000.00, 06/30/95, A Lot of People Supporting Tom Daschle; 1,000.00, 06/30/95, A Lot of People Supporting Tom Daschle; 1,000.00, 06/08/95, Emily's List Women Voters; 1,000.00, 06/26/95, John Bryant Campaign; 1,000.00, 06/01/95, Sanders for Senate; 1,000.00, 04/12/95, Citizens for Joe Kennedy; 1,000.00, 04/05/95, Kerry Committee; 1,000.00, 11/02/94, Citizens for Senator Wofford; 7,500.00, 09/30/94, Democratic Senatorial Campaign Committee; 1,000.00, 09/30/94, Wynia for Senate Committee; 1,000.00 09/30/94, Jack Mudd for U.S. Senate; 1,000.00, 08/19/94, John Bryant Campaign Committee; 1,000.00, 07/18/94, Friends of Dave McCurdy; 500.00, 05/16/94, Friends of Bob Carr; 1,000.00, 04/01/94, Jim Mattox Campaign; 1,000.00, 03/01/94, Jim Mattox Campaign.

2, Spouse, 500.00, 04/25/97, Friends of Patrick Kennedy; 1,000.00, 04/10/97, Friends of Barbara Boxer; 2,500.00, 03/07/97, Democratic Party of Texas; 1,000.00, 02/20/97, Citizens for Joe Kennedy; 550.00, 10/16/96, Jill Docking for Senate; 1,000.00, 10/16/96, Roger Bedford for Senate; 1,000.00, 10/16/96, Tom Bruggere for Senate; 1,000.00, 10/16/96, Friends of Tom Strickland; 1,000.00, 07/09/96, The Mary Landrieu for Senate Committee; 1,000.00, 07/01/96, People for Weiland; 1,000.00, 06/10/96, Torricelli For US Senate; 500.00, 02/06/96, Friends of Bob Graham Committee; 3,000.00, 01/22/96, Democratic Senatorial Campaign Committee; 950.00, 01/18/96, Wyden For Senate; 1,000.00 01/15/96, Oregon Victory Fund; 1,000.00, 01/15/96, John Pouland For Congress; 5,000.00, 01/15/96, Oregon Democratic Party; 1,000.00, 01/15/96, Friends of Senator Rockefeller; 1,000.00, 11/17/95, Tim Johnson For South Dakota Inc.; 1,000.00, 10/12/95, Clinton/Gore '96 Primary Committee Inc.; 5,000.00, 09/30/95, Democratic Senatorial Campaign Committee; 500.00, 08/17/95, Martin Frost Campaign; 5,000.00, 06/30/95, Democratic Senatorial Campaign Committee; 1,000.00, 06/30/95, A Lot of People Supporting Tom Daschle; 1,000.00, 06/30/95, A Lot of People Supporting Tom Daschle; 1,000.00, 06/26/95, John Bryant Campaign; 1,000.00, 06/01/95, Sanders for Senate; 10,000.00, 04/30/95, Democratic Senatorial Campaign Committee; 500.00, 04/13/95, Dallas County Democratic Party; 500.00, 03/16/95, Martin Frost Campaign; 1,000.00, 10/06/94, John Bryant Campaign Committee; 7,500.00, 09/30/94, Democratic Senatorial Campaign Committee; 2,000.00, 09/16/94, Effective Government Committee; 500.00, 09/12/94, Martin Frost Campaign Committee; 500.00, 04/20/94, Martin Frost Campaign Committee; 500.00, 04/07/94, Friends of Alan Wheat; 500.00, 04/04/94, The Buck Starts Here Fund (Senator Bentsen); 1.000.00, 03/01/94, Jim Mattox Campaign; 1,000.00, 01/25/94, Democratic National Committee; 3,000.00, 11/01/93, Democratic Senatorial Campaign Committee; 1,000.00, 10/31/93, Robb for the Senate; 1,000.00, 10/31/93, Robb for the Senate; 5,000.00, 09/22/93, Democratic Senatorial Campaign Committee; 1,000.00, 09/22/93, Virginia Victory Fund; 4,000.00, 09/22/93, Virginia Victory Fund; 500.00, 05/19/93, National Multi Housing Council PAC; (510.00), 03/15/93, Senator Lloyd Bentsen Election Committee; 1,000.00, 03/03/93, Bob Krueger Campaign.

Non-Federal Political Contributions—Craig & Kathryn Hall, 2,500.00, 12/19/96, Emily's List; 50,000.00, 10/02/96, Democratic National Committee; 10,000.00, 09/13/96, Emily's List; 50,000.00, 09/10/96, Texas Victory '96; 92,500.00, 06/27/96, Texas Victory '96; 3,000.00, 06/25/96, South Dakota Democratic Party Non-Federal; 3,000.00, 06/25/96, South Dakota Democratic Party Non-Federal; 7,500.00, 06/20/96, Democratic National Committee; 10,000.00, 04/18/96, Democratic State Party-Non Federal Account; 125.00, 04/12/96, 21st Century Democrats; 1,000.00, 04/24/96, 21st Century Democrats; 2,000.00, 01/22/96, Democratic Senatorial Campaign Committee; 1,000.00, 10/24/94, Emily's List Women Voters; 7,500.00, 09/30/94, Democratic Senatorial Campaign Committee; 150.00, 09/22/94, Democratic Senatorial Campaign Committee.

3. Children and Spouses, Jennifer Cain, David Cain, None.

Marcia Hall, Melissa Hall, Brijetta Hall, Kristina Hall, None.

4. Parents, Robert Walt, Dolores Walt (both deceased), None.

5. Grandparents, Laura Newbold, Donald Newbold (both deceased), None.

Frances Walt, Raffe Walt (both deceased), None.

6. Brothers and Spouses, Robert Walt, Jr., Catherine Walt, None.

7. Sisters and Spouses, Pamela Chauve, Georges Chauve, None.

Steven J. Green, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Post: Ambassador to Singapore

Nominee: Steven J. Green

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by

them. To the best of the my knowledge, the information contained in this report is complete and accurate.

STEVEN J. & DOROTHEA GREEN & FAMILY POLITICAL CONTRIBUTIONS

DATE	ORGANIZATION	AMOUNT	CONTRIBUTOR
1997			
1/29/97	SO DAKOTA COORDINATED CAMPAIGN-FEDERAL ACCT.	5,000	STEVEN J. GREEN
1/29/97	SO DAKOTA COORDINATED CAMPAIGN-NON FEDERAL ACCT.	3,000	STEVEN J. GREEN
1996			
4/30/96	DNC	10,000	STEVEN J. GREEN
7/16/96	TENNESSEE DEMOCRATIC VICTORY FED 96.	2,000	STEVEN J. GREEN
7/16/96	GELAC	1,000	STEVEN J. GREEN
10/16/96	MASS DEMOCRATIC STATE PARTY NON FEDERAL.	10,000	STEVEN J. GREEN
10/16/96	SO DAKOTA MAJORITY PROGRAM.	3,000	STEVEN J. GREEN
10/23/96	ARKANSAS STATE DEM	10,000	STEVEN J. GREEN
11/12/96	ARKANSAS STATE DEM	5,000	DOROTHEA GREEN
1995			
6/30/95	JOHN KERRY FOR SENATE	2,000	STEVEN J. GREEN
6/30/95	CONGRESSMAN TIM JOHNSON	1,000	STEVEN J. GREEN
7/19/95	NATIONAL DEMOCRATIC COMMITTEE.	1,000	STEVEN J. GREEN
10/3/95	REPUBLICAN MAJORITY FUND	5,000	STEVEN J. GREEN
10/3/95	MCCONNELL FOR SENATE	1,000	STEVEN J. GREEN
1994			
5/18/94	DASCHLE REELECTION	2,000	STEVEN J. GREEN
10/25/94	UNITED 94-STATE AC	1,000	STEVEN J. GREEN
10/25/94	OBERLY FOR SENATE	1,000	STEVEN J. GREEN
10/29/94	MCCURDY FOR SENATE	1,000	STEVEN J. GREEN
10/29/94	OBERLY FOR SENATE	1,000	DOROTHEA GREEN
10/29/94	MCCURDY FOR SENATE	1,000	DOROTHEA GREEN
1993			
1/7/93	LIEBERMAN FOR SENATE	2,000	DOROTHEA GREEN
7/2/93	REELECT SEN. KENNEDY	2,000	STEVEN J. GREEN
7/12/93	SENATOR KENNEDY CAMPAIGN.	2,000	DOROTHEA GREEN
12/29/93	BOB KERREY FOR SENATE	2,000	STEVEN J. GREEN
12/29/93	CONNIE MACK FOR SENATE	1,000	DOROTHEA GREEN
12/29/93	WOFFORD FOR SENATE	1,000	STEVEN J. GREEN
12/29/93	LYNN SCHENK FOR CONGRESS.	2,000	STEVEN J. GREEN
1992			
1/20/92	CLINTON FOR PRESIDENT	1,000	STEVEN J. GREEN
1/23/92	CLINTON FOR PRESIDENT	1,000	DOROTHEA GREEN
3/2/92	CLINTON FOR PRESIDENT COMMITTEE.	1,000	ANDREA GREEN
3/2/92	CLINTON FOR PRESIDENT COMMITTEE.	1,000	KIMBERLY GREEN
3/11/92	CLINTON FOR PRESIDENT COMMITTEE.	1,000	CARL GREEN
3/11/92	CLINTON FOR PRESIDENT COMMITTEE.	1,000	SYLVIA GREEN
3/17/92	SENATOR JOHN BREAUX	2,000	STEVEN J. GREEN
3/17/92	SENATOR TIM WIRTH	1,000	STEVEN J. GREEN
3/24/92	SENATOR DASCHLE	2,000	DOROTHEA GREEN
6/11/92	LYNN SCHENK FOR CONGRESS.	1,000	DOROTHEA GREEN
12/7/92	LIEBERMAN FOR SENATE	2,000	STEVEN J. GREEN
12/7/92	BRYAN FOR SENATE	2,000	STEVEN J. GREEN
12/7/92	WOFFORD FOR SENATE	1,000	STEVEN J. GREEN
12/7/92	SCHENK FOR CONGRESS	1,000	STEVEN J. GREEN

Edward M. Gabriel, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Post: Chief of Mission, Morocco.

Nominee: Edward M. Gabriel.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee:

1. EDWARD GABRIEL, $500, January 24, 1992, Marty Russo; $500, March 3, 1992, Marty Russo; $500, May 22, 1992, George Miller; $250, June 1, 1992, Jim Chapman; $750, June 22, 1992, Malcom Wallop; $500, August 2, 1992, Lee Hamilton; $1000, December 2, 1992, Kent Conrad; $350, October 13, 1992, Mr. Murtha; $1000, January 30, 1992, John Dingell; $1000, January 30, 1992, Johnston for Congress; $500, May 5, 1992, Tim Roemer; $300, May 26, 1992, Bill Richardson; $500, September 16, 1992, Tim Roemer; $500, September 16, 1992, Tim Roemer; $500, September 30, 1992, Ben Campbell; $200, October 14, 1992, Bill Richardson; $250, March 12, 1993, Rick Boucher; $1000, December 31, 1993, Jim Cooper; $1000, May 10, 1994, Leslie Byrne; $250, July 12, 1994, Oberly Senate Com.; $1000, August 16, 1994, Sullivan for Senate; $500, August 26, 1994, Doug Costle; 1995, NONE; $3000, May 15, 1996, DNC-Non Federal; $20,000, May 15, 1996, DNC Services Corp.; $500, September 30, 1996, Navarro for Congress; $1000, October 23, 1996, Tom Bruggere for Senate; $1000, April 8, 1996, Clinton/Gore Primary; $100, April 15, 1996, John Baldacci; $1000, June 30, 1996, Ieyoub for Senate; $1000, October 21, 1996, Orton for Congress; $1000, October 22, 1996, Dennis Kucinich; $150, November, 1996, People for Rick Weiland; $2000, December, 1996, DNC.

2. KATHLEEN M. LINEHAN (Spouse), $500, May 11, 1992, Billy Tauzin; $250, June 22, 1992, Malcom Wallop; $500, September 18, 1992, Johnston for Congress; $250, September 21, 1992, Phil Sharp; $200, September 4, 1992, Coleman for Congress; $200, September 18, 1992, Rick Boucher; $500, July 27, 1992, Ben Campbell;

3. Children and Spouses, None.

4. Parents, Cecelia Gabriel (deceased).

Michael Gabriel (deceased).

5. Grandparents, Michael and Mary Moses (deceased).

John and Esma Gabriel (deceased).

6. Brothers and Spouses, None.

7. Sisters and Spouses, Mary and Ulrich R. Schlegel, $25, 1995; Frank Wolf; $100, August 7, 1996, Clinton/Gore-GELAC; $100, September 22, 1996, American Task Force for Lebanon PAC; $100, July 15, 1996, Richard Ieyoub; $50, February 3, 1996, American Task Force for Lebanon PAC; $100, April 15, 1996, John Baldacci.

Daniel Fried, of the District of Columbia, 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 Poland.

Post: Ambassador, Republic of Poland.

Nominee: Daniel Fried.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee.

1. Self, None.

2. Spouse, Olga Karpiw, None.

3. Children and Spouses, Hannah, None.

Sophia, None.

4. Parents, Gerald Fried, None. Judith Fried, $25, 7/16/92, Clinton for President Campaign; $25, 11/17/93, Anne Richards Campaign; $25, 8/3/94, Tom Duane Campaign (Congress); $10, 2/22/96, Harvey Gantt Campaign (Senate).

5. Grandparents, Samuel Joseph Fried, Deceased.

Selma Fried, Deceased.

Sidney Pines, Deceased.

Edith Pines, Deceased.

6. Brothers and Spouses, Jonathan Fried/Deena Shoshkas, None.

Joshua Fried, $20, 9/96, Harvey Gantt Campaign (Senate).

7. Sisters and Spouses, Deborah Fried/Kalman Watsky, None.

Stanley Tuemler Escudero, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Post: AZERBAIJAN

Nominee: Stanley T. Escudero.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, Amount, Date, and Donee.

1. Self, None.

2. Spouse, None.

3. Children and Spouses, S. Alexander C. Escudero (Unmarried), None. W. Benjamin P. Escudero (Unmarried), None.

4. Parents, Estelle T. Damgaard, None. Stanley D. Escudero (Father, Deceased).

5. Grandparents, William Tuemler (Deceased), Mary Tuemler (Deceased). Manuel Escudero (Deceased), Mabel Escudero (Deceased).

6. Brothers and Spouses, None.

7. Sisters and Spouses, None.

Shaun Edward Donnelly, of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Nominee: Shaun Edward Donnelly.

Post: U.S. Ambassador, Sri Lanka and Maldives.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, Susan Donnelly, $30, Jan. 19, 1995, Democratic Nat'l Cmte.

3. Children and spouses names, Alex Donnelly, Age 11, Eric Donnelly, Age 8, none.

4. Parents names, Alfred Donnelly, deceased 1984, Barbara Donnelly, none.

5. Grandparents names, Ralph Thornburg, deceased 1962, Hazel Thornburg, deceased 1987, John Donnelly, deceased 1920, Mary Donnelly, deceased 1949.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Lela Donnelly Hildebrand, deceased 1975, Susan K. Donnelly, none.

Carolyn Curiel, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: Carolyn Curiel.

Post: Belize.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, N/A.

3. Children and spouses names, N/A.

4. Parents names, Alexander Curiel, Angeline Curiel, none.

5. Grandparents names, Jesse Ortiz, deceased, Isabel Ortiz, deceased, Roman Curiel, deceased, Victoria Curiel, none.

6. Brothers and spouses names, Alexander R. Curiel, Patricia Curiel, Frederick Curiel, Carolann Curiel, Michael P. Curiel, Rebecca Curiel, Louis A. Curiel, none.

7. Sisters and spouses names, Isabel Jakov, David Jakov, Bernadette Sahulcik, Richard Sahulcik, none.

Richard Frank Celeste, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Nominee: Richard Frank Celeste.

Post: Ambassador to India.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, $500, 10/15/96 Tom Sawyer Committee; $100, 3/12/96, Friends of Max Cleland; $1000, 8/5/96, Victory '96, $100, 8/31/94, Citizens for Wofford; $50, 8/31/94, Jules Levine Committee; $100, 8/31/94, George Brown Campaign; $100, 1/92, Cordrey for Congress; $50, 9/92, George Brown Campaign; $250, 8/92, Geraldine Ferraro Senate Campaign; $250, 5/12/95, Clinton-Gore '96 Primary; $25, 5/23/94, Friends of Max Cleland; $50, 11/18/93, Tom Sawyer Committee.

2. Spouse, Jacqueline Ruth Lundquist, none.

3. Children and spouses; Eric Frank Celeste, Mary Hess (spouse), $25, 3/26/92, Brown for President; Christopher Arthur Celeste, $40 100/92, Cordrey for Congress; Melanie Celeste (spouse) $100, /96, Victory '96; Maria Gabrielle Celeste, none, Marie Teresa Noelle Celeste, none, Natalie Marie Celeste, None, Stephen Michael Theodore, Celeste, none.

4. Parents names, Frank P. Celeste (deceased 1988), Margaret L. Celeste (deceased 1993).

5. Grandparents names, Theodore and Elizabeth Louis Samuel and Caroline Celeste (all grandparents deceased by 1976) .

6. Brothers and spouses names, Theodore Samuel Celeste, $192, 3/5/96, (federal account), Ohio Democratic Party; Bobbie Lynn Celeste, $40, 6/28/96, Strickland for Congress.

7. Sisters and spouses names, Mary Patricia Hoffman (divorced) none.

Timothy Michael Carney of Washington, a Career Members of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

Nominee: Timothy Michael Carney.

Post: Ambassador to the Republic of Haiti.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

Self, none.

2. Spouse Victoria A. Butler, none.

3. Children and Spouses names, Anne H.D. Carney (unmarried), Declined to state for privacy reasons.

4. Parents names, Clement E. Carney (deceased), Marjorie S. Carney (stepmother-declines to specify), Jane Booth (mother-deceased), Kenneth Booth (stepfather, none).

5. Grandparents names, Mr. and Mrs. P Carney (deceased), Mr. and Mrs. J. Byrne (deceased).

6. Brothers and spouses names, Brian B. Carney (declines to specify), Jane V. Carney (declines to specify).

7. Sisters and spouses names, Sharon J. Carney, (divorced), none.

Amy L. Bondurant, of the District of Columbia, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Nominee: Amy Bondurant.

Post: Ambassador to OECD.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, $250.00, 1/26/97, Committee for Wendell Ford; $135.50 12/96, VLMBH-PAC (Verner, Liipfert Political Action Committee); $250.00, 10/25/96, Gordon for Senate; $100.00, 10/2/96, Friends of Patrick Kennedy; $100.00, 9/26/96, David Price for Congress; $250.00, 9/26/96, Keefe for Congress 1996; $500.00, 9/17/96, Torricelli for Senate; $1,400.00, 8/21/96, Democratic National Committee ('96 convention); $1,000.00, 7/26/96, Clinton/Gore '96 GELAC; $300.00, 7/23/96, Citizens Committee for Ernest F. Hollings; $250.00, 7/23/96, Coloradans for David Skaggs; $500.00, 7/6/96, Ward for Congress; $75.00, 6/18/96, Jim McGovern for Congress; $125.00, 6/18/96, Friends of Jay Rockefeller; $250.00, 6/18/96, The Picard for Congress Committee; $250.00, 5/28/96, Brennen for U.S. Senate; $1,000.00, 3/28/96, Steve Owens for Congress; $100.00, 3/26/96, Price for Congress; $1,000.00, 3/13/96, Beshear for Senate; ($4,116.00), 2/96, Returned pre-payment from PAC (paid in installments); $100.00, 1/30/96, Cummings for Congress; $500.00, 1/30/96, Friends of Jane Harman for Congress; $4,116.00, 1/4/96, VLBMH-PAC (pre-payment of contribution); $500.00, 11/8/95, Tim Johnson for South Dakota; $1,000.00, 11/8/95, Ron Wyden for Senate; $345.00, 10/95, VLMBH-PAC; $1,000.00, 10/18/95, Effective Government Committee; $500.00, 10/16/95, Torricelli for Senate; $345.00, 9/95, VLMBH-PAC; $250.00, 9/27/95, Clinton/Gore '96; $345.00, 8/95, VLMBH-PAC; $345.00, 7/95, VLMBH-PAC; $300.00, 6/13/95, Citizens Committee for Ernest F. Hollings; $750.00, 6/5/96, Clinton-Gore '96; $345.00, 5/95, VLMBH-PAC; $345.00, 4/95, VLMBH-PAC; $125.00, 4/20/95, Emily's List; $345.00, 3/95, VLMBH-PAC; $345.00, 2/95, VLMBH-PAC; $345.00, 1/95, VLMBH-PAC; $740.00, 10/94, VLMBH-PAC; $990.00, 10/17/94, Friends of Jim Cooper; $10.00, 10/94, Friends of Jim Cooper (cash); $1,000.00, 10/1/94, Kennedy for Senate; $100.00, 9/20/94, Adkisson for Congress; $250.00, 9/8/94, Friends of Jim Folsom; $413.00, 8/94, VLMBH-PAC; $500.00, 8/10/94, Brennan for Governor; $1,000.00, 3/15/94, Lautenberg Campaign; $500.00, 3/15/94, Cooper for Senate Campaign; $413.00, 2/94, VLMBH-PAC; $413.00, 1/94, VLMBH-PAC; $400.00, 12/93, VLMBH-PAC; $400.00, 11/93 VLMBH-PAC; $400.00, 10/93, VLMBH-PAC; $400.00, 9/93, VLMBH-PAC; $400.00, 8/93, VLMBH-PAC; $400.00, 7/93, VLMBH-PAC; $400.00, 5/93, VLMBH-PAC; $400.00, 4/93, VLMBH-PAC; $400.00, 3/93, VLMBH-PAC; $400.00, 2/93, VLMBH-PAC.

2. David E. Dunn, $100.00, 4/24/97, Texas Network; $250.00, 9/30/96, Roger Bedford for U.S. Senate; $1,000.00, 7/26/96, Clinton-Gore GELAC; $250.00, 5/17/95, Friends of Senator Joe Loeper; $1,000.00, 6/5/95, Clinton/Gore '96; $1,000.00, 4/18/95, Murtha for Congress; $500.00, 8/10/94, Drew Grigg (States Attorney); $1,000.00, 7/27/94, Harris Wofford for Senate; $250.00, 6/14/94, Rodham for Senate; $100.00, 4/21/94, Hogsett for Congress; $500.00, 3/14/94, Drew Grigg (States Attorney); $100.00, 1/10/94, Committee for Mary Boerges.

3. Children and spouses names, David Bondurant Dunn, none.

4. Parents names, Doris Bondurant, none, Judge John Bondurant, $25.00, 3/27/97, DCCC; $100.00, 3/18/97, DNC; $50.00, 1/10/97, DCCC; $25.00, 11/96, DCCC; $19.96, 10/3/96, Null for Congress; $50.00, 8/23/96, Dennis Null for Congress; $100.00, 8/12/96, DNC; $50.00, 6/24/96, DCCC; $150.00, 3/21/96, Clinton-Gore re-elect; $150.00, 4/27/95, Clinton-Gore re-elect; $50.00, 10/5/94, Barlow for Congress; $50.00, 1/26/94, DNC; $150.00, 5/7/93, DNC; $50.00 3/8/93, DNC.

5. Grandparents, names, Hoyt Bell, deceased; Flora Amy Ragsdale Bell, deceased; Clarence Crittenden Bondurant, deceased; and Lucy Burrus Bondurant, deceased.

6. Brothers and spouses names, none.

7. Sisters and spouses names, Lucy Wilson, none, her spouse, Max Wilson, none, Ann Bondurant, None.

Christopher C. Ashby, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: Christopher Ashby.

Post: Ambassador to Uruguay.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self, $1,000, 7/95, Clinton-Gore Campaign.

2. Spouse, Amy Ashby, $25, 1/96. DNC.

3. Children and Spouses names, Christopher Ashby Jr, Anson Ashby, None.

4. Parents names, Patrick Ashby, none, John E. Ashby, deceased, Lillian Weddington, none.

5. Grandparents names, all grandparents deceased.

6. Brothers and spouses names John E. Ashby Jr, $500, 92-96, Various Texas Republicans, Lynn Ashby, none.

7. Sisters and spouses names, Nancy Clark, none.

Mary Mel French, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

David Timothy Johnson, of Georgia, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Head of the United States Delegation to the Organization for Security and Cooperation in Europe (OSCE).

Cheryl F. Halpern, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999. (Reappointment)

Thomas H. Fox, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

Ordered, that the following nomination be referred to the Committee on Foreign Relations:

Mark Erwin, of North Carolina, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1999.

Ordered, that the following nomination be referred to the Committee on Foreign Relations:

Terrence J. Brown, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Administrator of the Agency for International Development.

Hank Brown, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring April 6, 2000.

Richard Sklar, of California, to be an Alternate Representative of the United States

of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for UN Management and Reform.

Harriet C. Babbitt, of Arizona, to be Deputy Administrator of the Agency for International Development.

A. Peter Burleigh, of California, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as deputy Representative of the United States of America to the United Nations.

Bill Richardson, of New Mexico, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Frank D. Yturria, of Texas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring June 26, 2002. (Reappointment)

Julia Taft, of the District of Columbia, to be an Assistant Secretary of State.

Carl Spielvogel, of New York, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999. (Reappointment)

Nancy H. Rubin, of New York, for the rank of Ambassador during her tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

B. Lynn Pascoe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh.

Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus.

Penne Percy Korth, of Texas, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2000.

Betty Eileen King, of Maryland, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Phyllis E. Oakley, of Louisiana, to be an Assistant Secretary of State.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORDS of September 3, October 8 and 9, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that this nomination lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS on September 3, October 8 and 9, 1997, at the end of the Senate proceedings.)

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion in the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister:

Jeffrey Davidow, of Virginia
Ruth A. Davis, of Georgia
Patrick Francis Kennedy, of Illinois

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Vincent M. Battle, of New York
Robert M. Beecroft, of Maryland
William M. Bellamy, of California
Peter Edward Bergin, of Maryland
John William Blaney, of California
William Joseph Burns, of Pennsylvania
John Campbell, of Virginia
John A. Collins, Jr., of Maryland
James B. Cunningham, of Pennsylvania
Robert Sidney Deutsch, of Virginia
Cedric E. Dumont, M.D., of Maryland
Barbara J. Griffiths, of Virginia
Lino Gutierrez, of Florida
Barbara S. Harvey, of the District of Columbia
Patrick R. Hayes, of Maryland
Donald S. Hays, of Virginia
John C. Holzman, of Hawaii
Sarah R. Horsey, of California
William H. Itoh, of New Mexico
Daniel A. Johnson, of Florida
Donald C. Johnson, of Texas
Richard H. Jones, of Virginia
John F. Keane, of New York
Marisa R. Lino, of Oregon
Michael W. Marine, of Connecticut
William C. McCahill, of New Jersey
William Dale Montgomery, of Pennsylvania
Janet Elaine Mules, M.D., of Washington
Robert C. Reis, Jr., of Missouri
Edward Bryan Samuel, of Florida
Theodore Eugene Strickler, of Texas
Robert J. Surprise, of Virginia
John F. Tefft, of Virginia
Robert E. Tynes, of Virginia

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officers and Secretaries in the Diplomatic Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Michael Donald Bellows, of Iowa
Peter William Bodde, of Maryland
Martin G. Brennan, of California
Wayne Jeffrey Bush, of Oregon
Peter H. Chase, of Washington
Phillip T. Chicola, of Florida
Laura A. Clerici, of South Carolina
Frank John Coulter, Jr., of Maryland
Caryl M. Courtney, of West Virginia
Anne E. Derse, of Michigan
Milton K. Drucker, of Connecticut
David B. Dunn, of California
William A. Eaton, of Virginia
Reed J. Fendrick, of New York
Robert Patrick John Finn, of New York
Robert W. Fitts, of New Hampshire
Gregory T. Frost, of Iowa
Walter Greenfield, of the District of Columbia
Michael E. Guest, of South Carolina
Richard Charles Hermann, of Iowa
Ravic Rolf Huso, of Virginia
James Franklin Jeffrey, of Massachusetts
Laurence Michael Kerr, of Ohio
Cornelis Mathias Keur, of Michigan
Scott Frederic Kilner, of California
Sharon A. Lavorel, of Hawaii
Joseph Evan LeBaron, of Oregon
Rose Marie Likins, of Virginia
Joseph A. Limprecht, of California
R. Niels Marquardt, of California
Roger Allen Meece, of Washington
Gillian Arlette Milovanovic, of Pennsylvania
James F. Moriarty, of Massachusetts
Rosil A. Nesberg, of Washington
Stephen James Nolan, of Pennsylvania
Larry Leon Palmer, of Georgia
Sue Ford Patrick, of Florida
Maureen Quinn, of New Jersey
Kenneth F. Sackett, of Florida
David Michael Satterfield, of Texas
John F. Scott, of Iowa
Paul E. Simons, of New Jersey
Stephen T. Smith, of Nebraska
Joseph D. Stafford III, of Florida
George McDade Staples, of California
Doris Kathleen Stephens, of Arizona
Sharon Anderholm Wiener, of Ohio
Herbert Yarvin, of California

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Mary Janice Fleck, of Tennessee
Robert J. Franks, of Virginia
Burley P. Fuselier, of Virginia
Sidney L. Kaplan, of Connecticut
John J. Keyes III, of Florida
Robert K. Novak, of Washington
Anita G. Schroeder, of Virginia
Charles E. Sparks, of Virginia
Joseph Thomas Yanci, of Pennsylvania

The following-named Career Members of the Senior Foreign Service of the Agency for International Development for promotion in the Senior Foreign Service to the classes indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Carl H. Leonard, of Virginia

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Donald Bolyston Clark, of New Hampshire
Toni Christiansen-Wagner, of Colorado
Kathleen Dollar Hansen, of Virginia
Donald L. Pressley, of Virginia
Henry W. Reynolds, of Florida
John A. Tennant, of California

The following-named Career Members of the Foreign Service of the Agency for International Development for promotion into the Senior Foreign Service.

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Hilda Marie Arellano, of Texas
Priscilla Del Bosque, of Oregon
Ronald D. Harvey, of Texas
Peter Benedict Lapera, of Florida
George E. Lewis, of Washington
Wayne R. Nilsestuen, of Maryland
Joy Riggs-Perla, of Virginia
David Livingstone Rhoad, of Virginia
F. Wayne Tate, of Virginia

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officers and Secretaries of the Diplomatic Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Joanne T. Hale, of California

The following-named persons of the agencies indicated for appointment as Foreign

Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officer of Class One, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Richard B. Howard, of California

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Robert James Bigart, Jr., of New York
Sue K. Brown, of Texas
Cathy Taylor Chikes, of Virginia
Renate Zimmerman Coleshill, of Florida
James R. Cunningham, of Virginia
Thomas E. Fachetti, of Pennsylvania
Linda Gray Martins, of Virginia
Nikita Grigorovich-Barsky, of Maryland
Susan M. Hewitt, of Virginia
John D. Lavelle, Jr., of Virginia
Jo Ann Quintron-Samuels, of Florida
Vincent P. Raimondi, of New York
Raymond E. Simmerson, of Maryland
Robert D. Smoot, of Florida
Carol J. Urban, of the District of Columbia
Patricia L. Waller, of California

For appointment as Foreign Service Officer of Class Two, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Carey N. Gordon, of Florida
Cecil Duncan McFarland, of Kentucky
Stephen Huxley Smith, of New Hampshire

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Ergibe A. Boyd, of Maryland
Timothy James Dodman, of Nebraska
Samuel G. Durrett, of Virginia
Stanley E. Gibson, of Ohio
Paul Lawrence Good, of California
Gayle Carter Hamilton, of Texas
Betty Diane Jenkins, of Virginia
Gerald K. Kandel, of Nevada
Mary A. McCarter-Sheehan, of Kansas
Margaret C. Ososky, of the District of Columbia
Deloris D. Smith, of Maryland
Michele Isa Sprechman, of New York

For appointment as Foreign Service Officer of Class Three, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Timothy H. Anderson, of Virginia
John A. Beed, of Maryland
Peter R. Hubbard, of California
George R. Jiron, Jr., of New Mexico
Cynthia Diane Pruett, of Texas
Glenn Roy Rogers, of Texas
David P. Young, of Virginia

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Miriam W. Adofo, of Maryland
Sandra L. Davis, of Maryland
Barbara J. DeJournette, of North Carolina
Lonnie Kelley, Jr., of Texas
Diane M. Lacroix, of New Hampshire
Barbara L. McCarthy, of Virginia

DEPARTMENT OF STATE

Rhonda J. Watson, of Florida

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Joseph M. Carroll, of the District of Columbia
David N. Kiefner, of Pennsylvania

DEPARTMENT OF STATE

Stephen C. Anderson, of Missouri
Alina Arias-Miller, of Indiana
Robert Lloyd Batchelder, of Colorado
Robert Stephen Beecroft, of California
Drew Gardner Blakeney, of Texas
Richard C. Boly, of Washington
Katherine Ann Brucker, of California
Marilyn Joan Bruno, of Florida
Sally A. Cochran, of Florida
Christina Dougherty, of Virginia
Patrick Michael Dunn, of Florida
Samuel Dickson Dykema, of Wisconsin
Ruta D. Elvikis, of Texas
Lisa B. Gregory, of Pennsylvania
Kathleen M. Hamann, of Washington
Jeffrey J. Hawkins, of California
Lisa Ann Henderson Harms, of Pennsylvania
John Robert Higi, of Florida
Robyn A. Hooker, of Florida
Raymond Eric Hotz, of Kentucky
James J. Hunter, of New Jersey
Mary B. Johnson, of Indiana
Wendy Meroe Johnson, of California
Lisa S. Kierans, of New Jersey
Douglas A. Koneff, of Florida
Evan A. Kopp, of California
Kimberly Constance Krhounek, of Nebraska
Daniel J. Kritenbrink, of Virginia
Timothy P. Lattimer, of California
Susan M. Lauer, of Florida
Jessica Sue Levine, of Massachusetts
Alexis F. Ludwig, of California
Nicholas Jordan Manring, of Washington
Paul Overton Mayer, of Kansas
James A. McNaught, of Florida
Stephen Howard Miller, of Maryland
Margaret Gran Mitchell, of Maryland
James D. Mullinax, of Washington
Nels Peter Nordquist, of Montana
Mark Brendan O'Connor, of Florida
Stuart Everett Patt, of California
Beth A. Payne, of Virginia
Joan A. Polaschik, of Virginia
Ashley R. Profaizer, of Texas
John Robert Rodgers, of Virginia
Paul F. Schultz III, of Virginia
Donald Mark Sheehan, of Virginia
Roger A. Skavdahl, of Texas
Phillip John Skotte, of New York
Anton Kurt Smith, of Arkansas
Willard Tenney Smith, of Texas
Sean B. Stein, of Utah
Lesslie C. Viguerie, of Virginia
Peggy Jeanne Walker, of Arizona
Benjamin Weber, of New Jersey
Kenneth M. Wetzel, of Virginia
Stephanie Turco Williams, of Texas
Margaret G. Woodburn, of Minnesota
Barbara Ann Bootes Yoder, of Florida

U.S. INFORMATION AGENCY

Elizabeth A. Cemal, of Virginia

The following-named Members of the Foreign Service of the Department of Commerce and the Department of State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Robert Leslie Barco, of Virginia
Jennifer Barlament, of Virginia
Robert H. Bates, of Virginia
Michael Richard Belanger, of Maryland
Ralph W. Bild, of Virginia
Timothy Hayes Bouchard, of Virginia
Nancy E. Bond, of Virginia
Mary Susan Bracken, of Virginia
Mark B. Burnett, of California
Gerard Cheyne, of Connecticut
Karen Kyung Won Choe, of New York
Lynn M. Clemons, of Virginia
Kent E. Clizbe, of Virginia
Michael A. Collier, of Maryland
Timothy Edward Corcoran, of Virginia
Glenn A. Corn, of Virginia
Whitney Anthony Coulon III, of Virginia
Erin James Coyle, of Virginia
Allen Bruce Craft, of Maryland
Daniel T. Crocker, of North Carolina
Anne Elizabeth Davis, of Georgia
Shirley Nelson Dean, of Virginia
Christopher James Del Corso, of New York
Lilburn S. Deskins III, of Missouri
Joseph Marcus DeTrani, of Virginia
Stewart Travis Devine, of Florida
Peter M. Dillon, of Maryland
Mark Duane Dudley, of Virginia
Elizabeth A. Duncan, of Illinois
Ellen M. Dunlap, of Florida
Ian Fallowfield Dunn, of Virginia
Edith D. Early, of Virginia
Cynthia C. Echeverria, of Illinois
David Abraham El-Hinn, of California
G. Michael Epperson, of Maryland
Elizabeth A. Fernandez, of Virginia
Romulo Andres Gallegos, of Illinois
James Garry, of the District of Columbia
Heather Gifford, of the District of Columbia
Jaime A. Gonzalez, of Virginia
Alison E. Graves, of Virginia
Harriet Ann Halbert, of Virginia
Donovan John Hall, of Virginia
Ruth I. Hammel, of Ohio
Robert W. Henry, of Virginia
Ellen Mackey Hoffman, of Virginia
Dereck J. Hogan, of New Jersey
Mimi M. Huang, of Michigan
Gregory H. Jesseman, of Virginia
Anthony L. Johnson, of Virginia
Jocelyn Hernried Johnston, of Maryland
Laurel M. Kalnoky, of Virginia
Margaret Lynn Kane, of Ohio
Laura Vaughn Kirk, of Virginia
Tan Van Le, of Maryland
Gabrielle T. Legeay, of Virginia
Mark Edward Lewis, of Virginia
Marc Daniel Liebermann, of Maryland
Marvin Suttles Massey III, of Virginia
Douglas John Mathews, of Virginia
Michael H. Mattei, of Virginia
Timothy John McCullough, of Virginia
Christopher Andrew McElvein, of Virginia
Victor Manuel Mendez, of Virginia
Andrew Benjamin Mitchell, of Texas
Trevor W. Monroe, of Virginia
Stephen B. Munn, of Alabama
Brian Patrick Murphy, of Virginia
Philip T. Nemec, of Washington
Paul Francis Crocker Nevin, of Florida
Stephen P. Newhouse, of California
Denise E. Nixon, of Virginia
Mai-Thao T. Nguyen, of Texas
Lawrence E. O'Connell, of Virginia
Elizabeth Anne O'Connor, of Virginia
Michael T. Oswald, of Connecticut
Kathleen G. Owen, of Virginia
Todd Harold Pavela, Jr., of Virginia
Richard T. Pelletier, of Maryland
David M. Rabette, of Virginia
Deborah L. Reynolds, of Virginia
Phillip C. Reynolds, of Virginia
Sara C. Reynolds, of Virginia
Sara Darroch Robertson, of Virginia
Wylma Christina Samaranayke Robinson, of Virginia
Elbert George Ross, of Texas
Frances S. Ross, of Virginia
James P. Sanchez, of Virginia
Stelianos George Scarlis, of Virginia
Jonathan Andrew Schools, of Texas
Nicholas E.T. Siegel, of Connecticut
Howard Solomon, of Kansas
Anne R. Sorensen, of New York
Susan Scopetski Snyder, of Virginia
Dana Edward Sotherlund, of Virginia
Michael Christopher Speckhard, of Virginia
Bonnie Phillips Sperow, of Virginia
David T. Stadelmyer, of Virginia

William M. Susong, of Virginia
Mary G. Thompson, of Virginia
Melanie F. Ting, of Virginia
Alexander Tounger, of Virginia
W. Jean Watkins, of Florida
Sonya Anjali Engstrom Watts, of Iowa
Richard Marc Weiss, of Virginia
Steven J. Whitaker, of Florida
Austin Roger Wiehe, of Virginia
Shelly Montgomery Williams, of the District of Columbia
Eric Marshall Wong, of California
Robert P. Woods, of Virginia

For appointment as Consular Officer and Secretary in the Diplomatic Service of the United States of America, effective July 12, 1994:

U.S. INFORMATION AGENCY

Susan Ziadeh, of Washington

The following-named Career Member of the Foreign Service of the Department of State for promotion into the Senior Foreign Service to the class indicated, effective October 16, 1994:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Kenneth Alan Duncan, of Connecticut

The following-named Career Member of the Foreign Service of the Department of State for promotion in the Senior Foreign Service to the class indicated, effective November 28, 1993:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Richard T. Miller, of Texas

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROTH, from the Committee on Finance:

Nancy Killefer, of Florida, to be an Assistant Secretary of the Treasury.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEFFORDS (for himself, Mr. INHOFE, Mr. AKAKA, Mr. CONRAD, Mr. REID, Ms. COLLINS, Mr. CRAIG, Mr. DASCHLE, Mr. MURKOWSKI, and Ms. SNOWE):

S. 1359. A bill to amend title 38, United States Code, to limit the amount of recoupment from veteran's disability compensation that is required in the case of veterans who have received certain separation payments from the Department of Defense; to the Committee on Veterans Affairs.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. D'AMATO, Mr. LEAHY, Mr. GRAMS, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Mr. BURNS, and Ms. SNOWE):

S. 1360. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 1361. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

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

S. 1362. A bill to promote the use of universal product members on claims forms used for reimbursement under the medicare program; to the Committee on Finance.

By Mr. CHAFEE:

S. 1363. A bill to amend the Sikes Act to enhance fish and wildlife conservation and natural resources management programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCAIN (for himself and Mr. LEVIN):

S. 1364. A bill to eliminate unnecessary and wasteful Federal reports; to the Committee on Governmental Affairs.

By Ms. MIKULSKI:

S. 1365. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Finance.

By Mr. KERREY (for himself and Mr. CONRAD):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to eliminate the 10 percent floor for deductible disaster losses; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 1367. A bill to amend the Act that authorized the Canadian River reclamation project, Texas to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1368. A bill to provide individuals with access to health information of which they are the subject, ensure personal privacy with respect to personal medical records and health care-related information, impose criminal and civil penalties for unauthorized use of personal health information, and to provide for the strong enforcement of these rights; to the Committee on Labor and Human Resources.

By Mr. DODD:

S. 1369. A bill to provide for truancy prevention and reduction, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. McCAIN (for himself and Mr. THOMAS):

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself, Mr. INHOFE, Mr. AKAKA, Mr. CONRAD, Mr. REID, Ms. COLLINS, Mr. CRAIG, Mr. DASCHLE, Mr. MURKOWSKI, and Ms. SNOWE):

S. 1359. A bill to amend title 38, United States Code, to limit the amount of recoupment from veterans' disability compensation that is required in the case of veterans who have received certain separation payments from Department of Defense; to the Committee on Veterans' Affairs.

THE VETERANS' DISABILITY BENEFITS RELIEF ACT OF 1997

Mr. JEFFORDS. Mr. President, today I rise to introduce the Veterans' Disability Benefits Relief Act. This legislation would address an unfair provision that double taxes veterans who participate in military downsizing programs run by the Department of Defense [DOD].

Mr. President, since 1991, in an effort by the DOD to downsize the armed services, certain military personnel have been eligible for either the special separation benefit [SSB] or the voluntary separation incentive [VSI] program. However, SSB or VSI recipients who are subsequently diagnosed with a service-connected disability must offset the full SSB/VSI amount paid to that individual by withholding amounts that would be paid as disability compensation by the Department of Veterans Affairs [VA].

Additionally, veterans who participate in the DOD's downsizing by selecting an SSB lump sum payment or a VSI monthly annuity payment, are forced to pay back the full, pretax amount in disability compensation—offsetting money that the veteran would never see with or without a service-connected disability. This is a gross injustice to veterans by double taxing their hard-earned compensation.

My bill would ease this double taxation for all members who accept an SSB or VSI payment package and make these alterations retroactive to December 5, 1991. Thus, service members not able to receive payment concurrently since 1991 will be reimbursed for their lost compensation portion that was taxed. The cost of this bill was estimated by CBO to be only $195 million over 25 years. This is a fraction of a percentage of our annual spending on compensation and benefits for former military personnel. I urge Congress to correct this injustice to our Nation's veterans and provide these veterans with the proper compensation they deserve.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. D'AMATO, Mr. LEAHY, Mr. GRAMS, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Mr. BURNS, and Ms. SNOWE):

S. 1360. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes; to the Committee on the Judiciary.

THE BORDER IMPROVEMENT AND IMMIGRATION ACT OF 1997

Mr. ABRAHAM. Mr. President, today I am introducing legislation to address a problem that has been attracting significant concern not only in my State of Michigan, but also in many other northern border States as well as along the southern border. This bill, entitled "The Border Improvement and Immigration Act of 1997," will also add desperately needed resources for border control and enforcement at the land borders.

I am proud to have a broad range of bipartisan support on this bill and to have as original cosponsors Senators KENNEDY, D'AMATO, LEAHY, GRAMS, DORGAN, COLLINS, MURRAY, BURNS, and SNOWE.

This legislation is needed to clarify the applicability of a small provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act—section 110 of that act. That section requires the Immigration and Naturalization Service to develop, by September 30, 1998, an automated entry and exit system to document the entry and departure of every alien arriving in and leaving the United States. While that may sound straightforward enough, the truth is that there could be disastrous consequences if this is not amended to conform with Congress' intent and to provide a sensible approach to automated entry-exit control.

The problem is that the term "every alien" could be interpreted to include Canadians who cross our northern land border—and in fact to include all aliens crossing the land borders and many aliens entering elsewhere who are currently exempt from filling out immigration forms. We could literally end up with intolerable backlogs and delays at the land borders and could end up creating a conflict with current documentary requirements, such as our practice of not requiring Canadians to present a passport, visa or border-crossing identification card to enter the United States for short-term visits.

The potential problems here are generating great concern. The United States Ambassador to Canada wrote to me on October 14, for example, that he is deeply concerned about this issue and noted that "section 110 is inconsistent with the concerted efforts the United States and Canada have made in recent years to improve and simplify cross-border traffic flows." The Canadian Ambassador to the United States expressed similar concerns to me when I met with him last month. I recently chaired a field hearing of the Immigration Subcommittee on this issue in Detroit, MI, at which elected officials and industry representatives testified about the unprecedented traffic congestion, decreased trade, lost business and jobs, and harm to America's international relations that could result from the full implementation of section 110 in its current form.

Mr. President, this provision was not intended by the law's authors to have the impact I just outlined. Our former colleague, Senator Alan Simpson, who preceded me as chairman of the Senate Immigration Subcommittee, and Representative LAMAR SMITH, who is chairman of the House Immigration Subcommittee, wrote in a letter last year to the Canadian Government that they "did not intend to impose a new requirement for border crossing cards on Canadians who are not presently required to possess such documents."

The INS appears to maintain, however, that the law as it stands does call for a record of each and every noncitizen entering or leaving the United States. When you look at the text of the statute, you can certainly see a basis for their view.

That is why I think the most sensible course here is simply to correct the statute. I should note that the administration shares our concern and has already requested that Congress correct section 110 and clarify that it should not apply along the land borders.

The full implementation of section 110 would create a nightmare at our land borders for several reasons. First, every alien could be required to fill out immigration forms and hand them to border inspectors. That would create added delays at entry points into the United States, which would be intolerable. Our land border crossings simply cannot support such added pressures.

A recent study by Parsons, Brinckerhoff, Quade & Douglas points out that traffic congestion and delays at our land borders already create unneeded costs and inconvenience. What we need are increased resources at the land borders, not increased burdens and bureaucracy.

Second, every alien would likewise have to hand in forms when they leave the United States. Our immigration officials currently inspect only those entering the United States, and there are thus no inspection facilities at locations where people leave the country. This means that new inspections facilities would need to be built and that we would see significant increases in traffic on U.S. roads leaving the country.

This additional infrastructure could run into billions of dollars, but the precise cost estimates are not possible at this point since we do not know what technology could even make such an exit system feasible. Even as a simple fiscal matter, we should not be requiring the kind of investment that would be involved here without knowing what the payoff, if any, will be, particularly where an undeveloped and untested system is involved. Also, at many border crossings, particularly on bridges or in tunnels, there simply is not room to construct additional facilities.

The magnitude of these problems cannot be overstated. As just one example, take the northern border, with which I am most familiar.

In 1996 alone, over 116 million people entered the United States by land from Canada, over 52 million of whom were Canadians or United States lawful permanent residents. The new provision would require a stop on the U.S. side to record the exit of every one of those 52 million people. That is more than 140,000 every day; it is more than 6,000 every hour; and more than 100 every minute. And that is only in one direction. The inconvenience, the traffic, and delays will be staggering.

If uncorrected, section 110 will also have a devastating economic impact. The free flow of goods and services that are exchanged every day through the United States and Canada has provided both countries with enormous economic benefits. Trade and tourism between the two nations are worth $1 billion a day for the United States. Canada is not only the United States' largest trading partner, but the United States-Canadian trading relationship is the most extensive and profitable in the world.

My own State of Michigan has been an important beneficiary of that relationship. And 46 percent of the volume and 40.6 percent of the value of United States-Canada trade crosses the Michigan-Ontario border. Last year alone, exports to Canada generated over 72,000 jobs in key manufacturing industries in my State of Michigan and over $4.68 billion in value added for the State.

The United States automobile industry alone conducts 300 million dollars' worth of trade with Canada every day. New just in time delivery methods have made United States-Canadian border-crossings integral parts of our automobile assembly lines. A delivery of parts delayed by as little as 20 minutes can cause expensive assembly line shutdowns.

Tourism and travel industries would likewise suffer by the full implementation of section 110. People in Windsor, Canada who thought they would head to Detroit for a Tiger's baseball game or Red Wing's hockey game might think again and stay home—with their money.

Canadians might decide not to bother to see the American side of Niagara Falls, or not to go hiking or fishing in

Maine. This would happen all across the northern border.

I am beginning to hear concerns from those along the southern border as well, and I believe that the impact of full implementation of section 110 there could be equally disastrous.

Congress did not intend to wreak such havoc on the borders. The fact is that these issues were simply not considered last Congress.

Section 110 was principally designed to make entry-exit control automated, so that the system would function better; it was not intended to expand documentary requirements and immigration bureaucracy into new and uncharted territory. A simple clarification of section 110 will take care of these problems. At the same time, we can take steps to improve inspections at our borders and to begin to take a sensible and longer term approach to automated entry-exit control.

Mr. President, my legislation is quite straightforward and contains three pieces.

First, it provides that section 110's requirement that the INS develop an automated entry-exit control system would not apply at the land borders, to U.S. lawful permanent residents, or to any aliens of foreign contiguous territory for whom the U.S. Attorney General and the Secretary of State have already waived visa requirements under existing statutory authority. This would maintain the status quo for lawful permanent residents and for a handful of our neighboring territories, including Canada, whose nationals do not pose a particular immigration threat and are already granted special status by the Attorney General and the Secretary of State.

As its second main provision, my legislation calls for a report on full automated entry-exit control. In my view, Congress should not expand entry-exit control into new territory until it has received a report on what that would mean.

The bottom line here is that we simply do not know whether such a fully implemented system is feasible, how much it will cost, whether the INS has the capacity and resources to use the data from such a system, and whether it might make more sense to devote our resources to going after the problem of visa overstayers in other ways.

Finally, my bill provides for increased personnel for border inspections by INS and Customs to address the backlogs and delays we already have on the border. For 3 years, it would increase INS inspectors at the land borders by 300 per year and Customs inspectors at the land borders by 150 per year.

Mr. President, our borders are already crowded. In 1993, nearly 9 million people traveled over the Ambassador Bridge, 6.4 million traveled through the Detroit-Windsor tunnel, and approximately 6.1 million crossed the Blue Water Bridge in Port Huron. Even without new controls, we have unacceptable delays at many points of our borders.

We should alleviate the problems we already have, not make them worse by adding more controls and burdens. Even in the best case scenario, the new entry-exit controls might take an extra 2 minutes per border crosser to fulfill. That is almost 17 hours of delay for every hour's worth of traffic. It's just not practical. We must act to prevent it from happening and take action to address the delays already existing at our borders.

I would also like to note that placing new entry-exit control requirements on our border neighbors will do virtually nothing to catch people entering our country illegally. For that, we need to improve border inspections and increase resources there.

I do agree that automated entry-exit control certainly is needed to improve upon the INS's current system, which has a poor track record of providing data on visa overstayers. Having correct and usable data would be extremely helpful for a number of purposes; for example, to determine whether countries should remain in the visa waiver program and which countries pose particular visa overstay problems.

However, in my view, being able to use automated entry-exit control as a means of going after individual visa overstayers is a long way off. That is why we should be cautious in our approach.

We need to study this problem and consider some hard questions like what we will do down the road with all this data. Do we really think that the INS is currently capable of compiling and matching the data correctly or that INS has the resources to track down individuals based on this data? Do we want to be directing the INS to use its limited resources in this manner?

I recommend that for the time being we attack the visa overstayer problem by focussing on our current enforcement tools and by continuing the enforcement approach taken in last year's illegal immigration reform bill. I supported efforts there to increase the sanctions for visa overstayers and to increase the number of INS investigators looking into visa overstayers.

But before we burden the vast majority who do not present an enforcement problem and before we add inconveniences and costs to our own citizens, we should continue to study the options for broader automated entry-exit control.

I look forward to working with my colleagues to move this legislation quickly. Tomorrow, we will be having a hearing to consider this bill and these issues in the Immigration Subcommittee. Given the overwhelming support for this along the land borders and from the administration, there is no need to wait on such an important issue or to leave so many with uncertainty.

I ask unanimous consent that the entire 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. 1360

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 "Border Improvement and Immigration Act of 1997".

SEC. 2. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

(a) IN GENERAL.—Section 110(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

"(a) SYSTEM.—

"(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will—

"(A) collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States; and

"(B) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

"(2) EXCEPTION.—The system under paragraph (1) shall not collect a record of arrival or departure—

"(A) at a land border of the United States for any alien;

"(B) for any alien lawfully admitted to the United States for permanent residence; or

"(C) for any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of the Immigration and Nationality Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546).

SEC. 3. REPORT.

(a) REQUIREMENT.—Not later than two years after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the feasibility of developing and implementing an automated entry-exit control system that would collect a record of departure for every alien departing the United States and match the record of departure with the record of the alien's arrival in the United States, including departures and arrivals at the land borders of the United States.

(b) CONTENTS OF REPORT.—Such report shall—

(1) assess the costs and feasibility of various means of operating such an automated entry-exit control system, including exploring—

(A) how, if the automated entry-exit control system were limited to certain aliens arriving at airports, departure records of those

aliens could be collected when they depart through a land border or seaport; and

(B) the feasibility of the Attorney General, in consultation with the Secretary of State, negotiating reciprocal agreements with the governments of contiguous countries to collect such information on behalf of the United States and share it in an acceptable automated format;

(2) consider the various means of developing such a system, including the use of pilot projects if appropriate, and assess which means would be most appropriate in which geographical regions;

(3) evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and

(4) estimate the length of time that would be required for any such system to be developed and implemented.

SEC. 4. INCREASED RESOURCES FOR BORDER CONTROL AND ENFORCEMENT.

(a) INCREASED NUMBER OF INS INSPECTORS AT THE LAND BORDERS.—The Attorney General in each of fiscal years 1998, 1999, and 2000 shall increase by not less than 300 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Immigration and Naturalization Service, above the number of such positions for which funds were made available for the preceding fiscal year. Not less than one-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned to the northern border of the United States.

(b) INCREASED NUMBER OF CUSTOMS INSPECTORS AT THE LAND BORDERS.—The Secretary of the Treasury in each of fiscal years 1998, 1999, and 2000 shall increase by not less than 150 the number of full-time inspectors assigned to active duty at the land borders of the United States by the Customs Service, above the number of such positions for which funds were made available for the preceding fiscal year. Not less than one-half of the inspectors added under the preceding sentence in each fiscal year shall be assigned to the northern border of the United States.

Mr. D'AMATO. I want to congratulate the chairman of the Immigration Subcommittee, Senator ABRAHAM, for focusing on this issue and am pleased to join him and my other colleagues in putting forth this legislation which is aimed at correcting deficiencies that exist in the current law.

Let me say I don't intend to repeat all of the arguments put forth by my colleagues. But I do want to point out, very clearly, there are a number of my colleagues who are concerned about the impact of implementation of this legislation.

We were given such assurances as it related to its enforcement—that there was no intent to impose various requirements that would actually stop people from Canada who were coming in on a daily basis—millions of people, millions. In New York, 2.7 million Canadians visit for at least 1 night. One bridge, the Peace Bridge, carries 80 million dollars' worth of goods and services between Canada and New York, my State. Mr. President, 80 million dollars' worth of merchandise a day.

It is estimated that if we impose this law that we will impose more time on inspections, which is now about 30 seconds per person, and make that at least 2 minutes a person. We will have traffic jams of 3, 4, 5 and 6 hours. We will cost American consumers hundreds and hundreds of millions of dollars. We will disrupt trade. We will create an absolute catastrophe at our borders.

Now, is that what we intend to do? If we really want to go after drug dealers, and that is what this intends to do, then let's go after them. We know who the cartel leaders are.

You are going to stop millions of people on a daily basis who are traveling back and forth between Canada and the United States? That is not going to affect the drug trade. Who are we kidding?

The implementation of this would be costly because we are talking about $1 billion a day in trade. That is what we are talking about, $1 billion a day.

Senator Simpson, who was chairman of the Subcommittee on Immigration last year, along with Congressman LAMAR SMITH, chairman of the House committee, in a letter that they wrote to the Canadian Ambassador, said that "We did not intend to impose a new requirement for border crossing cards * * * on Canadians who are not presently required to possess such documents."

Mr. President, this legislation authored by Senator ABRAHAM, and which I am very pleased to support, would exclude Canadians who are currently exempted, just like we told the Canadian Ambassador. So this legislation really keeps a commitment that was made to our friends, to our partners in Canada, and one in which I must say is absolutely vital to the interests of many, many communities.

Let me mention a number of communities who have said if this legislation is not amended, it would be disastrous: Buffalo, NY; Syracuse, NY; Onondaga County; Oswego County and Plattsburgh. I have to tell you, they have been absolutely aghast. These are just some of the communities who have written to me and expressed, by either way of their elected officials or by the various trade groups and representatives, that this would be catastrophic. I believe they are right.

This bill will stop problems before they are created—traffic jams never envisioned before, the flow of goods and services absolutely brought to a stop. I don't think we should wait for the problem to take place, nor do I think we can continue to abdicate our responsibility. As Senator ABRAHAM has pointed out quite eloquently, we have not gotten the kind of clarification necessary that would allow the normal intercourse of business between our two great countries. You can't jeopardize people's lives, the well-being of our communities and, indeed, our national prosperity. I am pleased to support this bill. I hope we can get Senator ABRAHAM speedy action on this. I intend to support Senator ABRAHAM in every way possible and I want to commend you for having brought this to the attention of the U.S. Congress and putting forth legislation in such a thoughtful way.

Last but not least, this legislation does something that is pretty important. It calls for increasing the number of Customs and INS inspectors and says at least half of them have to be placed on northern borders. While I understand that we have some tremendous problems on our southern borders dealing with the flow of drugs, we cannot underestimate the importance of continuing the process of commerce—in a manner which will continue to expand upon it and not impinge upon it.

I thank my colleague from Michigan for being so forthright on this. I hope we can get this legislation passed sooner rather than later.

To reiterate, I am pleased to join with the chairman of the Immigration Subcommittee, Senator ABRAHAM and the ranking member of the subcommittee, Senator KENNEDY, to introduce the Border Improvement and Immigration Act of 1997—a bill that will preserve the smooth and efficient trade and travel experienced between the United States and Canada.

A provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act has caused enormous trepidation among businesses and families living along the northern border of the United States and Canada. Several organizations have contacted me with their concern about section 110 of the 1996 act—a provision that requires "every alien" to display documents upon entry to or exit from the United States.

To put this problem into perspective, let me explain what implementation of section 110 would mean for New York State. Over 2.7 million Canadians visit New York each year for at least 1 night, spending over $400 million. Last year, my State's exports to Canada exceeded $9.5 billion and the first 6 months of 1997 has seen a rise in exports. The ties between the communities are strong and must not be disrupted.

The common council of the city of Plattsburgh has submitted a resolution indicating the threat to the strong relationship enjoyed by Canada and the United States—its economic, cultural, and social impact. The Greater Buffalo Partnership states that there are about 5,000 trucks moving goods through the port of Buffalo every day that will be subject to a time intensive document production under this provision. They conclude that "this provision will cause 5-hour delays and jeopardize every business relying on just in time deliveries."

This new requirement will cause unprecedented traffic jams at the border and chaos in the business and travel industry in northern New York.

Implementation of this border restriction would be costly for both American and Canadian business and tourism throughout both nations. Nationally, trade with Canada hovers near $1 billion a day and there has been up to 116 million people entered the United States from Canada in 1996. As bilateral trade grows every year, traffic congestion and back ups could be expected to last hours, translating into frustration and lost opportunities.

When Congress passed this law, there was no intent to impose this requirement on Canadians. As expressed by Senator Alan Simpson, chairman of the Senate Subcommittee on Immigration last year, and Congressman LAMAR SMITH, the chairman of the House Subcommittee on Immigration, in a letter to the Canadian Ambassador, "we did not intend to impose a new requirement for border crossing cards * * * on Canadians who are not presently required to possess such documents."

This new legislation will exclude Canadians, who are currently exempted from documentary requirements, from having to register every arrival and departure at the United States border. Because of the tremendous burden of enforcement on our borders, the bill also authorizes an increase of at least 300 INS inspectors and 150 Customs inspectors each year.

There is a major problem brewing on our border with Canada. It's a problem that threatens vital trade and travel between our two countries. This bill will halt the problem, and allow our normal trade and tourism to continue successfully. I am proud to lead the effort to pass this important legislation.

Mr. GRAMS. Mr. President, Minnesota and Michigan are two States that share a common border with Canada, and so I am very proud today to join my colleague, Senator ABRAHAM, chairman of the Judiciary Immigration Subcommittee, as a cosponsor of his bill to ensure Canada will receive current treatment once the immigration law is implemented in 1998. There has been a great deal of concern, especially in Minnesota, as well, as to how the immigration law we passed last year will affect the northern U.S. border. Right now the fear is the law is being misinterpreted by the Immigration and Naturalization Service.

Minnesota alone has about 817 miles of shared border with Canada and we share many interests with our northern neighbor—tourism, trade, and family visits among the most prevalent. In the last few years, passage back and forth over the Minnesota/Canadian border has been more open and free flowing, especially since the North American Free-Trade Agreement (NAFTA) went into effect. There were 116 million travelers entering the United States from Canada in 1996 over the land border. As our relationship with Canada is increasingly interwoven, we have sought a less restrictive access to each country.

The immigration bill last year was intended to focus on illegal aliens entering this country from Mexico and living in the United States illegally. The new law states that "every alien" entering and leaving the United States would have to register at all the borders—land, sea, and air. The Immigration and Naturalization Service was tasked with the effort to set up automated pilot sites along the border to discover the most effective way to implement this law, which was to become effective on September 30, 1998.

The INS was quietly going about establishing a pilot site on the New York State border when the reality sunk in. A flood of calls from constituents came into the offices of all of us serving in Canadian border states. Canadian citizens also registered opposition to this new restriction. It became quite clear that no one had considered how the new law affected Canada. Current law already waives the document requirement for most Canadian nationals, but still requires certain citizens to register at border crossings. That system has worked. There have been very few problems at the northern border with drug trafficking and illegal aliens.

In an effort to resolve this situation, I have joined Senators ABRAHAM, D'AMATO, COLLINS, SNOWE, BURNS, JEFFORDS, KENNEDY, LEAHY, MOYNIHAN, and GRAHAM of Florida in a letter asking INS Commissioner Meissner for her interpretation of this law and how she expects to implement it. We have not had a response to date, but the INS' previous reaction to this issue indicates that every alien would include both Canadian nationals and American permanent residents—everyone crossing the border.

Therefore, we must make it very clear that Congress did not intend to impose additional documentary requirements on Canadian nationals; Senator ABRAHAM's bill will restore our intent. Our legislation, the Border Improvement and Immigration Act of 1997, will not open the floodgates for illegal aliens to pass through—it will still require those who currently need documentation to continue to produce it and remain registered in a new INS system. This will allow the INS to keep track of that category of non-immigrant entering our country to ensure they leave when their visas expire. Senator ABRAHAM's bill will not unfairly treat our friends on the Canadian side that have been deemed not to need documentation—they will still be able to pass freely back and forth across the border.

But our bill will enable us to avoid the huge traffic jams and confusion which would no doubt occur if every alien was to be registered in and out of the United States. Such registration would discourage trade and visits to the United States. It would delay shipments of important industrial equipment, auto parts services and other shared ventures that have long thrived along the northern border. It will discourage the economic revival that northern Minnesotans are experiencing, helped by Canadian shoppers and tourists.

Mr. President, I do not believe Congress intended to create this new mandate. We sought to keep illegal aliens and illegal drugs out, not our trading partners and visiting consumers. Through the Abraham bill, we will still do that while keeping the door open to our neighbors from the north. The bill is good foreign policy, good public policy and good economic policy. We all will benefit while retaining our ability to keep track of nonimmigrants who enter our borders.

Mr. President, I want to take a moment to thank Senator ABRAHAM for his leadership on this very important matter. I am aware that Senator ABRAHAM had a successful hearing on this issue recently in Michigan. Many Minnesotans, through letters, calls and personal appeals, have also showed their opposition to a potential crisis. I look forward to testifying before the Immigration Subcommittee hearing tomorrow and assisting my colleague from Michigan in his efforts to pass this bill before the 1998 implementation date. Again, this is an unacceptable burden on our Canadian neighbors and those who depend upon their free access that effects the economics of all border states.

Mr. DORGAN. Mr. President, I am pleased today to join Senator ABRAHAM, chairman of the Immigration Subcommittee, as a cosponsor of legislation to clarify the intent of Congress under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. He has taken up this matter to clarify the intent of Congress and I appreciate his efforts and those of Senator KENNEDY to deal with this expeditiously.

The interest of North Dakota in this bill specifically relates to the impact of imposing section 110 entry-exit requirements on the land border between Canada and North Dakota. In September, I introduced legislation, S. 1212, to exempt Canadian nationals from the requirements of section 110. Senators CONRAD, MOYNIHAN, and LEVIN have joined me in cosponsoring the bill.

I have subsequently heard from small businesses not only in North Dakota, but from New York State, Michigan, and other States. They are very concerned that if Congress fails to take action to exempt Canadian nationals from the section 110 requirements it

could have a devastating impact on their businesses.

In 1995, Canadian visitors spent nearly $200 million in North Dakota. That is one in every four total tourism dollars coming into the State of North Dakota. Grand Forks, ND, devastated by floods last spring, is seeing a return of Canadian weekend visitors. The Convention and Visitors Bureau there tells me that without the Canadian visitors—who shop there, and who stay in area motels—without the Canadian visitors Grand Forks may never see a full economic recovery. These visitors are terribly important to this city trying to make a comeback.

Ask any small business owner in northern North Dakota—or for that matter any northern border State. We should be talking about policies to encourage more Canadians to visit the United States. It is incumbent on the Senate and the House to act to exempt Canadian nationals from the requirements of section 110 and to send a signal that we welcome their business.

Mr. President, I commend Senator ABRAHAM for taking up this important issue at this time. I endorse the exemption of Canadian nationals from section 110 requirements, and I wholeheartedly support his efforts to authorize additional personnel for the northern border. The northern borders in particular have seen no growth in resources for some time now.

I encourage the committee to move expeditiously to bring this bill to the floor. To do so will reassure small business owners and small communities across the northern United States that we are looking out for their economic interests.

Mr. BURNS. Mr. President, I rise today to support my colleague from Michigan, Senator ABRAHAM, in the introduction of the Border Improvement and Immigration Act of 1997. This legislation will clarify a small provision of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, specifically section 110. Section 110 requires the Immigration and Naturalization Service to develop, by September 30, 1998, an automated entry and exit control system to document the entry and departure of 'every alien' arriving in and leaving the United States.

This section, if not amended, would pose great hardship to Montana, and to most border States. The current procedure allows Canadians to cross the United States-Canadian border without requiring them to present a passport, visa, or border-crossing identification card. This assists our communities, on both sides of the border, to expand their economic growth. A large portion of our economic life is derived from the business we have that comes from Canada, whether it be from travel, tourism, or regular trade. The free flow of goods and services that are exchanged every day through the United States and Canada has provided both countries with enormous economic benefits. If not amended, this could drop dramatically.

Congress did not intend to cause such a disruption of service when it passed the Immigration Reform and Immigrant Responsibility Act. Section 110 was principally designed to make the current entry-exist control system automated—so that the system would function better; it was not intended to expand documentary requirements and bureaucracy. This legislation will take the steps needed to insure that the law is read properly. This bill would require that the Immigration and Naturalization Service to develop an automated entry-exit control system would not apply at the land borders, to U.S. lawful permanent residents or to any nationals of foreign contiguous territory from whom the Attorney General and the Secretary of State have already waived visa requirements.

Mr. President, I hope that the Senate will review this bill and understand the merits that it provides, not only for our border States, but also for the Nation. I look forward to working with my colleagues to ensure its swift passage.

Mr. LEAHY. Mr. President, I am proud to be an original cosponsor of The Border Improvement and Immigration Act of 1997. This bill will ensure that Canadians and United States permanent residents are treated fairly and appropriately and that the United States and Canada's long and friendly relationship regarding immigration issues is preserved.

We must preserve the integrity of our open border and ensure that no undue hassle, inconvenience, or burden is placed upon those who cross the United States-Canada border. Vermont and Canada share many traditions, and one that we all value is the free flow of trade and tourism. Ours is the longest open border in the world, and we should do nothing to change or endanger that relationship. On Vermont's border with Canada, commerce, tourism, and other exchanges across the border are part of our way of life. A general store in Norton, VT, on the border has the separate cash registers at either end of the shop.

The Border Improvement Act will preserve the status quo for Canadians and Americans crossing the United States' northern border. It will ensure that tourists and trade continue to be able to freely cross the border, without additional documentation requirements. This bill will also guarantee that the over $1 billion in daily cross-border trade is not hindered in any way. The Border Improvement Act takes a more thoughtful approach to modifying U.S. immigration policies than last year's bill, the Illegal Immigration Reform and Immigrant Responsibility Act [IIRIRA]. By requiring the Attorney General to thoroughly assess the potential cost and impact before implementing any sort of automated entry-exit monitoring system on the Nation's land borders, this bill ensures that any such system will be well planned and implemented. Finally, the Border Improvement Act will ensure adequate staffing on the northern border by requiring a substantial increase in the number of INS and Customs agents assigned to this region over the next 3 years.

I am particularly pleased to see that this bill has clear bipartisan support. Last year, I worked closely with Senator ABRAHAM to quash another ill-conceived proposed addition to the immigration bill—the implementation of border-crossing fees. We successfully defeated the fee proposal last year, but only after much debate and negotiation.

Unfortunately, we did not have the same opportunity to debate fully the provision in section 110 of the IIRIRA which mandates that the INS develop an automated entry and exit control system to track the arrival and departure of all aliens at all borders by next October.

The current language in section 110 of the IIRIRA, as agreed to in last would have a significant negative impact on trade and relations between the United States and Canada. By requiring an automated system for monitoring the entry and exit of all aliens, this provision would require that the INS and Customs agents stop each vehicle or individual entering or exiting the United States at all ports of entry. Canadians, United States permanent residents and many others who are not currently required to show documentation of their status would either have to carry some form of identification or fill out paperwork at the points of entry. This sort of tracking system would be enormously costly to implement along the northern border, especially since there is no current system or infrastructure to track the departure of citizens and others leaving the United States. Section 110, as currently worded, would also lead to excessive and costly traffic delays for those living and working near the border. These delays would surely have a negative impact on the $2.4 billion in goods and services shipped annually from Vermont to Canada and would likely reduce the $120 million per year which Canadians spend in Vermont.

This legislation has been crafted with input from the INS and representatives of the Canadian Government. By including the administration and our northern neighbor in the discussions, Senators ABRAHAM and KENNEDY have developed a remedy which is sure to be implemented smoothly. My cosponsorship of this bill reflects my ongoing concern about the negative impact the implementation of the current language in section 110 of the IIRIRA

would have on the economy in my home State of Vermont, as well as in the other northern border States. While this remedy was being negotiated, I cosponsored an amendment on the floor and sent letters to Attorney General Reno and INS Commissioner Meissner requesting that a study be undertaken before any sort of automated entry-exit monitoring system be implemented. I am pleased that this bill has a similar provision. But, the Border Improvement Act goes one step further to protect our Canadian neighbors' rights to freely cross the border into the United States without facing needless traffic delays or unnecessary paperwork requirements.

I am pleased that Senator ABRAHAM has called a hearing tomorrow to discuss this bill and the negative impact the current law would have in so many of our States. At the hearing, we will hear the testimony of Bill Stenger, the president of the Jay Peak Ski Resort in Vermont which is situated only a few miles from the Canadian border. Mr. Stenger will testify to the disastrous effect any increased documentation requirements for Canadians would have on his business, and so many other United States businesses which are dependent on the preservation of free trade and travel across the Canadian border.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 1361. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

THE WISCONSIN FEDERAL JUDGESHIP ACT OF 1997

Mr. KOHL. Mr. President, I rise today with my colleague from Wisconsin, Senator FEINGOLD, to introduce the Wisconsin Federal Judgeship Act of 1997. This bill would create one additional Federal judgeship for the eastern district of Wisconsin and situate it in Green Bay, where a district court is crucially needed. Let me explain how the current system hurts—and how this additional judgeship will help—businesses, law enforcement agents, witnesses, victims, and individual litigants in northeastern Wisconsin.

First, the four full-time district court judges for the eastern district of Wisconsin currently preside in Milwaukee. Yet for most litigants and witnesses in northeastern Wisconsin, Milwaukee is well over 100 miles away. Thus, litigants and witnesses must incur substantial costs in traveling from northern Wisconsin to Milwaukee—costs in terms of time, money, resources, and effort. Indeed driving from Green Bay to Milwaukee takes nearly two hours each way. Add inclement weather or a departure point north of Green Bay—such as Oconto or Marinette—and the driving time alone often results in witnesses traveling for a far longer period of time than they actually spend testifying.

Second, Mr. President, as Attorney General Janet Reno recently noted before the Judiciary Committee, Federal crimes remain unacceptably high in northeastern Wisconsin. These crimes range from bank robbery and kidnaping to Medicare and Medicaid fraud. However, without the appropriate judicial resources, a crackdown on Federal crimes in the upper will be made enormously more difficult.

Third, many manufacturing and retail companies are located in northeastern Wisconsin. These companies often require a Federal court to litigate complex price-fixing, contract, and liability disputes with out-of-State businesses. But the sad truth is that many of these cases are never even filed—precisely because the northern part of the State lacks a Federal court. Mr. President, this hurts businesses not only in Wisconsin, but across the Nation.

Fourth, prosecuting cases on the Menominee Indian Reservation creates specific problems that alone justify having a Federal judge in Green Bay. Under current law, the Federal Government is required to prosecute all felonies committed by Indians that occur on the Menominee Reservation. The reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic. And because the Justice Department compensates attorneys, investigators, and sometimes witnesses for travel expenses, the existing system costs all of us. In addition, Mr. President, we saw juvenile crime rates on this reservation rise by 279 percent last year alone. Without an additional judge in Green Bay, the administration of justice, as well as the public's pocketbook, will suffer enormously.

Fifth, Mr. President, the creation of an additional judgeship in the eastern district of Wisconsin is also clearly justified on the basis of caseload. I have commissioned the General Accounting Office to look at this issue and their report will be released early next year and which we expect will confirm our belief. However, based on standards already established by the Judicial Conference, the administrative and statistical arm of the Federal judiciary, an additional judgeship is clearly needed. In 1994, the Judicial Conference recommended the creation of additional Federal judgeships on the basis of weighted filings; that is, the total number of cases filed per judge modified by the average level of case complexity. In 1994, new positions were justified where a district's workload exceeded 430 weighted filings per judge. On this basis, the eastern district of Wisconsin clearly merits an additional judgeship: it tallied more than 435 weighted filings in 1993 and averaged 434 weighted filings per judge between 1991-93. In fact, though our bill would not add an additional judge in the western district of Wisconsin, we could make a strong case for doing so because the average weighted filings per judge in the western district was almost as high as in the eastern district.

Mr. President, our legislation in simple, effective, and straightforward. It creates an additional judgeship for the eastern district, requires that one judge hold court in Green Bay, and gives the chief judge of the eastern district the flexibility to designate which judge holds court there. And this legislation would increase the number of Federal district judges in Wisconsin for the first time since 1978. During that period, more than 252 new Federal district judgeships have been created nationwide, but not a single one in Wisconsin.

And don't take my word for it, Mr. President, ask the people who would be most affected: in 1994 each and every sheriff and district attorney in northeastern Wisconsin urged me to create a Federal district court in Green Bay. I ask unanimous consent that a letter from these law enforcement officials be included in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a letter from the U.S. attorney for the eastern district of Wisconsin, Tom Schneider, also be included. This letter expresses the support of the entire Federal law enforcement community in Wisconsin—including the FBI, the DEA, and the BATF—for the legislation we are introducing. They needed this additional judicial resource in 1994, and certainly, Mr. President, that need has only increased over the last 3 years.

Perhaps most important, the people of Green Bay also agree on the need for an additional Federal judge, as the endorsement of our proposal by the Green Bay Chamber of Commerce demonstrates.

In conclusion, Mr. President, having a Federal judge in Green Bay will reduce costs and inconvenience while increasing judicial efficiency. But most important, it will help ensure that justice is more available and more affordable to the people of northeastern Wisconsin. As the courts are currently arranged, the northern portion of the eastern district is more remote from a Federal court than any other major population center, commercial or industrial, in the United States. For these sensible reasons, I urge my colleagues to support this legislation. We hope to enact this measure, either separately or as a part of an omnibus judgeship bill the Judiciary Committee may consider later this Congress.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 1361

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

SECTION 1. ADDITIONAL FEDERAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

(1) SHORT TITLE.—This Act may be cited as the "Wisconsin Federal Judgeship Act of 1997".

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the eastern district of Wisconsin.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, shall reflect the change in the total number of permanent district judgeships authorized under subsection (a), such table is amended by amending the item relating to Wisconsin to read as follows:

"Wisconsin:	
"Eastern	5
"Western	2".

(d) HOLDING OF COURT.—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

AUGUST 8, 1994.

U.S. Senator HERB KOHL,
Washington, DC.

DEAR SENATOR KOHL: We are writing to urge your support for the creation of a Federal District Court in Green Bay. The Eastern District of Wisconsin includes the 28 eastern-most counties from Forest and Florence Counties in the north to Kenosha and Walworth Counties in the south.

Green Bay is central to the northern part of the district which includes approximately one third of the district's population. Currently, all Federal District Judges hold court in Milwaukee.

A federal court in Green Bay would make federal proceedings much more accessible to the people of northern Wisconsin and would alleviate many problems for citizens and law enforcement. Travel time of 3 or 4 hours each way makes it difficult and expensive for witnesses and officers to go to court in Milwaukee. Citizen witnesses are often reluctant to travel back and forth to Milwaukee. It often takes a whole day of travel to come to court and testify for a few minutes. Any lengthy testimony requires an inconvenient and costly overnight stay in Milwaukee. Sending officers is costly and takes substantial amounts of travel time, thereby reducing the number of officers available on the street. Many cases are simply never referred to federal court because of this cost and inconvenience.

In some cases there is no alternative. For example, the Federal government has the obligation to prosecute all felony offenses committed by Indians on the Menominee Reservation. Yet the Reservation's distance from the Federal Courts and prosecutors in Milwaukee poses serious problems. Imagine the District Attorney of Milwaukee being located in Keshena or Green Bay or Marinette and trying to coordinate witness interviews, case preparation, and testimony.

As local law enforcement officials, we try to work closely with other local, state and federal agencies, and we believe establishing a Federal District Court in Green Bay will measurably enhance these efforts. Most important, a Federal Court in Green Bay will make these courts substantially more accessible to the citizens who live here.

We urge you to introduce and support legislation to create and fund an additional Federal District Court in Green Bay.

Gary Robert Bruno, Shawano and Menominee County District Attorney; Jay Conley, Oconto County District Attorney; John DesJardins, Outagamie County District Attorney; Douglas Drexler, Florence County District Attorney; Guy Dutcher, Waushara County District Attorney; E. James FitzGerald, Manitowoc County District Attorney; Kenneth Kratz, Calumet County District Attorney; Jackson Main, Jr., Kewaunee County District Attorney; David Miron, Marinette County District Attorney; Joseph Paulus, Winnebago County District Attorney; Gary Schuster, Door County District Attorney; John Snider, Waupaca County District Attorney; Ralph Uttke, Langlade County District Attorney; Demetrio Verich, Forest County District Attorney; John Zakowski, Brown County District Attorney.

William Aschenbrener, Shawano County Sheriff; Charles Brann, Door County Sheriff; Todd Chaney, Kewaunee County Sheriff; Michael Donart, Brown County Sheriff; Patrick Fox, Waushara County Sheriff; Bradley Gehring, Outagamie County Sheriff; Daniel Gillis, Calumet County Sheriff; James Kanikula, Marinette County Sheriff; Norman Knoll, Forest County Sheriff; Thomas Kocourek, Manitowoc County Sheriff; Robert Kraus, Winnebago County Sheriff; William Mork, Waupaca County Sheriff; Jeffrey Rickaby, Florence County Sheriff; David Steger, Langlade County Sheriff; Kenneth Woodworth, Oconto County Sheriff.

Richard Awonhopay, Chief, Menominee Tribal Police; Richard Brey, Chief of Police, Manitowoc; Patrick Campbell, Chief of Police, Kaukauna; James Danforth, Chief of Police, Onelda Public Safety; Donald Forcey, Chief of Police, Neenah; David Gorski, Chief of Police, Appleton; Robert Langan, Chief of Police, Green Bay; Michael Lien, Chief of Police, Two Rivers; Mike Nordin, Chief of Police, Sturgeon Bay; Patrick Ravet, Chief of Police, Marinette; Robert Stanke, Chief of Police, Menasha; Don Thaves, Chief of Police, Shawano; James Thome, Chief of Police, Oshkosh.

U.S. DEPARTMENT OF JUSTICE, U.S. ATTORNEY, EASTERN DISTRICT OF WISCONSIN,
Milwaukee, WI, August 9, 1994.

To: The District Attorney's, Sheriffs and Police Chiefs Urging the Creation of a Federal District Court in Green Bay.

From: Thomas P. Schneider, U.S. Attorney, Eastern District of Wisconsin.

Thank you for your letter of August 8, 1994, urging the creation of a Federal District Court in Green Bay. You point out a number of facts in your letter:

(1) Although ⅓ of the population of the Eastern District of Wisconsin is in the northern part of the district, all of the Federal District Courts are located in Milwaukee.

(2) A federal court in Green Bay would be more accessible to the people of northern Wisconsin. It would substantially reduce witness travel time and expenses, and it would make federal court more accessible and less costly for local law enforcement agencies.

(3) The federal government has exclusive jurisdiction over most felonies committed on the Menominee Reservation, located approximately 3 hours from Milwaukee. The distance to Milwaukee is a particular problem for victims, witnesses, and officers from the Reservation.

I have discussed this proposal with the chiefs of the federal law enforcement agencies in the Eastern District of Wisconsin, including the Federal Bureau of Investigation, Federal Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, Secret Service, U.S. Marshal, U.S. Customs Service, and Internal Revenue Service-Criminal Investigation Division. All express support for such a court and given additional reasons why it is needed.

Over the past several years, the FBI, DEA, and IRS have initiated a substantial number of investigations in the northern half of the district. In preparation for indictments and trials, and when needed to testify before the Grand Jury or in court, officers regularly travel to Milwaukee. Each trip requires 4 to 6 hours of round trip travel per day, plus the actual time in court. In other words, the agencies' already scarce resources are severely taxed. Several federal agencies report that many cases which are appropriate for prosecution are simply not charged federally because local law enforcement agencies do not have the resources to bring these cases and officers back and forth to Milwaukee.

Nevertheless, there have been a substantial number of successful federal investigations and prosecutions from the Fox Valley area and other parts of the Northern District of Wisconsin including major drug organizations, bank frauds, tax cases, and weapons cases.

It is interesting to note that the U.S. Bankruptcy Court in the Eastern District of Wisconsin holds hearings in Green Bay, Manitowoc, and Oshkosh, all in the northern half of the district. For the past four years approximately 29% of all bankruptcy filings in the district were in these three locations.

In addition, we continue to prosecute most felonies committed on the Menominee Reservation. Yet, the Reservation's distance from the federal courts in Milwaukee poses serious problems. A federal court in Green Bay is critically important if the federal government is to live up to its moral and legal obligation to enforce the law on the Reservation.

In summary, I appreciate and understand your concerns and I join you in urging the certain of a Federal District Court in Green Bay.

THOMAS P. SCHNEIDER,
U.S. Attorney, Eastern District of Wisconsin.

Mr. FEINGOLD. Mr. President, I am pleased today to join my friend and colleague from Wisconsin, Senator KOHL, in introducing the Wisconsin Federal Judgeship Act of 1997. I want to commend my colleague for his leadership and dedication on this very important matter.

Mr. President, the legislation being introduced will address a serious problem currently confronting the citizens of the eastern district of Wisconsin. At present, the eastern district of Wisconsin consists of four district court judges and two appellate judges, all of which sit in Milwaukee. However, the eastern district of Wisconsin is an expansive area which extends from Wisconsin's southern border with Illinois all the way to the north and the Great Lakes. Approximately one-third of the population of the eastern district of

Wisconsin lives and works in the northern part of the district. While Milwaukee is centrally located for the majority of residents who reside in southeastern Wisconsin, the same cannot be said for the residents of my State which live in the northern portion of the district.

The Wisconsin Judgeship Act addresses this problem by placing a fifth district court judgeship in Green Bay which is centrally located in the northern portion of Wisconsin's eastern district. The simple fact of the matter is that at present access to the justice system is burdensome and expensive for the residents and for law enforcement of northeastern Wisconsin. In some instances, the travel time incurred by victims, witnesses, and law enforcement is as much as 3 or 4 hours each way, often longer depending upon the weather. In some cases, the cost, both in time and in scarce resources, may simply mean that legitimate cases are not being heard. Another troubling facet of this situation is that northeastern Wisconsin is home to the Menominee Indian Reservation. Because the Federal Government retains significant jurisdictional responsibility for cases arising on the reservation, the requirement that the cases be adjudicated in Milwaukee is particularly problematic in these cases. Based on these facts Mr. President, it is little wonder that this legislation has the strong support of law enforcement, both from police and prosecutors, from all across the eastern district of Wisconsin.

By placing a Federal judge in Green Bay, not only will the residents of the growing Fox River Valley have easier access to the court, but so too will those residents of my State which live in the north. Mr. President, I have long believed that access to the administration of justice is among the most important and fundamental rights that we as Americans retain. Ensuring access to the courthouse is one of the primary responsibilities that the Federal Government has to its citizens. As members of the Senate Committee on the Judiciary, Senator KOHL and I see firsthand how important the timely administration of justice is to our Democratic Government. The inability to receive one's day in court because of geographic distance, as appears to be happening to some in my State, is unacceptable. This legislation will address that inequity and I look forward to working with Senator KOHL and other members of the Judiciary Committee and the Senate as this legislation moves forward.

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

S. 1362. A bill to promote the use of universal product members on claim forms used for reimbursement under the medicare program; to the Committee on Finance.

THE MEDICARE UNIVERSAL PRODUCT NUMBER ACT OF 1997

Mr. GRASSLEY. Mr. President, on behalf of Senator BREAUX and myself, I am introducing legislation today to require the use of universal product numbers [UPNs] for all durable medical equipment [DME] Medicare purchases. The purpose of this legislation is to improve the Health Care Financing Administration's [HCFA] ability to track and to appropriately assess the value of the durable medical equipment it pays for under the Medicare Program. Very simply, our bill will ensure Medicare gets what it pays for.

According to an interim report by the General Accounting Office [GAO] and the Office of Inspector General's review of billing practices for specific medical supplies, the Medicare program is often paying greater than the market price for durable medical equipment and Medicare beneficiaries are not receiving the quality of care they should. HCFA currently does not require DME suppliers to identify specific products on their Medicare claims. Therefore it does not know for which products it is paying. HCFA's billing codes often cover a broad range of products of various types, qualities and market prices. For example, the GAO found that one Medicare billing code is used by the industry for more than 200 different urological catheters, with many of these products varying significantly in price, use, and quality.

Medicare's inability to accurately track and price medical equipment and supplies it purchases could be remedied with the use of product specific codes known as bar codes or universal product numbers [UPN's]. These codes are similar to the codes you see on products you purchase at the grocery store. Use of such bar codes is already being required by the Department of Defense and several large private sector purchasing groups. The industry strongly supports such an initiative as well. I am submitting several letters of endorsement for the record on behalf of the National Association of Medical Equipment Services and the Health Industry Distributors Association.

This bill represents a common-sense approach. It will improve the way Medicare monitors and reimburses suppliers for medical equipment and supplies. Patients will receive better care. And the Federal Government will save money. I ask that my colleagues on both sides of the aisle support this legislation which I am introducing today with my friend and colleague, Senator BREAUX.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 1362

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 "Medicare Universal Product Number Act of 1997".

SEC. 2. UNIVERSAL PRODUCT NUMBERS ON CLAIMS FORMS FOR REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) ACCOMMODATION OF UPNS ON MEDICARE ELECTRONIC CLAIMS FORMS.—Not later than February 1, 2000, all electronic claims forms developed or used by the Secretary of Health and Human Services for reimbursement under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) pursuant to part C of title XI of that Act (42 U.S.C. 1320d et seq.) or any other law shall accommodate the use of universal product numbers (as defined in section 1897(a)(2) of that Act (as added by subsection (b))) for covered items (as defined in section 1834(a)(13) of that Act (42 U.S.C. 1395m(a)(13))).

(b) REQUIREMENT FOR PAYMENT OF CLAIMS.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (as amended by section 4015 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 337)) is amended by adding at the end the following:

"USE OF UNIVERSAL PRODUCT NUMBERS

SEC. 1897. (a) DEFINITIONS.—In this section:

"(1) COVERED ITEM.—The term 'covered item' has the meaning given that term in section 1834(a)(13).

"(2) UNIVERSAL PRODUCT NUMBER.—The term 'universal product number' means a number that is—

"(A) affixed by the manufacturer to each individual covered item that uniquely identifies the item at each packaging level; and

"(B) based on commercially acceptable identification standards established by the Uniform Code Council—International Article Numbering System and the Health Industry Business Communication Council.

"(b) IN GENERAL.—No payment shall be made under this title for any claim for reimbursement for any covered item unless the claim contains the universal product number of the covered item.".

(c) DEVELOPMENT AND IMPLEMENTATION OF PROCEDURES.—From the information obtained by the use of universal product numbers (as defined in section 1897(a)(2) of the Social Security Act (as added by section 2(b))) on claims for reimbursement under the medicare program, the Secretary of Health and Human Services, in consultation with interested parties, shall periodically review the covered items billed under the Health Care Financing Administration Common Procedure Coding System and adjust such coding system to ensure that functionally equivalent covered items are billed and reimbursed under the same codes.

(d) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to claims for reimbursement submitted on and after February 1, 2001.

SEC. 3. STUDY AND REPORTS TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the results of the implementation of the provisions in subsections (a) and (c) of section 2 and the amendment to the Social Security Act in subsection (b) of that section.

(b) REPORTS.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to

Congress that contains a detailed description of the results of the study conducted pursuant to subsection (a), together with the Secretary's recommendations regarding the use of universal product numbers (as defined in section 1897(a)(2) of the Social Security Act (as added by section 2(b) of this Act)) and the use of data obtained from the use of such numbers.

HEALTH INDUSTRY DISTRIBUTORS ASSN.,
Alexandria VA., November 3, 1997.

Hon. CHARLES GRASSLEY,
Chairman, Special Committee on Aging,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: On behalf of the Health Industry Distributors Association (HIDA), I would like to applaud your support for the use of universal product number (UPNs) on Medical billings. HIDA is the national trade association of home care companies and medical products distribution firms. Created in 1902, HIDA represents over 600 companies with appropriately 2500 locations nationwide. HIDA Members provide value-added distribution services to virtually every hospital, physician's office, nursing facility, clinic, and other health care cities across the country, as well as to a growing number of home care patients.

HIDA has long supported the use of UPN's for medical products and supplies. UPNs provide a standard format for identifying each individual product. UPNs are a major enabling factor in the health industry's efforts to minimize fraudulent billings and automate the distribution process. The Department of Defense (DOD) has taken a leadership position in promoting the implementation of the industry standards of UPNs. As a part of their decision to use commercial medical products distributors, the DOD has mandated the use UPNs for all medical/surgical products delivered to DOD facilities.

HIDA believes that the Medicare Program could benefit greatly from the use of UPNs. By cross-referencing each UPN with the HCFA Common Procedure Coding System (HCPCS) and requiring the UPN on each claim for durable medical equipment, prosthetics, orthotics and supplies (DMEPOS), Medicare's ability to track utilization and combat fraud and abuse would be greatly enhanced. By using UPNs, the Medicare system would be able to correctly identify product utilization. As UPNs provide a unique, unambiguous means of identifying each item of DMEPOS on the market, Medicare would have a record of the exact product used by the beneficiary. Trends in product utilization and claims for "suspicious" items would be easily identifiable. HCPCS alone can not provide this information as many products of varying quality and cost are included in a single code.

In addition, problems with "upcoding" could be greatly reduced through the implementation of UPNs. Upcoding occurs when a beneficiary receives a product of lesser cost/quality than the HCPCS billed to Medicare. UPNs would correctly identify the specific item of DMEPOS, thereby making it impossible to misrepresent the cost and quality of the item. Importantly, by addressing the problem of upcoding, the Medicare Program would take great steps in assuring that beneficiaries receive the exact items of DMEPOS that they were intended to receive.

HIDA firmly believes that the Medicare Program and DMEPOS industry would benefit greatly from the use of UPNs. This standard would not only increase Medicare's understanding of what it pays for, but also assist in the effective administration of the Program. If HIDA can provide any further information or be of any assistance, please contact Ms. Erin H. Bush, Associate Director of Government Relations at (703) 838-6110.

Again, thank you for your interest in this important matter.

Sincerely.

CARA C. BACHENHEIMER,
Executive Director, Home Care and Long Term Care Market Groups.

NATIONAL ASSOCIATION FOR MEDICAL EQUIPMENT SERVICES,
Alexandria, VA, November 3, 1997.

Hon. CHARLES GRASSLEY,
U.S. Senate, Special Committee on Aging.

Hon. JOHN BREAUX,
U.S. Senate, Special Committee on Aging.

DEAR SENATORS GRASSLEY AND BREAUX: The National Association for Medical Equipment Services appreciates your October 27 letter requesting comment on your draft bill concerning use of uniform product number on home medical equipment. On behalf of our 1,200 member companies, NAMES is pleased to endorse this bill. We look forward to working with you as it proceeds through the legislative process. And, once enacted, we would hope the Administration would work with the industry to implement this law appropriately.

Sincerely,

WILLIAM D. COUGHLAN, CAE,
President and Chief Executive Officer.

By Mr. MCCAIN (for himself and Mr. LEVIN):

S. 1364. A bill to eliminate unnecessary and wasteful Federal reports; to the Committee on Governmental Affairs.

THE FEDERAL REPORTS ELIMINATION ACT OF 1997

Mr. MCCAIN. Mr. President, I am pleased to rise today to introduce legislation that would eliminate approximately 150 unnecessary reports that have been mandated by the Congress. All of these reports have been judged as unnecessary, wasteful, or redundant by each of the Federal agencies which have been required to produce them. I am also pleased to have the considerable assistance of the coauthor of this legislation, Senator LEVIN.

This proposal is intended to combat the growing problem of the thousands of mandatory reports that Congress has been imposing upon the executive branch over the last decade. Each year, Members of Congress continue to burden the executive branch agencies by mandating numerous reports. The price for the wasteful reports is extraordinarily high. Not only do they cost American taxpayers hundreds of millions of dollars each year, but they exhaust the often limited resources of the Federal agencies which have to meet these reporting requirements. Furthermore, the thousands of Federal employees who must work for months on these unnecessary reports could focus their energies to work on far more worthy ventures on behalf of taxpayers. They are a dubious use of taxpayers dollars and Government productivity.

Senator LEVIN and I began working on various aspects of eliminating and sunsetting unnecessary Federal reports in 1993. We have both been long concerned about the vast amounts of public funds and valuable government personnel resources that are being wasted. Let me state just one instructive example of how reporting mandates drain public funds and departmental resources. The Department of Agriculture alone spent over $40 million in taxpayers money in 1993 to produce the 280 reports it was required to submit to the Congress that year. While many of these reports may provide vital information to the Congress and the public, it is undeniable that many others can and should be repealed in order to save taxpayer dollars and staff time. This is true for virtually every agency of the Federal Government.

In 1995, Senator LEVIN and I were able to successfully eliminate approximately 200 reports, and sunset several hundred others. However, since that time, the administration has highlighted 450 additional reports that they would like repealed. Here are a few examples of the type of reports I am talking about. Each year, the following are required to be sent to the Congress from Federal agencies: Report on the Elimination of Notice to Congress Regarding Waiver of Requirement for Use of Vegetable Ink in Lithographic Printing; Report on Canadian Acid Rain Control Program; and Report on Metal Casting Research and Development Activities.

I have asked OMB to calculate the total amount of public funds we would save if the unnecessary or redundant reporting requirements contained in this legislation are repealed, and I will provide my colleagues with their response. Considering that we currently have over a $5 trillion dollar Federal deficit, Mr. President, I'm sure that you would agree that our citizens would not support this egregious expenditure of hundreds of useless reports each and every year.

It is important to note that this reporting mandate problem continues to grow with each passing year. GAO determined several years ago that "Congress imposes about 300 new requirements on Federal agencies each year." Prompt Senate action to authorize the elimination of wasteful reports in this proposal will be an important service to our constituents and these agencies. The staffing burdens and paper shuffling these outdated reporting mandates cause are of little real value to the important work of government. We should lighten the load of both overburdened taxpayers and the agencies involved by ending them now.

I would again like to thank Senator LEVIN for his hard work and dedication on this issue over the past few years. Furthermore, I must acknowledge the administration for its earnest support of this effort. Additionally, the proposed terminations were carefully reviewed and then approved by each respective committee chairman and

ranking member. These reports represent the flagrant waste of taxpayers dollars and Government productivity.

It is clear that this bipartisan effort will put an end to a significant part of the unnecessary cycle of waste and misspent resources that these reports represent. The adoption of this legislation would be a strong contribution toward downsizing Government as the American people have repeatedly called upon us to do. I urge my colleagues to support this legislation and remove the millstone of unnecessary and costly paperwork that Congress has hung around the neck of the Federal Government for too long.

Mr. LEVIN. Mr. President, I am pleased to join Senator MCCAIN in introducing the Federal Reports Elimination Act of 1997, which will eliminate or modify 187 outdated or unnecessary congressionally mandated reporting requirements. This legislation will reduce unnecessary paperwork generated, and staff time spent, in producing reports to Congress that are no longer relevant or useful.

Senator MCCAIN and I introduced and got enacted similar legislation in 1995, Public Law 104-66, the Federal Reports Elimination and Sunset Act of 1995. In that legislation we eliminated or modified 207 congressionally mandated reporting requirements and placed a 4-year sunset on all other reports that were required to be made on an annual or otherwise regular basis. We also required in that legislation that the President include in the first annual budget submitted after the date of enactment of the Federal Reports Elimination and Sunset Act of 1995 a list of the congressionally mandated reports that he has determined to be unnecessary or wasteful. The President provided a list of nearly 400 reports in the fiscal year 1997 budget along with comments on why the agencies involved felt the reporting requirements should be eliminated or modified. In many instances, the administration states, the reports are obsolete or contain duplicate information already conveyed to Congress in another report or publication.

For example, one report that is required of the Department of Agriculture asks the agency to provide to Congress a list of the advisory committee members, principal place of residence, persons or companies by whom they are employed, and other major sources of income. This information may be useful at the agency level, but is not significant to Congress. The administration's recommendation for elimination of this report stated that the "preparation of this report is time consuming and may not be of particular interest to Congress. If the requirement for an annual report is deleted, the information contained in the report would still be available upon request."

Another example of unnecessary reporting is the requirement to provide reports for programs that have never been funded. The Department of Energy was asked to provide a biennial update to the National Advanced Materials Initiative Five-Year Program Plan in support of the Energy Policy Act of 1992, for which funds were never provided. The Department of Justice never received funding for a program that required the submission of a report to the Judiciary Committee on the security of State and local immigration and naturalization documents and any improvements that occurred as a result of the Immigration Nursing Relief Act of 1989. The Department of Transportation has never received funding for a requirement to study the effects of climatic conditions on the costs of highway construction and maintenance. The National Advisory Commission on Resource Conservation and Recovery for the Environmental Protection Agency is tasked with providing an interim report of its activities. This Commission was established and commissioned in 1981 and has never met nor received funding for its activities.

The Vice President's National Performance Review estimated that Congress requires executive branch agencies to prepare more than 5,300 reports each year. That number has increased dramatically from only 750 such reports required by Congress in 1970. The GAO reports that Congress imposes close to 300 new requirements on Federal agencies each year.

And preparation of these reports costs money. The Department of Agriculture estimated in 1993 that it spent more than $40 million in preparing 280 mandated reports.

In developing this bill, Senator MCCAIN and I wrote to the chairmen and ranking members of the relevant Senate committees and asked them to review the list of reports, under their jurisdiction, that the administration identified as no longer necessary or useful and, therefore, ready for elimination or modification. We wanted to be sure that the committees of jurisdiction concurred with the administration in their assessment of the lack of need for these reports. Many of the committees responded to the request. Those responses were generally supportive and some contained only a few changes to the administration's recommendations. Some committees identified reports under their jurisdiction which they wanted to retain because the information contained in the report is still of use to the committee. Those suggestions were incorporated into the bill so that the bill reflects only those reports for which there is general agreement about elimination or modification.

Senator MCCAIN and I are introducing this bipartisan legislation to reduce the paperwork burdens placed on Federal agencies, streamline the information that flows from these agencies to Congress, and ultimately save millions of taxpayer dollars. I hope we can act quickly on this legislation.

By Ms. MIKULSKI:

S. 1365. A bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation; to the Committee on Finance.

THE GOVERNMENT PENSION OFFSET MODIFICATION ACT OF 1997

Ms. MIKULSKI. Mr. President, I rise to talk about an issue that is very important to me, very important to my constituents in Maryland, and very important to government workers and retirees across the Nation.

Today, I am introducing a bill to modify a harsh and heartless rule of government that is unfair and prevents current workers from enjoying the benefits of their hard work in their retirement. I want the middle class of this Nation to know that if you worked hard to become middle class you should stay middle class when you retire.

Under current law, there is something called the pension offset law. This is a harsh and unfair policy. Let me tell you why.

If you are a retired government worker, and you qualify for a spousal Social Security benefit based on your spouse's employment record, you may not receive what you qualify for. Because the pension offset law reduces or entirely eliminates a Social Security spousal benefit when the surviving spouse is eligible for a pension from a local, state, or federal government job that was not covered by Social Security.

This policy only applies to government workers, not private sector workers. Let me give you an example of two women, Helen and her sister Phyllis.

Helen is a retired Social Security benefits counselor who lives in Woodlawn, MD. Helen currently earns $600 a month from her Federal Government pension. She's also entitled to a $645 a month spousal benefit from Social Security based on her deceased husband's hard work as an auto mechanic. That's a combined monthly benefit of $1,245.

Phyllis is a retired bank teller also in Woodlawn, MD. She currently earns a pension of $600 a month from the bank. Like Helen, Phyllis is also entitled to a $645 a month spousal benefit from Social Security based on her husband's employment. He was an auto mechanic, too. In fact, he worked at the same shop as Helen's husband.

So, Phyllis is entitled to a total of $1,245 a month, the same as Helen. But, because of the pension offset law, Helen's spousal benefit is reduced by two-thirds of her government pension, or $400. So instead of $1,245 per month, she will only receive $845 per month.

This reduction in benefits only happens to Helen because she worked for the government. Phyllis will receive her full benefits because her pension is a private sector pension. I don't think that's right, and that's why I'm introducing this legislation.

The crucial thing about the Mikulski modification is that it guarantees a minimum benefit of $1,200. So, with the Mikulski modification to the pension offset, Helen is guaranteed at least $1,200 per month.

Let me tell you how it works. Helen's spousal benefit will be reduced only by two-thirds of the amount her combined monthly benefit exceeds $1,200. In her case, the amount of the offset would be two thirds of $45, or $30. That's a big difference from $400, and I think people like our Federal workers, teachers, and our firefighters deserve that big difference.

Why should earning a government pension penalize the surviving spouse? If a deceased spouse had a job covered by Social Security and paid into the Social Security system. That spouse expected his earned Social Security benefits would be there for his surviving spouse.

Most working men believe this and many working women are counting on their spousal benefits. But because of this harsh and heartless policy the spousal benefits will not be there, your spouse will not benefit from your hard work, and, chances are, you won't find out about it until your loved one is gone and you really need the money.

The Mikulski modification guarantees that the spouse will at least receive $1,200 in combined benefits. That Helen will receive the same amount as Phyllis.

I'm introducing this legislation, because these survivors deserve better than the reduced monthly benefits that the pension offset currently allows. They deserve to be rewarded for their hard work, not penalized for it.

Many workers affected by this offset policy are women, or clerical workers and bus drivers who are currently working and looking forward to a deserved retirement. These are people who worked hard as Federal employees, school teachers, or firefighters.

Frankly, I would repeal this policy all together. But, I realize that budget considerations make that unlikely. As a compromise, I hope we can agree that retirees who work hard should not have this offset applied until their combined monthly benefit exceeds $1,200.

In the few cases where retirees might have their benefits reduced by this policy change, my legislation will calculate their pension offset by the current method. I also have a provision in this legislation to index the minimum amount of $1,200 to inflation so retirees will see their minimum benefits increase as the cost of living increases.

I believe that people who work hard and play by the rules should not be penalized by arcane, legislative technicalities. That's why I'm introducing this bill today.

Representative WILLIAM JEFFERSON of Louisiana has introduced similar legislation in the House. I look forward to working with him to modify the harsh pension offset rule.

If the Federal Government is going to force government workers and retirees in Maryland and across the country to give up a portion of their spousal benefits, the retirees should at least receive a fair portion of their benefits.

I want to urge my Senate colleagues to join me in this effort and support my legislation to modify the Government pension offset.

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. 1365

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

SECTION 1. LIMITATION ON REDUCTIONS IN BENEFITS FOR SPOUSES AND SURVIVING SPOUSES RECEIVING GOVERNMENT PENSIONS.

(a) WIFE'S INSURANCE BENEFITS.—Section 202(b)(4)(A) of the Social Security Act (42 U.S.C. 402(b)(4)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(b) HUSBAND'S INSURANCE BENEFITS.—Section 202(c)(2)(A) of such Act (42 U.S.C. 402(c)(2)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(c) WIDOW'S INSURANCE BENEFITS.—Section 202(e)(7)(A) of such Act (42 U.S.C. 402(e)(7)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(d) WIDOWER'S INSURANCE BENEFITS.—Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(e) MOTHER'S AND FATHER'S INSURANCE BENEFITS.—Section 202(g)(4)(A) of such Act (42 U.S.C. 402(g)(4)(A)) is amended—

(1) by inserting "the amount (if any) by which the sum of such benefit (before reduction under this paragraph) and" after "two-thirds of"; and

(2) by inserting "exceeds the amount described in subsection (z) for such month," before "if".

(f) AMOUNT DESCRIBED.—Section 202 of such Act (42 U.S.C. 402) is amended by adding at the end the following:

"(z) The amount described in this subsection is, for months in each 12-month period beginning in December of 1997, and each succeeding calendar year, the greater of—

"(1) $1200; or

"(2) the amount applicable for months in the preceding 12-month period, increased by the cost-of-living adjustment for such period determined for an annuity under section 8340 of title 5, United States Code (without regard to any other provision of law).".

(g) LIMITATIONS ON REDUCTIONS IN BENEFITS.—Section 202 of such Act (42 U.S.C. 402), as amended by subsection (f), is amended by adding at the end the following:

"(aa) For any month after December 1997, in no event shall an individual receive a reduction in a benefit under subsection (b)(4)(A), (c)(2)(A), (e)(7)(A), (f)(2)(A), or (g)(4)(A) for the month that is more than the reduction in such benefit that would have applied for such month under such subsections as in effect on December 1, 1997.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 1997.

By Mr. KERREY (for himself and Mr. CONRAD):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to eliminate the 10 percent floor for deductible disaster losses; to the Committee on Finance.

DISASTER RELIEF LEGISLATION

Mr. KERREY. Mr. President, under current law, personal property damage is tax-deductible only to the extent that each loss is more than $100 and the total losses exceed 10 percent of income. Today, I am introducing legislation which would eliminate the 10-percent test for unreimbursed casualty losses resulting from a Presidentially declared disaster that occurs in 1997.

Just over a week ago, Nebraska was hit by a massive winter storm that dumped up to 20 inches of snow and 2½ inches of rain on our State unusually early in the season. As a result, Nebraskans have suffered massive damages, the extent of which we are only beginning to discover as the process of digging out begins. More than 175,000 lost electrical power, and many of them are still waiting for it to be restored. Thousands still lack phone service. About 85 percent of trees—still heavy with fall leaves—were damaged in Omaha alone.

Mr. President, changing this tax law won't shovel the snow, or restore all the phone and electrical service. But for the homeowner whose property was damaged by felled trees, or thousands

of other Nebraskans who suffered losses in this storm, allowing them to deduct the full amount of those losses will provide a little breathing room as the long process of digging out—and rebuilding—begins. I hope we act on it soon.

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. 1366

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

SECTION 1. ELIMINATION OF 10 PERCENT FLOOR FOR DEDUCTIBLE DISASTER LOSSES.

(a) GENERAL RULE.—Section 165(h)(2)(A) of the Internal Revenue Code of 1986 (relating to net casualty loss allowed only to the extent it exceeds 10 percent of adjusted gross income) is amended by striking clauses (i) and (ii) and inserting the following new clauses:

"(i) the amount of the personal casualty gains for the taxable year,

"(ii) the amount of the federally declared disaster losses for the taxable year (or, if lesser, the net casualty loss), plus

"(iii) the portion of the net casualty loss which is not deductible under clause (ii) but only to the extent such portion exceeds 10 percent of the adjusted gross income of the individual.

For purposes of the preceding sentence, the term 'net casualty loss' means the excess of personal casualty losses for the taxable year over personal casualty gains.".

(b) FEDERALLY DECLARED DISASTER LOSS DEFINED.—Section 165(h)(3) of such Code (defining personal casualty gain and personal casualty loss) is amended—

(1) by adding at the end the following new subparagraph:

"(C) FEDERALLY DECLARED DISASTER LOSS.—

"(i) IN GENERAL.—The term 'federally declared disaster loss' means any personal casualty loss attributable to a disaster occurring during 1997 in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(ii) DOLLAR LIMITATION.—Such term shall not include personal casualty losses to the extent such losses exceed $10,000 for the taxable year.", and

(2) by striking "OF PERSONAL CASUALTY GAIN AND PERSONAL CASUALTY LOSS" in the heading.

(c) CONFORMING AMENDMENT.—The heading for section 165(h)(2) of such Code is amended by striking "NET CASUALTY LOSS" and inserting "NET NONDISASTER CASUALTY LOSS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to losses attributable to disasters occurring after December 31, 1996, including for purposes of determining the portion of such losses allowable in taxable years ending before such date pursuant to an election under section 165(i) of the Internal Revenue Code of 1986.

By Mrs. HUTCHISON:

S. 1367. A bill to amend the act that authorized the Canadian River reclamation project, Texas to direct the Secretary of the Interior to allow use of the project distribution system to transport water from sources other than the project; to the Committee on Energy and Natural Resources.

THE CANADIAN RIVER MUNICIPAL WATER AUTHORITY ACT OF 1997

Mrs. HUTCHISON. Mr. President, today I am introducing legislation that would enable the Canadian River Municipal Water Authority in Texas to use the Canadian River Project's water distribution system to transport water from sources other than those envisioned when the project was conceived nearly 50 years ago.

The Canadian River Municipal Water Authority is a State agency which supplies water to over 500,000 citizens in 11 cities on the Texas high plains, including Lubbock and Amarillo. The water authority was created by the Texas Legislature which authorized it to contract with the Federal Government under Federal reclamation laws to build and develop the Canadian River Project, also known as Lake Meredith. While the operation and maintenance responsibilities of the project were transferred to the water authority, the Bureau of Reclamation retained the title and ownership of the project.

The quality and supply of water from the Canadian River Project has not met the expectations of either the Bureau of Reclamation or the residents of the Texas high plains. Not only is their insufficient water to provide adequately for the needs of the communities Lake Meredith serves, but the water has high levels of salt.

The Canadian River Municipal Water Authority has proposed to supplement the water in Lake Meredith with better quality groundwater from nearby aquifers. While this will not require any Federal funding, the Bureau of Reclamation has ill-conceived guidelines precluding nonproject water from flowing through their reservoirs or distribution systems.

The legislation I am introducing today would allow the use of the Canadian River Project water distribution system to transport better quality water from the nearby aquifers which are outside the originally defined project scope. An environmental review, as required by law, would be conducted and completed within 90 days of enactment of this legislation. Congressman MAC THORNBERRY has introduced similar legislation in the House of Representatives.

The citizens of the Texas Panhandle have long suffered from insufficient water and poor water quality. The Bureau of Reclamation has worked with the water authority to develop a solution to the high salt content in the water. Local officials believe that one solution is to simply dilute the poor quality water with better quality water from the nearby aquifers.

I urge my colleagues to pass this legislation quickly to meet the long-term water needs of many Texas Panhandle residents.

By Mr. LEAHY (for himself and Mr. KENNEDY):

S. 1368. A bill to provide individuals with access to health information of which they are the subject, ensure personal privacy with respect to personal medical records and health care-related information, impose criminal and civil penalties for unauthorized use of personal health information, and to provide for the strong enforcement of these rights; to the Committee on Labor and Human Resources.

THE MEDICAL RECORDS PRIVACY ACT OF 1997

Mr. LEAHY. Mr. President, the time has come for Congress to enact a strong and effective federal law to protect the privacy of medical records.

To address this need, today, Senator KENNEDY and I are introducing the Medical Information Privacy and Security Act (MIPSA).

Americans strongly believe that their personal, private medical records should be kept private. The time-honored ethics of the medical profession also reflect this principle. The physicians' oath of Hippocrates requires that medical information be kept "as sacred as secrets."

A guiding principle in drafting this legislation is that the movement to more a integrated system of health care in our country will only continue to be supported by the American people if they are assured that the personal privacy of their health care information is protected. In fact, without the confidence that one's personal privacy will be protected, many will be discouraged from seeking medical help.

I am encouraged that a variety of public policy and health professional organizations, across the political spectrum, are signaling their intentions to step forward to join forces with consumers during this debate.

For the American public, and for the Congress, this debate boils down to a fundamental question: Who controls our medical records, and how freely can others use them?

Many of us in this chamber quickly criticized the Social Security Administration and the IRS regarding the security of computer records. We blasted the IRS for allowing employees to randomly scan through our personal financial records.

If we are concerned about IRS employees looking at our tax records, should we not be concerned about the millions of employers, insurers, pharmaceutical companies, government agencies and others who have nearly unfettered access to the personal medical records of more than 250 million Americans?

All of us are health care consumers—every individual and every American family. As Congress works toward answering this question, the privacy interests of the American public will be

at odds with powerful economic interests and with the penchant for large organizations and complex systems to control this kind of personal information. Well-funded and sharply focused special interests often win in a matchup like this.

Senator Bob Dole, the former majority leader of the Senate, put his finger on this problem when he observed that a "compromise of privacy" that sends information about health and treatment to a national data bank without a person's approval would be something that none of us would accept.

Unfortunately, this nightmare that Senator Dole envisioned is being brought to life by provisions insisted upon by the House in last year's health insurance portability bill that requires, a system of health care information exchanges by computers and through computer clearinghouses and data networks.

We are now confronted with the fact that the computerization of health care record provisions are going into effect in the next few months but we are still contemplating the delay of promulgating privacy protection until August of 1999, unless Congress acts sooner.

The Information Age opens the door to endless new possibilities and has empowered individuals with marvelous new tools and freedoms. But technology is our servant; we should not let it become our master. Unless we are vigilant, the Information Age can overwhelm our privacy rights before we even know it has happened.

I do not want advancing technology to lead to a loss of personal privacy and do not want the fear that confidentiality is being compromised to deter people from seeking medical treatment or stifle technological or scientific development.

The outlines of the challenge we face in stemming the erosion of medical privacy are already clear. Insurance companies have set up their Medical Information Bureau (MIB) which stores personal medical information on millions of Americans. M.I.B. may have personal information on all of us in Congress and our families.

Managed care companies, HMOs, drug companies, and hospitals are spending up to $15 billion a year on information technology to acquire and exchange vast amounts of medical information about Americans.

While this in and of itself may not be the issue—the question is how and why is it being collected and for what specific use is this information being used and do individuals know about this? Patients should be advised about the existence of data bases in which medical information concerning the patients is stored.

This information can be very useful for quality assurance, and to provide more cost effective health care. But I am not certain that the American public would agree with a recent Fortune magazine article which lauded a health insurer that poked through the individual medical records of clients to figure out who may be depressed and could benefit from the use of the antidepressant Prozac. Are we now encouraging replacing sound clinical judgment of doctors with health insurance clerks who look at records to determine whether you are not really suffering from a physical illness, but a mental illness?

Contrary to some, I believe that computerization can assure more privacy to individuals than the current system if my legislation is enacted. But if we do not act, the increased potential for embarrassment and harassment is tremendous.

There are many more stories which highlight the problems that are out there due with the lack of privacy and security of individuals medical records, unfortunately so many other breaches of privacy are more subtle.

Singer Tammy Wynette entered the hospital in 1995 for a bile duct problem. She used a pseudonym, but a hospital staff member broke into her computerized medical records and sold the information to the press, supposedly for thousands of dollars. The sensational National Enquirer then erroneously reported that Wynette was near death and in need of a liver transplant.

A current Member of Congress had her medical records faxed to the New York Post on the eve of her primary. In 1994, she offered eloquent testimony before Congress detailing her ordeal.

In another example, an insurance agent advised a couple that they would be denied coverage for any more pregnancies since they had a 25 percent chance that their children would have a fatal disease.

In Florida, a state public health worker improperly brought home a computer disk with the names of 4,000 HIV positive patients. The disks were then sent to two Florida newspapers.

Medical privacy issues in today's world also take on international implications. Canada and the nations of Europe are taking concrete steps to protect the confidentiality of computerized medical records.

Our nation lags so far behind others in its protection of medical records that companies in Europe may not be allowed to send medical information to the United States electronically. European countries—through an EU privacy directive—are ensuring that private medical records are kept private. The EU prohibits the transfer of personal information from Europe to the U.S. if the EU finds U.S. privacy law inadequate. The implications for U.S. trade are staggering.

The legislation we are introducing today addresses the issues I have outlined to close the existing gaps in federal privacy law to cover personally identifiable health information.

MIPSA is broad in scope—it applies to medical records in whatever form—paper or electronic. It applies to each release of medical information—including re-releases. It comprehensively covers entities other than just health care providers and payers, such as life insurance companies, employers and marketers and others that may have access to sensitive personal health data.

It establishes a clear and enforceable right of privacy with respect all personally identifiable medical information including information regarding the results of genetic tests.

It gives individuals the right to inspect, copy and supplement their protected health information. Today, only 28 states grant this right.

It allows individuals to segregate portions of their medical records, such as mental health records, from broad viewing by individuals who are not directly involved in their care.

It gives individuals a civil right of action against anyone who misuses their personally identifiable health information. It establishes criminal and civil penalties that can be invoked if individually identifiable health information is knowingly or negligently misused.

It sets up a national office of health information privacy to aid consumers in learning about their rights and how they may seek recourse for violations of their rights.

It creates a set of rules and norms to govern the disclosure of personal health information and narrows the sharing of personal details within the health care system to the minimum necessary to provide care, allow for payment and to facilitate effective oversight. Special attention is paid to situations such as emergency medical care and public health requirements.

We have tried to accommodate legitimate oversight concerns so that we do not create unnecessary impediments to health care fraud investigations. Effective health care oversight is essential if our health care system is to function and fulfill its intended goals. Otherwise, we risk establishing a publicly-sanctioned playground for the unscrupulous. Health care is too important a public investment to be the subject of undetected fraud or abuse.

MIPSA also extends to all research facilities using personally identifiable information the current requirements met by federally funded researchers. I am troubled that research is viewed by some as an area where privacy rights should be sacrificed and consent not required for use of individually identifiable health information. If there are to be any exceptions in a federal medical privacy law for research using personally identifiable health information, the Congress and the American people

need to understand better why this may be necessary. To address this concern our bill mandates an evaluation of the waiver of informed consent that is allowed under current regulations.

It does not preempt state laws that are more protective of privacy. This is consistent with all other federal civil rights and privacy laws.

It prohibits law enforcement agents from searching through medical records without a warrant. It does not limit law enforcement agents to gain information while in hot pursuit of a suspect.

I know that these are important matters about which many of us feel very strongly. It is never easy to legislate about privacy.

I invite other Members of Congress, federal agencies and outside interest groups to examine the legislation we have introduced today. This bill is a work in progress and we welcome any comments or suggestions to make improvements to this legislation.

I am pleased that my colleague from Vermont, the Chairman of the Labor and Human Resources Committee, Senator JEFFORDS, has already held two hearings this year on the issue of medical privacy. The clock, however, is ticking and other Members of Congress need to join us to move forward to pass strong and workable medical privacy legislation.

As policy makers, we must remember that the right to privacy is one of our most cherished freedoms—it is the right to be left alone and to choose what we will reveal of ourselves and what we will keep from others. Privacy is not a partisan issue and should not be made a political issue. It is too important.

By Mr. DODD:

S. 1369. A bill to provide truancy prevention and reduction, and for other purposes; to the Committee on Labor and Human Resources.

THE PREVENTION OF TRUANCY ACT OF 1997

Mr. DODD. Mr. President, I rise today to introduce legislation that would help our communities respond to an increasingly serious problem in our country: truancy. Truancy is a dangerous and growing trend in our nation's schools. It not only prevents our children from receiving the education they need, but it is often the first warning of more serious problems to come. Truant students are at greater risk of falling into substance abuse, gangs, and violent behavior. Truancy is a gateway into all of these activities.

In the past ten years, truancy has increased by 67 percent. In 1994, courts formally processed 36,400 truancy cases. And in some inner city schools, absentee rates approach 50 percent. Fortunately, truancy is a solvable problem. Many communities have begun to set up early intervention programs—to reach out and prevent truancy before it leads to delinquency and criminal behavior. These programs are showing signs of success, as several towns have reported drops in daytime burglary rates of as much as 75 percent after instituting truancy prevention initiatives.

Unfortunately, implementing these programs has been a challenge. Truancy is considered an educational rather than a criminal issue, and, with growing classroom enrollments, many financially-strapped schools don't have the resources to adequately address this problem.

Today, I am introducing "The Prevention of Truancy [PTA] Act of 1997" whose goal is to promote anti-truancy partnerships between schools, parents, law enforcement agencies, and social service and youth organizations. This bill would provide $80 million in grant funding for the purpose of developing, implementing, or operating partnerships for the prevention and reduction of truancy. The partnerships would be administered by the Department of Education.

All of the partnership programs would be required to sanction students engaging in truancy, as well as provide incentives for parents to take responsibility for their children. These programs would also be evaluated for their effectiveness in preventing truancy, increasing school attendance, and reducing juvenile crime.

Truancy prevention programs produce long-term savings. By some estimates, truants cost this nation more than $240 billion in lost earnings and foregone taxes over their lifetimes. And billions more are spent on law enforcement, prisons, welfare, health care, and other social services for these individuals. Imagine what we could do with this money if we could keep our kids in school? Imagine how bright their futures could be? I hope my legislation will help communities build successful programs to prevent and reduce truancy so that one day we will realize these concrete savings and admire the accomplishments of the youth who benefitted from these programs.

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. 1369

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 "Prevention of Truancy Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) in 1994, courts in the United States formally processed 36,400 truancy cases, representing a 35 percent increase since 1990, and a 67 percent increase since 1985, in the formal processing of truancy cases;

(2) in 1993, among individuals aged 16 through 24, approximately 3,400,000,000 (11 percent of all individuals in this age group) had not completed high school and were not enrolled in school;

(3) the economic and social costs of providing for the increasing population of youth who are at risk of leaving or who have left the educational mainstream are an enormous drain on the resources of Federal, State, and local governments and the private sector;

(4) truancy is the first indicator that a young person is giving up and losing his or her way;

(5) students who become truant and eventually drop out of school put themselves at a long-term disadvantage in becoming productive citizens;

(6) high school drop-outs are two and one-half times more likely to be on welfare than high school graduates;

(7) high school drop-outs are almost twice as likely to be unemployed as high school graduates;

(8) in 1993, 17 percent of youth under age 18 who entered adult prisons had not completed grade school, one-fourth of such youth had completed 10th grade, and 2 percent of such youth had a high school diploma or its recognized equivalent;

(9) truancy contributes to increased use of the foster care and court systems;

(10) truancy is a gateway to crime, and high rates of truancy are linked to high daytime burglary rates and high vandalism rates;

(11) communities that have instituted truancy prevention programs have seen daytime burglary rates decline by as much as 75 percent; and

(12) truancy prevention and reduction programs result in significant increases in school attendance.

SEC. 3. GOALS.

The goals of this Act are to prevent and reduce truancy.

SEC. 4. DEFINITIONS.

In this Act:

(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) PARENT.—The term "parent" means the biological parent, adoptive parent, or legal guardian, of a child.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 5. ESTABLISHMENT OF TRUANCY PREVENTION AND CRIME CONTROL DEMONSTRATION PROJECTS.

(a) DEMONSTRATIONS AUTHORIZED.—The Secretary shall make grants to partnerships consisting of an elementary school or secondary school, a local law enforcement agency, and a social service and youth serving organization, for the purpose of developing, implementing, or operating projects for the prevention or reduction of truancy.

(b) USE OF FUNDS.—Grant funds under this section may be used for programs that prevent or reduce truancy, such as programs that use police officers or patrol officers to pick up truant students, return the students to school, or take the students to centers for assessment.

(c) APPLICATION AND SELECTION.—Each partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) contain a description of the proposed truancy prevention or reduction project to

be established or improved with funds provided under this Act;

(2) specify the methods to be used to involve parents in truancy prevention or reduction activities;

(3) specify the types of sanctions that students will face for engaging in truant behavior;

(4) specify the incentives that will be used for parental responsibility;

(5) specify the types of initiatives, if any, that schools will develop to combat the underlying causes of truancy; and

(6) specify the linkages that will be made with local law enforcement agencies.

(d) SELECTION CRITERIA.—The Secretary shall give priority in awarding grants under this Act to partnerships—

(1) serving areas with concentrations of poverty, including urban and rural areas; and

(2) that meet any other criteria that the Secretary determines will contribute to the achievement of the goals of this Act.

SEC. 6. EVALUATIONS AND REPORTS.

(a) PROJECT EVALUATIONS.—

(1) IN GENERAL.—Each partnership receiving a grant under this section shall—

(A) provide for the evaluation of the project assisted under this Act, which evaluation shall meet such conditions and standards as the Secretary may require; and

(B) submit to the Secretary reports, at such times, in such formats, and containing such information, as the Secretary may require.

(2) REQUIRED INFORMATION.—A report submitted under subparagraph (1)(B) shall include information on and analysis of the effect of the project with respect to—

(A) prevention of or reduction in truancy;

(B) increased school attendance; and

(C) reduction in juvenile crime.

(b) REPORTS TO CONGRESS.—The Secretary, on the basis of the reports received under subsection (a), shall submit interim reports, and, not later than March 1, 2002, submit a final report, to Congress. Each report submitted under this subsection shall contain an assessment of the effectiveness of the projects assisted under this Act, and any recommendations for legislative action that the Secretary considers appropriate.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $80,000,000 for fiscal year 1998; and

(2) such sums as may be necessary for each of the fiscal years 1999, 2000, and 2001.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 143

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 143, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 512

At the request of Mr. KYL, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 512, a bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

S. 766

At the request of Ms. SNOWE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 995

At the request of Mr. LAUTENBERG, the name of the Senator from Arkansas [Mr. BUMPERS] 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. 1067

At the request of Mr. KERRY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1067, a bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms.

S. 1081

At the request of Mr. LEAHY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1081, a bill to enhance the rights and protections for victims of crime.

S. 1102

At the request of Mr. CRAIG, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 1102, a bill to amend the general mining laws to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, to create a State program for the reclamation of abandoned hard rock mining sites on Federal lands, and for other purposes.

S. 1222

At the request of Mr. CHAFEE, the names of the Senator from New Jersey [Mr. TORRICELLI] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 1222, a bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1283

At the request of Mr. BUMPERS, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1311

At the request of Mr. LOTT, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Wyoming [Mr. ENZI], the Senator from Tennessee [Mr. THOMPSON], the Senator from New Hampshire [Mr. GREGG], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1350

At the request of Mr. LEAHY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1350, a bill to amend section 332 of the Communications Act of 1934 to preserve State and local authority to regulate the placement, construction, and modification of certain telecommunications facilites, and for other purposes.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 60—RELATIVE TO MONGOLIA

Mr. MCCAIN (for himself and Mr. THOMAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 60

Whereas in 1990, Mongolia renounced the Communist form of government and peacefully adopted a series of changes that linked economic development with democratic political reforms;

Whereas the Mongolian people have held 2 presidential elections and 3 parliamentary elections since 1990, all featuring vigorous campaigns by candidates from multiple political parties;

Whereas these elections have been free from violence, voter intimidation, and ballot irregularities, and the peaceful transfer of power from one Mongolian government to another has been successfully completed, demonstrating Mongolia's commitment to peace, stability, and the rule of law;

Whereas every Mongolian government since the end of communism has dedicated itself to promoting and protecting individual freedoms, the rule of law, respect for human rights, freedom of the press, and the principle of self-government, thereby demonstrating that Mongolia is consolidating democratic gains and moving to institutionalize democratic processes;

Whereas Mongolia stands apart as one of the few countries in central and southeast Asia that is truly a fully functioning democracy;

Whereas the efforts of Mongolia to promote economic development through free market economic policies, while also promoting human rights and individual liberties, building democratic institutions, and protecting the environment, serve as a beacon to freethinking people throughout the region and the world;

Whereas the commitment of Mongolia to democracy makes it a critical element in efforts to foster and maintain regional stability throughout central and southeast Asia;

Whereas Mongolia has some of the most pristine environments in the world, which provide habitats to plant and animal species that have been lost elsewhere, and has shown a strong desire to protect its environment through the Biodiversity Conservation Action Plan while moving forward with economic development, thus service as a model for developing nations in the region and throughout the world;

Whereas Mongolia has demonstrated a strong commitment to the same ideals that the United States stands for as a nation, and has indicated a strong desire to deepen and strengthen its relationship with the United States;

Whereas the Mongolia Government has established civilian control of the military—a hallmark of democratic nations—and is now working with parliamentary and military leaders in Mongolia, through the United States International Military Education and Training program, to further develop oversight of the Mongolia military; and

Whereas Mongolia is seeking to develop political and military relationships with neighboring countries as a means of enhancing regional stability: Now, therefore, be it

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

(1) Congress—

(A) strongly supports efforts by the United States and Mongolia to use the resources of their respective countries to strengthen political, economic, educational, and cultural ties between the two countries;

(B) confirms the commitment of the United States to an independent, sovereign, secure, and democratic Mongolia;

(C) applauds and encourages Mongolia's simultaneous efforts to develop its democratic and free market institutions;

(D) supports future contacts between the United States and Mongolia in such a manner as will benefit the parliamentary, judicial, and political institutions of Mongolia, particularly through the creation of an interparliamentary exchange between Congress of the United States and the Mongolian parliament;

(E) supports the efforts of the Mongolia parliament to establish United States-Mongolia Friendship Day;

(F) encourages the efforts of Mongolia toward economic development that is compatible with environmental protection and supports an exchange of ideas and information with respect to such efforts between Mongolia and United States scientists;

(G) commends Mongolia for its foresight in environmental protection through the Biodiversity Conservation Action Plan and encourages Mongolia to obtain the goals illustrated in the plan; and

(H) commends the efforts of Mongolia to strengthen civilian control over the Mongolia military through parliamentary oversight and recommends that Mongolia be admitted into the Partnership for Peace initiative at the earliest opportunity; and

(2) it is the sense of Congress that the President—

(A) should, both through the vote of the United States in international financial institutions and in the administration of the bilateral assistance programs of the United States, support Mongolia in its efforts to expand economic opportunity through free market structures and policies;

(B) should assist Mongolia in its efforts to integrate itself into international economic structures, such as the World Trade Organization; and

(C) should promote efforts to increase commercial investment in Mongolia by United States businesses and should promote policies which will increase economic cooperation and development between the United States and Mongolia.

Mr. MCCAIN. Mr. President, today I am submitting a concurrent resolution expressing the sense of Congress in support of efforts to foster friendship and cooperation between the United States and Mongolia. Passage of this resolution will signal American support of Mongolia's peaceful transition to a stable democracy and market economy. Senator THOMAS is an original cosponsor to this resolution.

There has been a stunning political transformation in Mongolia since it broke away from Communist rule in 1990. In the past 7 years, there have been two Presidential elections and three parliamentary elections. All of these have been open and democratic, and have not suffered from violence or fraud.

The most important aspect of these elections is that they have showed the triumph of democracy and democratic forces. In 1996, the Mongolian Social Democratic Party [MSDP] and Mongolian National Democratic Party [MNDP] formed a coalition with two smaller parties to promote a unified democratic front. The fruits of this decision soon came to bear when the unified coalition campaigned on a "Contract with the Mongolian Voter" and won 50 of the 76 seats in the 1996 Parliamentary elections. I am happy to say that the International Republican Institute played a major role in this victory by showing these parties how to mobilize their supporters and work toward victory. The Mongolian Peoples Revolutionary Party, the former Mongolian Communist Party, won a Presidential election this year, and the President-elect has made assurances, including to me personally in August, that he supports democracy.

This democratic transformation has established a firm human rights regime. The Mongolian Constitution allows freedom of speech, the press, and expression. Separation of church and state is recognized in this predominantly Buddhist nation as well as the right to worship or not worship. Full freedom of emigration is allowed, and Mongolia now is in full compliance with sections 402 and 409 of the Trade Act of 1974, also known as the Jackson-Vanik amendment. An independent judiciary has been established to protect these rights from any future violation.

Mongolia is also in the middle of an economic transformation. As part of the "Contract with the Mongolian Voter," the democratic coalition of the MNDP and MSDP ran on promises to establish private property rights and encourage foreign investment. The Mongolian Government is now steadily creating a market economy. A program has been set up to allow residents of Government-owned high rise apartments to acquire ownership of their residences. Mongolia joined the World Trade Organization in January this year, and in May the Parliament eliminated all tariffs, except on personal automobiles, alcoholic beverages, and tobacco. In September 1996, the Government removed price controls and Mongolians were able to finally survive a winter without a major breakdown of heat or electricity. The Mongolian Government is now boldly moving to set the nation on a course to privatize large-scale enterprise and reform the state pension system.

When I was in Mongolia, I saw the effects of this economic transformation firsthand. At a town hall meeting in Kharakhorum, the ancient capital of the Mongol Empire, I met a herdsman and asked him about the economic liberalization. First, I asked him how many sheep he had under communism. He said none, because the Communists didn't allow private property. Then I asked him how many sheep he owned after privatization. He answered that he had 3 sheep then, which is not much in a country with 25 million sheep. So I asked him how many sheep he has now. He answered that he now has 90 goats, 60 sheep, 20 cows, and 6 horses. I asked him if that was considered successful. He replied that he was successful as were many herdsmen in this new economy. He then told me that he would never want to change the system back to what it was, because "now Mongols have control over their own life and destiny." That is the new culture of a market Mongolian economy.

There are many benefits to supporting Mongolian democracy and economic liberalization. In 1991, Secretary of State James Baker promised Mongolia that the United States would be

Mongolia's "third neighbor." We remain committed to that course of action to encourage Mongolia in its endeavors and promote it as an example of how nations can successfully convert from a Communist totalitarian state to a market democracy. Finally, a democratic Mongolia will promote peace and stability in northern Asia.

Finally, there are important economic benefits to the United States. Mongolia would like to make the United States a major trading partner. Total two-way trade between the United States and Mongolia has almost tripled in value from $13 million in 1991 to $35 million in 1996. Total U.S. exports have more than doubled from over $2 million in 1992 to $4.2 million in 1996. As Mongolia continues to liberalize its economy, the United States will be able to count on it to become an important market for American goods and services.

I hope that my colleagues here in the Senate will join me in recognizing Mongolia as an example of successful democratic transformation and supporting the Mongol transition to a market economy.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, November 13, 1997 at 9:00 a.m. in SR-328A. The hearing will examine ways renewable fuels could aid in decreasing greenhouse gas emissions and increasing U.S. energy security.

NOTICES OF FIELD HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that an oversight field hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The hearing will take place Saturday, November 15, 1997 at 9:00 a.m. to 12:00 noon at the Cooperative Service Building at the University of Florida, 18710 S.W. 288 Street, Homestead, Florida. The purpose of this hearing is to review the National Parks Restoration Plan—"Vision 2020" and to solicit proactive solutions and innovative remedies to build a more efficient and effective National Park Service System.

The Committee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Others wishing to testify may, as time permits, make a brief statement of no more than 2 minutes. Those wishing to testify should contact Jim O'Toole or Steve Schackelton of the Subcommittee staff at (202) 224-6969. Every attempt will be made to accommodate as many witnesses as possible, within the time allowed, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing, it is not necessary to submit any testimony in advance. Statements may also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the attention of Jim O'Toole, Committee on Energy and Natural Resources, United States Senate, 354 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information, please contact Jim O'Toole of the Committee staff at (202) 224-5161.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that an oversight field hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The hearing will take place Monday, November 17, 1997 at 9:00 a.m. to 12:00 noon in the Rock Mountain Room at the EPA Region 8 Institute & Conference Center, 999 18th Street, Denver, CO. The purpose of this hearing is to review the National Parks Restoration Plan—"Vision 2020" and to solicit proactive solutions and innovative remedies to build a more efficient and effective National Park Service System.

The Committee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Others wishing to testify may, as time permits, make a brief statement of no more than 2 minutes. Those wishing to testify should contact Jim O'Toole or Steve Schackelton of the Subcommittee staff at (202) 224-6969. Every attempt will be made to accommodate as many witnesses as possible, within the time allowed, while ensuring that all views are represented.

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For further information, please contact Jim O'Toole of the Committee staff at (202) 224-5161.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that an oversight field hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The hearing will take place Wednesday November 19, 1997 at 9:00 a.m. to 12:00 noon at the Officer's Club in the Presideo of San Francisco in San Francisco, California. The purpose of this hearing is to review the National Parks Restoration Plan—"Vision 2020" and to solicit pro-active solutions and innovative remedies to build a more efficient and effective National Park Service System.

The Committee will invite witnesses representing a cross-section of views and organizations to testify at the hearing. Others wishing to testify may, as time permits, make a brief statement of no more than 2 minutes. Those wishing to testify should contact Jim O'Toole or Steve Schackelton of the Subcommittee staff at (202) 224-6969. Every attempt will be made to accommodate as many witnesses as possible, within the time allowed, while ensuring that all views are represented.

Witnesses invited to testify are requested to bring 10 copies of their testimony with them to the hearing. It is not necessary to submit any testimony in advance. Statements may also be submitted for inclusion in the hearing record. Those wishing to submit written testimony should send two copies of their testimony to the attention of Jim O'Toole, Committee on Energy and Natural Resources, United States Senate, 354 Dirksen Senate Office Building, Washington, D.C. 20510.

For further information, please contact Jim O'Toole of the Committee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate in executive session on Tuesday, November 4, 1997, to conduct a markup of pending nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, November 4, 1997, at 9:30 am on pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet

during the session of the Senate on Tuesday, November 4, for purposes of conducting a full committee hearing which is scheduled to begin at 10:00 a.m. The purpose of this hearing is to consider the nominations of Curtis L. Hebert and Linda Key Breathitt to be Members of the Federal Energy Regulatory Commission.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, November 4, 2:00 p.m., Hearing Room (SD–406), on S. 627, The African Elephant Conservation Act reauthorization, and S. 1287, the Asian Elephant Conservation Act of 1997.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 4, 1997, at 2:15 to hold a Business Meeting.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, November 4, at 9:00 a.m. for a Nomination Hearing on the following nominees: Ernesta Ballard, to be a Member, Postal Board of Governors; Dale Cabaniss, to be a Member, Federal Labor Relations Authority; and Susanne T. Marshall, to be a Member, Merit Systems Protection Board.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet at 9:15 a.m. on Tuesday, November 4, 1997 in Room 485 of the Russell Senate Building to mark-up the following: H.R. 976, the Mississippi Sioux Tribe Judgment Fund Distribution Act of 1997; and the Nomination of B. Kevin Gover, to be Assistant Secretary for Indian Affairs, Department of the Interior.

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

COMMITTEE ON THE JUDICIARY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, November 4, 1997 at 10:00 a.m. in room 216 of the Senate Hart Office Building to hold a hearing on "competition, innovation, and public policy in the digital age."

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. D'AMATO. The Committee on Veterans' Affairs requests unanimous consent to hold a markup on the following nominations: Richard J. Griffin to be Inspector General, Department of Veterans Affairs; William P. Greene, Jr. to be Associate Judge, Court of Veterans Appeals; Joseph Thompson to be Under Secretary for Benefits, Department of Veterans Affairs; and Espiridion A. Borrego to be Assistant Secretary for Veterans Employment and Training, Department of Labor;

The markup will take place in S216, of the Capitol Building, after the first scheduled votes in the Senate on Tuesday morning, November 4, 1997.

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

SUBCOMMITTEE ON FINANCIAL SERVICES AND TECHNOLOGY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, November 4, 1997, to conduct a hearing on "mandating year 2000 disclosure by publicly traded companies".

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet at 2:30 p.m. on next generation internet.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Tuesday, November 4, 9:30 a.m., Hearing Room (SD–406) on the status of Federal transportation programs in the absence of a multiyear reauthorization.

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

ADDITIONAL STATEMENTS

REAPPOINTMENT OF FRANK D. YTURRIA TO THE INTER-AMERICAN FOUNDATION BOARD OF DIRECTORS

• Mrs. HUTCHISON. Mr. President, I am pleased to recognize an outstanding American and Texan and to take note of his recent reappointment by President Clinton as a member of the Board of Directors of the Inter-American Foundation.

Many in South Texas know Frank Yturria, and is wife, Mary, for the many years they have devoted to public service in Brownsville, TX, and throughout the Rio Grande Valley. As a leading voice for community improvement, Frank Yturria has served as an example of devotion to community. He and his wife have been involved in, and often led, numerous community projects in the south Rio Grande Valley. They are also pioneers in the effort to forge meaningful and productive relationships with private and public sector community leaders on the Mexican side of the border.

Frank Yturria was first appointed in 1990 by President Bush to serve as chairman of the Board of Directors of the Inter-American Foundation, a development agency which promotes self-help community efforts in Latin America and the Caribbean. During his tenure, Frank Yturria instituted necessary reforms at the agency and insisted on program accountability. Because of his efforts and hard work, Frank Yturria is the first member of the Inter-American Foundation's Board of Directors to be reappointed by any President, Democrat or Republican. This reappointment by President Clinton clearly speaks volumes about Frank Yturria's contributions to his community, Texas, and to our Nation. I support his reappointment and wish him well as be continues to work for mutual friendship and prosperity of the United States and Latin America.•

INTERNATIONAL REPUBLICAN INSTITUTE 1997 FREEDOM AWARD

• Mr. GRAMS. Mr. President, late last month in downtown Washington, the International Republican Institute honored Ronald Reagan as the recipient of their 1997 Freedom Award. Seldom, if ever, has a Washington dinner been held to honor an American when the honor was more richly deserved or more sincerely conferred. There was a deep and abiding outpouring of respect, admiration and affection for our Nation's 40th President. Even a touch of nostalgia was present as guests and speakers recalled when our Nation was led by a President guided by a clear vision and deeply-held convictions.

The formal program included remarks by James Billington, the Librarian of Congress, and our colleague, the chairman of I.R.I., Senator MCCAIN of Arizona. Mrs. Reagan was there to represent her husband and she made a brief statement in his behalf when the award was presented. These statements focused on Ronald Reagan's indispensable leadership that led to the fall of the Berlin Wall and to freedom for hundreds of millions throughout the globe.

Mr. President, the statements of these distinguished Americans deserve the attention of the Senate and the American people. Moreover, they should be part of the public record so

that future generations will have convenient access to them as they examine the life and influence of this great American whose vision and leadership changed the world.

Accordingly, Mr. President, I ask that the statements by Senator MCCAIN and Dr. Billington, as well as the brief remarks by Mrs. Reagan, be printed in the RECORD.

The statements follow:

THE FOREIGN POLICY OF PRESIDENT RONALD REAGAN (BY JAMES H. BILLINGTON, LIBRARIAN OF CONGRESS, SEPTEMBER 25, 1997)

The Cold War was the central conflict of the second half of the 20th century, the longest and most unconventional war of the entire modern era and an altogether unprecedented experience for Americans. We never directly fought our principal antagonist, the Soviet Union, but we were faced for the first time in our history—and over a long period—with an opponent who was both ideologically committed to overthrow our system and materially equipped to destroy us physically.

President Ronald Reagan was the single most important political figure in ending the Cold War without either making concessions or incurring major loss of life on either side. It was an astonishing accomplishment. Not surprising, those who never thought such an outcome was possible in the first place have been slow to recognize that the unraveling of the Soviet Empire began, and became irreversible, on his watch—and in no small part as a result of his special qualities of leadership.

In his monumental study of the rise and fall of civilizations, written just as the Cold War was beginning, Arnold Tonybee suggested that empires begin their inevitable decline when they meet a challenge to which they are systematically unable to respond. The hierarchical control system of the Soviet Empire met such a challenge with the Solidarity Movement in Poland. As a bottom-up mass movement rooted in religion within the largest Soviet satellite, Solidarity was not the kind of movement which Soviet imperial managers could domesticate either by decapitating or co-opting the leaders or by offering carrots and sticks to its members. John Paul II, the first Slavic Pope, spiritually inspired it, and President Reagan's political support helped it survive martial law to become the decisive catalyst in the eventual chain reaction of Communist collapse at the end of the 1980's.

What were the key elements of Ronald Reagan's role in all of this? First of all, he was guided by a simple vision that ordinary people everywhere could understand—rather than by some complex strategic doctrine intelligible only to foreign policy wonks. In 1981 at Notre Dame, he spoke not of winning the cold war but of the bright prospects "for the cause of freedom and the spread of civilization," indicating that "the West will not contain Communism; it will transcend Communism."

He made it clear at the beginning of the administration that tokenism in arms control and photo-op summit solutions to serious problems would no longer be accepted. In effect, he told the world he would not go on playing the old favorite Russian game of chess, the aim of which always seemed to be to play for a draw. Here, at last, was a good old-fashioned American poker player who knew he had the stronger hand, was willing to raise the ante to a level that the strained Soviet system could not meet, and had the imagination to throw in the wild card of a strategic defensive initiative. He proved that an American President could be reelected without having had a summit meeting of any kind—let alone the kind which legitimized Soviet leaders and placed the spotlight on weapons: the one area where the Soviet Union did, in some respects, enjoy parity with America.

Reagan's strategic defense initiative addressed a need which is arguably still important today with the possibility of rogue states acquiring deadly delivery capabilities. But, at that time, it represented as well a second key challenge to which the Soviet system was systematically unable to respond—neither materially, because of their backwardness in computers and high technology, nor politically, because ordinary people (as distinct from policy wonks) could not believe that a defensive system that we were willing to share with others really threatened anybody.

If the first element of the Reagan leadership, then, was vision backed by strength in his first term, the second ingredient was his ability to be an altogether gracious winner in his second term. By establishing a genuinely warm and basically non-adversarial relationship with Gorbachev, cemented by a rapid-fire set of summits in his second term, President Reagan defied the general assumption of the foreign policy establishment that summits had to be basically choreographed by experts and incremental in accomplishment. He began at Geneva by going one-on-one with Gorbachev. He reacted to the accelerating crisis of communism in a way that did not humiliate but, in fact, honored an opponent who was moving things in the right direction.

It is easy to forget now just how ritualized the Soviet-American conflict had become by the end of the 1970's—and how fatalistic the Western establishment had become in accepting a more-or-less indefinite coexistence with a Soviet Empire then at the height of its expansiveness. What helped change all that was the third element in President Reagan's formula: the disarmingly simple way he redefined the conflict itself as being not fundamentally between systems, alliances, or even nations but between good and evil.

His famous "evil empire speech," which met with almost universal condemnation in the Western media and academia, may well have played an important role in unclogging the logjam in the Soviet system and ending the menace of accidental or mutual destruction that always hovered over the Cold War. Two different Soviet reformist politicians told me amidst the alcoholic bonhomie of the state dinner at the Reagan-Gorbachev Moscow summit in June 1988 that they used the unprecedently undiplomatic nature of that talk to convince other Soviet leaders that they should try to accommodate and not continue to confront the West. It seems of course, paradoxical to suggest that a belligerent speech could pave the way to peaceful change. But what seems unlikely in theory may well be true in real life. Real life is told in stories. No one was a greater storyteller in real life than Ronald Reagan; and he had a good basic story to tell. In my view, the end of the Cold War represented essentially the victory of a story over a theory.

The United States of America is the result not of any theory but of a story—made up over the years out of hundreds of individual human stories. The Soviet Union was the product of a theory suddenly superimposed by politicized intellectuals through a coup in the midst of the inhuman chaos of World War I. Because Communism as a theory was, in some ways, inherently appealing, Americans were often reluctant to believe that the Soviet system was evil rather than just a temporary victim of Stalin's paranoia or perhaps of defective genes traceable back to Ivan the Terrible or Genghis Khan. It had been easy for intellectuals to believe that Nazi totalitarianism represented a threat because of its exclusivist, racist underpinnings, but it seemed hard to believe that anything could be fundamentally wrong with the inclusive ideal of an egalitarian society or with fellow intellectuals like Marx and Lenin, who spent so much time in the British Museum even if they never worked in factories.

The capacity to provide gratuitous excuses for Soviet behavior had reached a grotesque climax in the immediate aftermath of the Afghan invasion. For the first couple of days, the only explanation the Soviet regime could offer was that they were intervening at the invitation of the leader whom they had then proceeded to shoot. They were soon rescued from this embarrassment by the gratuitous rationalizations and explanations for their behavior provided by the Western media.

Reagan, the storyteller, instinctively realized that America was a story, not a theory; that stories tend to unify people; and that the best stories are based on relatively universal archetypes that deal with good and evil. Theories rarly bring peace, since they inspire divisions based on right and wrong and invite argument that leads to conflict. Stories are shared; theories are debated.

Anyone who came within the President's orbit was immediately attracted by his stories. They invariably drew the diverse people at his table together and were essentially inclusive. Theories, on the other hand, tend to exclude those who do not believe in them—and to induce arrogance in those who do.

The American academic experts whom President Reagan periodically gathered around a lunch table in the White House were often perplexed by his tendency to relate tales of his own negotiations with labor leaders in Hollywood. Yet, as I listened to these stories, I saw that he was both securing a measure of buy-in from the often skeptical intellectual community and, at the same time, pre-testing his future tactics by probing for the reaction of theorists to the practicalities of his negotiating techniques.

President Reagan could negotiate from strength because he had reassured us that our own story was a positive one, and that the sun was rising and not setting on America.

I do not know exactly what the substance was of the President's early conversations with Gorbachev, but they seemed to involve more the telling of stories than the debating of theories. Debates like wars have a winner and loser, but a story can celebrate the common victory of a higher good. President Reagan never claimed victory in the cold War. Rather, he seemed to be welcoming Russia into the near-universal story of movement toward freedom and openness.

President Reagan also had respect for the Russians' own story. In his important addresses of June 1988 at Moscow State University, he repeatedly used Russian examples to illustrate the universal principles of freedom and moral responsibility. During the same Moscow summit, he invited for lunch a full range of dissident Russian voices, each of whom had a story to tell; and at the State dinner at Spaso House, he invited many of these same figures and mixed them up at tables with political leaders. Each dinner table brought the best storytellers of the emerging

reforms face-to-face for the first time in one room with the powerful perpetuators of outmoded theories.

I was able to observe first-hand, in the course of preparations for and the execution of President Reagan's Moscow summit in June 1988, how he supported the forces of change at the level of both vision and tactics. The President had asked me, as perhaps he had asked others on the eve of the summit, a simple but centrally important question. How was it possible, he asked, for people to survive with sanity in such a cruel and repressive system? I did not have time to think much about the question and responded instinctively, largely on the basis of my own family's experience of living there, "Because of the women, Mr. President." It was the *babushkas* who held the family together, staying at home while both parents worked, creating a nest of warmth and honesty that compensated for the falsehoods and absurdities of the system and the coldness of both the climate and the bureaucracy.

At a dramatic moment at the Moscow summit of 1988, President Reagan was asked by a Russian reporter on live television if he had any messages to leave behind to the Russian people. He replied that he wanted to send this heartfelt greetings to the women of Russia for their role in holding families together and transmitting the traditions and values of the Russian people from one generation to another. This spontaneous response was mentioned by almost all Russians with whom I talked in the additional week I stayed on after the summit to inventory popular reactions. And I thought of this remark again when I was in Moscow three years later as the entire system imploded during 48 dramatic hours in August 1991. Crucial in the resistance against the coup attempt of the dying Communist system were the old women who castigated the young boys in the tanks and, in effect, became an alternate chain of command, demanding that they obey their mothers rather than their officers.

President Reagan's Moscow summit in 1988 coincided with the Russian celebration of the Millennium of Christianity, and the President had planned to visit the newly restored Danilov Monastery and to identify himself with the old Biblical story that Russians were then recovering. Many Americans, however, were urging him to cancel this visit because of the role that the Russian Orthodox Church hierarchy had played in suppressing the rights of Uniate Catholics in the Ukraine. The President resolved this dilemma not by retreating from the visit but by using it energetically to endorse the rights of the Catholic minority in the very sanctuary of Russian Orthodoxy. He seems instinctively to have understood that even imperfect sources of the good should be supported if the mission is to expel the real evil that had so long been camouflaged under the mask of utopian perfection.

Of course, Ronald Reagan was not the only, and at times not the main, hero of the story of the Cold War's ending. The peoples of Eastern Europe and leaders like Gorbachev basically affected the changes; and, on the American side, it was a cumulative and essentially bi-partisan accomplishment.

But President Reagan, in playing out the all-important end game of the Cold War, had a rare gift for making the American people comfortable with the main lines of his foreign policy even when they were uncomfortable with details.

At the end of an ideal story, good not only triumphs over evil, but those who had been in darkness find the light and every one lives happily ever after. We all know that even this happy story did not quite work out this way. Many are still in darkness in the East; there were and are some shadows in our light; and it was not the end of history.

But the long-lingering cloud of potential total war was evaporated along with the empire that might have activated it. And our children and our children's children will always owe a lot to a man who had a good story to tell, and like most great storytellers, was at heart a romantic.

In most morality tales that have human appeal, there is a strong woman who helps the forces of good overcome those of evil and redeem the follies of man.

Ronald Reagan had—and still has—such a woman at his side. At the Moscow summit of 1988, the President was sustained and supported at every turn by a wife who did not simply do traditional, ritual things, but read richly into Russian history and subjected herself to a cram course that continued right up to the moment Air Force One touched down in Moscow. She then plunged into an overdrive schedule of visiting and empathizing with almost all the positive elements in Russia that were then pressing for change. As she debarked from the plane, she was whisked by Raisa Gorbachev into the Cathedral of the Assumption in the Kremlin, where she politely asked why it was no longer the center of worship that it had been and would once again soon become. She got up early the next morning and asked to see Russia's greatest icons which had been removed from public view by the regime, ostensibly for restoration but probably also to avoid excessive veneration during Russia's Millennium year of Christianity. By prying these holy pictures out of the reserve collection of the Tretyakov Gallery, she enabled Russians to see them since there had to be television coverage of her visit.

She visited schools, writers, and Pastenak's grave, and—all on one hectic day—the greatest single mind and the two best cultural centers in St. Petersburg before returning by plane to host the state dinner at which she inter-seated the Soviet political establishment with its own cultural and political opposition.

This whirlwind of activity exhausted her traveling companions, like the wife of the Russian President, Mrs. Gromyko, who observed on the plane going back to Moscow that she had solemnly concluded that some kind of Supreme Being might actually exist. Gorbachev met for the very first time at Nancy Reagan's dinner Tengiz Abuladze, whose great film "Repentance" was probably the most important, single cultural document in pushing for the repudiation rather than just the modification of the Soviet system.

Thanks, largely to Nancy, the Reagan story is not over just because the sound track is now silent. The one key illustration for this story is that of a man and woman, hand-in-hand, who made their sunset years those of America's sunrise.

REMARKS BY SENATOR JOHN MCCAIN

A long running dispute among historians is whether great men and women shape their times or whether the times shape the person. I suspect both propositions are true, but, there is no doubt that Ronald Reagan, a man who's character was certainly shaped by the times, profoundly influenced the course of human history. He did so in many ways which Senator Lott so ably identified.

But, of all the lessons President Ronald Reagan also taught the world, the one which transcended all the others was his extraordinary insight into the universal appeal of American Ideals and the ultimate futility of building walls to freedom.

At the time Ronald Reagan began his presidency there were few among us who shared his remarkable confidence that a new age of enlightenment for the rights of man would be ascended in all the corners of the world. This was not only possible in some distant century but probable in our time. For most of us who have lived through the long struggle between the forces of freedom and the forces of tyranny the prospect of our eventual triumph seemed a long distance off. Ronald Reagan did not see it that way, Ronald Reagan did not believe in walls. That was his genius. Ronald Reagan predicted to a skeptical world that it was inevitable, eminent for freedom. "Let us by shy no longer" he asked, "let us go to our strength. Let us offer hope, let us tell the world that a new age is not only possible but probable." These words marshaled the American people and their allies for a reinvigorated campaign to support the forces of liberty in some of the most closed societies on earth.

In one perfect sentence, that keen observer of the Reagan Presidency, Lady Margaret Thatcher summed up President Reagan's contribution to the astonishing changes in the world today, "Ronald Reagan won the Cold War without firing a shot." Credit for the victory is shared by all who fought and suffered for the idea that just government is derived from the consent for the government.

Americans and freedom fighters everywhere recognize President Reagan as the godfather of the contemporary movement that would liberate half a billion people from communism and authoritarianism.

Mrs. Reagan, tonight we are giving IRI's Freedom Award to President Reagan to honor the man who's faith in our country and it's mission is unyielding. But, we are here to honor you as well for your long partnership with the President for the work that has meant so much to America and the world. For your shared commitment to preserve the ideals which make America great, for your compassion for those who struggle to live their lives as we live ours, free people in a free country.

This is a fitting expression of our gratitude but it will not suffice to honor the service you and the President rendered to humanity, merely a token of our appreciation. The highest tribute we can pay it to keep faith, your faith, and the faith that shouts to tyrants, "tear down this wall." Like Ronald Reagan we must be destroyers, not builders of walls. All Americans, especially Republicans gain courage from your example and not fear the challenge from an every smaller world. We should build our walls in a futile attempt to keep the world at bay, not walls to people, no walls to the free exchange of ideas, no walls to trade. Ronald Reagan knew and you did, that an open competition of our ideals and ingenuity assure dour success. You both knew that isolationism and protectionism is a fools error. You both knew that walls were for cowards, not for us, not for Americans.

There are those who define this country by what we are against and not what we are for. It is enough for them that the United States opposed communism and once the threat communism posed to our security was defeated they view America as the champion of liberty to become an expensive vanity which was sure to disappear with the Berlin wall. Such a grand view of the American purpose

insults the generous spirit of Ronald Reagan who believed that supporting the forces of democracy overseas was our abiding moral obligation just as it was a practical necessity during the Cold War.

I am proud of Americas long and successful opposition to communism, but being anti-communist was not enough. It was never enough. In our efforts to help others secure the blessings of liberty distinguishes us from all other nations on earth. It was necessary to defeat communism to protect the well-being of Americans but it was also necessary to defeat communism because it threatened America's best sense of itself and our sublime legacy to the world.

Mrs. Reagan, we thought long and hard about a gift to give you and the President this evening in addition to the Freedom Award. We decided upon something appropriate for the occasion and to the spirit of the Reagan legacy. But without our sincere commitment of carrying on that legacy, these tokens will have little value, and on behalf of everyone here, I give you and President Reagan that commitment.

Many years ago now, I and a great many friends were kept behind walls in a place where human beings suffered for their dignity without a feel to a just government. When we came home many of us were eager to visit with two people we knew who didn't believe in walls, two people who did the right things to help free us from the walls which confined us. Two people who we knew kept faith in us as we were challenged to keep faith in our country. You and, then, Governor Ronald Reagan, graciously attended a homecoming reception for us one evening in San Francisco. It was an event none of us will ever forget, nor our admiration and appreciation for you began many years before when we learned that taps on walls and whispered conversations was work being done to help us return to a land without walls.

This handsome box contains two symbols of the vision and faith for which we and the President will always be celebrating. The first is a piece of the multi-colored brick taken from the rubble of what was once a prison wall built by the French a century ago and called by the Vietnamese 'hoaloa'. The Americans who were later obliged to dwell there, called it the 'Hanoi Hilton'. These walls no longer stand, the prison was demolished a few years ago and a real hotel, presumably with better room service was erected in its place.

The second gift is a customized POW bracelet inscribed to you and President Reagan for your faith, loyalty and perseverance from all of us who came home, as well as those who did not, remember with enormous gratitude your loyalty to us and your steadfast faith in the cause we serve.

There's a story about President and Mrs. Reagan that has always impressed me, because it demonstrates their sincerity and concern for Americans who suffer for their country's sake. A long time ago, the President and Mrs. Reagan became concerned about the plight of those who were held captive in Vietnam. President Reagan decided to hold a press conference to express his support for improvement in their treatment and their rapid homecoming. At that press conference were families and children of those who were missing in action at that time. As President Reagan began his remarks for the bank of cameras and media people there, a little boy, about three years old, came forward from the crowd and tugged at his sleeve. President Reagan bent over and the little boy whispered in his ear and then President Reagan left with the little boy to his office and then came back. It turns out that the young boy had to go to the bathroom.

Then as President Reagan began his remarks again the young boy tugged his sleeve again and Ronald Reagan bent over and he said, "Please, can you help bring my daddy home?" President Reagan from that time on wore a bracelet with Captain Hanson's name on it.

Mrs. Reagan, your husband served and honored us and are honoring us still. As you remember us, we will always remember you. And stand witness to a greatness and a faith that could not abide walls. Mrs. Reagan.

REMARKS BY MRS. NANCY REAGAN 1997

Thank you very much. Thank you for all our presents and for a very kind introduction. Thank you, Trent and thank you, Jim for those wonderful remarks about my husband and me. I do know that I am not the speech maker in the family or the storyteller. But I am very honored to be here tonight to accept the 1997 IRI Freedom Award on my husband's behalf. I wanted to be here tonight for him, especially since tonight is really a special night for the both of us. Not only is the IRI honoring my husband but it's been done in partnership with the Ronald Reagan Presidential Foundation that supports the Reagan library and its programs. The library is a very special place for both Ronnie and me. It's a place where the legacy of Ronald Reagan is preserved for generations to come. And speaking of legacies, the International Republican Institute is really the living legacy of Ronald Reagan's peace through strength approach to foreign policy. I know I am being biased a little bit, I know you'll agree that during his eight years in the White House, my husband encouraged untold numbers of people around the world to move toward democracy. Ronnie was a believer. He believed in the power of freedom. He had a dream that in the twenty-first century human beings would be respected everywhere, hoping that one day, people of all nations would have the privilege of basking in the light of freedom and I'm convinced that along with your help and vision this dream will come true, and I know you do to.

Thank you for inviting me here, for acknowledging my roommate. I know that he will enjoy being a part of these special people. Thank you.•

THE INVESTITURE OF THE HONORABLE DEBORAH ROSS ADAMS

• Mr. ABRAHAM. Mr. President, I rise today to congratulate the Honorable Deborah Ross Adams on her appointment as a new judge of the 36th District Court. On Friday, November 14 she will be invested and begin her official duties.

Judge Adams is very deserving of this appointment. Throughout her career, she has maintained the strongest of commitments to the highest judicial standards. From her private practice to her role as a magistrate, Judge Adams has been recognized by her peers for her impartiality and broad knowledge of the law.

Judge Adams has accumulated this wealth of legal knowledge over several years and numerous experiences. After attending one of the most outstanding institutions of legal education in the Nation, she was a law clerk, started her own private practice, and served the city of Detroit, among other roles. These many experiences have afforded Judge Adams tremendous opportunities to gain a better, more comprehensive understanding of the law. In the process, she has become a most qualified individual.

Additionally, Judge Adams is very involved with her community. Belonging to numerous civic and professional organizations, Judge Adams continues to help the children and families of Michigan. Through these many memberships, Judge Adams has come to know her community intimately; an education that especially prepares her for the role she now undertakes.

Mr. President, it gives me great pleasure to welcome Judge Adams to the bench. Her reputation as being fair-minded precedes her, and I am confident the 36th District and the State of Michigan will benefit from her tenure.•

SUDAN SANCTIONS ON TARGET

• Mr. FEINGOLD. Mr. President, I rise today to commend the Administration on a policy change announced today.

Last night President Clinton signed an executive order imposing comprehensive sanctions on the Government of the Sudan. Specifically, the United States has put into place new, unilateral sanctions that will prevent the Government of the Sudan from reaping financial and material gain from trade and investment initiatives by the United States.

As Secretary of State Madeleine Albright said earlier today, this policy change is designed to send a strong signal to the Sudanese Government that it has failed to address the concerns expressed in no uncertain terms and on several occasions by the Clinton Administration. In particular, the Sudan continues to engage in practices that we Americans find unconscionable, including: providing sanctuary for individuals and groups known to have engaged in terrorist activity; encouraging and supporting regional insurgencies; continuing a violent civil war that has cost the lives of thousands of civilians; and engaging in abominable human rights abuses.

Mr. President, these are the four main issues that continue to plague U.S.-Sudan relations. Let me take each of them in turn.

First, terrorism. Terrorism is clearly one of the most vexing threats to our national security today. Terrorist groups, by seeking to destabilize or overthrow governments, serve to erode international stability. By its very nature, terrorism goes against everything we understand to be part of the "international system," challenging us with

methods we do not necessarily comprehend. People—often, innocent bystanders—die as a result of such terrorism. Buildings are destroyed. And everyone's sense of personal safety is shattered.

According to the State Department's most recent Patterns of Global Terrorism report, Sudan "continued to serve as a refuge, nexus, and training hub in 1995 for a number of international terrorist organizations," which likely include some of the most notorious groups in the world such as Hamas, Abu Nidal and Hezbollah, among others. In addition, the government continues to harbor individuals known to have committed terrorist acts. For example, it is widely believed that Osama Bin Laden, who was once described by the State Department as "one of the most significant financial sponsors of Islamic extremist activities in the world," enjoyed refuge in the Sudan in the early 1990's.

Second, Sudan's support of insurgency movements in many of its neighboring countries poses a significant threat to regional stability. In Eritrea, it supports the Eritrean Islamic Jihad, and in Uganda, it supports both the Lord's Resistance Army and the West Bank Nile Front. Sudanese government officals have been known to smuggle weapons into Tunisia.

Third, Sudan continues to promote a brutal civil war against the largely Christian and animist people of Southern Sudan. Sadly, during its 41 years of independence, Sudan has only seen about 11 years of peace. This seemingly endless conflict has taken the lives of more than 1.5 million people and resulted in well over 2 million displaced persons or refugees. Perhaps the saddest consequence of the war is that there are thousands of teenagers who do not remember a peaceful period, and who know better the barrel of a gun than the inside of a classroom.

The international community has done the best that it can with this situation; there are approximately 40 national and international humanitarian organizations providing millions of dollars annually in food aid and development assistance. For its part, the United States government has provided more than $600 million in food assistance and non-food disaster assistance since the mid-1980's.

The United Nations' Operation Lifeline Sudan [OLS], which maintains a unique agreement with parties to the conflict, has been instrumental in allowing humanitarian access to displaced persons in the southern Sudan. I commend the humanitarian organizations operating in the region who daily face not only enormous technical and logistical challenges in serving the Sudanese population, but also the all-too-frequent threat of another offensive nearby.

Fourth, the Sudanese government has a deplorable record in the area of human rights. According to the most recent State Department human rights report, the Khartoum government maintains not only regular police and army units, but also internal and external security organs, a militia unit, and a parallel police called the Popular Police, whose mission includes enforcing proper social behavior. In 1996, according to the report, government forces were responsible for extrajudicial killings, disappearance, forced labor, slavery, and forced conscription of children. Basic freedoms—of assembly, of association, of privacy—are routinely restricted by the government. Worse, imposition of Islamic law on non-Muslims is far too common. An April 1997 U.N. Human Rights Commission resolution identified pages of similar abuses.

Mr. President, this is not a regime that should be included in the community of nations.

In response to Sudan's actions in these areas, particularly with respect to terrorism, the U.S. government has imposed a series of sanctions on the current Sudanese regime over the past several years, including suspending its assistance program and denying senior Sudanese government officials entry into the United States.

In part at my urging, the Administration officially designated Sudan as a state sponsor of terrorism by placing it on the so-called "terrorism list" in 1993. Inclusion on the terrorism list, according to Section 6(j) of the Export Administration Act (P.L. 96–72), automatically puts statutory restrictions on the bilateral relationship including prohibitions on foreign, agricultural, military and export-import assistance, as well as licensing restrictions for dual use items and mandated U.S. opposition to loans from international financial institutions.

In addition, the United States has supported several resolutions by the United Nations Security Council, including three demands that Sudan extradite three suspects wanted in connection with the failed 1995 assassination attempt against Egyptian President Hosni Mubarak. After Sudan failed to comply with these resolutions, the Council later adopted measures calling on member states to adopt travel restrictions and to ban flights by Sudanese-government controlled aircraft.

But, as important as these measures have been, Sudan has apparently refused to get the message that its actions are simply unacceptable.

Sudan has the potential to be one of the most important countries in Africa. It is the largest country on the continent and has a population of 29 million people. With cultural and geographic ties to both Arab North Africa and black sub-Saharan Africa, the Sudan has the potential to play a significant role in East Africa and the Gulf region.

Unfortunately, Mr. President, Sudan continues to squander that potential by engaging in or supporting outrageous acts of violence and terrorism.

So, Mr. President, I welcome the President's decision to take a tougher line with respect to Sudan.•

FEHBP + 65 DEMONSTRATION PROJECT

• Mr. BURNS. Mr. President, as a cosponsor of S. 224, to allow Medicare—eligible military retirees to join the Federal Employees Health Benefits Plan, I am pleased to cosponsor S. 1334, introduced by Senator BOND. S. 1334 will create a demonstration project to evaluate the concept of increasing access to health care for military retirees by allowing them to enroll in the Federal employees plan.

After hearing from military retirees in Montana, I am convinced that FEHBP + 65, as it's called, is a necessary step to help ensure that military retirees have access to quality health care. When military retirees turn 65, they no longer have guaranteed access to health care. The lucky ones can get services from military treatment facilities [MTFs] on a space-available basis, but the rest do not have access to MTF's. They must rely on Medicare, which has less generous benefits and significant out-of-pocket costs, despite the commitment they received for lifetime health benefits by virtue of their service to this country. They are the only group of Federal employees to have their health benefits cut off at age 65. That just not right.

The Federal Employees Health Benefits Plan is a popular program which provides good benefits at a reasonable cost. It will serve military retirees well and uphold the Government's commitment to provide quality health benefits. Our military retirees deserve no less.•

FUNDING OF THE MEDICINE CREEK TRIBAL COLLEGE

• Mrs. MURRAY. Mr. President, would the chairman of the Interior Appropriations Subcommittee yield for a question?

Mr. GORTON. I would be happy to yield to the Senator from Washington.

Mrs. MURRAY. Mr. President, Senator GORTON and I have been working with the Puyallup Tribe of Washington to establish base funding in the BIA budget for the Medicine Creek Tribal Community College in Tacoma, WA. The Tribe has been working diligently and patiently with the BIA to secure the necessary accreditation to facilitate such base funding. I am happy to report that the tribe has just recently received such accreditation.

However, the BIA has recently denied the Puyallup request for funding on the grounds that they had not established

their accreditation, even though that was not a requirement of the BIA rules when the initial request for funding was made. On April 8, 1997, I wrote the BIA to express my concern regarding an apparent accreditation "catch-22". It seemed that in order to be accredited, the school needed to demonstrate a secure funding base. However, to secure a funding base the college needed to be accredited. I expressed to the BIA my sincere desire to see this apparent conundrum resolved. Over the past several months, it appeared that the BIA was, in fact, moving to address this issue. In a recent meeting the tribe had with Michael Anderson, Deputy Assistant Secretary for Indian Affairs, they were assured they would receive funding for fiscal year 1998. But we now understand that the BIA has changed its mind and indicated that Medicine Creek Tribal College will not receive funding for fiscal year 1998. This is not acceptable.

In the conference report on H.R. 2107, the conferees agreed to increase funding for tribally controlled community colleges by $2,500,000 over the fiscal year 1997 level. Is it the intention of the chairman of the subcommittee that the Medicine Creek Tribal College be eligible for some of this funding?

Mr. GORTON. Mr. President, like Senator MURRAY, I am disturbed that BIA has now taken the position that the Medicine Creek Tribal College will not receive any funding. My office has worked with the tribe and understood that their funding needs would be met in fiscal year 1998. We urge the BIA make funds available from the increase in tribal community college funding to assist the Medicine Creek Tribal College move forward with its recent accreditation.

Mrs. MURRAY. Mr. President, I thank the chairman for this important clarification.•

TRIBUTE TO DELEGATE LACEY PUTNEY

• Mr. WARNER. Mr. President, across our great Nation in the 50 State legislatures, we find true public servants who receive very little remuneration, but dedicate themselves to the challenge—the pain and the joy—of representing at the grassroots of American citizens. They are the first line of defense and offense for our citizens.

I rise today to pay tribute to one who quietly and humbly personifies the best qualities of these public servants. Delegate Lacey Putney of Big Island, VA, is the most senior member of the Virginia House of Delegates and the only Independent. When he is re-elected today, he will tie with former speaker John Warren Cooke's record for the longest service in Virginia's General Assembly—38 years.

Delegate Putney and I were classmates and close friends as students at Washington and Lee University a half century ago. I have been privileged to count him as a valued advisor since that time.

As this month's "Virginia—Capitol Connections" magazine states: "Lacey Putney: The Democrats Want Him, The Republicans Want Him, But the People of Virginia Have Him."

I ask unanimous consent to place in the RECORD at this point two tributes to Delegate Putney.

The tributes follow:

THE HONORABLE LACEY E. PUTNEY

(By Charles W. Gunn, Jr.)

Some forty-two years ago I first met Lacey Putney, the country gentleman from Big Island, Virginia. This young man was different from most in his comfortable approach to strangers in that he assisted them while thanking them for helping him. I never saw him ask for help, but I saw him carefully seek out those who needed help.

His deep compassion for his fellow man was quite unique and so needed in our world today. He is a man of action with many personal accomplishments of assisting the most needy without seeking public acknowledgment. When he hears of a need, he responds either in person or else contacts the person or agency who can best address the problem. He is tough and thorough, while coupled with a soft heart. If you decide to debate him, be certain you are well prepared, for he seldom uses all of his ammunition but saves some for the rebuttal. He rarely loses!

During his thirty-six years of selfless service, thousands of citizens have been helped by his legislative actions. Equally, thousands have been helped by his personal involvement or intervention. He is an Independent by choice (officially since 1967) but has always been independent in making decisions in our government. If it's a matter of principle, Lacey will take his stand even if he is alone. That's integrity at it's best.

I am grateful to Lacey's wonderful wife, Elizbeth, and his children, Susan and Edward, for their sacrifice in giving Lacey their sincere support during these thirty-six years of service to all Virginians.

Lacey touched my personal life and family in ways that were miraculous as he did in dozens of lives that I am personally aware of. His private nature and extreme humility prevent me from detailing these "personal blessings" that he made possible for many of us.

I am honored to have the privilege of sharing with you some of the contributions made by the country boy from Big Island; that man of great integrity, wisdom, faith, compassion and humility; the gentleman from Bedford, the Honorable Lacey E. Putney, House of Delegates member, Nineteenth District, with thirty-six years of distinction.

"Bedford City Council works with a number of Virginia legislators and it is gratifying to see the high level of esteem and respect that Lacey is accorded from both his state peers as well as national representatives.

"Lacey has taken a personal interest in assuring that Bedford has received proper recognition and the deserved respect on the following:

"Passage of legislation that guaranteed Barr Laboratories locating in Bedford County;

"Strong leadership position with respect to the National D-Day Memorial's state funding;

"Persistence with the Highway Commission to insure needed work on Highway 501 and the Independence Boulevard project.

"Lacey has responded to the needs of our community in real time with real results.

"Lacey plays a pretty good game of tennis for an old guy."—Skip Tharp, Bedford City Council.•

SURGE IN DIABETES

• Mr. DOMENICI. Mr. President, as I work with my colleagues to increase federal support for combating the incidence of diabetes particularly among minorities such as American Indians, Hispanics, Blacks, and Asians, I would like to draw your attention to an article in Monday's Washington Times, November 3, 1997. It is by Joyce Howard Price and entitled "Surge in diabetes tied to unhealthy lifestyles."

Dr. Gerald Bernstein, President-elect of the American Diabetes Association, is reported to say that the national increase in diabetes was predictable, "given that the population is older, fatter, and less active."

Dr. Bernstein was referring to a report from the Centers for Disease Control and Prevention (CDC) estimating that 16 million Americans currently have diabetes, but only 10 million have been diagnosed. He said, "Cancer is much more dramatic and devastating. With diabetes, you erode and rot away. It's almost like leprosy."

The article goes on to quote Dr. Richard C. Eastman, director of the National Institute of Diabetes and Digestive and Kidney Diseases who said, "While we usually get an increase of 3 to 4 percent, there was an 8 percent increase this year. We fund 1 in 4 or 1 in 5 investigators." Dr. Eastman estimates the current national research effort in diabetes at $200 million.

Health and Human Services (HHS) Secretary Donna Shalala agreed with me earlier this year that a special effort is needed to create a multi-million dollar effort for a "large-scale, coordinated primary, secondary, and tertiary prevention effort among the Navajo, who have a large population with a high incidence of diabetes and risk factors for diabetes."

I have reached agreements in the Senate Appropriations bill for Labor-HHS to fund such a center for preventing diabetes in Gallup, New Mexico. In a colloquy with Subcommittee Chairman ARLEN SPECTER, we will affirm the need for this center in our national approach to alleviating the acute increases in diabetes, especially among American Indians whose incidence rate is almost three times the national average.

Among Navajo Indians over age 45, two in five have been diagnosed as diabetic, and many experts believe that almost four in five actually have diabetes, but we will not know until our outreach and testing efforts are improved on this vast Indian reservation.

Dr. Bernstein "points out that the gene that predisposes someone to diabetes is five times more prevalent in American Indians than in whites and twice as prevalent in blacks, Hispanics and Asians than in non-Hispanic whites." He says the disease has "failed to get priority status because it strikes minorities disproportionately."

He is absolutely right about the lack of attention to the problems of Navajo and Zuni Indians in New Mexico and Arizona. I would remind my colleagues that the Balanced Budget Act of 1998 has a $30 million per year program for preventing and treating diabetes among American Indians through the Indian Health Service (IHS). This commitment is for five years or a total of $150 million.

I am currently working with HHS Secretary Shalala to coordinate the efforts of this IHS funding from the Balanced Budget Act with CDC to focus on designing more culturally relevant prevention and diagnosis approaches in a new prevention research center in Gallup, New Mexico. Even if we are slow to learn more about treating this dreaded disease, enough is known today to significantly control the negative end results of diabetes like blindness, amputation, and kidney failure.

I hope my colleagues will continue to support my efforts to create this very specialized center for the study of improving prevention techniques for Indians and other minorities. In the case of Navajo and Zuni Indians, prevention can be difficult to incorporate into daily reservation life. Exercise programs may not be readily available, dietary changes may be contrary to local custom for preparing foods, or soft drinks may be routinely substituted for drinking water that is not plentiful or potable.

These kinds of factors in Indian life will be studied carefully at the Gallup Diabetes Prevention Research Center. Recommendations and CDC assistance will be provided to IHS service providers throughout the Navajo Nation, the Zuni Pueblo, and other Apache and Pueblo Indians in New Mexico and Arizona. It is my hope that improved diagnostic and prevention programs will readily flow from this Gallup center to all IHS facilities around the country.

It may surprise my colleagues as it did me, that in the 1950's the IHS officially reported negligible rates of diabetes among Navajo Indians. In less than 50 years, diabetes has gone from negligible to rampant and epidemic.

I commend the Washington Times for this timely and informative update on the surge in diabetes in our nation. I ask to have the entire article printed in the RECORD following my remarks.

I believe this article is a poignant reminder of the seriousness of this disease and its rapid growth in our country. My colleagues can count on me to continue to help with the critical funding to control this disease with every sensible means possible, especially among the First Americans who seem to suffer at disproportionately high rates. With our funding successes of this year, I would urge my colleagues to continue to seek ways to combat the slow physical erosion that Dr. Bernstein described as being almost like leprosy.

Dr. Bernstein is advocating for a billion dollars to expand urgent research and treatment of diabetes. I do not see this amount possible in our current budget situation, but I do concur that the medical costs of treating diabetes will continue to escalate unless our medical and prevention research efforts are more successful. I thank the Senate for this year's strong support of our efforts in this year's budget to improve the situation for all Americans who are susceptible to the ravages of diabetes.

The article follows:

[From the Washington Times, Nov. 3, 1997]

SURGE IN DIABETES TIED TO UNHEALTHY LIFESTYLES—DOCTORS CALL FOR FEDERAL RESEARCH FUNDS

(By Joyce Howard Price)

The president-elect of the American diabetes Association, Dr. Gerald Bernstein, says no one should be surprised by the explosion of diabetes in the United States today, confirmed in a new federal report.

Given that the population is older, fatter and less active, Dr. Bernstein says, the continued increase in diabetes was predictable. He also criticizes the federal government for "totally inadequate" levels of support for research.

With all its complications, he says, diabetes costs the nation about $140 billion a year—about 15 percent of all U.S. health expenditures:

"While cancer, HIV [and other major diseases] get $5 to $10 for research for every $100 spent on health care, diabetes gets just 25 cents," says Dr. Bernstein, director of the Harold Rifkin Diabetes Center in New York.

A report by the federal Centers for Disease Control and Prevention says about 16 million Americans currently have diabetes, but only about 10 million have been diagnosed. The number of diagnosed cases is up from 1.6 million in 1958.

Diabetes is the nation's seventh leading killer and was the primary cause of more than 59,200 deaths in 1995, according to the National Center for Health Statistics. But data also indicate it may have contributed to as many as 180,000 deaths that year.

"We are becoming a more overweight population, we are less active and we are also getting somewhat older," says Dr. Frank Vinicor, director of the CDC's diabetes division. "If you put all of those factors together, we are seeing a chronic disease epidemic occurring."

Diabetes is a disease caused by a deficiency of insulin, a hormone secreted by the pancreas that is necessary for the metabolism of sugar.

Of the estimated 16 million diabetics in the United States today, less than 1 million have Type I diabetes, meaning their pancreases do not work at all, and they are insulin-dependent. Type I diabetes usually occurs in childhood or adolescence.

The overwhelming majority of diabetics have Type 2 diabetes, a form of the disease that usually occurs after age 40 and is usually treated by diet, pills or both.

"The prevalence of Type 2 diabetes is increasing tremendously in the United States as people adapt more sedentary lifestyles and obesity increases," says Dr. Stephen Clement, director of the Diabetes Center at Georgetown University Medical Center.

Dr. Bernstein says "more women die of diabetes than breast cancer."

Nevertheless, he says, it has been hard to "politicize" diabetes except when young children are involved, because the average Type 2 diabetic is a "fat [adult] individual who's not compliant" with recommendations that he or she exercise and adopt a healthy diet.

"Cancer is much more dramatic and devastating. With diabetes, you erode and rot away. It's almost like leprosy," he says, explaining why this disease has been given short shrift by political leaders, the media and those handing out research dollars. He says the disease has failed to get priority status because it strikes minorities disproportionately.

He points out that the gene that predisposes someone to diabetes is five times more prevalent in American Indians than in whites and twice as prevalent in blacks, Hispanics and Asians than in non-Hispanic whites.

Dr. Richard C. Eastman, director of the National Institute of Diabetes and Digestive and Kidney Diseases, declines to comment on the adequacy of research funding for diabetes, which he says is currently $200 million a year.

"We had a record (funding) increase this year," he says. "While we usually get an increase of 3 to 4 percent, there was an 8 percent increase this year. We fund 1 in 4 or 1 in 5 investigators."

Dr. Bernstein says the recent push for stepped-up diabetes research money came from medical insurers, overwhelmed by having to pay the staggering costs of treating patients stricken with strokes, cardiovascular disorders, nerve damage, kidney problems, limb amputations, and vision loss triggered by diabetes.

Cardiovascular disease and stroke risk are two to four times more common among diabetics than the general population, and better than 60 percent of diabetics have high blood pressure and mild to severe neuropathy, or nerve damage.

"This disease is going to break the economic back of this country, so the amount provided [by the federal government] for diabetes research should be a billion dollars a year," Dr. Bernstein says.

As evidence of the need for more research, he cites a recent study by researchers at the University of Arkansas "who found a teenage population that was obese, hypertensive [had high blood pressure], and also had Type 2 diabetes," a condition usually confined to middle-aged adults. "So we're now seeing it's all over the place."

Dr. Clement agrees a lot more federal money is needed for research. But he and Dr. Eastman point out that the National Institutes of Health is currently funding large studies designed to determine if both types of diabetes can be prevented.•

CBO COST ESTIMATE—S. 1228

• Mr. D'AMATO. Mr. President, the Committee on Banking, Housing, and Urban Affairs reported S. 1228, the 50 States Commemorative Coin Program

Act on Friday, October 31, 1997. The committee report, Senate Report No. 105–130, was filed the same day.

The Congressional Budget Office cost estimate required by Senate Rule XXVI, section 11(b) of the Standing Rules of the Senate and section 403 of the Congressional Budget Impoundment and Control Act, was not available at the time of filing and, therefore, was not included in the committee report. Instead, the committee indicated the Congressional Budget Office cost estimate would be published in the CONGRESSIONAL RECORD when it became available.

Mr. President, I ask that the full statement and cover letter from the Congressional Budget Office regarding S. 1228 be printed in the RECORD.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 31, 1997.

Hon. ALFONSE M. D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1228, the 50 States Commemorative Coin Program Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter (for federal costs), and Matthew Eyles (for the private-sector impact).

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1228—50 States Commemorative Coin Program Act

Summary: S. 1228 would require the U.S. Mint to make changes to the quarter-dollar and one-dollar coins and to issue three coins commemorating the 100th anniversary of the first flight at Kitty Hawk, North Carolina. CBO estimates that enacting this bill would decrease direct spending by $15 million over the 1998–2002 period and by $40 million over the 1998–2007 period. Because the bill would affect direct spending, pay-as-you-go procedures would apply. S. 1228 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would not affect the budgets of state, local, or tribal governments.

Description of the bill's major provisions: S. 1228 would direct the Secretary of the Treasury to design and issue a series of quarters commemorating the 50 states over a 10-year period beginning in 1999. During this period, designs for each state would replace the current eagle design on the reverse side of the George Washington quarter. The Mint would issue five quarters a year in the order that the states ratified the Constitution or were admitted into the Union. Before selecting an emblem for each state, the Secretary of the Treasury would consult with the state's governor and with the federal Commission of Fine Arts (CFA) and would submit the selected design for review by the Citizens Commemorative Coin Advisory Committee (CCCAC). The bill would authorize the Mint to sell silver replicas of the quarters—both in proof and uncirculated versions.

S. 1228 also would permanently replace the current Susan B. Anthony one-dollar coin with a new dollar coin. Under the bill, the Mint could produce additional quantities of the Susan B. Anthony, if needed, until the new coin was ready for circulation. (The Mint predicts that public demand will exhaust its current inventory of approximately 130 million coins in about 30 months.) The new one-dollar coin would be golden in color and have distinctive tactile and visual features but would have the same diameter and weight as the current coin. In consultation with the Congress, the Secretary of the Treasury would select the designs for both sides of the coin. The bill also would direct the Treasury to market the coin to the American public before placing it into circulation and to study and report to the Congress on the results of its efforts. In addition, the Mint would have the authority to include quantities of the new coin in collector sets sold to the public prior to its introduction into circulation. Unlike previous proposals to introduce a new dollar coin, S. 1228 would not eliminate the one-dollar bill.

Finally, S. 1228 would direct the U.S. Mint to produce a ten-dollar gold coin, a one-dollar silver coin, and a half-dollar clad coin in fiscal years 2003 and 2004 commemorating the 100th anniversary of the first flight of Orville and Wilbur Wright at Kitty Hawk, North Carolina. In selecting a design for each coin, the Secretary of the Treasury would consult with the Board of Directors of the First Flight Foundation and the CFA and submit the designs for review by the CCCAC. The coins would be available for sale from August 1, 2003, through July 31, 2004. The price of each coin would equal the sum of its face value, the amount of the surcharge set for it by the bill, and the costs of the Mint to produce it. The bill would set a surcharge of $35 per coin for the ten-dollar coin, $10 per coin for the one-dollar coin, and $1 per coin for the half-dollar coin. S. 1228 would require the Mint to transfer all proceeds from surcharges to the First Flight Foundation.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1228 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

In addition to the budgetary effects summarized in the table, by increasing the public's holding of coins, S. 1228 also would result in the government acquiring additional resources for financing the federal deficit. The seigniorage (or profit, the difference between the face value of coins and their cost of production) from placing the additional coins in circulation would reduce the amount of government borrowing from the public. Under the principles established by the President's Commission on Budget Concepts in 1967, seigniorage does not affect the deficit but is treated as a means of financing the deficit.

	By fiscal year, in millions of dollars—				
	1998	1999	2000	2001	2002
CHANGES IN DIRECT SPENDING					
50 States Quarter Program:					
Estimated Budget Authority	0	−8	−5	−5	−5
Estimated Outlays	0	−8	−5	−5	−5
New One-Dollar Coin:					
Estimated Budget Authority	1	3	3	1	0
Estimated Outlays	1	3	3	1	0
Net Change in Direct Spending Under S. 1228:					
Estimated Budget Authority	1	−5	−2	−4	−5
Estimated Outlays	1	−5	−2	−4	−5

Note.—The table only includes provisions that would change direct spending in fiscal years 1998 through 2002. S. 1228 also includes a provision that would authorize the Mint to issue three commemorative coins during fiscal years 2003 and 2004.

Basis of estimate

Direct spending

50 States Circulating Commemorative Quarter Program. Beginning in 1999, S. 1228 would authorize the Mint to sell silver replicas of the redesigned 50 states quarters—both in proof and uncirculated varieties. CBO estimates that enacting this provision would decrease direct spending by $23 million over the 1998–2002 period and by $48 million over the 1998–2007 period.

CBO assumes the Mint would sell a five-coin proof set a price of around $30, which would cover the full cost of the set and provide it with a margin of profit consistent with past silver proof sets. We also assume the Mint would sell each uncirculated silver quarter at a price equal to the spot price of silver plus a markup of 3 percent. Because the silver replicas would be sold as a commercial product, the receipts would constitute offsetting collections to the Mint. Based on information provided by the Mint, including historical sales and profit data for past silver proof and uncirculated designs, CBO estimates that the sale of the silver replicas would increase offsetting collections to the Mint by about $10 million each year for a total of $40 million over the 1999–2002 period. This estimate assumes that, on average, the Mint would sell about 1 million five-coin proof sets each year, which would generate the $10 million in profits. CBO expects that the profits earned in any one year from selling uncirculated versions of the quarters would not be significant.

Public Law 104–52, which established the U.S. Mint Public Enterprise Fund, requires the Mint to transfer any excess funds to the general fund of the Treasury at least annually. For the purposes of this estimate, CBO assumes that the Mint would retain about one-half of the $10 million in increased offsetting collections generated from annual sales of the silver replicas. We estimate that half of the amount retained would be spent in the same fiscal year, with the other half spent in the following fiscal year. In total, net direct spending would decrease by between $20 million and $25 million over the 1998–2002 period, or by about one-half of the increase in offsetting collections to the Mint.

New One-Dollar Coin. S. 1228 would replace the current Susan B. Anthony one-dollar coin with a new one-dollar coin. The bill would authorize the Mint to produce quantities of the Susan B. Anthony, as needed, until the new coin was ready for circulation. (The Mint has not produced any new Susan B. Anthony coins since 1981). According to the Mint, it would need at least 30 months to design, test, and produce a new one-dollar coin for circulation. Thus, assuming this bill is enacted within the next several months. CBO expects that the new coin would not begin circulating before sometime in fiscal year 2000. CBO estimates that producing a new one-dollar coin would increase direct spending by between $5 million and $10 million over the 1998–2002 period.

Previously, the Mint has estimated cost of about $93 million to purchase the necessary infrastructure and materials and to design and promote a new one-dollar coin. That estimate, however, assumed that the one-dollar bill would be eliminated, and that the Mint would produce an initial supply of approximately 9 billion coins to meet the public's demand for one-dollar currency. Under S. 1228, CBO expects the public's annual demand for one-dollar coins would approximate the roughly 50 million Susan B. Anthony coins currently added to the nation's circulation of coins each year. Thus,

based on information provided by the Mint, CBO estimates start-up costs under this bill of between $5 million and $10 million. That estimate includes the costs to research, design, and test the new coin and to market it to the public. CBO estimates the Mint would also incur costs of less than $500,000 in fiscal year 2001 to study the effects of the marketing program and report its results to the Congress by March 31, 2001.

S. 1228 also would authorize the Mint to include the redesigned dollar coin in coin sets sold as commercial products to the public. The Mint currently offers a five-coin proof set, a five-coin silver proof set, and a 10-coin uncirculated set. Adding a redesigned dollar coin to one or all of these sets could increase offsetting collections to the U.S. Mint Public Enterprise Fund if its addition increases collectors' interest in the sets. It is uncertain whether the Mint would add a redesigned dollar coin to each of these sets. Given the addition of the commercial items that would be included under the 50 states quarter program, as well as the Mint's recent introduction of platinum coins and its expected first-time issue of .9999 fine gold coin sets, CBO estimates that even if the Mint does include the new dollar coin, any increase in net offsetting collections from the sale of all commercial products would be small—as much as several million dollars in the first two years—and largely one-time. In addition, CBO estimates that the Mint would retain and spend any additional collections, resulting in no net budgetary effect over time.

Commemorative Coins. S. 1228 would direct the Mint to produce and issue three coins commemorating the 100th anniversary of the first flight at Kitty Hawk, North Carolina. Because the coins would not become available until 2003, the provision would have no budgetary impact over the next five years. CBO estimates that the provision would have no net budgetary effect over the 1998–2007 period. The bill could raise as much as $9.25 million in surcharges if the Mint sold the maximum mintage level authorized for each coin, although the experience of recent anniversary-based commemoratives suggests that sales would be less than the authorized total of 1.35 million coins. Because the bill would require that the Mint transfer all surcharges to the First Flight Foundation, a nonfederal entity, proceeds from surcharges would have no net budgetary impact over time. We expect that the Mint would retain and spend any additional net proceeds generated from such sales to fund other commercial activities.

Seigniorage

In addition to the bills' effects on direct spending, by increasing the public's holding of quarters, S. 1228 also would result in the government acquiring additional resources for financing the federal deficit. Based on the previous experience of both the United States, with the bicentennial quarter in 1975 and 1976, and Canada, with its series of quarters commemorating its 12 provinces and territories in 1992, CBO expects that enacting the bill would lead to a greater production of quarters. The seigniorage, or profit, from placing the additional coins in circulation would reduce the amount of government borrowing from the public. Such profits are likely to be very significant—the Mint estimates that the seigniorage from making a quarter is 20.2 cents, so for each additional $100 million worth of quarters put into circulation each year for 10 years, the amount of seigniorage earned by the federal government would increase by about $808 million over the ten-year period.

By substituting a new dollar coin for the current Susan B. Anthony, the legislation could also affect the seigniorage earned—estimated at 92 cents per coin—from circulating one-dollar coins. That increase would occur only to the extent that the public demanded more one-dollar coins than under current law. (According to the Mint, the federal government currently is increasing the amount of Susan B. Anthony dollars placed in circulation by about 50 million coins each year.) Because S. 1228 would not eliminate the one-dollar bill, CBO expects that any increase in circulation of the one-dollar coin would not be significant.

Previously, CBO has done estimates for proposals that would replace the one-dollar bill with a new one-dollar coin. S. 1228 would not remove the one-dollar bill from circulation. Consequently, the savings in the production and handling of the nation's currency and the changes in seigniorage previously estimated by CBO would not apply to S. 1228.

Pay-as-you-go-considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 specifies procedures for legislation affecting direct spending or receipts. The projected changes in direct spending are shown in the following table for fiscal years 1998 through 2007. For purposes of enforcing pay-as-you-go procedures, however, only the effects in the budget year and the succeeding four years are counted.

SUMMARY OF EFFECTS ON DIRECT SPENDING AND RECEIPTS

	By fiscal year, in millions of dollars—									
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Changes in outlays	1	−5	−2	−4	−5	−5	−5	−5	−5	−5
Changes in receipts	Not applicable									

Estimated impact on State, local, and tribal governments: S. 1228 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimated impact on the private sector: S. 1228 contains no private-sector mandates as defined in UMRA. However, some private-sector entities would incur costs as a result of provisions in the bill to issue a new dollar coin. Vending machine operators who choose to accept the new coin, for example, would be required to modify their machines because the electromagnetic properties of the new gold-colored dollar coin would be different from those of the Susan B. Anthony dollar (which many machines are currently equipped to accept). Costs of modification would be reduced if the new coins were used with some regularity and operators were able to eliminate bill acceptors from most vending machines. In addition, to the extent that the dollar coin circulates even modestly, depository institutions would incur some additional expenses because they bear a substantial share of processing costs for all circulating coinage. Other entities, such as mass transit authorities, would experience lower costs because coins can be collected and processed at a cost that is significantly lower than notes. Mass transit authorities, however, are generally publicly operated and therefore not included in the private sector. Nevertheless, because no provision in federal law requires any person or organization to accept a specific form of payment, including the proposed new dollar coin, S. 1228 contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: John R. Righter. Impact on the Private Sector: Matthew Eyles.

Estimated approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.●

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a) appoints the following Senator to the Board of Visitors of the U.S. Military Academy: The Senator from New Jersey [Mr. LAUTENBERG] from the Committee on Appropriations, vice the Senator from Wisconsin [Mr. KOHL].

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF JAMES S. GWIN

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m., on Wednesday, November 5, the Senate proceed to executive session and that there then be 10 minutes of debate, equally divided, between the chairman and ranking member of the Judiciary Committee. I further ask unanimous consent that following that debate, the Senate proceed to vote on the confirmation of Calendar No. 328, the nomination of James Gwin to be U.S. district judge in Ohio. I finally ask unanimous consent that immediately following that vote, the President be notified of the Senate's action, and that the Senate then return to legislative session.

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

HOOPA VALLEY RESERVATION SOUTH BOUNDARY ADJUSTMENT ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 230, H.R. 79.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 79) to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 79) was read the third time and passed.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2464, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2464) 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.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, this bill exempts adopted immigrant children ages 10 and under from the battery of immunizations they would normally have to receive before being allowed to enter the United States.

I share Senator ABRAHAM's disappointment that this bill does not go further. The immunization requirement which has caused so many problems for all immigrants, including the parents of adopted immigrant children, was passed as a part of last year's immigration bill. This provision requires all immigrants to receive the entire series of vaccinations recommended by the Advisory Committee on Immunization Practices before they are allowed to enter the United States. During the debate of the immigration bill, significant concerns were raised that this requirement would lead to many unintended results, such as forged immunization records, unavailability of vaccines, and inadequate health care if the immigrant had an adverse reaction to a vaccine.

As a result of these concerns, the Senate passed a modified immunization provision, requiring immigrants to obtain most of their immunizations after they entered the United States, where vaccines and health care are available and adequate. Unfortunately, the Senate provisions were dropped in the conference on the final bill. Our concerns were borne out, and the bill we are about to pass deals with part of the problems caused by the overseas immunization requirement. I had hoped we could pass a bill that exempted all immigrant children, not just adopted immigrant children, from this requirement. However, the adoptive parents are legitimately concerned about their children's health, and they deserve this relief. I urge my colleagues to approve this legislation.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2464) was read the third time and passed.

VETERANS' CEMETERY PROTECTION ACT OF 1997

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 224, S. 813.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 813) to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Cemetery Protection Act of 1997".

SEC. 2 SENTENCING FOR OFFENSES AGAINST PROPERTY AT NATIONAL CEMETERIES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 2 levels for any offense against the property of a national cemetery.

(b) COMMISSION DUTIES.—In carrying out subsection (a), the Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of an offense described in that subsection are—

(1) appropriately severe; and

(2) reasonably consistent with other relevant directives and with other Federal sentencing guidelines.

(c) DEFINITION OF NATIONAL CEMETERY.—In this section, the term "national cemetery" means a cemetery—

(1) in the National Cemetery System established under section 2400 of title 38, United States Code; or

(2) under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of the Interior.

Mr. BENNETT. Mr. President, I ask unanimous consent that the committee substitute be agreed to.

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

The committee substitute was agreed to.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 813), as amended, was read the third time and passed.

U.S. FIRE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 237, S. 1231.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1231) to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise today in support of S. 1231 as reported by the Commerce Committee. This bill would reauthorize the programs of the U.S. Fire Administration [USFA].

As I stated when we introduced this bill, it is a tragic statistic that the United States currently has one of the worst fire records of any country in the industrial world with more than 2 million fires reported in the United States every year. Even more tragic is the fact that these fires result in over 4,500 deaths, 30,000 civilian injuries, and billions property losses.

The USFA has done a tremendous job since its creation in 1974, pursuant to the recommendation of the National Commission on Fire and Control, in reducing deaths and damage caused by fires. This bill before the Senate today will allow the USFA to continue assisting our Nation's 1.2 million member fire service in doing their job, efficiently and safely, with the best technology available.

Mr. President, the fire service is one of the most hazardous professions in the country. Firefighters not only confront daily the dangers of fire; they also are required to respond to other natural disasters, such as earthquakes, floods, medical emergencies, and hazardous materials spills.

Finally, we are all well aware of the recent rise in arson activities in this country. Arsonists are responsible for over 500,000 fires every year. Arson is the No. 1 cause of all fires, and is the second leading cause of fire deaths in residences.

The USFA has initiated several measures to combat this weapon of hatred, including: community grants in high risk areas to hire part-time law enforcement officers, and to pay for law enforcement overtime and other church arson prevention activities; National Fire Academy training courses; additional training and education for arson investigators with the Bureau of Alcohol, Tobacco, and Firearms; arson prevention information for the general public; and juvenile arson prevention workshops. This bill allows these efforts to continue.

Mr. President, we owe our support to this Nation's 1.2 million firefighters who risk their lives every day to save the lives and property of others. By passing this bill, the USFA can continue providing the education, data analysis, training, and technology needed to enable these brave individuals to do their job as efficiently and safely as possible. This bill ensures that both firefighters and the USFA get the financial resources they need to serve the public. I encourage my colleagues to support passage of S. 1231.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1231) was read the third time and passed, as follows:

S. 1231

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 "United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

"(G) $29,664,000 for the fiscal year ending September 30, 1998; and

"(H) $30,554,000 for the fiscal year ending September 30, 1999.".

SEC. 3. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(1) in section 29(a)(1), by inserting "or any successor standard to that standard" after "Association Standard 74";

(2) in section 29(a)(2), by inserting ", or any successor standard to that standard" before ", whichever is appropriate,";

(3) in section 29(b)(2), by inserting ", or any successor standard to that standard" after "Association Standard 13 or 13–R";

(4) in section 31(c)(2)(B)(i), by inserting "or any successor standard to that standard" after "Life Safety Code)"; and

(5) in section 31(c)(2)(B)(ii), by inserting "or any successor standard to that standard" after "Association Standard 101".

SEC. 4. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

(a) IN GENERAL.—Not later than 60 days before the termination or transfer to a private sector person or entity of any significant function of the United States Fire Administration, as described in subsection (b), the Administrator of the United States Fire Administration shall transmit to Congress a report providing notice of that termination or transfer.

(b) COVERED TERMINATIONS AND TRANSFERS.—For purposes of subsection (a), a termination or transfer to a person or entity described in that subsection shall be considered to be a termination or transfer of a significant function of the United States Fire Administration if the termination or transfer—

(1) relates to a function of the Administration that requires the expenditure of more than 5 percent of the total amount of funds made available by appropriations to the Administration; or

(2) involves the termination of more than 5 percent of the employees of the Administration.

SEC. 5. NOTICE.

(a) MAJOR REORGANIZATION DEFINED.—With respect to the United States Fire Administration, the term "major reorganization" means any reorganization of the Administration that involves the reassignment of more than 25 percent of the employees of the Administration.

(b) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(c) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration, the Administrator of the United States Fire Administration shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

SEC. 6. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Administrator of the United States Fire Administration should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the United States Fire Administration to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this Act, assess the extent of the risk to the operations of the United States Fire Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the United States Fire Administration is unable to correct by the year 2000.

SEC. 7. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Fire Administration.

(2) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(3) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Administrator under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 8. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the United States Fire Administration (referred to in this section as the "Administrator") shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this section.

(b) CONTENTS OF REPORT.—The report under this section shall—

(1) examine the risks to firefighters in suppressing fires caused by burning tires;

(2) address any risks that are uniquely attributable to fires described in paragraph (1), including any risks relating to—

(A) exposure to toxic substances (as that term is defined by the Administrator);

(B) personal protection;

(C) the duration of those fires; and

(D) site hazards associated with those fires;

(3) identify any special training that may be necessary for firefighters to suppress those fires; and

(4) assess how the training referred to in paragraph (3) may be provided by the United States Fire Administration.

BATTLE OF MIDWAY NATIONAL MEMORIAL STUDY ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 228, S. 940.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 940) to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited the "Battle of Midway National Memorial Study Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) September 2, 1997, marked the 52nd anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against the United States or the allied forces.

(3) During the Battle of Midway on June 4, 1942, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to study whether Midway Atoll should be established as a national memorial to the Battle of Midway to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(5) The historic structures and facilities on Midway Atoll should be protected and maintained.

SEC. 3. PURPOSE.

The purpose of this Act is to require a study of the feasibility and suitability of designating the Midway Atoll as a National Memorial to the Battle of Midway within the boundaries of the Midway Atoll National Wildlife Refuge. The study of the Midway Atoll and its environs shall include, but not be limited to, identification of interpretative opportunities for the educational and inspirational benefit of present and future generations, and of the unique and significant circumstances involving the defense of the island by the United States in World War II and the Battle of Midway.

SEC. 4. STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL AS A NATIONAL MEMORIAL TO THE BATTLE OF MIDWAY.

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of the Interior shall, acting through the Director of the National Park Service and in consultation with the Director of the United States and Wildlife Service, the International Midway Memorial Foundation, Inc. (hereafter referred to as the "Foundation"), and Midway Phoenix Corporation, carry out a study of the suitability and feasibility of establishing Midway Atoll as a national memorial to the Battle of Midway.

(b) CONSIDERATIONS.—In studying the establishment of Midway Atoll as a national memorial to the Battle of Midway under subsection (a), the Secretary shall address the following:

(1) The appropriate federal agency to manage such a memorial, and whether and under what conditions, to lease or otherwise allow the Foundation or another appropriate entity to administer, maintain, and fully utilize the lands (including any equipment, facilities, infrastructure, and other improvements) and waters of Midway Atoll if designated as a national memorial.

(2) Whether designation as a national memorial would conflict with current management of Midway Atoll as a wildlife refuge and whether, and under what circumstances, the needs and requirements of the wildlife refuge should take precedence over the needs and requirements of a national memorial on Midway Atoll.

(3) Whether, and under what conditions, to permit the use of the facilities on Sand Island for purposes other than a wildlife refuge or a national memorial.

(4) Whether to impose conditions on public access to Midway Atoll as a national memorial.

(c) REPORT.—Upon completion of the study required under subsection (a), the Secretary shall submit, to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives, a report on the study, which shall include any recommendations for further legislative action. The report shall also include an inventory of all known past and present facilities and structures of historic significance on Midway Atoll and its environs. The report shall include a description of each historic facility and structure and a discussion of how each will contribute to the designation and interpretation of the proposed national memorial.

SEC. CONTINUING DISCUSSIONS.

Nothing in this Act shall be construed to delay or prohibit discussions between the Foundation and the United States Fish and Wildlife Service or any other government entity regarding the future role of the Foundation on Midway Atoll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the committee substitute be agreed to.

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

The committee substitute was agreed to.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 940), as amended, was read the third time and passed.

BILOXI HARBOR NAVIGATION ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 238, S. 1324.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1324) to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, today the Senate is considering S. 1324, a bill introduced by Senator LOTT to deauthorize a portion of the project for navigation at Biloxi Harbor, MS. The Senate Committee on Environment and Public Works unanimously approved this measure on October 29, 1997.

This technical legislation is necessary as the Mississippi Department of Transportation intends to replace an existing bascule bridge, which spans a segment of the Bernard Bayou Federal navigation channel in Biloxi Harbor, with a fixed span bridge. Construction of the fixed span bridge would obstruct the navigation channel, which was authorized as part of the 1960 River and Harbor Act. However, the U.S. Army Corps of Engineers has determined that there is no current or expected commercial navigation along the channel.

Thus, deauthorization of a portion of the Bernard Bayou Federal channel appropriately addressed an artifact of the 1960 authorization and allows for construction of the fixed span bridge. The Army Corps of Engineers has informed the Congress that it has no objection to deauthorization of the Bernard Bayou Federal navigation channel segment identified in S. 1324. Mr. President, I encourage Senate adoption of this necessary measure.

I ask unanimous consent that a letter from June O'Neill of the CBO to me be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 31, 1997.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1324, a bill to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown.

Sincerely,

JAMES. L. BLUM
(For June E. O'Neill).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1324—A bill to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi

CBO estimates that enacting the bill would have no impact on the federal budget. The

bill 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.

S. 1324 would deauthorize a portion of the project for navigation of Bernard Bayou Channel, Biloxi, Mississippi, that was authorized by the River and Harbor Act of 1960. The deauthorization would allow the Mississippi Department of Transportation to replace the existing bascule bridge (drawbridge) that spans that channel with a fixed-span bridge. Any costs associated with constructing a bridge would be incurred voluntarily by the state of Mississippi.

If you wish further details on this estimate, we will be pleased to provide them. the CBO staff contact is Gary Brown. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 1324) was read the third time and passed, as follows:

S. 1324

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

SECTION. 1 BILOXI HARBOR, MISSISSIPPI.

The portion of the project for navigation, Biloxi Harbor, Mississippi, authorized by the River and Harbor Act of 1960 (74 Stat. 481), for the Bernard Bayou Channel beginning near the Air Force Oil Terminal at approximately navigation mile 2.6 and extending downstream to the North-South ½ of Section 30, Township 7 South, Range 10 West, Harrison County, Mississippi, just west of Kremer Boat Yards, is not authorized after the date of enactment of this Act.

GRAZING PRIVILEGES ACT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 219, H.R. 708.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A 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, Wyoming, and to extend temporarily certain grazing privileges.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNETT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 708) was read the third time and passed.

ORDERS FOR WEDNESDAY, NOVEMBER 5, 1997

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Wednesday, November 5th. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate proceed immediately to 10 minutes of debate in executive session on the nomination of Judge James Gwin, of Ohio, to be U.S. District Judge for the Northern District of Ohio, to be followed by a rollcall vote on his confirmation, as under the previous order.

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

Mr. BENNETT. Mr. President, I also ask unanimous consent that following the vote on the Gwin nomination, the Senate proceed to legislative session to resume consideration of the motion to proceed to S. 1269, the fast-track legislation, with Senator ROTH or his designee being in control of 3 hours and Senator DORGAN or his designee in control of 4 hours. I further ask unanimous consent that at no later than 5 p.m., the Senate proceed to a rollcall vote on or in relation to the motion to proceed to S. 1269.

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

PROGRAM

Mr. BENNETT. In conjunction with the previous consent agreements, tomorrow at 9:40 the Senate will proceed to executive session to vote on the nomination of James S. Gwin to be U.S. district judge for the Northern District of Ohio. Following that vote, the Senate will resume legislative session and debate on the motion to proceed to S. 1269, the fast-track legislation, with Senator ROTH in control of 3 hours and Senator DORGAN in control of 4 hours. As under the previous consent, the Senate will vote on or in relation to the motion to proceed to S. 1269 at no later than 5 p.m. tomorrow. Following that vote the Senate could turn to any of the following items, if available: The D.C. appropriations bill, the FDA reform conference report, the Intelligence authorization conference report, and any additional legislative or executive items that can be cleared for action. Therefore, Members can anticipate rollcall votes throughout Wednesday's session of the Senate. As a reminder to all Members, the first rollcall vote tomorrow will occur at 9:40 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Wednesday, November 5, 1997, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, November 4, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. SNOWBARGER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 4, 1997.

I hereby designate the Honorable VINCE SNOWBARGER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 1026) "An Act to reauthorize the Export-Import Bank of the United States," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. D'AMATO, Mr. GRAMS, Mr. HAGEL, Mr. SARBANES, and Ms. MOSELEY-BRAUN, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1139) "An Act to reauthorize the programs of the Small Business Administration, and for other purposes," with an amendment.

The message also announced that pursuant to Public Law 105–33, the Chair, on behalf of the majority leader, and in consultation with the Democratic leader, announces the appointment of the following members of the National Bipartisan Commission on the Future of Medicare:

The Senator from Nebraska [Mr. KERREY]; and

The Senator from West Virginia [Mr. ROCKEFELLER].

MORNING HOUR DEBATES

The SPEAKER pro tempore (Mr. SNOWBARGER). 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 Florida [Mr. DIAZ-BALART] for 5 minutes.

SHAME ON VENEZUELA

Mr. DIAZ-BALART. Mr. Speaker, a few years ago, actually more than 6 or 7 years ago, the gangster who used to be the President of Mexico, Carlos Salinas, and his accomplice in some crimes and other activities, the former Prime Minister of Spain, Felipe Gonzalez, created a conference that meets every year named the Iberoamericana Summit and they invite the Latin American countries, heads of state and government, and of Spain and Portugal. They all curtsy to the king of Spain as though Spain still rules in this hemisphere every year when they meet, but the main purpose of Carlos Salinas' and Felipe Gonzalez' little gathering was to bring into the club and give credence and help out in every way possible their friend and certainly their accomplice in business and crime, the dictator of Cuba.

So the decrepit tyrant is invited every year to these meetings of elected heads of state and government, and he sits there and he demagogs and offends the United States and lies about history, and of course offends even his own people, the people of Cuba, year in and year out.

It is grotesque that they have invited to that putrid system that they created called the Iberoamericana Summit, it is putrid because of the fact that it was born with that tyrant and it is offensive that they invite that tyrant year in and year out.

In a few days they will have another meeting, this time in Venezuela, with the decrepit tyrant, which of course the good news is not only is he decrepit and in his last months, but certainly his last years, because the good Lord is finally deciding to take him away.

But something happened yesterday in Venezuela as they prepare for the summit in a few days where they have invited again the decrepit, bloody tyrant and will treat him with all of the honors which really, Mr. Speaker, is beyond the pale. Cuban exile organizations went, as they have gone every year, to meet with all who will listen, to meet with the press, to have press conferences, to denounce what the decrepit, Cuban bloody tyrant does to his people. And the Government of Venezuela, led by President Caldera, yesterday arrested the Cuban exile leaders, some of them, by the way, Venezuelan citizens, and is expelling them from Venezuela so that the decrepit, bloody Cuban tyrant does not even have to have, in the country that he is in, anybody expressing any view in dissent of what the decrepit, bloody Cuban tyrant does to his own people.

So what President Caldera did is not only beyond the pale, it is condemnable, it is grotesque. It has gone beyond appeasement, Mr. Speaker, and it is in fact a disgusting, a disgusting act which now has become cowardly complicity with the torture apparatus of the decrepit tyrant in Havana.

Shame on Venezuela, shame on Rafael Caldera. This will go down in history as something that will mark his history forever. The Cuban people, when the Venezuelans suffered a dictatorship, were hosts to Caldera and to other democratic leaders of Venezuela, in solidarity and in friendship, during the dictatorship of Perez Jimenez, and other dictatorships that the Venezuelans have to suffer.

Now, notice how the Cuban people are reciprocated by leaders, mediocre leaders, such as this man, Rafael Caldera. The Cuban people will not forget and the friends of the Cuban people in the United States and elsewhere will not forget this act of cowardice, this shameful act of cowardice. This is an act of mediocrity and an act of cowardice and shamefulness.

If there is any dignity left, Mr. Speaker, in the Venezuelan Government, they must forthwith apologize and readmit the Cuban exile leaders so that they may peacefully be able to express dissent against the horror, the oppression, the murder, the torture, the random arrests that the Cuban tyrant is continuing to engage in to this moment against the Cuban people.

While a nation of 11 million people die at the hands of a murderous madman, much of the world and especially this hemisphere, Mr. Speaker, is led by men who make the word "mediocrity" seem like statesmanship in comparison. Men who are more than mediocre, men who commit acts of shame such as the one committed by Caldera. Shame on Venezuela.

DO THE SCIENCE FIRST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania [Mr. KLINK] is recognized during morning hour debates for 5 minutes.

Mr. KLINK. Mr. Speaker, I rise today to speak on behalf of nearly 200 Members of the House of Representatives, nearly 200 Members who have decided that they want to take some action in a bipartisan fashion to ensure the health of the people of this Nation and, while ensuring the health of the people of this great Nation, also ensuring the prosperity of this Nation's economy and of the industries that lead to that great economy and participate in that great economy.

What I am talking about is an action which was announced about a year ago about the EPA. Director Carol Browner said that she did not think that the air quality standards were strict enough, that there was some evidence resulting from a reexamination that was ordered by a court because the EPA lost in court to the American Lung Association. And so they had to take a look at something called particulate matter, which is measured right now at one standard and they now want to begin measuring it at a finer standard. They want to go from P.M.-10 microns to P.M.-2.5.

My friends who run the Committee on Commerce and the Subcommittee on Oversight and Investigations, under the leadership of the gentleman from Texas [Mr. BARTON], have done I think a tremendous job and are to be lauded in taking a look at this issue and conducting oversight to see what are the ramifications of changing these regulations.

First of all, we found out that there are only 50 monitors in this Nation that can measure P.M.-2.5. Then we find out, when Carol Browner speaks in front of the Committee on Agriculture on September 16 of this year, that these new rules that she wants to promulgate will not take effect, according to her, they are not going to enforce them, until 2009.

Now, the question comes up, why in the world do we want to promulgate new regulations that we are not going to enforce for over a decade? Why would we do that? Because we need to understand what industry has to do in planning to make capital investment. They have to plan today for what the rules will be in 2005, 2006, 2007, 2008, 2009 because they are making long-term investments, and we have not yet done the science. So nearly 200 Members of this House, 142 from the Republican side and 55 from the Democratic side, have joined together and said to the EPA, wait a minute. Let us do the science first.

We are willing, as Republicans and Democrats, to work together to give $300 million to build the monitors that can be installed across this great Nation to determine how much of a problem P.M.-2.5 is, and is there a difference in the health impact of different kinds of particulate matter, or is there a difference when that fine particulate matter is mixed with other kinds of pollutants? We do not know the answer to either of those questions, Mr. Speaker.

So the Republicans and Democrats, working together, said we will spend the money, we will authorize the spending of that money so that this Nation's scientists and this Nation's industries and this Nation's health professionals will know what is the impact of P.M.-2.5.

We want to make sure that if Carol Browner is correct, we are headed in the right direction, and that we do it before 2009. So we asked for a 5-year moratorium. We asked that these rules not be promulgated and that we continue to work on the current clean air standards during the time the study is occurring. Both Ms. Browner, the administration, and those of us in Congress agree that the Clean Air Act is working. As we clean the air, we have seen a higher incidence of asthma. Why is that, Mr. Speaker? We do not know. Perhaps something in this study can help us.

So we have introduced a bill known as H.R. 1984, along with the gentleman from Michigan [Mr. UPTON], my Republican colleague, and the gentleman from Virginia [Mr. BOUCHER], my Democratic colleague; we have worked this bill. When many people wanted to attack the EPA for being shortsighted, for rushing to judgment, we said, let us do this correctly. Let us give this money to the EPA so that that agency can do the science.

Then the EPA comes before the Committee on Commerce and says well, we are very concerned. Fifteen thousand people a year are dying prematurely because this new standard has not been impacted, and 100,000 people have lung diseases each year because this is not the standard. Well, why wait until 2009? We think that our bill, H.R. 1984, with 200 sponsors or nearly 200 cosponsors, Mr. Speaker, should be moved immediately and I ask the Republican leadership to move that bill, to not embarrass 142 of their Republican colleagues who have signed on to the bill and the 55 Democrats who have done likewise.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 44 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 at 12 noon.

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

As You have created a formation of the world and the majesty of the heavens, O God, so Your spirit also touches us in the commonplace and ordinary events of the day. So may we see Your presence in great affirmations and momentous occurrences but also in those modest moments when the world does not notice, that we can see Your hand of grace touching individuals' lives and allowing us to sense Your love and comfort. May Your presence, O gracious God, that is new every morning and washes away the doubt of the day, be with all Your people now and evermore. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KNOLLENBERG] come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG 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.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day.

The Clerk will call the first individual bill on the Private Calendar.

JOHN ANDRE CHALOT

The Clerk called the bill (H.R. 2732) for the relief of John Andre Chalot.

There being no objection, the Clerk read the bill as follows:

H.R. 2732

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

SECTION 1. MODIFICATION OF EFFECTIVE DATE OF NATURALIZATION OF JOHN ANDRE CHALOT.

Notwithstanding title III of the Immigration and Nationality Act, any predecessor provisions to such title, or any other provision of law relating to naturalization, for purposes of determining the eligibility of John Andre Chalot for relief under the Agreement Between the Government of the United States and the Government of the

Federal Republic of Germany Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution, signed at Bonn on September 19, 1995, John Andre Chalot is deemed to be a naturalized citizen of the United States as of September 3, 1943.

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.

ROY DESMOND MOSER

The Clerk called the bill (H.R. 2731) for the relief of Roy Desmond Moser.

There being no objection, the Clerk read the bill as follows:

H.R. 2731

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

SECTION 1. MODIFICATION OF EFFECTIVE DATE OF NATURALIZATION OF ROY DESMOND MOSER.

Notwithstanding title III of the Immigration and Nationality Act, any predecessor provisions to such title, or any other provision of law relating to naturalization, for purposes of determining the eligibility of Roy Desmond Moser for relief under the Agreement Between the Government of the United States and the Government of the Federal Republic of Germany Concerning Final Benefits to Certain United States Nationals Who Were Victims of National Socialist Measures of Persecution, signed at Bonn on September 19, 1995, Roy Desmond Moser is deemed to be a naturalized citizen of the United States as of August 8, 1942.

Mr. DELAHUNT. Mr. Speaker, the relief provided by this legislation is of exceptional urgency, and I want to express my appreciation to Chairman HYDE, Chairman SMITH, Mr. CONYERS, and Mr. WATT, for their cooperation and assistance in bringing this legislation forward on an expedited basis.

These bills concern two men, now in their seventies, who have been American citizens for over 50 years. Each served in the Armed Forces of the United States during World War II, and each was captured by the Nazis and interned at the infamous concentration camp known as Buchenwald.

The first man, Roy Desmond Moser, was held as a prisoner of war at Stalag 9B, one of the most brutal of the Nazi POW camps. From there, he and 350 of his American comrades were transported to Berga, a sub-camp of Buchenwald. There they were confined in unhealthy, degrading and inhumane conditions, subsisting on a starvation diet, subjected to forced labor, and brutalized by camp guards. After only 6 weeks at Berga, 24 had perished from starvation, overwork, disease and physical abuse. In early April 1945, the remaining prisoners were driven on a death march away from the advancing Allied front. Of the 280 American POW's who survived, most weighed less than 90 pounds when they were finally liberated.

The second man, John Andre Chalot, was too young to enlist in the U.S. Army, so he went to Canada and joined the Royal Canadian Air Force. He flew Spitfires with the RCAF based in England from 1940 to 1943, and transferred to the U.S. Army Air Corps, 358th Fighter Squadron, in 1943, receiving a commission as a second lieutenant. Early in 1944, Mr. Chalot was flying a P–51 mission over Germany when his plane was hit and he crash-landed in Holland. With the help of the Resistance, he managed to get to Paris, but was arrested and imprisoned there. In August 1944, he and his fellow prisoners, including 168 Allied airmen, were crowded into boxcars and transported to Buchenwald, where they suffered extreme deprivations and were even subjected to Nazi medical experiments. Mr. Chalot and most of his fellow airmen were eventually transferred to Stalag Luft III, a POW camp, where they remained until their liberation.

After the war, both men returned to the United States to resume their lives. Mr. Moser retired after 32 years on the Boston police force and lives with his family in Holbrook, MA. Mr. Chalot is a retired postal worker in Bradenton, FL.

Up to this point, their stories are not dissimilar from those of the hundreds of other American POW's who were transported to the death camps. But unlike their comrades-in-arms, Mr. Moser and Mr. Chalot discovered after the war that they were not American citizens. Mr. Moser had come to the United States from Canada at the age of 6 months; Mr. Chalot had immigrated from France before the age of 2. Neither had been naturalized at the time of their military service, although both were granted citizenship upon their return.

The fact that they were not American citizens had made no difference to the U.S. Army, nor had it prevented the Third Reich from sending them to Buchenwald. But 50 years later, when they applied under a United States-German agreement for compensation as American nationals who were victims of Nazi persecution, each was informed that he was not eligible because he was not a U.S. citizen at the time.

I am sure all of my colleagues would agree that this is a great injustice which we must correct. The bills under consideration would make Mr. Moser and Mr. Chalot eligible for compensation by deeming them to be naturalized U.S. citizens as of the date they began their military service. It is urgent that we pass these bills now, because the State Department is about to forward to the German Government the list of those who are eligible to participate in the program.

After what these men suffered in the service of our country, this is truly the least we can do.

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.

The SPEAKER. This concludes the call of the Private Calendar.

COMBINED FEDERAL CAMPAIGN

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

Mr. GINGRICH. Mr. Speaker, I want to take this opportunity to tell all of our coworkers in the Federal Government about the Combined Federal Campaign.

For nearly 40 years, Federal workers have been contributing to local and national charities through the Combined Federal Campaign. When we give to the Combined Federal Campaign in the Washington area, 96 cents of every $1 goes directly to the charities of our choice.

I urge everyone to find a charity to champion. As my colleagues know, I wear both a Habitat for Humanity pin and Earning by Learning pin, because I think those are programs that are very helpful.

There are over 2000 local, national, and international organizations listed in the Combined Federal Campaign catalog. Your contribution can be automatically deducted from your paycheck.

Some of you may not think your small contribution can make a difference, but it can. I just want to suggest that for the price of 2 movie tickets deducted from your paycheck every month, you can send one disadvantaged child in the inner city to 5 life-changing days at a summer camp; $20 a month buys a light-weight wheelchair for a person with a disability; $30 a month provides equipment to establish a clinic for several villages in the Third World; $5 a month can buy 16 bottles of propane to instruct disadvantaged women in welding techniques for job training. With a one-time gift of $5, we can feed one Rwandan refugee child for 20 days.

I want to thank Jay Eagen for his leadership in chairing the campaign. I urge every Member and House staffer to contact the key worker in your office and consider supporting the campaign today.

JOHN NATHAN STURDIVANT: LEADER AND VISIONARY

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

Mr. ABERCROMBIE. Mr. Speaker, on rare occasions during our lifetimes, we have the opportunity to encounter an extraordinary individual. One such individual is John Nathan Sturdivant, president of the American Federation of Government Employees. His recent death was a heavy blow for Federal workers, their families, and for all of us who admired the qualities that he brought to his work.

John Sturdivant served our country as a member of the Armed Forces and as a civilian employee. As a leader of the AFGE, he continued to serve by representing the Federal employees who translate policy in the actual operations of the Federal Government. To this task, John Sturdivant brought the qualities of vision and leadership. He supported Federal employees working with managers to make Government more efficient, productive, and

cost effective. At the same time, he remained a labor leader, dedicated to the principle of collective bargaining and the dignity of working people.

May I conclude, Mr. Speaker, with a personal note. John Sturdivant displayed throughout his final months extraordinary bravery and commitment. He worked without ceasing as long as he was physically capable. His attitude and demeanor never reflected his pain and distress. He was devoted to the AFGE, its principles and its people to the end of his life. His dedication to service on behalf of the American public was unfailing. All of us who address the public interests can only hope to live up to the standards set by John Sturdivant.

John Sturdivant had the capacity to inspire loyalty and the ability to enlarge the vision of those with whom he worked. These are the qualities of a true leader.

To his daughter Michelle, to his family and to the membership of the American Federation of Government Employees, we extend our deepest sympathy. John Sturdivant was one of those who made the world a better place than he found it. He will be deeply missed by all of us.

THE UNITED STATES-CARIBBEAN BASIN TRADE PARTNERSHIP ACT

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

Mr. BEREUTER. Mr. Speaker, I rise in support of the United States-Caribbean Basin Trade Partnership Act, because it will strengthen the mutually beneficial relationship that exists between the United States and the smaller countries of the Caribbean Basin.

Due in large part to the Caribbean Basin initiative, which was proposed by President Reagan in 1982 and passed by the Congress in 1983, trade between the United States and Caribbean Basin nations have more than doubled in the past dozen years and now equal close to $30 billion a year. During that time, U.S. trade with the CBI region has generated roughly 18,000 new export-oriented jobs each year. What was once a trade deficit of $2.7 billion with the Caribbean is now a United States trade surplus of over $1 billion.

Mr. Speaker, passage of H.R. 2644 will strengthen the United States-Caribbean Basin trade partnership while at the same time enhancing the competitiveness of United States firms and workers. I strongly urge my colleagues to support this important bill.

VOTE "NO" ON NAFTA EXPANSION

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

Mr. TRAFICANT. Mr. Speaker, let there be no mistake. The vote today on the Caribbean Trade Partnership Act is a litmus test from the White House. They want to pass NAFTA expansion, and the President is twisting arms. In fact, the President is reminding everybody that we must build a bridge to the 21st century.

Now, if that is not enough to repave your off ramp, here is how that bridge really works. The bridge brings in Mexican tomatoes, Canadian beef, illegal immigrants, narcotics, and everything under the sun made in China and Japan. The bridge takes away American jobs. The bridge takes away American factories. The bridge destroys American families.

Beam me up. That is not a bridge the White House is selling; that is a toll road leading to a dead end for American workers. Vote "no" today on that partnership act, vote "no" on NAFTA expansion.

I yield back the liberal wage jobs we keep sending overseas.

FAST TRACK IS CRITICAL TO THIS COUNTRY

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

Mr. KNOLLENBERG. Mr. Speaker, the House is scheduled to vote this week on a matter essential to the economic vitality of this country, a vote to extend fast track trade negotiating authority to the President. Fast track is a crucial partnership between the President and Congress. My colleagues will remember that Presidents Nixon, Carter, Reagan, and Bush all used this authority to negotiate open markets with foreign governments in good faith.

The United States has benefited from these negotiations. Since fast track expired in 1994, foreign governments have refused to enter into trade negotiations with the United States. These countries continue to open trade and investments for their own companies and their own workers, while retaining barriers against U.S. exports.

Without fast track, we risk being left behind. It does not force Congress to give up its power to oversee the negotiations. Congress simply agrees to vote on a completed trade agreement without any changes. Fast track is critical to this country, to the U.S. leadership in the global economy. Support the extension of fast track.

THE TIME IS NOW FOR CAMPAIGN FINANCE REFORM

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

Mr. MILLER of California. Mr. Speaker, the Senate has now agreed to a date for a full and fair and open debate on campaign finance reform next March. The American public wants this done, and I believe the majority of Members of the House want this done.

The time has come now for the Republican leadership to agree to set a date for that debate. That debate must be open, it must be fair, it must allow for the consideration of the competing bills for reforming our campaign finance reform system. There is a rule that is at this desk, or a discharge petition to create a rule that would allow that debate on those competing items for reform.

The time has come for the Republican leadership to get out of the way, let the Congress have that debate, let the public watch that debate, because they are hungry for campaign finance reform.

We have spent a year listening to and discovering scandals on both sides of the aisle on the misuse of campaign money, on the overwhelming onslaught of soft money in our system. The time has come to reform it. Mr. Speaker, do it now. Give us a date before we leave town.

PRESIDENT'S POSITION ON TAX RELIEF IS PUZZLING

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

Mr. BALLENGER. Mr. Speaker, I am wondering if some of my liberal friends on the other side of the aisle can help me with a question that is puzzling me. Why is it that it is selfish when we wish to keep what belongs to us, whereas it is compassion when we wish to take what belongs to another? I suppose by your own logic, it is selfish to lock your doors at night when you want to keep what you have earned.

I guess all of the hard work and sacrifice that goes into earning what belongs to you, that is forgotten, because the liberals are busy today talking about how compassionate they are spending other people's money.

Now we have the President of the United States on record showing what side he is on. Yesterday he called those of us that want tax cuts selfish. The President thinks that ordinary Americans ought to be condemned for thinking that the Government could get by on a little less, that families ought to have a little bit more.

It is kind of puzzling, is it not?

NEBRASKA NEEDS FAST TRACK

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

Mr. BARRETT of Nebraska. Mr. Speaker, Nebraska needs more export opportunities abroad in order to attract and retain businesses and jobs. Nebraska needs fast track.

From 1987 to 1996, Nebraska's exports increased almost 646 percent. Our top

exports in 1996 were food products at $1.4 billion, followed by agriculture and livestock at $229 million, industrial machinery and computers, $193 million, electronic equipment at $131 million, and so on and so forth.

Last year our top exporting partners were Japan, Canada, Korea, and Mexico. Without fast track, any of the export gains that we have made could be wiped away as our trade competitors negotiate anti-U.S. trade deals. It simply makes no sense to me why some want the United States to unilaterally disarm itself at the trade bargaining table.

I encourage my colleagues to examine their own States' trade history to see how exports have helped create jobs at home. If your State's history is anything like mine, the answer will be pretty obvious. The United States needs fast track.

AMERICAN PEOPLE SAY TIME FOR TAX CUTS

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

Mr. CHABOT. Mr. Speaker, President Clinton traveled to Virginia yesterday and told voters who favored a tax cut that they were selfish. I am not kidding, he really said that.

In Virginia, like most places, working families pay Federal taxes and State taxes, excise taxes, sales taxes, property taxes, and on and on, but Virginia, many folks pay a particularly odious tax, a car tax, a tax on their own personal vehicle which they must pay to the government year after year again and again. The Republican candidate for Governor of Virginia pledged to eliminate that tax, and that has made the President very angry.

President Clinton is showing us the fundamental difference between conservatives and liberals once again, between those of us who think working Americans pay too much tax and those that believe that the government can always bleed those so-called selfish taxpayers a little bit more.

Mr. Speaker, today the so-called selfish taxpayers and voters of Virginia get to respond to the President. I wonder what they will have to say to him.

□ 1215

THE TAXPAYER PROTECTION ACT OF 1997

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

Mr. GIBBONS. Mr. Speaker, a copy of an internal IRS document sent to my office clearly shows that the IRS is using a quota system in evaluating employee performance, despite the fact that using quotas was made illegal 9 years ago. This memo clearly shows the handwritten comments of an IRS supervisor stating that the monthly total collected by this employee is only 13 percent of the expected or required total. When confronted with this evidence, the IRS took a play right out of the plausible denial handbook of the White House; oh, yes, they said, we are not using quotas, these are just goals.

Plausible denial or goals, whatever the name is or that the IRS assigns to this practice, it must be stopped. I have introduced the Taxpayer Protection Act of 1997, which will once and for all end quotas for the IRS. IRS agents should be determining the correct amount of tax dollars owed, not trying to inflate their numbers so that they may be considered for a promotion.

I urge my colleagues to join me in a fight to once and for all end the use of quotas.

TRIBUTE TO JOHN CARTER, FIREFIGHTER

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to John M. Carter, a firefighter in the District of Columbia who died last month in the line of duty. John Carter was a hometown hero, one of a special breed of men who put his life on the line on a constant basis to protect his community. He was the son of a retired Montgomery County, MD, fire chief, and the brother and brother-in-law of two D.C. firefighters. The Washington Post called him "one of a special breed of heroes that the District of Columbia is fortunate to have on its side."

John Carter routinely faced the searing heat, choking smoke, clouds of toxic chemicals, and hazardous traffic conditions. He was a First Battalion sergeant who was the first to go into the burning building at Fourth and Kennedy Streets, Northwest. This was typical for John Carter, who is a 15-year veteran firefighter. When the roof collapsed, John Carter was trapped inside, and it was impossible to escape to safety. John Carter's death at age 38 in the line of duty was a tragedy. He is one of those unsung heroes who provides the highest quality of service to our citizens.

I rise to pay tribute to him, his brave family, his wife Deborah, and his son Brian. They deserve the highest recognition for their courage, commitment, and the sacrifices they have made on behalf of all of us.

AN APOLOGY TO VIRGINIANS

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

Mr. KINGSTON. Mr. Speaker, I got up early this morning and went jogging down Independence Avenue. As I did, a lot of hard-working men and women were coming in from Virginia to work. It was early in the morning for these two-income families. They work hard, and they raise kids. Statistically, many of them have two kids. They help them with their homework, try to teach them responsibility. These parents volunteer at the school and the church and the United Way. They often have to sacrifice. They cannot go on vacation because they have to buy a new dryer or a new set of tires. They might have to buy braces for the 14-year-old.

But yesterday, the President of the United States told these hard-working men and women that if you vote Republican today in Virginia, you are selfish. Paying 38 percent total household taxes is not enough. You have to pay more, the President of the United States told these hard-working men and women.

I would say to them that they are doing their best, they are paying taxes, they are not taking things out of society, they are earning their way, they are teaching their children to earn their way, and they are going to become future taxpayers. They are doing more. I wish we had more of these selfish people, Mr. President. I think you owe the people of Virginia an apology.

"SELFISH" AMERICANS WANT MORE TAX CUTS

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

Mr. BOEHNER. Mr. Speaker, earlier this year a Treasury Department official described Americans who wanted further tax relief as "selfish." Two weeks ago the minority leader in the other body said, and I quote, that he did not think most Americans were overtaxed. So perhaps it should not come as any surprise when I picked up the paper this morning to learn that the President described the people of Virginia as selfish for supporting a tax cut. According to the Washington Times this morning, the President is miffed that voters still want tax cuts, even though the economy has improved.

I have news for the President, the economy has improved because of the hard work and ingenuity of the American people. They work hard to feed their children's appetites, not Washington's appetite to spend money.

The Tax Foundation recently released their latest study showing that government at all levels is taking the biggest bite out of the Americans paychecks in the history of our country. What we need to do is what Washington should do. That is to only take

that amount of money that we need to officially run this Government, and not one penny more.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE WALTER H. CAPPS

The SPEAKER pro tempore (Mr. PACKARD). Pursuant to the provisions of House Resolution 286, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Walter H. Capps:

Mr. DELLUMS, California;
Mr. GEPHARDT, Missouri;
Mr. FAZIO, California;
Mr. BROWN, California;
Mr. STARK, California;
Mr. MILLER, California;
Mr. WAXMAN, California;
Mr. DIXON, California;
Mr. LEWIS, California;
Mr. MATSUI, California;
Mr. THOMAS, California;
Mr. DREIER, California;
Mr. HUNTER, California;
Mr. LANTOS, California;
Mr. MARTINEZ, California;
Mr. BERMAN, California;
Mr. PACKARD, California;
Mr. TORRES, California;
Mr. GALLEGLY, California;
Mr. HERGER, California;
Ms. PELOSI, California;
Mr. COX, California;
Mr. ROHRABACHER, California;
Mr. CONDIT, California;
Mr. CUNNINGHAM, California;
Mr. DOOLEY, California;
Mr. DOOLITTLE, California;
Ms. WATERS, California;
Mr. BECERRA, California;
Mr. CALVERT, California;
Ms. ESHOO, California;
Mr. FILNER, California;
Ms. HARMAN, California;
Mr. HORN, California;
Mr. KIM, California;
Mr. MCKEON, California;
Mr. POMBO, California;
Ms. ROYBAL-ALLARD, California;
Mr. ROYCE, California;
Ms. WOOLSEY, California;
Mr. FARR, California;
Mr. RIGGS, California;
Mr. BILBRAY, California;
Mr. BONO, California;
Ms. LOFGREN, California;
Mr. RADANOVICH, California;
Mr. CAMPBELL, California;
Ms. MILLENDER-MCDONALD, California;
Mr. ROGAN, California;
Mr. SHERMAN, California;
Ms. SANCHEZ, California;
Mrs. TAUSCHER, California;
Mr. SENSENBRENNER, Wisconsin;
Mr. KENNEDY, Rhode Island;
Mr. JACKSON, Illinois;
Mr. JOHNSON, Wisconsin; and
Ms. CHRISTIAN-GREEN, Virgin Islands.

ADDITION OF NAME OF MEMBER AS COSPONSOR OF H.R. 2676

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the name of gentleman from Ohio [Mr. TRAFICANT] be added as a cosponsor to H.R. 2676.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio will be added by the original sponsor as an additional cosponsor.

There was no objection.

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:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, November 3, 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 November 1, 1997 at 12:00 noon 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 Transportation and Related Agencies Appropriations Act, 1998.

With warm regards,

ROBIN H. CARLE,
Clerk.

CANCELLATION OF SPECIFIC DISCRETIONARY BUDGET AUTHORITY WITH RESPECT TO DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 and the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

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 Transportation and Related Agencies Appropriations Act, 1998" (Public Law 105–66; H.R. 2169). 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.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 1, 1997.*

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:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, November 3, 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 November 1, 1997 at 12:00 noon 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 Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998.

With warm regards,

ROBIN H. CARLE,
Clerk.

CANCELLATION OF SPECIFIC DISCRETIONARY BUDGET AUTHORITY WITH RESPECT TO DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 and the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

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 "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998" (Public Law 105–65; H.R. 2158). 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.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 1, 1997.*

DECLARATION OF NATIONAL EMERGENCY WITH RESPECT TO THE GOVERNMENT OF SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-166)

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, referred to the Committee

on International Relations and ordered to be printed.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report to the Congress that I have exercised my statutory authority to declare that the policies of the Government of Sudan constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and to declare a national emergency to deal with the threat.

Pursuant to this legal authority, I have blocked Sudanese governmental assets in the United States. I have also prohibited certain transactions, including the following: (1) the importation into the United States of any goods or services of Sudanese origin, other than information or informational materials; (2) the exportation or reexportation to Sudan of any nonexempt goods, technology, or services from the United States; (3) the facilitation by any United States person of the exportation or reexportation of goods, technology, or services from Sudan to any destination, or to Sudan from any destination; (4) the performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Sudan; (5) the grant or extension of credits or loans by any United States person to the Government of Sudan; and (6) any transaction by any United States person relating to transportation of cargo to, from, or through Sudan, or by Sudanese vessel or aircraft.

We intend to license only those activities that serve U.S. interests. Transactions necessary to conduct the official business of the United States Government and the United Nations are exempted. This order and subsequent licenses will allow humanitarian, diplomatic, and journalistic activities to continue. Other activities may be considered for licensing on a case-by-case basis based on their merits. We will continue to permit regulated transfers of fees and stipends from the Government of Sudan to Sudanese students in the United States. Among the other activities we may consider licensing are those permitting American citizens resident in Sudan to make payments for their routine living expenses, including taxes and utilities; the importation of certain products unavailable from other sources, such as gum arabic; and products to ensure civilian aircraft safety.

I have decided to impose comprehensive sanctions in response to the Sudanese government's continued provision of sanctuary and support for terrorist groups, its sponsorship of regional insurgencies that threaten neighboring governments friendly to the United States, its continued prosecution of a devastating civil war, and its abysmal human rights record that includes the denial of religious freedom and inadequate steps to eradicate slavery in the country.

The behavior of the Sudanese government directly threatens stability in the region and poses a direct threat to the people and interests of the United States. Only a fundamental change in Sudan's policies will enhance the peace and security of people in the United States, Sudan, and around the world. My Administration will continue to work with the Congress to develop the most effective policies in this regard.

The above-described measures, many of which reflect congressional concerns, will immediately demonstrate to the Sudanese government the seriousness of our concern with the situation in that country. It is particularly important to increase pressure on Sudan to engage seriously during the current round of negotiations taking place now in Nairobi. The sanctions will also deprive the Sudanese government of the material and financial benefits of conducting trade and financial transactions with the United States.

The prohibitions set forth in this order shall be effective as of 12:01 a.m., eastern standard time, November 4, 1997, and shall be transmitted to the Congress and published in the *Federal Register*. The Executive order provides 30 days in which to complete trade transactions with Sudan covered by contracts that predate the order and the performance of preexisting financing agreements for those trade initiatives.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 3, 1997.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he 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, 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.

UNITED STATES-CARIBBEAN TRADE PARTNERSHIP ACT

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2644) to provide to beneficiary countries under the Caribbean Basin Economic Recovery Act benefits equivalent to those provided under the North American Free Trade Agreement.

The Clerk read as follows:

H.R. 2644

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 "United States-Caribbean Trade Partnership Act".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Caribbean Basin Economic Recovery Act represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin.

(2) The economic security of the countries in the Caribbean Basin is potentially threatened by the diversion of investment to Mexico as a result of the North American Free Trade Agreement.

(3) Offering NAFTA equivalent benefits to Caribbean Basin beneficiary countries, pending their eventual accession to the NAFTA or a free trade agreement comparable to the NAFTA, will promote the growth of free enterprise and economic opportunity in the region, and thereby enhance the national security interests of the United States.

(4) Countries in the Western Hemisphere offer the greatest opportunities for increased exports of United States textile and apparel products.

(5) Given the greater propensity of countries located in the Western Hemisphere to use United States components and to purchase United States products compared to other countries, increased trade and economic activity between the United States and countries in the Western Hemisphere will create new jobs in the United States as a result of expanding export opportunities.

(b) POLICY.—It is the policy of the United States—

(1) to offer to the products of Caribbean Basin partnership countries tariffs and quota treatment equivalent to that accorded to products of NAFTA countries, and to seek the accession of these partnership countries to the NAFTA or a free trade agreement comparable to the NAFTA at the earliest possible date, with the goal of achieving full participation in the NAFTA or in a free trade agreement comparable to the NAFTA by all partnership countries by not later than January 1, 2005; and

(2) to assure that the domestic textile and apparel industry remains competitive in the global marketplace by encouraging the formation and expansion of "partnerships" between the textile and apparel industry of the United States and the textile and apparel industry of various countries located in the Western Hemisphere.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) PARTNERSHIP COUNTRY.—The term "partnership country" means a beneficiary country as defined in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

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

(4) WTO AND WTO MEMBER.—The terms "WTO" and "WTO member" have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

SEC. 4. TEMPORARY PROVISIONS TO PROVIDE NAFTA PARITY TO PARTNERSHIP COUNTRIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

"(b) IMPORT-SENSITIVE ARTICLES.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

"(A) textile and apparel articles which were not eligible articles for purposes of this title on January 1, 1994, as this title was in effect on that date;

"(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

"(C) tuna, prepared or preserved in any manner, in airtight containers;

"(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

"(E) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

"(F) articles to which reduced rates of duty apply under subsection (h).

"(2) NAFTA TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

"(A) EQUIVALENT TARIFF AND QUOTA TREATMENT.—During the transition period—

"(i) the tariff treatment accorded at any time to any textile or apparel article that originates in the territory of a partnership country shall be identical to the tariff treatment that is accorded at such time under section 2 of the Annex to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States;

"(ii) duty-free treatment under this title shall apply to any textile or apparel article that is imported into the United States from a partnership country and that—

"(I) is assembled in a partnership country, from fabrics wholly formed and cut in the United States from yarns formed in the United States, and is entered—

"(aa) under subheading 9802.00.80 of the HTS; or

"(bb) under chapter 61, 62, or 63 of the HTS if, after such assembly, the article would have qualified for treatment under subheading 9802.00.80 of the HTS, but for the fact the article was subjected to bleaching, garments dyeing, stone-washing, enzyme-washing, acid-washing, perma-pressing, oven-baking, or embroidery; or

"(II) is knit-to-shape in a partnership country from yarns wholly formed in the United States;

"(III) is made in a partnership country from fabric knit in a partnership country from yarns wholly formed in the United States;

"(IV) is cut and assembled in a partnership country from fabrics wholly formed in the United States from yarns wholly formed in the United States; or

"(V) is identified under subparagraph (C) as a handloomed, handmade, or folklore article of such country and is certified as such by the competent authority of such country; and

"(iii) no quantitative restriction or consultation level may be applied to the importation into the United States of any textile or apparel article that—

"(I) originates in the territory of a partnership country, or

"(II) qualifies for duty-free treatment under subclause (I), (II), (III), (IV), or (V) of clause (ii).

"(B) NAFTA TRANSITION PERIOD TREATMENT OF OTHER NONORIGINATING TEXTILE AND APPAREL ARTICLES.—

"(i) PREFERENTIAL TARIFF TREATMENT.—Subject to clause (ii), the President may place in effect at any time during the transition period with respect to any textile or apparel article that—

"(I) is a product of a partnership country, but

"(II) does not qualify as a good that originates in the territory of a partnership country or is eligible for benefits under subparagraph (A)(ii),

tariff treatment that is identical to the in-preference-level tariff treatment accorded at such time under Appendix 6.B of the Annex to an article described in the same 8-digit subheading of the HTS that is a product of Mexico and is imported into the United States. For purposes of this clause, the 'in-preference-level tariff treatment' accorded to an article that is a product of Mexico is the rate of duty applied to that article when imported in quantities less than or equal to the quantities specified in Schedule 6.B.1, 6.B.2., or 6.B.3. of the Annex for imports of that article from Mexico into the United States.

"(ii) LIMITATIONS ON ALL ARTICLES.—(I) Tariff treatment under clause (i) may be extended, during any calendar year, to not more than 45,000,000 square meter equivalents of cotton or man-made fiber apparel, to not more than 1,500,000 square meter equivalents of wool apparel, and to not more than 25,000,000 square meter equivalents of goods entered under subheading 9802.00.80 of the HTS.

"(II) Except as provided in subclause (III), the amounts set forth in subclause (I) shall be allocated among the 7 partnership countries with the largest volume of exports to the United States of textile and apparel goods in calendar year 1996, based upon a pro rata share of the volume of textile and apparel goods of each of those 7 countries that entered the United States under subheading 9802.00.80 of the HTS during the first 12 months of the 14-month period ending on the date of the enactment of the United States-Caribbean Trade Partnership Act.

"(III) Five percent of the amounts set forth in subclause (I) shall be allocated among the partnership countries, other than those to which subclause (II) applies, based upon a pro rata share of the exports to the United States of textile and apparel goods of each of those countries during the first 12 months of the 14-month period ending on the date of the enactment of the United States-Caribbean Trade Partnership Act.

"(iii) PRIOR CONSULTATION.—The President may implement the preferential tariff treatment described in clause (i) only after consultation with representatives of the United States textile and apparel industry and other interested parties regarding—

"(I) the specific articles to which such treatment will be extended,

"(II) the annual quantities of such articles that may be imported at the preferential duty rates described in clause (i), and

"(III) the allocation of such annual quantities among beneficiary countries.

"(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A), the Trade Representative shall consult with representatives of the partnership country for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

"(D) BILATERAL EMERGENCY ACTIONS.—(i) The President may take—

"(I) bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any textile or apparel article imported from a partnership country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to an article described in the same 8-digit subheading of the HTS that is imported from Mexico; or

"(II) bilateral emergency quantitative restriction actions of a kind described in section 5 of the Annex with respect to imports of any textile or apparel article described in subparagraphs (B)(i) (I) and (II) if the importation of such article into the United States results in conditions that would be cause for the taking of such actions under such section 5 with respect to a like article that is a product of Mexico.

"(ii) The requirement in paragraph (5) of section 4 of the Annex (relating to providing compensation) shall not be deemed to apply to a bilateral emergency action taken under this subparagraph.

"(iii) For purposes of applying bilateral emergency action under this subparagraph—

"(I) the term 'transition period' in sections 4 and 5 of the Annex shall be deemed to be the period defined in paragraph (5)(E); and

"(II) any requirements to consult specified in section 4 or 5 of the Annex are deemed to be satisfied if the President requests consultations with the partnership country in question and the country does not agree to consult within the time period specified under such section 4 or 5, whichever is applicable.

"(3) NAFTA TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

"(A) EQUIVALENT TARIFF TREATMENT.—

"(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that originates in the territory of a partnership country shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the HTS that is a good of Mexico and is imported into the United States.

"(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

"(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

"(4) CUSTOMS PROCEDURES.—

"(A) IN GENERAL.—

"(i) REGULATIONS.—Any importer that claims preferential tariff treatment under paragraph (2) or (3) shall comply with customs procedures similar in all material respects to the requirements of Article 502(1) of

the NAFTA as implemented pursuant to United States law, in accordance with regulations promulgated by the Secretary of the Treasury.

"(ii) DETERMINATION.—In order to qualify for such preferential tariff treatment and for a Certificate of Origin to be valid with respect to any article for which such treatment is claimed, there shall be in effect a determination by the President that—

"(I) the partnership country from which the article is exported, and

"(II) each partnership country in which materials used in the production of the article originate or undergo production that contributes to a claim that the article qualifies for such preferential tariff treatment,

has implemented and follows, or is making substantial progress toward implementing and following, procedures and requirements similar in all material respects to the relevant procedures and requirements under chapter 5 of the NAFTA.

"(B) CERTIFICATE OF ORIGIN.—The Certificate of Origin that otherwise would be required pursuant to the provisions of subparagraph (A) shall not be required in the case of an article imported under paragraph (2) or (3) if such Certificate of Origin would not be required under Article 503 of the NAFTA (as implemented pursuant to United States law), if the article were imported from Mexico.

"(C) PENALTIES FOR TRANSSHIPMENTS.—If the President determines, based on sufficient evidence, that an exporter has engaged in willful illegal transshipment or willful customs fraud with respect to textile or apparel articles for which preferential tariff treatment under subparagraph (A) or (B) of paragraph (2) is claimed, then the President shall deny all benefits under this title to such exporter, and any successors of such exporter, for a period of 2 years.

"(D) STUDY BY USTR ON COOPERATION OF OTHER COUNTRIES CONCERNING CIRCUMVENTION.—The United States Commissioner of Customs shall conduct a study analyzing the extent to which each partnership country—

"(i) has cooperated fully with the United States, consistent with its domestic laws and procedures, in instances of circumvention or alleged circumvention of existing quotas on imports of textile and apparel goods, to establish necessary relevant facts in the places of import, export, and, where applicable, transshipment, including investigation of circumvention practices, exchanges of documents, correspondence, reports, and other relevant information, to the extent such information is available;

"(ii) has taken appropriate measures, consistent with its domestic laws and procedures, against exporters and importers involved in instances of false declaration concerning fiber content, quantities, description, classification, or origin of textile and apparel goods; and

"(iii) has penalized the individuals and entities involved in any such circumvention, consistent with its domestic laws and procedures, and has worked closely to seek the cooperation of any third country to prevent such circumvention from taking place in that third country.

The Trade Representative shall submit to the Congress, not later than October 1, 1998, a report on the study conducted under this subparagraph.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'the Annex' means Annex 300–B of the NAFTA.

"(B) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

"(C) The term 'partnership country' means a beneficiary country.

"(D) The term 'textile or apparel article' means any article referred to in paragraph (1)(A) that is a good listed in Appendix 1.1 of the Annex.

"(E) The term 'transition period' means, with respect to a partnership country, the period that begins on May 15, 1998, and ends on the earlier of—

"(i) July 15, 1999; or

"(ii) the date on which—

"(I) the United States first applies the NAFTA to the partnership country upon its accession to the NAFTA, or

"(II) there enters into force with respect to the United States and the partnership country a free trade agreement comparable to the NAFTA that makes substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)).

"(F) An article shall be deemed as originating in the territory of a partnership country if the article meets the rules of origin for a good set forth in chapter 4 of the NAFTA, and, in the case of an article described in Appendix 6.A of the Annex, the requirements stated in such Appendix 6.A for such article to be treated as if it were an originating good. In applying such chapter 4 or Appendix 6.A with respect to a partnership country for purposes of this subsection—

"(i) no countries other than the United States and partnership countries may be treated as being Parties to the NAFTA,

"(ii) references to trade between the United States and Mexico shall be deemed to refer to trade between the United States and partnership countries, and

"(iii) references to a Party shall be deemed to refer to the United States or a partnership country, and references to the Parties shall be deemed to refer to any combination of partnership countries or the United States.".

(b) DETERMINATION REGARDING RETENTION OF DESIGNATION.—Section 212(e)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(e)) is amended—

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

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by adding at the end the following:

"(B)(i) Based on the President's review and analysis described in subsection (f), the President may determine if the preferential treatment under section 213(b) (2) and (3) should be withdrawn, suspended, or limited with respect to any article of a partnership country. Such determination shall be included in the report required by subsection (f).

"(ii) Withdrawal, suspension, or limitation of the preferential treatment under section 213(b) (2) and (3) with respect to a partnership country shall be taken only after the requirements of subsection (a)(2) and paragraph (2) of this subsection have been met.".

(c) REPORTING REQUIREMENTS.—Section 212(f) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(f)) is amended to read as follows:

"(f) REPORTING REQUIREMENTS.—Not later than 1 year after the date of the enactment of the United States-Caribbean Trade Partnership Act and at the close of each 3-year period thereafter, the President shall submit to the Congress a complete report regarding the operation of this title, including—

"(1) with respect to subsections (b) and (c) of this section, the results of a general review of beneficiary countries based on the considerations described in such subsections;

"(2) with respect to subsection (c)(4), the degree to which a country follows accepted rules of international trade provided for under the General Agreement on Tariffs and Trade and the World Trade Organization;

"(3) with respect to subsection (c)(9), the extent to which beneficiary countries are providing or taking steps to provide protection of intellectual property rights comparable to the protection provided to the United States in bilateral intellectual property rights agreements;

"(4) with respect to subsection (b)(2) and subsection (c)(5), the extent that beneficiary countries are providing or taking steps to provide protection of investment and investors comparable to the protection provided to the United States in bilateral investment treaties;

"(5) with respect to subsection (c)(3), the extent that beneficiary countries are providing the United States and other WTO members (as such term is defined in section 2(10) of the Uruguay Round Agreements Act (19 U.S.C. 3501(10)) with equitable and reasonable market access in the product sectors for which benefits are provided under this title;

"(6) with respect to subsection (c)(11), the extent that beneficiary countries are cooperating with the United States in administering the provisions of section 213(b); and

"(7) with respect to subsection (c)(8), the extent that beneficiary countries are meeting the internationally recognized worker rights criteria under such subsection.

In the first report under this subsection, the President shall include a review of the implementation of section 213(b), and his analysis of whether the benefits under paragraphs (2) and (3) of such section further the objectives of this title and whether such benefits should be continued.".

(d) CONFORMING AMENDMENT.—Section 213(a)(1) of the Caribbean Basin Economic Recovery Act is amended by inserting "and except as provided in section 213(b) (2) and (3)," after "Tax Reform Act of 1986,".

SEC. 5. EFFECT OF NAFTA ON SUGAR IMPORTS FROM BENEFICIARY COUNTRIES.

The President shall monitor the effects, if any, that the implementation of the NAFTA has on the access of beneficiary countries under the Caribbean Basin Economic Recovery Act to the United States market for sugars, syrups, and molasses. If the President considers that the implementation of the NAFTA is affecting, or will likely affect, in an adverse manner the access of such countries to the United States market, the President shall promptly—

(1) take such actions, after consulting with interested parties and with the appropriate committees of the House of Representatives and the Senate, or

(2) propose to the Congress such legislative actions,

as may be necessary or appropriate to ameliorate such adverse effect.

SEC. 6. DUTY-FREE TREATMENT FOR CERTAIN BEVERAGES MADE WITH CARIBBEAN RUM.

Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended—

(1) in paragraph (5), by striking "chapter" and inserting "title"; and

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

"(6) Notwithstanding paragraph (1), the duty-free treatment provided under this title shall apply to liqueurs and spirituous beverages produced in the territory of Canada from rum if—

"(A) such rum is the growth, product, or manufacture of a beneficiary country or of the Virgin Islands of the United States;

"(B) such rum is imported directly from a beneficiary country or the Virgin Islands of the United States into the territory of Canada, and such liqueurs and spirituous beverages are imported directly from the territory of Canada into the customs territory of the United States;

"(C) when imported into the customs territory of the United States, such liqueurs and spirituous beverages are classified in subheading 2208.90 or 2208.40 of the HTS; and

"(D) such rum accounts for at least 90 percent by volume of the alcoholic content of such liqueurs and spiritous beverages.".

SEC. 7. MEETINGS OF TRADE MINISTERS AND USTR.

(a) SCHEDULE OF MEETINGS.—The President shall take the necessary steps to convene a meeting with the trade ministers of the partnership countries in order to establish a schedule of regular meetings, to commence as soon as is practicable, of the trade ministers and the Trade Representative, for the purpose set forth in subsection (b).

(b) PURPOSE.—The purpose of the meetings scheduled under subsection (a) is to reach agreement between the United States and partnership countries on the likely timing and procedures for initiating negotiations for partnership to accede to the NAFTA, or to enter into mutually advantageous free trade agreements with the United States that contain provisions comparable to those in the NAFTA and would make substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)).

SEC. 8. REPORT ON ECONOMIC DEVELOPMENT AND MARKET ORIENTED REFORMS IN THE CARIBBEAN.

(a) IN GENERAL.—The Trade Representative shall make an assessment of the economic development efforts and market oriented reforms in each partnership country and the ability of each such country, on the basis of such efforts and reforms, to undertake the obligations of the NAFTA. The Trade Representative shall, not later than July 1, 1998, submit to the President and to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on that assessment.

(b) ACCESSION TO NAFTA.—

(1) ABILITY OF COUNTRIES TO IMPLEMENT NAFTA.—The Trade Representative shall include in the report under subsection (a) a discussion of possible timetables and procedures pursuant to which partnership countries can complete the economic reforms necessary to enable them to negotiate accession to the NAFTA. The Trade Representative shall also include an assessment of the potential phase-in periods that may be necessary for those partnership countries with less developed economies to implement the obligations of the NAFTA.

(2) FACTORS IN ASSESSING ABILITY TO IMPLEMENT NAFTA.—In assessing the ability of each partnership country to undertake the obligations of the NAFTA, the Trade Representative should consider, among other factors—

(A) whether the country has joined the WTO;

(B) the extent to which the country provides equitable access to the markets of that country;

(C) the degree to which the country uses export subsidies or imposes export performance requirements or local content requirements;

(D) macroeconomic reforms in the country such as the abolition of price controls on traded goods and fiscal discipline;

(E) progress the country has made in the protection of intellectual property rights;

(F) progress the country has made in the elimination of barriers to trade in services;

(G) whether the country provides national treatment to foreign direct investment;

(H) the level of tariffs bound by the country under the WTO (if the country is a WTO member);

(I) the extent to which the country has taken other trade liberalization measures; and

(J) the extent which the country works to accommodate market access objectives of the United States.

(c) PARITY REVIEW IN THE EVENT A NEW COUNTRY ACCEDES TO NAFTA.—If—

(1) a country or group of countries accedes to the NAFTA, or

(2) the United States negotiates a comparable free trade agreement with another country or group of countries,

the Trade Representative shall provide to the committees referred to in subsection (a) a separate report on the economic impact of the new trade relationship on partnership countries. The report shall include any measures the Trade Representative proposes to minimize the potential for the diversion of investment from partnership countries to the new NAFTA member or free trade agreement partner.

SEC. 9. OVERRULING OF SCHMIDT BAKING COMPANY CASE WITH RESPECT TO SEVERANCE PAY.

(a) IN GENERAL.—The Internal Revenue Code of 1986 shall be applied with respect to severance pay without regard to the result reached in the case of Schmidt Baking Company, Inc. v. Commissioner of Internal Revenue, 107 T.C. 271 (1996).

(b) REGULATIONS.—The Secretary of the Treasury or the Secretary's delegate shall prescribe regulations to reflect subsection (a).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] and the gentleman from New York [Mr. RANGEL] each will control 20 minutes.

Mr. CARDIN. Mr. Speaker, may I inquire whether the gentleman from New York [Mr. RANGEL] is opposed to the bill?

Mr. RANGEL. No, Mr. Speaker, I am not.

The SPEAKER pro tempore. Is the gentleman from Maryland opposed to the bill?

Mr. CARDIN. Yes; and I would ask to claim the time in opposition, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. CARDIN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. RANGEL], and I ask unanimous consent that he be permitted to yield further blocks of time in support of the bill.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 2644, the United States-Caribbean Basin Trade Partnership Act. This bill would allow the people of the Caribbean region to compete on a level playing field with their counterparts in the rest of North America.

I firmly believe fostering self-sufficiency through trade, not foreign aid, is the best way to assist our 30 million neighbors living in the Caribbean Basin countries, especially given the relative lack of development in that region.

The bill accomplishes this by granting to the Caribbean Basin partnership countries tariff treatments similar to that accorded to Canada and Mexico for a temporary period of 14 months. I believe that expanding the benefits of the Caribbean Basin initiative on a temporary basis will encourage partnership countries to complete the economic reforms that will be necessary for them to qualify for similar trade benefits on a permanent basis in the future.

For my colleagues who are new to this body, the original Caribbean Basin initiative, or CBI, was passed in 1983 under the leadership of President Reagan and Mr. Sam Gibbons. The program is based on the understanding that it is in the national security interests of the United States to encourage the development of strong democratic governments and healthy economies in neighboring countries of the Caribbean and Central America through the expansion of trade.

Likewise, it is fundamentally in the economic interests of the United States to encourage coproduction arrangements with the region in order to sustain textile and apparel manufacturing operations in the United States under changing competitive conditions.

Since the CBI became law, U.S. trade policy has focused on other geographic areas. The bill before us today assures that our commitment to the Caribbean Basin countries fostered by Ronald Reagan nearly 15 years ago is not eroded over time.

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Furthermore, I believe it is important that the United States develop a coherent trade policy that recognizes the economic development needs of Caribbean Basin countries and which does not prejudice their participation in future trade arrangements.

My purpose in pursuing this bill is to foster a policy where CBI countries receive guidance and the necessary incentives to adopt the market opening reforms that will prepare them for further trade liberalization.

I want to emphasize here today that expanding trade with the Caribbean through existing CBI provisions has already been a huge success for U.S. business and workers. During the life of the program, U.S. exports to the region have grown from $5.8 billion in 1983 to over $15.4 billion in 1996. Last year, U.S. exports to the Caribbean Basin grew by 14.5 percent, a rate more than twice as great as the rate of growth in U.S. exports to the rest of the world.

Prior to the original CBI legislation, the United States ran a substantial trade deficit with the region. The United States now has almost a $1 billion annual trade surplus with this group of countries. Moreover, many of the countries in the region regularly import the vast majority of the foreign products they purchase each year from the United States.

As CBI countries expand their success, it translates directly into U.S. economic growth and job creation. Presently, the U.S.-Caribbean commercial relationship supports more than 300,000 jobs in the United States. Virtually every State in the Union has benefited from this relationship. I know my own State of Illinois sold $319 million of exports to the region last year.

Finally, I would remind my colleagues that the provisions of this bill were already approved by the House last summer as part of the balanced budget reconciliation bill. They were dropped in conference at the insistence of the Senate which had not yet considered the measure. However, the Senate Committee on Finance recently reported similar legislation. So consideration of the bill separately today is highly appropriate, now that the other body is beginning to appreciate the importance of expanding trade with the CBI region.

Mr. Speaker, H.R. 2644 was reported from the Committee on Ways and Means by voice vote twice this year and has strong bipartisan support. Let us build on past success and expand the U.S. partnership with our neighbors in the Caribbean Basin. I urge approval of H.R. 2644.

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

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

Mr. Speaker, I rise in strong support of H.R. 2644.

As the gentleman from Illinois [Mr. CRANE] pointed out, in 1983 we saw fit to go into a trade agreement with the small island countries. It was really an emotional experience, as the Committee on Ways and Means visited island after island, to see the love and affection that the people of these countries had. Even though some of them had just first started enjoying democracy, most all of them, then as now, are living through very fragile economies.

There were a lot of Members who thought that we would be big losers in this trade, but as it turned out, and the gentleman from Illinois [Mr. CRANE] has pointed out, we have had a tremendous increase in exports to these countries, over 150 percent over the last 12 years.

But the most exciting thing to see when you do visit these countries is, every place you go it says, "Made in the U.S.A." It is "Made in the U.S.A." because we have been more than just trading partners, we have really been friends, and this friendship is now being tested as we see the devastating effects that the North American Free Trade Agreement has had on these small countries.

I know that NAFTA had been controversial when it was first passed. I know it is controversial today. I know some Members, when they see NAFTA, they want to vote against anything that looks like an extension of it. But if they would just pause and see that what has happened is that the passage of NAFTA has caused the advantages, or the parity, that we had hoped to give to the people on these islands to put them at a definite disadvantage as we find that trade that normally we would be doing with these Caribbean countries is now going on in Mexico.

So it means that friends of the Caribbean and the United States that have promised that we were going to give them a level playing field are now coming today saying, "I do not like NAFTA." It seems to me that we should not hold these small countries hostage because of a disadvantage that they are now suffering because of legislation or trade agreements that some Members may have.

Please remember that we are not talking about North Vietnam. We are not talking about North Korea. We are not talking about Communist China. We are talking about traditional friends that are going through some very hard economic times, that we have never had to beg for their friendship, we have never had to pay for their friendship. When the whole world seemed like they were going against us, including Europe, we always had our friends in the Caribbean. So I hope that the United States domestic politics does not override the fact that we should be doing the right thing.

Please remember, we are not talking about giving them any advantages. We are talking about keeping our promise that we made to these very small island countries when we entered into the 1983 agreement. It is good for the people in the Caribbean; it is good for the United States. It is good for the free world to see a leader like we are take care of our friends who may not be as big and may not be as powerful but, to me, and I hope to my colleagues, they are just as important.

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

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

Mr. Speaker, I would urge my colleagues to vote against this suspension of the rules. I would like to follow up on some of the comments that the gentleman from New York [Mr. RANGEL] made.

H.R. 2644, the U.S.-Caribbean Trade Act, is meant to provide parity with the nations in the Caribbean with Mexico as it relates to NAFTA.

First, it is important to point out that the nations that we are talking about, they are not just the small island nations but we are talking about many of the countries of Central America.

What is the reason for this bill? Why is there the need for parity? What has NAFTA caused harm in the Caribbean nations? If you look at the major industry that was created by the Caribbean Basin Initiative, it has been the selling of garments that has been one of the principal objectives of the CBI initiative.

Since the passage of NAFTA, the export share from the Caribbean and Central American nations in the CBI has increased from 18 percent to 23 percent their share of U.S. market. They have not been hurt by NAFTA. It appears like they have been helped. If you look at the percentage increase from the 26 CBI nations to the United States, between 1993 and 1996, in apparel, it has increased by 63 percent.

So we have seen a significant increase in exports from these nations since the passage of NAFTA. We are not talking about small industries. The textile and apparel imports from the CBI nations, namely, from Central America, totaled $6.1 billion last year. By contrast, imports from Mexico were $3.6 billion. We have more imports from Central America and the Caribbean than we do from Mexico.

But unlike NAFTA, and this is called the NAFTA Parity Act, I think it is a misnomer because, unlike NAFTA, there are no obligations on the Caribbean nations that are part of the CBI for getting these additional benefits. There are no requirements for sanctions against sweatshops or child labor, for requirements for cooperation on drug interdiction, money laundering or illegal immigration, no requirements to remove trade barriers from U.S. exporters.

This bill has been scored at $243 million for its 14 months. The taxpayers of this country should not be subsidizing more loss of jobs here in the United States. If we use our 5-year rules, as we should be using, this bill costs over $1 billion. At the very least, the Members of this body should have the opportunity to offer amendments to this legislation.

The chairman of the subcommittee mentioned that our friends in the other body have moved similar legislation. It is quite different in that it does provide certain protection to U.S. manufacturers and producers. The legislation considered in the other body requires that the textiles be made from U.S. fabric. That is not the bill that we have before us. Some of us would like to be able to offer that as an amendment, but under suspension of rules, we cannot; it is not the right process.

The Members of this House should have the opportunity to fully debate this issue and offer amendments. It is a very important bill. I would urge my colleagues to resist the suspension of rules. Let it go through normal order.

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

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise in support of the U.S. Caribbean Trade Partnership Act.

This bill, introduced by the gentleman from Texas [Mr. ARCHER] and the gentleman from Illinois [Mr. CRANE], extends duty-free access for 14 months to certain products such as apparel, handbags, and so forth. As a member of the Committee on International Relations, I have always supported trade with our neighbors in this hemisphere. We have consistently worked to reduce tariffs and to ease trade barriers between our country and Latin America.

The United States Caribbean Trade Partnership Act will restore trade benefits to our Caribbean neighbors which were lost as a result of NAFTA. Ultimately, increased trade will create jobs here and help countries like Nicaragua, El Salvador, Guatemala become more stable. After years of war and removing dictators, these countries are now fragile democracies and need our help.

However, I do have some reservations about the rule-of-origin requirements of this bill. However, my belief is that with this guarantee, this bill will create more domestic jobs and opportunities for Americans. Reducing tariffs will result in lower consumer prices for imported products which benefit all consumers. Americans will benefit from these changes, and they will go to purchase clothes and other items. Join me in supporting the U.S. Caribbean Trade Partnership Act.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, 4 years ago almost to the day, I spoke against and voted against the North American Free Trade Agreement. Unfortunately, time has proven that NAFTA was wrong for America, and by attempting to expand it today, we are only compounding that mistake. How many more jobs do we have to lose until we wake up and smell the Caribbean coffee?

If you voted against the NAFTA or you are not happy with the effects that NAFTA has had on America, then do not vote today to expand it and for the CBI countries. Before you vote on this issue, ask yourself three simple questions: Are there any benefits to the American worker in extending NAFTA to the CBI countries? The answer is "no". Will extending the NAFTA to Caribbean countries increase American jobs? The answer is no. Will it cost U.S. jobs? The answer is "yes".

Extending the NAFTA to Central American countries will only cost more hard-working Americans good-paying jobs. In fact, just last month a major textile manufacturer in my State announced that they were cutting 800 jobs from their Campbellsville and Jamestown, KY plants and moving them south of the border. However, instead of saying adios to these jobs, we should be doing all that we can to protect them and keep them in places like Campbellsville and Jamestown, KY.

NAFTA was a mistake, the wrong treaty at the wrong time. It is too late to stop NAFTA, but it is not too late to limit the damage. Join me in denying the extension of NAFTA trade benefits to the Caribbean and Central American countries. Vote "no" on CBI parity.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, let me thank the gentleman from New York [Mr. RANGEL], ranking member of the Committee on Ways and Means, and also the gentleman from New York [Mr. GILMAN] and the gentleman from Illinois [Mr. CRANE]. This is a very, very important piece of legislation because it speaks to who we are as a country, what the nature of the contribution is that we are prepared to make to help build in this hemisphere the relationship that will be necessary.

There has been a lot said here today. I wanted to rise in support of this bill. It is critically important that our neighbors in the Caribbean see that we are willing to work with their very fragile democratic circumstances, help to continue to build their economies. They are in a whole host of bilateral and hemispheric agreements with us relative to crime and safety, drug trafficking, money laundering that has been mentioned earlier. We have to make sure that these economies can lawfully participate in what has now been created as almost a market between Canada and Mexico and ourselves. We see the European Union being formed. We see our neighbors in the Pacific rim getting their act together.

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We do not want these small island nations just to fall by the wayside. I want to thank the gentleman from New York [Mr. RANGEL] for his leadership on this and would hope that all of us would find it within ourselves to be supportive of this.

The gentleman from Maryland [Mr. CARDIN] said there would be some cost. He is correct. There will be some cost. There will be costs either way that we proceed. I think that what the gentleman from New York [Mr. RANGEL] offers for us is an opportunity for us to do what is right. And, in the end, not only will there be some costs, but there will be some rewards for our Nation for standing by our friends who have been our traditional allies.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Georgia [Mr. LEWIS], a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague the gentleman from Maryland [Mr. CARDIN] for yielding me the time.

Mr. Speaker, this bill does not make sense to me. It is bad news for American workers and bad policy. Supporters of this bill argue that it is designed to help Caribbean nations that have suffered as a result of NAFTA. They said that these countries have lost business to Mexico as a result of NAFTA.

Well, Mr. Speaker, another group of people have suffered as a result of NAFTA, and they will suffer as a result of this bill, the American workers. Since NAFTA, exports from Mexico are up. Since NAFTA, exports from the CBI countries are up. Since NAFTA, our trade surplus with Mexico has changed to a trade deficit.

NAFTA has helped Mexican exports. During the same time, the CBI countries have increased the apparel export to the United States. However, during that same time, one group has lost, American workers. More than 250,000 American apparel workers have lost their jobs to Mexico and the CBI nations. So this bill does not make sense. It does not make any sense to me.

Many of the workers who lost their jobs are minorities and women. Many of them live and work in areas where there are few other jobs. These jobs are good jobs. The workers do not get rich in these jobs, but they make a living wage. And this bill will speed up the loss of these jobs.

It is not necessary for the CBI nations. They are doing pretty well. Their exports to the United States have increased since NAFTA. I support trade with other nations. I support

workers in Mexico and the CBI countries. But we need to be on the floor today considering a bill that helps American workers, a bill that helps keep jobs here at home, here in this country, a bill that promotes American products and helps American workers. We need a bill that promotes free and fair and open trade. We need trade with other countries. But it cannot, it must not, be trade at the expense of our working men and women.

I urge all of my colleagues to oppose this bill.

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

I remind my colleague, the gentleman from Georgia [Mr. LEWIS], that we have been at full employment for two straight years.

Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois [Mr. CRANE] for yielding me the time.

Mr. Speaker, I am pleased to rise in support of the Caribbean Basin Trade Partnership Act. I want to commend the gentleman from Illinois [Mr. CRANE], our distinguished chairman of the Subcommittee on Trade, the gentleman from Texas [Mr. ARCHER], the distinguished chairman of the Committee on Ways and Means, and the gentleman from New York [Mr. RANGEL], ranking minority member, for bringing this matter to the floor at this time.

In 1983, President Reagan launched the Caribbean Basin Initiative to extend America's hand to our neighbors in the Caribbean. At that time, the threat was subversion sponsored by the Soviet Union and Cuba. Today, the threat of narcotics trafficking in the region is as grave and more insidious than ever.

By fostering trade and legitimate investment, this bill will strengthen our friends and neighbors in this strategic region to resist the utterly corrosive temptation to turn to transshipping drugs onto our streets as a way of earning their livelihood.

Helping our friends and neighbors in the Caribbean has benefited our Nation. Taken as a whole, the Caribbean Basin is our Nation's tenth largest export market, surpassing countries such as France. The Caribbean Basin is one of the few regions in the world where U.S. exporters have maintained a trade surplus each and every year for the past 11 years; 70 cents of each dollar spent in the Caribbean is sent right back here to our Nation on U.S. goods and services.

In the garment industry, for example, Caribbean firms rely heavily upon U.S. produced textiles. This bill provides a more level playing field for American and Caribbean manufacturers to deepen their mutually beneficial partnerships.

I would like to take this opportunity, Mr. Speaker, to call on the administration to translate this bill into renewed attention to restarting the assembly firms in Haiti, which, along with businesses here in our Nation and in my own congressional district were devastated by the recent economic embargo.

New York is the 7th largest supplier to that region. This bill will enhance New York's position in the Caribbean Basin. The Caribbean Basin Economic Recovery Act, unlike NAFTA, provides several important safeguards to participate in the program. Caribbean countries will have to satisfy conditions under existing CBI legislation. CBI countries will have to satisfy additional criteria relating to market access for U.S. products, investment guarantees, adherence to internationally accepted rules of international trade, observance of internationally recognized workers rights, and promotion of intellectual property rights.

The President will be authorized to revoke a country's eligibility if that country fails to satisfy existing CBI criteria or meet any of the new criteria established under this law. Accordingly, passage of this bill will move it to conference where additional concerns may be addressed.

I urge my colleagues to join in supporting the legislation.

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I rise in reluctant opposition to this bill. I say "reluctant" because it is always difficult to be on the opposite side of an issue from my friend, the gentleman from New York [Mr. RANGEL], and also because, as a general proposition, I am a supporter of CBI parity.

Unfortunately, this bill does not get us where we need to be, and it comes on the suspension calendar, where nobody can make any amendments or offer any amendments to improve the bill and address some of the issues which need to be addressed. Second, it has a particularly adverse effect on the workers in my State of North Carolina.

The gentleman from Illinois [Mr. CRANE] indicated that we have been at full employment for some time now. Tell that to the workers in North Carolina. H.R. 2644 will reduce or eliminate tariffs and quotas on watches, food ware, tuna, and apparel. These industries enjoy some modest tariff and quota protection because they are vulnerable to cheap imports.

Supporters of this bill imply that giving away the jobs in these industries, especially in the garment industry, is an acceptable sacrifice. But let me tell my colleagues a little about these people who work in this industry in North Carolina. These workers in these factories are hard-working people. They are considered unskilled workers, but only because their highly developed sewing skills do not have much application outside the garment industry. They have spent years perfecting their craft.

This bill will pull the rug from under them. My colleagues will hear that garment jobs are low-paying jobs and we should sacrifice them, but an experienced seamstress in North Carolina makes about $10 an hour. Those are jobs that, if they cannot do these jobs, they are going somewhere else offshore and these people will be forced onto welfare. We should not have to make that sacrifice. We should defeat this bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. RANGEL] for yielding me the time.

Since the Caribbean Basin Initiative in 1983, that legislation has created about 18,000 new American export-oriented jobs each year. What was once a trade deficit has grown into a very major trade surplus for us. And those CBI countries today purchase as much as 75 percent of their imports from the United States. A good portion of that gain has been in the textile and apparel industries.

To maintain a globally competitive product and to offset the advantages of low wages from our Asian competitors, many United States firms have formed strategic alliances with garment firms throughout the Caribbean Basin region. I saw, with the distinguished gentleman from New York [Mr. RANGEL] in a CODEL led by the gentleman from Nevada [Mr. GIBBONS], our former chairman of the Subcommittee on Trade, that kind of a relationship ongoing in Jamaica, and that has been very beneficial for American firms.

By using the combination of United States and Caribbean skills and materials, American and CBI firms have developed a joint production process that guarantees the viability of our domestic industry while ensuring the production of quality cost competitive garments. That is just one example.

CBI has been conceived as a way to help the United States and Caribbean and Central American countries navigate the threats of the Cold War. That is over. But it is time to update this program to help the United States and its neighbors in the Caribbean and Central America face the challenges of the next century.

I strongly urge passage of H.R. 2644. It will strengthen the U.S.-Caribbean Basin trade partnership, while at the same time embracing the competitiveness of U.S. firms and workers.

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman from Maryland [Mr. CARDIN], my pit colleague, and as an old pit quarterback, today's debate is not about friendship. Today's debate is about business.

I oppose this bill. I keep score. America is losing. Our trade deficit with Japan is at record levels; trade deficit with China will exceed $50 billion; trade deficit with Canada, $22 billion. And Mexico started out as a $2 billion surplus. It is now a $20 billion deficit. So let's forget about the $1 billion Caribbean surplus.

Let's tell it like it is. For some reason, Congress and the White House keeps going forward on trade like a group of misdirected masochists, so help me God. It reminds me of a smoker dying of lung cancer who continues to chain smoke. Let's talk business today.

If you manufacture a product in Youngstown, OH, IRS, Social Security, Workmen's Comp, Unemployment Comp, OHSA, EPA, bank regulations, security regulations, pension law, health inspectors, minimum wage, and $20 an hour average manufacturing costs. You move to Mexico or the Caribbean, like you want, no OHSA, no EPA, no regs, no minimum wage, no labor law, no labor unions, pensions, health insurance. What are you talking about? That is foreign language. Let me tell my colleagues something else. They hire people at 17 cents an hour.

Beam me up here. So help me God, the Constitution says, "Congress shall regulate commerce with foreign nations." Now evidently someone interpreted it to mean that Congress shall donate commerce to foreign nations. We are misdirected. We are wrong.

Japan and China, for years every President has threatened Japan to open their markets, from Nixon up to Clinton. Evidently, Japan never opened their markets. We need reciprocal trade. Let me tell my colleagues something, this is a welfare program for Caribbean workers. I am opposed to it. We are putting American workers in welfare lines and extending sophisticated commercial trade concepts to create welfare for foreign workers.

I disagree with this policy. And the greatest respect in the world for the chairman, the gentleman from New York [Mr. RANGEL], greatest respect in the world. I am proud to see the gentleman from Maryland [Mr. CARDIN] step forward. I am glad to see it is a pitman.

My colleagues, I keep score. America is losing. We are elected to look after the interests of the United States of America. We do not have to hurt the Caribbean nations. But we sure as hell do not have to give away the farm. I recommend my colleagues vote no on this.

Let me say one last thing about NAFTA expansion. There is no amendment that can cure cancer. When we have cancer, we cut it out. Let's start taking care of number one. We do not have to hurt anybody else.

□ 1300

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BECERRA], my colleague on the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time. I come here with one particular concern. I believe it could have been addressed adequately in committee and was not. On top of some of the other things that have been said by some of my colleagues with respect to concerns with regard to expanding NAFTA to the Caribbean Basin, I do support and I did support NAFTA and I would support trying to extend to the degree possible the free trade zone into the Caribbean Basin. But let me focus my attention on one particular aspect which to me personally rubs very deeply within me. In committee, I asked that we try to extend trade adjustment assistance in this CBI proposal as we had in NAFTA. Trade adjustment assistance goes to workers who are dislocated as a result of companies moving from this country into the new area of the free trade zone. There is $6 million available in this legislation to pay for that type of adjustment assistance. We were told we had no CBO comparison to tell us exactly how much it would cost. We thought it would cost about the $6 million that was available. We find out now that it is only $2 million that it would cost to provide the protections to workers who may face dislocation as a result of this legislation. Yet we have been unable to get any commitment on the part of the Republican leadership to include the $2 million it would cost to protect American workers who may face dislocation as a result of this. What a small price to pay, especially when we have the money there. It rubs me the wrong way to have to stand here to say that $2 million stands in the way of being able to protect American workers. Why we would not do that, I do not understand, and I am somewhat speechless, because we have the money. We have $6 million available, $2 million to protect American workers, to give them things like unemployment benefits similar to unemployment benefits, to allow them to get training, to allow them to have some assistance to make sure that their families do not go without while they are unemployed. Yet we are not going to do it. It does not make any sense, it is shameless, and for that reason I had to take to the floor today.

Mr. CRANE. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Illinois [Mr. WELLER].

The SPEAKER pro tempore [Mr. PACKARD]. The gentleman from Illinois [Mr. WELLER] is recognized for 1 minute.

Mr. WELLER. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. CRANE] for yielding me this time and also commend him for his leadership as well as the gentlemen from New York and for Maryland for their leadership, even though they disagree today.

Mr. Speaker, I plan to vote for this legislation, H.R. 2644 today, because I believe that we do need to move forward in providing greater trade opportunities, trade opportunities that do move towards free trade. But I also stand as one of those who believes that as we work for free trade, it should also be fair. I believe it is important to expand our trade opportunities, particularly when they benefit States such as Illinois, particularly Illinois middle-class working families. Mr. Speaker, I will be voting for this legislation because I want it to move forward, but what I ask as this legislation passes the House and goes into conference is that we take a very careful look at some of the ideas that are incorporated into the Senate version of this legislation, ideas that I believe will help Illinois as well. I support moving this legislation forward because I believe that we should always work to expand trade opportunities. It is important for jobs back home in Illinois.

Mr. CARDIN. Mr. Speaker, I yield the balance of my time to the gentleman from South Carolina [Mr. SPRATT] who has been one of the real fighters for U.S. textiles.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPRATT] is recognized for 4 minutes.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time. In just a short time I think we have shown that there are lots of objections to the bill before us. First of all, at a time when our trade deficit is reaching record highs, this bill, H.R. 2644, is totally one-sided. It lowers tariffs, it lifts quotas on apparel and six or seven different kinds of imports from 26 countries in the Caribbean and Central America, and it does so unilaterally. These countries are not required to make in return any trade concessions whatsoever to the United States.

Second, this is a blanket grant of trade benefit to these CBI countries without any sanctions, without even any questions being asked about sweatshops or child labor or whether or not the country in question cooperates with the United States when it comes to interdicting drugs, money laundering and dealing with corrupt practices and corrupt customs, and those problems are endemic in some of these countries.

Why do we do this? Why do we make these unilateral concessions? All in the name of fixing a nonexistent problem. Before NAFTA, the CBI countries exported, this is volume, 1.39 billion

square meter equivalents of clothing to the United States. Since NAFTA, 1996, the CBI countries increased their exports to 2.26 billion SMEs, square meter equivalents. Before NAFTA, CBI imports accounted for 18.4 percent of all apparel imports into the United States. Since NAFTA, CBI imports have increased to 23.4 percent of all the apparel imports coming into the United States. They have got a huge share of our market. These countries are not suffering from NAFTA, far from it. They are shipping us more clothing, more apparel than ever.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Hawaii to comment on the lack of sanctions and labor provisions.

Mr. ABERCROMBIE. Would the gentleman agree that the result of this, then, is that the domestic industry is shrinking by thousands of jobs? As a matter of fact, I believe that the domestic industry shrank by 56,000 jobs in 1996 alone and 52,000 more jobs through September of this year.

Just today we had the announcement from the Levi Company that one-third of all its employees in North America are going to be released. The union representing these workers is forced to negotiate their release. This clothing import situation under this bill will only get worse, and that means the loss of American jobs by the thousands.

Mr. SPRATT. That is indeed the consequence of this and other legislation, no question about it. Slipping this bill through under suspension makes it appear to be uncontroversial or inconsequential. The point I am trying to make is that H.R. 2644 will have a greater impact on the U.S. apparel industry and U.S. apparel workers than NAFTA ever had.

Because of rules, long-standing rules known as item 807 and item 807(a), cloth that is cut and made in the United States can be sewn and assembled under clothing in a CBI country. Then when the clothing is reexported to the United States, the duties imposed when it comes back into our country are only imposed on the value added in the CBI country.

Because of this concession, which has existed for a long time, the CBI countries now export to the United States more than twice as much apparel as Mexico, whether we measure it by volume in SMEs or by value. In 1996, the CBI countries shipped the U.S. 2.26 billion square meter equivalents of clothing. Mexico shipped us 1.1 billion square meter equivalents.

Let me also comment as the ranking member on the Committee on the Budget on the revenue losses, the budgetary impacts of this bill. It results in substantial revenue losses. To get around these revenue losses and the pay-go rules, this bill uses a low-ball estimate from CBO, then it uses a contrived accounting technique.

Mr. Speaker, all we have is the choice to vote this bill up or down, and I say we should vote it down.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time. Let me thank my colleagues that have come to the floor in support of this bill. Listening to the debate, one might believe that Cuba is a threat to our national security and now the CBI is a threat to our national economy. We are dealing with friends. Someone said that should not matter, that we are dealing with trade. But when we deal with friends, if they have a problem with the economy, we have been known to provide leadership in this hemisphere, even to the point that the American people and this Congress has seen fit to send troops to this part of the world in order to maintain peace. For decades, we have sent money there in terms of aid. Now they are coming and saying that in lieu of these things, they just want to be trading partners with us.

Mr. Speaker, for those who visit the islands, going into a retail store is like going into a store in the United States if they are looking to see where the products have been manufactured, where they have been shipped from. I suspect after this debate is over, we soon will be hearing from those American companies that hire American workers that export these retail goods to our friends in the Caribbean. We have just been hit hard with the crisis that they have had with bananas, where we have taken the case to the WTO, the World Trade Organization, which gave a negative decision as relates to the Caribbean. They work hard every day. These are not people that are known to have slave labor. These are independent countries, literate countries. They work hard, they have labor unions, and there are provisions in the bill that provide for labor rights. But something that concerns me, too, is that these small islands out there in the Caribbean are really vulnerable to the international drug traffickers. They have fought against this and their countries have not succumbed as we have to become addicted to these drugs, even though corruptions have hit some part of the countries as relates to transshipment of drugs. The gentleman from New York [Mr. GILMAN] and I have traveled in this part of the world and we have seen the impact. It seems to me that we just do not slap friends in the face at a time like this when so much of their own money has been protecting their borders against drugs coming in which is basically consumed by us.

Mr. Speaker, I ask my colleagues to support this bill. It is the right thing to do. It is the fair thing to do. The President wants it. I think we owe it to the people in that part of the world.

Mr. ADERHOLT. Mr. Speaker, I rise today to voice my serious concerns about H.R. 2644. I have heard from many folks in my district who work in the textile industry who oppose this bill in its present form. I have also been contacted by some, such as Fruit of the Loom, who support the Senate version and are hopeful that passage of H.R. 2644 will be a step toward enacting a fairer version of free trade for the Caribbean region.

Which brings me to my concern about H.R. 2644 being brought up under the Suspension Calendar. I believe that this bill in its present form raises too many concerns, and that these concerns would be better addressed if H.R. 2644 was to be brought to the floor with a rule allowing the necessary changes to be made.

H.R. 2644 in its present form will unilaterally provide Caribbean and Central American countries parity with Mexico under the North American Free Trade Agreement [NAFTA]. I fear that this legislation would inflict further damage on our Nation's textile and apparel industries, which have lost 250,000 jobs since 1994.

Furthermore, it is my understanding that the premise of this legislation, that Caribbean-Central American countries have been harmed by NAFTA, is erroneous. While U.S. employment, particularly in the apparel industry, is plummeting, apparel imports from Caribbean-Central America are surging. The U.S. textile industry should not be subject to the same upheaval the apparel industry had to go through under NAFTA.

Simply put, it is bad economic and trade policy to grant countries unilateral, free access to the U.S. market without obtaining reciprocal access to foreign markets. I support free trade—but in the end—it must be fair trade.

Mr. KLECZKA. Mr. Speaker, I rise today to strongly object not only to the legislation before us, but to the tactics being used to push this bill through the House.

On October 8, the Ways and Means Committee, on which I serve, passed by voice vote this bill to extend North America Free Trade Agreement benefits to Caribbean and Latin American nations. I requested a recorded vote in committee, but was denied this request.

Now, the leadership of the House is trying to slide this measure by the full House in a similar manner by putting the bill on the Suspension Calendar. It is generally known that the Suspension Calendar is reserved for noncontroversial legislation, and that bills considered under suspension of the rules pass by voice vote. H.R. 2644 is highly controversial and ought to have full, open debate afforded to other bills of this magnitude.

CBI parity has been rejected over and over by Congress because it is an expansion of the failing NAFTA. But, this year the debate on CBI parity is overshadowed by the larger discussion of fast track authority. We must not let this happen.

NAFTA has hurt, not helped, the American worker. Passage of CBI parity will further jeopardize jobs and exports by opening the door to textiles and apparel made with cheap labor and in substandard working conditions. Plus, the taxpayer is hit with a double blow in lost revenues. Once parity is offered for a year to these countries, you can bet there will be a strong effort to renew this legislation when it expires.

For these reasons, we should reject H.R. 2644 and keep American jobs at home.

Mr. TOWNS. Mr. Speaker, we have a unique opportunity today to assist American business as well as supporting economic development in the Caribbean. The Caribbean basin is now the 10th largest export market for the United States greater than even some European countries. Our U.S. exporters maintain a trade surplus with the Caribbean and have done so for the past 11 years. Additionally, every 100 jobs in the Caribbean apparel sector creates 15 apparel jobs in the United States. Additional American jobs are also created in the textile, distribution, and retail sectors.

We must acknowledge, Mr. Speaker, that NAFTA has been detrimental to the Caribbean. According to the ITC, Mexico's share of the garment assembly market has increased 50 percent, while the Caribbean share has dropped by 15 percent, since 1993. The Caribbean Textiles and Apparel Institute reports that, between 1995 and 1996, more than 150 apparel plants closed in the Caribbean resulting in the loss of 123,000 jobs.

The bill before us today, H.R. 2644 will level the playing field for the Caribbean. It will ensure that Caribbean countries are prepared to meet their obligations, ranging from market access to intellectual property rights, as part of the free trade area of the Americas. To participate in this program, CBI countries must satisfy the additional criteria of adherence to internationally accepted rules of international trade and the observance of internationally recognized workers rights. I would urge my colleagues to support the bill and I urge its passage under suspension of the rules.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 2644.

The question was taken.

Mr. CARDIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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.

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2644.

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

There was no objection.

MAKING TECHNICAL AMENDMENTS TO TITLE 17, UNITED STATES CODE

Mr. COBLE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 672) to make technical amendments to certain provisions of title 17, United States Code.

The Clerk read as follows:

Senate amendments:

Page 15, after line 8, insert:

SEC. 11. DISTRIBUTION OF PHONORECORDS.

Section 303 of title 17, United States Code, is amended—

(1) by striking "Copyright" and inserting "(a) Copyright"; and

(2) by inserting at the end the following:

"(b) The distribution before January 1, 1978, of a phonorecord shall not for any purpose constitute a publication of the musical work embodied therein.".

Page 15, line 9, strike out "11" and insert "12".

Page 20, line 7, strike out "12" and insert "13".

Page 20, line 16, strike out "11(b)(1)" and insert "12(b)(1)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. 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 under consideration.

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

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume. H.R. 672 contains much needed technical amendments to the Copyright Act. The Copyright Office needs these amendments in order to administer the Copyright Act efficiently and effectively. H.R. 672 also clarifies that the distribution of a phonorecord before January 1, 1978, did not constitute a publication of the musical work embodied therein.

□ 1315

In 1995 the ninth circuit, in La Cienega versus Z.Z. Top, overturned nearly 90 years of Presidential decisions and held that a phonorecord did constitute a publication of the musical work embodied in it. As a result, thousands of pre-1978 songs are at risk of falling into the public domain because the authors and music publishers relied on the Copyright Office decisions and did not place a copyright symbol on the phonorecords.

We must protect the copyright holders who justifiable relied upon judicial and Copyright Office decisions. The United States cannot afford to let its rich musical heritage be lost into the public domain, and I urge the Members to vote "yes" on H.R. 672.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague, the chairman, has explained this. This is a bill which was broadly supported on both sides. We have some controversial issues that will be coming up later dealing with the copyright subject matter. This is not one of them.

What we are doing here is concurring in the first place with the Senate over a base bill that we already passed. This is a bill that included amendments of a technical nature that we already passed, with one or two dissenting votes on a rollcall.

The Senate added this bill, which we have referred to as La Cienega, because that was the name of the case, and what we have here is a reading by the courts, and it was not the court's choice of policy, it was a reading of the technical language of the statute, the effect of which would be to deprive decent, hard-working composers of the right to benefit from their compositions, not because of any real dispute over who owned what, not because of any policy issue, but because of a very narrow technical point. And I am pleased that we were able to bring this forward; I am pleased that the other body has gone forward with it. I hope we will just vote this through. It is, as I said, narrow, technical; it leaves other copyright issues ahead of us.

I suppose it is a sign that sometimes the law moves a little more slowly than technology that we are today passing a bill about phonorecords. When the phrase "phonorecords" first went into the law in 1909, there were not very many because they were too new. Now there are not very many because they are too old. So we have in this legislative history sort of gone through the life cycle of phonorecords.

I should note that the 1909 act was passed in the same year as the birth of our colleague, the gentleman from Illinois, which is irrelevant but interesting.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts and Nashville as a sideline [Mr. DELAHUNT], my colleague on the subcommittee.

Mr. DELAHUNT. Mr. Speaker, let me first acknowledge the hard work that was done on this particular proposal by both the Chair, my friend and colleague from North Carolina, and by the ranking member. As they both indicated, this bill is mostly about fairness, but there is even a trade deficit reform or concern, rather, addressed in this proposal.

Because of the opinion that was rendered in the case that has been referred to, La Cienega, there is now a cloud over the copyright of virtually every piece of American music written before 1978. American musicians, composers, and publishers now stand to lose some 1 and one-quarter billion dollars a year, and a significant portion of that 1 and one-quarter billion dollars is generated by overseas sales as American music is universally acknowledged to be the most popular on the planet. In fact, music is one of our most valuable exports and one of the few bright spots in our balance of trade.

We will hear this week in the course of the debate on fast track about how our former trade circle with Mexico is now a deficit of some $17 billion, and of course our trade deficit with China escalates by billions with every new report. Well, we cannot afford to lose the income derived from foreign sales of pre-1978 musical works. It is painfully clear we are in no position to exacerbate our ballooning trade deficit, and unless we pass this bill and reverse the La Cienega decision, that is exactly what will happen.

But this measure is, as both gentlemen indicated, much more than just trying to do something about our balance of trade problems. It is about being fair, being fair to thousands of hard-working, talented creators of American music who, for 86 years, were told by the Government and the American judicial system that their work was protected by the Copyright Act of 1909.

They were told all that was necessary to protect their works was to place the familiar copyright symbol on the printed musical score, the sheet music, if my colleagues will. We have all seen that symbol; it is the C in a circle. They were told that it was not necessary to place that symbol on the recording of their composition. They relied on the interpretation of the Copyright Act of 1909 because that is all the Government, through the Copyright Office, said that the Copyright Act required.

Furthermore, Mr. Speaker, there are a number of Federal court decisions that confirmed the position of the Copyright Office. So this was the law for 86 years, until 1995 when La Cienega arrived on the scene. The bill before us today would rectify this injustice, and I urge swift passage as any delay places at risk an entire industry and threatens to stifle that incredible creative talent of American song writers.

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

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

Mr. Speaker, I will say very briefly I want to thank the ranking member, the gentleman from Massachusetts [Mr. FRANK], Members on both sides of the subcommittee, and the staff. We worked very effectively and harmoniously together to craft this very important piece of legislation.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 672, the Copyright Clarification Act, and particularly the Senate amendment thereto.

In 1995, the Ninth Circuit issued a ruling in La Cienaga Music Corp. versus ZZ Top, which threatens the validity of copyright for musical works created prior to 1978. This decision poses a severe hardship for thousands of songwriters, many of whom I am proud to count as my constituents. What these composers and songwriters did was nothing more than to rely on an industry standard of many decades duration, which provides that the distribution of a phonorecord does not constitute publication of a musical work. This long-time understanding of copyright law has been ratified and reaffirmed by the Second Circuit over 20 years ago. American songwriters had every reason to consider this issue to be a matter of settled law.

But the LaCienaga decision took that settled law and cast it on its head, threatening to thrust into the public domain hundreds of thousands of musical works which presently enjoy copyright protection. This post-hoc penalty on copyright owners for failure to comply with copyright formalities, in reliance upon settled law, struck the members of the Subcommittee on Courts and Intellectual Property and, I am happy to say, the members of the other body as well, as grossly unfair. We concluded that the Ninth Circuit had reached an anomalous and insupportable result which in the interest of fundamental fairness begged to be corrected.

That is what the legislation before us would do. I commend this bill to my colleagues and urge its passage.

Mr. BONO. Mr. Speaker, I rise in support of H.R. 672 and urge my colleagues to join me. This is a very important measure needed in congressional response to a bizarre court decision. This decision also threatens to undermine the national economy. It is estimated that copyright industries contribute up to $4 billion to our economy and, in addition, are one of our most valuable exports.

The case of *La Cienaga Music Co.* v. *ZZ Top,* 53 F. 3d 950 (9th Cir. 1995), *cert. denied,* 116 S.Ct. 331 (1995) is unfortunate as it has jeopardized the private property rights for thousands of creative individuals who live within the jurisdiction of the Federal Court of Appeals of the Ninth Circuit. I am advised that this court decision makes it impossible for certain affected individual creators to bring an infringement action within the Ninth Circuit. Hence, you may have a copyright, but you have no available remedies against piracy.

Much of the credit for today belongs to House Judiciary Committee Chairman HYDE and Subcommittee Chairman COBLE for their diligence and attention to this issue. This is a bipartisan enterprise, and thanks for today also rests with Representative FRANK. This measure should be noncontroversial and speedily adopted by the House. As you know, this particular new language was contained in a much more comprehensive bill that I have sponsored along with Senate Judiciary Chairman HATCH, H.R. 1621. My House chairmen are also helping to bring along the rest of this badly needed legislation for copyright term extension to the floor. That cannot come too soon.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I, too, yield back the balance of my time.

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and concur in the Senate amendments to H.R. 672.

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.

NO ELECTRONIC THEFT (NET) ACT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2265) to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2265

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 "No Electronic Theft (NET) Act".

SEC. 2. CRIMINAL INFRINGEMENT OF COPYRIGHTS.

(a) DEFINITION OF FINANCIAL GAIN.—Section 101 of title 17, United States Code, is amended by inserting after the undesignated paragraph relating to the term "display", the following new paragraph: "The term 'financial gain' includes receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works.".

(b) CRIMINAL OFFENSES.—Section 506(a) of title 17, United States Code, is amended to read as follows:

"(a) CRIMINAL INFRINGEMENT.—Any person who infringes a copyright willfully either—

"(1) for purposes of commercial advantage or private financial gain, or

"(2) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000,

shall be punished as provided under section 2319 of title 18. For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement.".

(c) LIMITATION ON CRIMINAL PROCEEDINGS.—Section 507(a) of title 17, United States Code, is amended by striking "three" and inserting "5".

(d) CRIMINAL INFRINGEMENT OF A COPYRIGHT.—Section 2319 of title 18, United States Code, is amended—

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

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "subsection (a) of this section" and inserting "section 506(a)(1) of title 17"; and

(B) in paragraph (1)—

(i) by inserting "including by electronic means," after "if the offense consists of the reproduction or distribution,"; and

(ii) by striking "with a retail value of more than $2,500" and inserting "which have a total retail value of more than $2,500"; and

(3) by redesignating subsection (c) as subsection (e) and inserting after subsection (b) the following:

"(c) Any person who commits an offense under section 506(a)(2) of title 17—

"(1) shall be imprisoned not more than 3 years, or fined in the amount set forth in

this title, or both, if the offense consists of the reproduction or distribution of 10 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of $2,500 or more;

"(2) shall be imprisoned not more than 6 years, or fined in the amount set forth in this title, or both, if the offense is a second or subsequent offense under paragraph (1); and

"(3) shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000.

"(d)(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) Persons permitted to submit victim impact statements shall include—

"(A) producers and sellers of legitimate works affected by conduct involved in the offense;

"(B) holders of intellectual property rights in such works; and

"(C) the legal representatives of such producers, sellers, and holders.".

(e) UNAUTHORIZED FIXATION AND TRAFFICKING OF LIVE MUSICAL PERFORMANCES.—Section 2319A of title 18, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

"(d) VICTIM IMPACT STATEMENT.—(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) Persons permitted to submit victim impact statements shall include—

"(A) producers and sellers of legitimate works affected by conduct involved in the offense;

"(B) holders of intellectual property rights in such works; and

"(C) the legal representatives of such producers, sellers, and holders.".

(f) TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

"(d)(1) During preparation of the presentence report pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) Persons permitted to submit victim impact statements shall include—

"(A) producers and sellers of legitimate goods or services affected by conduct involved in the offense;

"(B) holders of intellectual property rights in such goods or services; and

"(C) the legal representatives of such producers, sellers, and holders.".

(g) DIRECTIVE TO SENTENCING COMMISSION.—(1) Under the authority of the Sentencing Reform Act of 1984 (Public Law 98–473; 98 Stat. 1987) and section 21 of the Sentencing Act of 1987 (Public Law 100–182; 101 Stat. 1271; 18 U.S.C. 994 note) (including the authority to amend the sentencing guidelines and policy statements), the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime against intellectual property (including offenses set forth at section 506(a) of title 17, United States Code, and sections 2319, 2319A, and 2320 of title 18, United States Code) is sufficiently stringent to deter such a crime and to adequately reflect the additional considerations set forth in paragraph (2) of this subsection.

(2) In implementing paragraph (1), the Sentencing Commission shall ensure that the guidelines provide for consideration of the retail value and quantity of the items with respect to which the crime against intellectual property was committed.

SEC. 3. INFRINGEMENT BY UNITED STATES.

Section 1498(b) of title 28, United States Code, is amended by striking "remedy of the owner of such copyright shall be by action" and inserting "action which may be brought for such infringement shall be an action by the copyright owner".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. COBLE] and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days 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 North Carolina?

There was no objection.

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

H.R. 2265, Mr. Speaker, is a much needed legislative response to a 1994 court case that created a loophole which currently prevents the Department of Justice from prosecuting Internet copyright theft. The bill represents the hard work of industry representatives, officials from the Department of Justice and the Copyright Office, and the members of the Subcommittee on Courts and Intellectual Property and the full Committee on the Judiciary.

Again, this is a good bill that has been brought to the floor in a bipartisan manner, and I urge its adoption.

Mr. Speaker, I rise in support of H.R. 2265, the No Electronic Theft [NET] Act. Introduced by Mr. GOODLATTE of Virginia, this bill represents an important legislative response to those persons who cavalierly appropriate copyrighted works and share them with other Internet thieves.

Industry groups estimate that counterfeiting and piracy of intellectual property—especially computer software, compact discs, and movies—cost the affected copyrights holders more than $11 billion last year; some claim the actual figure is closer to $20 billion. Regrettably, the problem has great potential to worsen. The advent of digital video discs and the development of new audi-compression techniques, to cite two prominent examples, will only create additional incentive for copyright thieves to steal protected works.

The NET Act constitutes a legislative response to the so-called LaMacchi case, a 1994 decision authored by a Massachusetts Federal court. In LaMacchia, the defendant encouraged lawful purchasers of copyright software and computer games to upload these works via a special password to an electronic bulletin board on the Internet. The defendant then transferred the works to another electronic address and encouraged others with access to a second password to download the materials for personal use without authorization by or compensation to the copyright owners. While critical of the defendant's behavior, the court precluded his prosecution under a Federal wire fraud statute, stating that this area of the law was never intended to cover copyright infringement. The court also noted that the relevant criminal provisions of the Copyright Act and title 18 of the United States Code historically required prosecutors to prove that a defendant acted "willfully" and for "commercial advantage" or "private financial gain"—a threshold standard which did not apply to LaMacchia, who never benefited financially from his transgressions.

Accordingly, the NER Act proscribes the willful act of copyright infringement, either for "commercial advantage or private financial gain"; or by reproducing or distributing one or more copies of one or more copyrighted works with a total retail value of more than $1,000. The legislation specifically encompasses acts of reproduction or distribution the occur via "electronic means" which is to say, by computer theft. In addition, "financial gain" is defined as the acquisition of "anything of value, including the receipt of other copyrighted works." This change would enable the Department of Justice to pursue a LaMacchia-like defendant who steals copyrighted works but gives them away—instead of selling them—to others. This legislation includes stiff penalties and prison terms for infringers.

Mr. Speaker, the Subcommittee on Courts and Intellectual Property, during its markup of the NET Act, passed an amendment to ensure that the bill would not modify liability for copyright infringement, including the standard of willfulness for criminal infringement. After full committee consideration of H.R. 2265, negotiating sessions that included representatives of the Copyright Office, the Department of Justice, and relevant industry organizations produced compromise language, now inserted in the bill, that provides additional protection for entities which transmit copyrighted works over the Internet.

More specifically, this language is intended to clarify that a finding of willfulness cannot be established solely from evidence of reproduction or distribution of copyrighted works, and thus that prosecutions based solely on such evidence will not be pursued. While it is not the majority rule, some cases have held in the

past that evidence of reproduction or distribution of such works, by itself, is sufficient to establish willfulness under 17 U.S.C. 506. This language rejects the holding of those cases, and clarifies that in order for criminal liability to attach to a defendant's conduct, the Government must prove something more than the mere reproduction or distribution of copyrighted works in establishing willfulness.

It should be emphasized that proof of the defendant's state of mind is not required. The Government should not be required to prove that the defendant was familiar with the criminal copyright statute or violated it intentionally. Particularly in cases of clear infringement, the willfulness standard should be satisfied if there is adequate proof that the defendant acted with reckless disregard of the rights of the copyright holder. In such circumstances, a proclaimed ignorance of the law should not allow the infringer to escape conviction. Willfulness is often established by circumstantial evidence, and may be inferred from the facts and circumstances of each case.

Further, a violation act of infringement performed by the defendant is required by this section. Evidence of reproductions or distributions, including those made electronically on behalf of third parties, would not, by itself, be sufficient to establish willfulness under the NET Act.

Finally, the requirements of a showing of financial gain or commercial advantage under 17 U.S.C.506(a) is not intended to imply that all types of financial gain or commercial advantage can, by themselves, trigger a finding of willful infringement. I should emphasize strongly that this bill addresses criminal, not civil, copyright liability. To repeat: nothing in H.R. 2265 affects civil liability for copyright infringement.

Mr. Speaker, the public must come to understand that intellectual property rights, while abstract and arcane, are no less deserving of protection than personal or real property rights. The intellectual property community will continue its works in educating the public about these concerns, but we in the Congress must do our job as well by ensuring that piracy of copyrighted works will be treated with an appropriate level of fair but serious disapproval. We will fulfill this obligation today by passing H.R. 2265.

Allow me to conclude by acknowledging the conspicuous hard work of the gentleman from Virginia, Mr. GOODLATTE, who is also the bill's sponsor; and the ranking subcommittee member from Massachusetts, Mr. FRANK. They and the other members of our subcommittee have truly worked in a bipartisan manner to expedite passage of the NET Act.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

As with the previous bill, this is a bipartisan bill brought forward by the subcommittee to try to deal with some technical problems. Once again, it is a response to a court decision, and I would just note by the way there are people who, here and in other places, from time to time object to court decisions. Often the court decisions that people object to are statutory interpretations. And we should be very clear. When a court has done something that many of us disagree with because of how they interpret a statute, we retain full power to overturn that, as we just did in the previous bill, as we are doing in this bill, and I have to say, in fairness to the courts, sometimes the statutory interpretation and question is a little strained; sometimes it is accurate because we were a little sloppy, and we had the ability to correct the inadvertent policy problem.

This is a very important policy. What we are essentially saying is if you trash somebody else's property, even if you are not doing it for money but you are just doing it because you wanted to show how smart you are and because you are seriously maladjusted and cannot make an impression on anybody in any other way, it is as criminal as if you stole. You have no right to use technical skills to interfere with other people's property.

And those who somehow admire that, those who try to make that skill into something that they boast of, are dead wrong morally. And that is what this bill says, "You have no right to interfere with the work and intellectual property of other people."

And it is precisely those who most understand the importance of the new technology to humanity who ought to be joining us in supporting this bill, because this is a threat to the ability of individuals to get the full use and enjoyment of it.

There is just one point I wanted to comment on as a result of, I think, a very useful process. When this bill left committee, we had one somewhat unresolved issue. It was not our intention in trying to make clear that you are criminally liable if you interfere with other people's property regardless of your motive; it was not our intention to lower the barrier by which people could find themselves criminally liable for acts that were not intentional. We were talking here, we were aiming at people who deliberately went and screwed up other people's work even if they were not doing it for money. There was a legitimate concern brought forward by, among others, the gentleman from Virginia and people who testified that we not go beyond that.

Now I do have to say there was one sort of misapplication or misdescription in the committee report. I did offer an amendment in subcommittee that tried to make clear that the bill was not intended to broaden the definition or reduce the burden that had to be met in order to show that somebody had done something intentionally.

We have two issues here: Was it intentional? and, why was it intentional? This bill only deals with why it is intentional. This bill says, "If you did it and you meant to do it, we don't care why. We care that you did it and you shouldn't have, and the fact that you didn't have a monetary incentive isn't relevant."

Some people fear that that might also mean that people who had done something without any intent to interfere with other people's work would somehow be implicated. The amendment I offered in subcommittee was aimed not at changing the definition of "willful" or making it harder to meet but making clear that this bill itself did not do that. And that amendment was adopted.

Indeed, Mr. Speaker, I have a proposal that we should put on the legislative keyboard a phrase that says this act does not do what this act does not do because we often have the problem of people reading into legislation things that are not there.

In any case, that turned out to be insufficient, and at the full committee the gentleman from Virginia proposed a further clarification. We had some disagreement about the specifics, but we agreed that he had brought up a very valid point, and as a result of the legislative process working, the bill that comes before us today which we can do under suspension has new language which makes it clear that there is no effort here and no intention on our part to make it easier to go after people when they were not acting intentionally. I believe the gentleman from Virginia is probably going to be expounding on that, and it will be very clear to people.

So I want to thank my colleagues on all sides of the committee. This is a bill which was noncontroversial in its purpose.

□ 1330

On two occasions we amended it to make clear that we would be dealing very specifically, it obviously would have been somewhat ironic in a bill that was aimed at curing legislative sloppiness to get sloppy again, and I think the bill that we have now brought forward does that appropriately.

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

Mr. COBLE. Mr. Speaker, I yield 8 minutes to the gentleman from Virginia [Mr. GOODLATTE], the author of the bill.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 2265, the No Electronic Theft, or NET Act of 1997. I would like to thank the gentleman from North Carolina [Mr. COBLE]; the gentleman from Massachusetts [Mr. FRANK], the ranking Member; and also the gentleman from Utah [Mr. CANNON] for their leadership and support on this important legislation which I introduced.

The NET Act closes a loophole in our Nation's criminal copyright law and gives law enforcement the tools they need to bring to justice individuals who steal the products of America's authors, musicians and software producers. Additionally, the bill promotes the dissemination of creative works online and helps consumers realize the promise and potential of the Internet.

The Internet is a tremendous opportunity. Its development has contributed to the economic growth we have enjoyed in the last few years. Its true potential, however, lies in the future when students and teachers can access a wealth of information through the click of a mouse, and consumers can fully benefit from electronic commerce. For this to happen, creators must feel secure that they are protected by laws as effective in cyberspace as they are on Main Street.

The NET Act clarifies that when Internet users or any other individuals sell pirated copies of software, recordings, movies or other creative works, use pirated copies to barter for other works, or simply take pirated works and distribute them broadly even if they do not intend to profit personally, such individuals are stealing. Intellectual property is no less valuable than other property.

Pirating works online is the same as shoplifting a videotape, book, or record from a store. Through a loophole in the law, however, copyright infringers who pirate works knowingly and willfully, but not for profit, are outside the law. This situation has developed because the authors of our copyright laws could not have anticipated the nature of the Internet, which has made the theft of copyrighted works virtually cost-free and anonymous.

The Internet allows a single computer program or other copyrighted work to be illegally distributed to millions of users, virtually without cost, if an individual merely makes it available on a single server and points others to the location. Other users can contact that server at any time of day and download the copyrighted work to their own computers. It is unacceptable that today this activity can be carried out by individuals without fear of criminal prosecution.

Imagine the same situation occurring with tangible goods that could not be transmitted over the Internet, such as copying popular movies onto hundreds of blank tapes and passing them out on every street corner or copying personal software onto blank disks and freely distributing them throughout the world. Few would disagree that such activities are illegal and should be prosecuted. We should be no less vigilant when such activities occur on the Internet. We cannot allow the Internet to become the Home Shoplifting Network.

H.R. 2265 makes it a felony to willfully infringe a copyright by reproducing or distributing 10 or more copyrighted works with a value of at least $2,500, within a 180-day period, regardless of whether the infringing individual realized any commercial advantage or private financial gain. It also clarifies an existing portion of the law that makes it a crime to willfully infringe a copyright for profit or personal financial gain. It does so by specifying that receiving other copyrighted works in exchange for pirated copies, bartering essentially, is considered a form of profit and is as unlawful as simply selling pirated works for cash. Additionally, the NET Act calls for victim impact statements during sentencing and directs the sentencing commission to determine a sentence strong enough to deter these crimes.

During the Committee on the Judiciary's consideration of H.R. 2265, I offered an amendment to clarify that criminal copyright liability should not apply to those who merely intended to reproduce or distribute a copyrighted work without any accompanying criminal intent. With assurances from the chairman that this issue would be addressed, I withdrew that amendment. I am happy to report that language addressing this issue is included in the bill we are considering today, and would like to make a few comments regarding the intent of that provision.

This language is intended to clarify that a finding of willfulness cannot be established solely from evidence of the reproduction or distribution of copyright-protected works and thus, that prosecutions based solely on such evidence will not be pursued. While it is not the majority rule, some cases have held in the past that evidence of the reproduction or distribution of such works by itself is sufficient to establish willfulness under 17 U.S.C. 506. This section rejects the holding of those cases and clarifies that in order for criminal liability to attach to a defendant's conduct, the Government must prove something more than the mere reproduction or distribution of copyrighted works in establishing willfulness.

It should be also emphasized that proof of the defendant's state of mind is not required. The Government should not be required to prove that the defendant was familiar with the criminal copyright statute or violated it intentionally. Particularly in cases of clear infringement, the willfulness standard should be satisfied if there is adequate proof that the defendant acted with reckless disregard of the rights of the copyright holder. In such circumstances, a proclaimed ignorance of the law should not allow the infringer to escape conviction. Willfulness is often established by circumstantial evidence and may be inferred from the facts and circumstances of each case.

Further, a volitional act of infringement performed by the defendant is required by this section. Evidence of reproductions or distributions, including those made electronically on behalf of third parties, would not, by itself, be sufficient to establish willfulness under this act.

Finally, the requirement of a showing of financial gain or commercial advantage under 17 U.S.C. 506(a) is not intended to imply that all types of financial gain or commercial advantage can, by themselves, trigger a finding of willful infringement. It should also be made clear that this act deals only with criminal copyright liability. Nothing in this act affects civil liability for copyright infringement.

Mr. Speaker, the United States is the world leader in intellectual property. We export billions of dollars worth of creative works every year in the form of software, books, videotapes and records. Our ability to create so many quality products has become a bulwark of our national economy. By closing this loophole in our copyright law, the NET Act sends the strong message that we value the creations of our citizens and will not tolerate the theft of our intellectual property.

I urge my colleagues to support H.R. 2265.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute simply to say that I appreciate the very careful discussion of that point that the gentleman from Virginia [Mr. GOODLATTE] just engaged in, and I want to express my agreement with the exposition that the gentleman from Virginia gave. I think we have as a result of his comments a very clear expression of the consensus that exists on the committee as to the relevant standards that need to be met to find criminal liability.

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

Mr. COBLE. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. CANNON], who has worked dutifully on this bill.

Mr. CANNON. Mr. Speaker, I would like to thank the gentleman from North Carolina [Mr. COBLE]; the gentleman from Massachusetts [Mr. FRANK]; and the gentleman from Virginia [Mr. GOODLATTE], the author of the bill, for their hard work on this matter.

Mr. Speaker, information technologies are the wellspring of our Nation's future, and my home State of Utah is one of the primary sources. The idea of networking computers came from Novell. WordPerfect created the standard for word processing.

Utah is one of the top five U.S. centers for software development. Utah high-tech companies have generated sales in excess of $6.5 billion last year.

The heart of the Utah software industry is Utah County, the largest county in my district. Given the composition of my district, I am honored to be an

original cosponsor of the NET, No Electronic Theft Act. I also need to compliment again those who worked so hard to bring this issue to a head today.

This is an important issue. In today's booming economy, U.S. computer software is one of the primary driving engines, with exports topping $26 billion per year. But software piracy is a significant and unjustified burden that American software companies are bearing. Last year piracy cost U.S. software companies an estimated $11.2 billion globally.

The NET Act is a concrete step toward curbing both domestic and international software theft. Current copyright law has a loophole for thieves who give software away, but do not sell it. Three years ago a Massachusetts Federal district court in U.S. versus LaMacchia held that a pirate who had given away 1 million dollars worth of commercial software through a bulletin board could not be prosecuted because the pirate had not been compensated by his fellow thieves.

Playing Robin Hood may have made sense when the Sheriff of Nottingham was extracting tribute from the peasantry, but playing Robin Hood on the Internet is a recipe for disaster for our domestic software industry. That is why we need the NET Act now.

The act is simple. It focuses on the damage done to the software owner, not just the money put into the pocket of the pirate. By doing so, the act gives the Department of Justice the tools to pursue U.S. software pirates who use the Internet as their primary conduit. By shutting down U.S. pirates, we can simultaneously curb domestic and overseas piracy. By doing so, we will boost one of our leading industries, enhance our exports and strengthen our competitiveness in a critical technological area.

For these reasons, I urge an affirmative vote.

Mr. COBLE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I would like to take this opportunity to thank the gentleman from North Carolina [Mr. COBLE]; the gentleman from Virginia [Mr. GOODLATTE]; and the gentleman from Massachusetts [Mr. FRANK] for the excellent work that they are doing on this intellectual property rights issue.

Intellectual property rights, especially when it concerns the entertainment industry and the software industry, is a vital part of the economy of California. We are talking about billions of dollars directly affecting the well-being of the people of my State and, yes, the people of our country.

We have a balance of payment problem as well. Software and entertainment play such an important role in keeping America's balance of payments manageable. So these bills today, both the one we are discussing now and the one we discussed just prior to this, represent hard work and responsibility on the part of this committee, and I would like to congratulate these gentlemen for a job well done.

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

I just want to say that this bill is about preventing theft. It will close a gap that currently exists in the Copyright Act to arrest electronic piracy.

I thank the gentleman from Virginia [Mr. GOODLATTE]; the gentleman from Massachusetts [Mr. FRANK]; and the gentleman from Utah [Mr. CANNON] and others on the subcommittee for the hard work that they did, and I specifically thank the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Virginia [Mr. GOODLATTE] for having alluded to the manager's amendment included in today's bill.

I have submitted for the RECORD an extensive statement describing the intent of that amendment, and I again thank all of the members of the subcommittee for their good work, Mr. Speaker.

Mr. DELAHUNT. Mr. Speaker, I am proud to be a cosponsor of this legislation, and I rise to express my strong support for it.

The age of the Internet promises enormous benefits—instantaneous communication from one end of the planet to the other, paperless financial transactions, access to vast libraries of information at the touch of a button.

But these benefits are not without a price: the same technology that facilitates unprecedented access has also fostered a new breed of sophisticated criminals. Today's Internet pirates can download perfect digital copies of copyrighted works—from movies to musical recordings to video games—and distribute them to other Internet users without the knowledge or permission of the copyright holders.

Software piracy carries enormous costs for our society. Last year, it cost copyright holders between $11 and 20 billion worldwide, with $2.3 billion lost in the United States alone. That, in turn, meant the loss of many thousands of American jobs, higher prices to honest software purchasers, and a billion dollars in lost tax revenues.

Most people who commit these crimes do so for financial gain. But increasingly these crimes are being committed by computer hackers who obtain copyrighted software from lawful users and post it on electronic bulletin boards, free for the taking.

The present copyright law can do little to either deter or punish these crimes, because under current law there can be no culpability unless the defendant was seeking commercial gain. H.R. 2265 corrects that problem by criminalizing computer theft of copyrighted works whether or not the defendant derives a direct financial benefit from his actions.

I believe this measure will help preserve the creative incentive on which so much of our prosperity—and the future of the Internet itself—depend.

I urge support for the bill.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H.R. 2265, the NET Act.

The enactment of H.R. 2265 is essential to the continuing growth of the Internet. Daily business developments attest to the pressing need for content to fill the pages of our newest medium for entertainment and mass communications. But that content will simply not be available unless its creators can be assured that their intellectual property will be protected.

The decision of the Federal District Court in Massachusetts in 1994 in *U.S. v. LaMacchia*, however, created a loophole which leaves copyright owners virtually defenseless against those who infringe copyright not for profit, but for the pure fun of it, as a top executive of the Recording Industry Association of America put it at the legislative hearing on H.R. 2265.

We simply must make clear that there is no hacker defense to criminal copyright liability. Copyright owners' exclusive rights of public performance, distribution, and reproduction must be protected no less from the grad student who thinks content on the Internet should be free than from the pirate who reaps a fortune from his counterfeiting operation. The end result is the same: the substantial loss of revenue to intellectual property owners, increasingly as technology makes it possible for more and more content to be moved over digital networks.

In enacting H.R. 2265, we make clear that the computer theft of copyrighted works is subject to criminal penalties, and in so doing exercise our constitutional responsibility to protect copyright. I urge my colleagues to vote for this important legislation.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PACKARD). The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 2265, as amended.

The question was taken.

Mr. FRANK of Massachusetts. 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 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.

REQUIRING ATTORNEY GENERAL TO ESTABLISH PROGRAM IN PRISONS TO IDENTIFY CRIMINAL ALIENS AND ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1493) to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1493

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

SECTION 1. PROGRAM OF IDENTIFICATION OF CERTAIN DEPORTABLE ALIENS AWAITING ARRAIGNMENT.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of the enactment of this Act, and subject to such amounts as are provided in appropriations Acts, the Attorney General shall establish and implement a program to identify, from among the individuals who are incarcerated in local governmental incarceration facilities prior to arraignment on criminal charges, those individuals who are within 1 or more of the following classes of deportable aliens:

(1) Aliens unlawfully present in the United States.

(2) Aliens described in paragraph (2) or (4) of section 237(a) of the Immigration and Nationality Act (as redesignated by section 305(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996).

(b) DESCRIPTION OF PROGRAM.—The program authorized by subsection (a) shall include—

(1) the detail, to each incarceration facility selected under subsection (c), of at least one employee of the Immigration and Naturalization Service who has expertise in the identification of aliens described in subsection (a); and

(2) provision of funds sufficient to provide for—

(A) the detail of such employees to each selected facility on a full-time basis, including the portions of the day or night when the greatest number of individuals are incarcerated prior to arraignment;

(B) access for such employees to records of the Service and other Federal law enforcement agencies that are necessary to identify such aliens; and

(C) in the case of an individual identified as such an alien, pre-arraignment reporting to the court regarding the Service's intention to remove the alien from the United States.

(c) SELECTION OF FACILITIES.—

(1) IN GENERAL.—The Attorney General shall select for participation in the program each incarceration facility that satisfies the following requirements:

(A) The facility is owned by the government of a local political subdivision described in clause (i) or (ii) of subparagraph (C).

(B) Such government has submitted a request for such selection to the Attorney General.

(C) The facility is located—

(i) in a county that is determined by the Attorney General to have a high concentration of aliens described in subsection (a); or

(ii) in a city, town, or other analogous local political subdivision, that is determined by the Attorney General to have a high concentration of such aliens (but only in the case of a facility that is not located in a country).

(D) The facility incarcerates or processes individuals prior to their arraignment on criminal charges.

(2) NUMBER OF QUALIFYING SUBDIVISIONS.—For any fiscal year, the total number of local political subdivisions determined under clauses (i) and (ii) of paragraph (1)(C) to meet the standard in such clauses shall be the following:

(A) For fiscal year 1999, not less than 10 and not more than 25.

(B) For fiscal year 2000, not less than 25 and not more than 50.

(C) For fiscal year 2001, not more than 75.

(D) For fiscal year 2002, not more than 100.

(E) For fiscal year 2003 and subsequent fiscal years, 100, or such other number of political subdivisions as may be specified in appropriations Acts.

(3) FACILITIES IN INTERIOR STATES.—For any fiscal year, of the local political subdivisions determined under clauses (i) and (ii) of paragraph (1)(C) to meet the standard in such clauses, not less than 20 percent shall be in States that are not contiguous to a land border.

(4) TREATMENT OF CERTAIN FACILITIES.—All of the incarceration facilities within the county of Orange, California, and the county of Ventura, California, that are owned by the government of a local political subdivision, and satisfy the requirements of paragraph (1)(D), shall be selected for participation in the program.

SEC. 2. STUDY AND REPORT.

Not later than 1 year after the date of the enactment of this Act, the Attorney General shall complete a study, and submit a report to the Congress, concerning the logistical and technological feasibility of implementing the program under section 1 in a greater number of locations than those selected under such section through—

(1) the assignment of a single Immigration and Naturalization Service employee to more than 1 incarceration facility; and

(2) the development of a system to permit the Attorney General to conduct off-site verification, by computer or other electronic means, of the immigration status of individuals who are incarcerated in local governmental incarceration facilities prior to arraignment on criminal charges.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. GALLEGLY].

GENERAL LEAVE

Mr. GALLEGLY. 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. 1493.

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

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I appreciate the opportunity to rise and speak on behalf of H.R. 1493, a bill to make permanent and expand a very successful pilot program which identifies deportable criminal aliens awaiting arraignment.

□ 1345

Since the pilot program began in November of last year, over 1,400 inmates have been interviewed at the Ventura County Jail. Of that number, almost 60 percent have been found to be deportable criminal aliens. This legislation will make permanent this vital crime-fighting tool, and will also help other affected communities across the Nation.

Like the current pilot program, H.R. 1493 would require the INS to screen for deportable criminal and illegal aliens prior to arraignment, thus preventing the release of these individuals back onto our streets and into our communities.

The bill also calls for a GAO study on expanding the program by allowing INS agents to conduct off-site verification of prisoners using computers or other electronic means.

In our desire to address concerns raised during the hearing on H.R. 1493, the bill was improved in several ways as it moved through the committee process. First, the bill was changed to phase in the pilot program to 100 high-impact counties over a 4-year period. It is important to note that the INS will expand this program only to counties that request to participate. Second, implementation of this expanded program was made subject to funds appropriated. Lastly, the bill was amended in the Committee on the Judiciary to ensure that at least 20 percent of the counties selected will be in the interior of the country.

One of the reasons this program has been so successful, Mr. Speaker, is the fact that it is a point of entry system. It identifies criminal deportable aliens that are booked, not just those serving prison sentences. After being booked or after serving their sentence, deportable criminal aliens are turned over to the INS for detention and deportation. This eliminates the possibility of their release back into our communities.

Equally important is the program's ability to identify criminals prior to their first arraignment before a judge, providing the magistrate with the true identity of the suspect and accurate criminal record information. Testifying on behalf of H.R. 1493, law enforcement officials from California cited the shocking example of a criminal alien who had been arrested 34 times, including 13 burglaries, and had used 51 different names and 13 different birthdays. Mr. Speaker, there are many instances where, had this pilot program been in place, tragedy would have been averted.

One such incident recently occurred in my district. A criminal alien was sentenced to 25 years to life in prison for murdering in cold blood in daylight a defenseless Santa Paula restaurant owner, Isabela Guzman. The man convicted of this cold-blooded murder had been arrested not once, but three times for assault with a deadly weapon. If this program had been in place at the time of the previous arrests, this killer would have been identified and deported, and Isabela Guzman most likely would be alive today.

The program has been one of the few instances where a Federal program has been tested at the local level and found to be a resounding success. In the area where the program has been operating,

local law enforcement and local government officials are very supportive of its continuation and expansion. In addition, the measure has garnered bipartisan support throughout this House.

Mr. Speaker, by enacting H.R. 1493, we are finally able to identify and deport criminal aliens at the time they are arrested and before they are back on our streets committing more violent crimes and destroying lives of countless victims.

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

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

Mr. Speaker, I rise in support of H.R. 1493. Mr. Speaker, this legislation would provide assistance to communities in identifying people who have been arrested who are either deportable criminal aliens or who are unlawfully present in the United States. It builds on successful pilot projects, such as the one in Anaheim, CA, which identified a substantial number of individuals who are either in the United States illegally or who might otherwise be subject to deportation.

The bill would require the Attorney General to detail INS employees to certain selected local government jails and prisons in order to identify prior to arraignment deportable criminal aliens or aliens unlawfully in the United States.

The program will be focused on jurisdictions having high concentrations of aliens who are illegally in this country. It would have the benefit of providing better information to immigration authorities and local governments about the extent to which illegal and criminal aliens are in our criminal justice system and would provide immigration authorities with the information they need to remove those individuals who should not be in the United States at all, much less to remain here to commit crimes.

I want there to be no mistake, this Nation has benefited tremendously from immigration and from the contribution of the many millions of people who came here from other lands. In my own city of New York, immigrants are rebuilding old neighborhoods right now and contributing to a rebirth of our city. We should welcome and support them, and not confuse those many law-abiding immigrants with the few who would disregard our laws.

But the United States has every right, as do all nations, to expect that its laws will be respected and obeyed. The enforcement of the immigration laws is the responsibility of the Federal Government. The failure of the Federal Government to do so has placed a real burden on some local communities, a burden which the pilot program established by this bill will help alleviate. I urge approval of the bill.

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

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding time to me, and praise the gentleman's authorship of this constructive legislation.

Mr. Speaker, H.R. 1493 expands nationwide the successful prearraignment identification programs currently run by the Immigration and Naturalization Service at the city of Anaheim and Ventura County jails. This means that 100 such programs will be phased in across the United States over the next 4 years.

Under these programs, all criminals booked into a local incarceration facility are identified as either citizens, legal aliens, or illegal aliens by a full-time officer of the Immigration and Naturalization Service who has access to the nationwide INS database. The INS officer is detailed to the facility. Those identified by INS as illegal aliens are deported. This is the most effective way to identify criminal illegal aliens and ensure they are deported and not released back into our communities.

Criminal illegal aliens are an outrage three times over. First, they break our immigration laws by crossing the border illegally or by overstaying of a legitimate visa. Second, all too many of them put our communities at risk by committing crimes. Third, they impose burdens on the taxpayers with the costs of their incarceration in American jails.

The program expanded under H.R. 1493 has worked very successfully in Anaheim and in Ventura County. In its first month the program identified 33 percent of the arrestees at the Anaheim city jail and 66 percent of the arrestees at the Ventura County Jail as criminal illegal aliens. Think of it, 33 percent of those arrested, illegal criminal aliens. And 66 percent of those arrested, criminal illegal aliens.

Think about that.

The President needs to renegotiate the criminal alien transfer treaties so we can deport them if they are convicted and serve time in their own country. But right now let us pass this useful piece of legislation.

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I want to thank the gentleman from New York for yielding time to me.

Mr. Speaker, this is a very appropriate bill, not only for the border States, but also for the entire country. But since I do represent the border State of Texas, I want to share an experience that I have had and why this bill is so important.

In Texas today, the Immigration and Naturalization Service estimates that there are a minimum of about 4,000 undocumented aliens in the State prison system. But that is a minimum. They really do not exactly know, and they think the number is actually much higher, so this is a cost that is being borne by the State taxpayers.

That does not take into account the number of undocumented aliens who are being held in the various municipal and county jails throughout the State of Texas. I am sure the same is true in the State of California and other States around the country.

I want to share with the Members a situation that I had last year that makes this legislation right on point. In my district in Harris County, TX, the third largest county in the country, there are about 10 municipalities, including the city of Houston. But outside the city of Houston, in the city of Pasadena, a community of about 125,000 people, the city mayor and police chief came to me and said that they had a problem.

Their biggest problem was with undocumented aliens that they picked up for various misdemeanor and felony charges, and upon arraignment and release, they would contact, or try and contact, the regional office or the district office of the INS and never be able to get through to anybody to explain to them what was going on and what to do with these individuals who, once being arraigned under State statute, were now subject to Federal immigration statute, but nobody was there to follow through.

After months and months of trying to work with the INS here in Washington, and joining with my colleagues in the Harris County, TX, delegation, we finally were able to obtain some relief in getting more detention beds, going from about 250 detention beds to 750 detention beds for the Harris County area.

But still, it is far insufficient. Of the deportations that occurred last year from the Harris County region, of the approximately 3,300, 2,200 were those of criminal aliens. So this is a severe problem. This legislation will affect and help cities, not just like the city of Houston, but the cities like Pasadena, Deer Park, LaPorte, and Baytown that I represent.

So I appreciate the fact that the Committee on the Judiciary has moved swiftly on this legislation and brought it up. This is a very serious problem that we have in our country and in our large metropolitan areas. I will work very hard with Harris County in helping them apply for this. I hope they can participate in this. I congratulate both the managers of the bill.

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the problems of illegal immigration, while predominant in,

are certainly not confined to, California, Texas, and our other border States. Illegal immigration has become a nationwide problem across Interstate 80 from the west and up Interstate 15 from the south. Illegal immigration has infected States within our interior, States like Utah, Wyoming, Nebraska, South Dakota, Iowa, and others. These areas are the new and easy targets of illegal aliens, criminal aliens, who bring drugs with them.

The most recent Salt Lake City police records, for example, indicate that 80 percent of arrests for felony level narcotics violations are undocumented aliens. H.R. 1493, the legislation we are discussing today, expands the pilot program that has been extremely successful in the city of Anaheim to several prisons across the Nation.

It is of particular interest to areas like Salt Lake County. One of the main challenges facing Salt Lake County at this time is inadequate jail space and lack of identification capabilities for aliens arrested by local authorities. By identifying illegal aliens prior to arraignment under this program, they can be deported immediately, rather than held in local jails at the expense of local taxpayers, rather than taking up space better used to hold more violent criminals arrested for committing local crimes, or worse yet, rather than being set free due to lack of jail space, and endangering the local populations.

By identifying illegal aliens, the burden which the Federal Government is currently placing on local entities can be significantly relieved. We live in times of limited resources. I was concerned that States like Utah would not be selected to participate in this very effective program, so during consideration of H.R. 1493 in the Committee on the Judiciary, I was pleased to have the opportunity to work with the gentleman from California [Mr. GALLEGLY], the gentleman from Texas [Mr. SMITH], the gentleman from North Carolina [Mr. WATT], and other distinguished members of the subcommittee to ensure that our interior States will be able to reap the benefits of this program.

Of the qualified facilities selected across the Nation for participation in the program, 20 percent of those must be located in areas that are not adjacent to a land border. This means that beginning in 1999, of the up to 25 sites selected for participation, about 5 must be located in interior areas with high concentrations of illegal immigration.

While we continue to read report after report of the problems with the Immigration and Naturalization Service, we must lend our support today to a program with a proven track record that will assist our local and State communities to stem the problem of illegal immigration.

□ 1400

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I would like to congratulate the gentleman from California [Mr. GALLEGLY]. He has been fighting this battle for a long time. He has taken many arrows and slings on various issues, whether it is 245(i) or other issues that have come before this body dealing with the illegal immigration issue.

Those of us in California know the deleterious effect that illegal immigration is having on our society and the harmful impact it is having on the lives of our citizens.

I rise in strong support of H.R. 1493, a bill that will make permanent and build upon a highly successful INS criminal alien identification program in Anaheim, CA. This program places INS agents at the Anaheim city jail to identify illegal aliens after they have been arrested prior to arraignment, as we have heard. This provides the judge the information a judge will need to prevent a suspect's release if he or she is in this country illegally.

Now, Members should understand the significance of what that means. I am an original cosponsor of H.R. 1493 because I believe it is a commonsense approach in dealing with those who have broken our immigration laws. This legislation will also send a clear message to those who are here illegally that blatantly violate our immigration laws will no longer be rewarding.

In the first 10 months of this year alone, illegal aliens were suspects in 22 percent of Anaheim's, this is the city we are talking about here, Anaheim's murders and 53 percent of all rapes. Illegal aliens made up 1,800 of the total Anaheim arrests so far this year.

It does not surprise me that those who would not respect our immigration laws would disregard the civil and criminal laws of our country as well. Without a program to identify these individuals as illegal aliens, they will be released into our society after they are arraigned. So it is imperative for us to make sure that judges understand who is in this country illegally so that they will just not be released. These people, if anybody, should be deported.

Contrary to what some Members say, a major reason we have a systematic process for legal immigration to this country is to keep an eye on individuals who we are finding now showing up in our jails. Our attempts last week to defeat 245(i) were defeated. Section 245(i) helps screen out; if we would eliminate that process, illegal aliens were being screened out because they had criminal backgrounds. But with 245(i), sometimes illegal aliens end up in this society. Now we are trying to do this to ensure that there is an identification process.

And one last word, and that is, I congratulate the gentleman from California [Mr. GALLEGLY] and the gentleman from California [Mr. PACKARD] who have worked so hard on this. The INS, under this administration, has been putting up roadblocks for us to try to get these illegal aliens in our jails from being deported from this country. This legislation is a good first step toward deporting illegal immigrants who are committing crimes and attacking our citizens.

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

I will comment very briefly, Mr. Speaker. This has nothing to do with section 245(i). I am glad we defeated the attempt to eliminate that last week. The people, in dealing with 245(i), are not criminal aliens, but this bill that does deal with criminal aliens and people who are here illegally, I simply want to commend the bipartisan nature of the cooperation, the bipartisan cooperation with which this bill was drafted and brought to the floor. Hopefully, it will be passed today. I urge all my colleagues to support it.

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

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

Mr. Speaker, I would also like to make a point that most of the criminals who have been identified by this program are not first-time offenders. During the first 5 months of the pilot program, data compiled by INS at the Ventura County jail indicated that 70 percent of those identified as criminal or illegal aliens had at least one prior conviction. Most of these convictions were for very serious crimes, including 30 individuals who had prior convictions for aggravated felonies and 61 who had narcotics convictions.

In closing, Mr. Speaker, I would like to refer to the testimony of Richard Bryce, the undersheriff of Ventura County Sheriff's Department. In the subcommittee hearing Mr. Bryce stated, and I quote, to truly understand the benefit of such a program, it is important to realize the type of persons it identifies. The criminals, who the INS agents have determined are illegal aliens, include drug dealers, gang members involved in drive-by shootings, rapists, and murderers. Many of them have a long history of criminal activity.

Mr. Speaker, I thank the gentleman from New York [Mr. NADLER] for his bipartisan approach to working with this legislation, the gentleman from Texas [Mr. BENTSEN] for speaking on it, and many of the other Members on the other side of the aisle. This truly is a piece of bipartisan legislation. I urge my colleagues to join us in supporting this commonsense, crime-fighting legislation.

Ms. SANCHEZ. Mr. Speaker, I rise today to express my strong and full support for H.R.

1493. In addition, I am submitting two letters I received regarding this issue.

In particular, I want to call attention to the fact that this bill will permanently reinstate a criminal alien, prearraignment identification program at the detention facility in the city of Anaheim, CA.

This successful INS pilot program has existed in the city of Anaheim since October 1996.

The pilot program has effectively identified 4,500 undocumented criminal aliens in city detention facilities before their initial court appearance. Such suspects often fail to appear for subsequent court proceedings. The INS can then determine which inmates are in the country illegally and therefore subject to deportation.

On February 27, 1997, I wrote the Commissioner of the INS to urge continued operation of the prearraingment pilot program which was set to expire in April 1997. In addition, I asked the General Accounting Office to evaluate the cost effectiveness of the project.

On March 14, I received a letter from the city of Anaheim thanking me for supporting the project as well as suggesting criteria for the GAO study.

On April 3, the INS informed me that the program had been extended through June 30, 1997, primarily because of the facts I brought to their attention in support of the program.

Finally, on June 20, 1997, I joined my colleagues in the Orange County congressional delegation in a bipartisan letter to the INS to extend the program. The INS agreed to continue the program indefinitely pending the continuation of appropriated funds.

I have worked diligently on this issue because criminal conduct has no place in our communities. Moreover, undocumented criminal aliens should be quickly and permanently deported.

Not only do I support the permanent deportation of undocumented criminal aliens, I want them caught before they commit crimes and jeopardize our communities. Without Federal assistance in undertaking this law enforcement effort, undocumented criminal aliens could cause undue harm to women, men, and children.

Furthermore, immigration matters such as the determination of the immigration status of aliens is a Federal function.

Local law enforcement should not perform the rightful duties of INS agents. Police must continue to take care when arresting individuals.

Arrests must be based on probable cause and not on some profile based on ethnicity.

The Federal Government should do all it can to avoid burdening state and local police budgets with the cost of identifying, apprehending and deporting undocumented criminal aliens.

As a fiscal conservative, I believe Congress must implement a cost-effective program that deploys INS enforcement officers in the most efficient manner.

I believe the bill would help ensure this is accomplished.

We need to ensure that more criminals are captured earlier, before they have done harm to our people in our districts, and before they end up being a burden to our local law enforcement.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 20, 1997.

MS. DORIS MEISSNER,
Commissioner, Immigration and Naturalization Service, Chester Arthur Building, Washington, DC.

DEAR COMMISSIONER MEISSNER: As members of Orange County's Congressional Delegation, we ask that you continue the City of Anaheim's Criminal Illegal Alien Pre-Arraignment Identification Program after June 30, 1997.

As you indicated in a March 17, 1997, letter to Anaheim City Mayor Tom Daly, "The INS is constantly striving for new and innovative law enforcement initiatives to combat the involvement of foreign nationals in criminal activities. From all reports I have received thus far, the Anaheim project certainly has the potential of becoming such an initiative." The success of this program, and its sister program in Ventura County, has led to the introduction of H.R. 1493, a bill to extend these programs nationwide. The House Immigration and Claims Subcommittee recently held a hearing on H.R. 1493, and plans on moving this bill in the near future.

In light of the fact that the Anaheim program is the only one of its kind in a city jail, and the only means of obtaining data from which Congress can evaluate the merits of this program, we strongly urge you to continue the program.

We look forward to your response to this urgent request.

Sincerely,

DANA ROHRABACHER.
RON PACKARD.
LORETTA SANCHEZ.
CHRIS COX.
ED ROYCE.

CITY OF ANAHEIM, CA,
March 14, 1997.

HON. LORETTA SANCHEZ,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN SANCHEZ: Thank you for your prompt response to our request for your support and endorsement of the continuation of the Anaheim/Immigration and Naturalization Service Pre-arraignment Criminal Alien Identification pilot project. We appreciate your request to Commissioner Meissner to continue this effective crime prevention tool.

With respect to the evaluation on the effectiveness of the pilot program, we feel it is important that any assessment include the value of "point of entry" identification and its direct relationship to actual number of suspected criminal illegal alien deportation. Since the inception of Anaheim's pilot program with the INS, 344 criminal aliens were placed directly in deportation proceedings. As you know, the cornerstone of Anaheim's pilot project is a pre-arraignment identification program designed to reduce the burden on local law enforcement and the court system. A criminal alien identification program at the County level functions as a post-arraignment system. As an example, in a County post-arraignment program, the 344 criminal aliens identified in Anaheim may have never been identified by INS by the time they were incarcerated at a County facility, and therefore released. Compounding the problem for local agencies is the "revolving door" phenomenon (repeat offenders using several assumed names) that occurs as a result of the absence of INS expertise at the municipal level. This aspect of the program (pre-arraignment identification) is the essence of the program's effectiveness in reducing crime.

In addition to program effectiveness, it is also important to evaluate the current INS enforcement priorities set forth by Congress and the Administration. The number of agents assigned to criminal alien identification programs is insufficient. Reprioritizing of INS programs, policies, and resources would address the Commissioner's concerns regarding the deployment of available agents.

Again, thank you for your consideration and responsiveness to our request. If you or your staff need additional information on the Anaheim pilot project, please do not hesitate to contact us.

Sincerely,

BOB ZEMEL,
Council Member.

TOM TAIT,
Council Member.

Mr. BERMAN. Mr. Speaker, I rise in support of H.R. 1493 which was introduced by my good friend from California, Mr. GALLEGLY. I enjoyed working with my colleague in the drafting of this bill as it addresses issues which seriously affect our home State. This bill will require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and persons unlawfully present in the United States.

The bill directs the Attorney General to detail Immigration and Naturalization Service employees to selected city and county incarceration facilities. This program is different from the Institutional Hearing Program [IHP], which I also strongly support, where INS employees are stationed at State and Federal penal institutions to identify aliens convicted of deportable crimes. The IHP exists so that deportable criminal aliens can be placed into deportation proceedings while incarcerated, and then removed from the United States upon completion of their sentence.

H.R. 1493 will compliment the IHP as it will help identify deportable aliens AFTER arrest and BEFORE arraignment. This prearraignment process will identify unlawful residents and persons previously convicted of deportable crimes even if they are never tried for or convicted of the offenses for which they have been arrested. These individuals can then be turned over to the INS for removal from the United States.

This bill is subject to appropriations and participating facilities are phased in over a 4-year period. The CBO has estimated that this program will cost between $40 million and $200 million over the 1999–2002 period. I'm sure we can all agree that funding directed toward identifying and deporting criminal aliens is well spent.

Illegal immigration is a Federal problem, but its impact is felt primarily on the local level. It is the responsibility of the Federal Government to allocate resources to combat the many hardships which are in turn thrust upon those at the local level. I will continue to fight for programs which recognize this simple, but vital fact.

I am proud to be a cosponsor of this legislation and I urge my colleagues to support it.

Mr. KIM. Mr. Speaker, I rise today in strong support of H.R. 1493, a bill to authorize the Immigration and Naturalization Service to establish a permanent program to identify criminal illegal immigrants in local jails around the country. I am particularly pleased because this

bill is patterned after an enormously successful pilot program that has been in operation in my district since last November.

When I was first elected to Congress in 1992, I immediately began hearing from law enforcement officials in my district about the tremendous burden that criminal illegal immigrants were putting on local jails. In my district and around the country, local authorities have been forced to house and process criminals, only to later find out that some are in the United States illegally, and could have been deported when first identified. Working closely with my congressional colleagues from Orange County, we looked for ways to help local communities solve this problem.

At our insistence, last year's Illegal Immigration Reform and Immigrant Responsibility Act established a pilot program in the Anaheim City Jail that identified, prior to arraignment, illegal immigrants who had been picked up for various crimes. Once identified, the illegal immigrants were immediately placed in deportation proceedings rather than clogging our local judicial system. In just the first 3 months that this program was in effect in Anaheim, INS officials placed holds on 338 inmates, nearly 17 percent of all those the jail processed. These criminal illegal immigrants were then removed into INS deportation proceedings, rather than remaining the responsibility of Anaheim, saving the local government the significant costs associated with housing and processing these criminals.

Because this pilot program was such a success in Anaheim, I am an original cosponsor of the bill we are considering today that would authorize the INS to continue the current program in Anaheim, and institute similar programs in other jails through my district and around the country, in communities with the highest concentration of illegal immigrants. Judging from what I have seen in Anaheim, this is a program that would provide tremendous benefits to many communities that are being inundated with criminal illegal immigrants.

Preventing illegal immigration is a Federal responsibility. Therefore, it is incumbent on the Federal Government to assist local authorities in combating crimes committed by illegal immigrants. I urge all my colleagues to support this bill.

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

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1493, as amended.

The question was taken.

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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.

APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER BASIN COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H. J. Res. 91) granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact, as amended.

The Clerk read as follows:

H.J. RES. 91

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

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Apalachicola-Chattahoochee-Flint River Basin Compact entered into by the States of Alabama, Florida, and Georgia. The Compact is substantially as follows:

"Apalachicola-Chattahoochee-Flint River Basin Compact

"The States of Alabama, Florida and Georgia and the United States of America hereby agree to the following compact which shall become effective upon enactment of concurrent legislation by each respective state legislature and the Congress of the United States.

"SHORT TITLE

"This Act shall be known and may be cited as the 'Apalachicola-Chattahoochee-Flint River Basin Compact' and shall be referred to hereafter in this document as the 'ACF Compact' or 'Compact'.

"ARTICLE I

"COMPACT PURPOSES

"This Compact among the States of Alabama, Florida and Georgia and the United States of America has been entered into for the purposes of promoting interstate comity, removing causes of present and future controversies, equitably apportioning the surface waters of the ACF, engaging in water planning, and developing and sharing common data bases.

"ARTICLE II

"SCOPE OF THE COMPACT

"This Compact shall extend to all of the waters arising within the drainage basin of the ACF in the states of Alabama, Florida and Georgia.

"ARTICLE III

"PARTIES

"The parties to this Compact are the states of Alabama, Florida and Georgia and the United States of America.

"ARTICLE IV

"DEFINITIONS

"For the purposes of this Compact, the following words, phrases and terms shall have the following meanings:

"(a) 'ACF Basin' or 'ACF' means the area of natural drainage into the Apalachicola River and its tributaries, the Chattahoochee River and its tributaries, and the Flint River and its tributaries. Any reference to the rivers within this Compact will be designated using the letters 'ACF' and when so referenced will mean each of these three rivers and each of the tributaries to each such river.

"(b) 'Allocation formula' means the methodology, in whatever form, by which the ACF Basin Commission determines an equitable apportionment of surface waters within the ACF Basin among the three states. Such formula may be represented by a table, chart, mathematical calculation or any other expression of the Commission's apportionment of waters pursuant to this compact.

"(c) 'Commission' or 'ACF Basin Commission' means the Apalachicola-Chattahoochee-Flint River Basin Commission created and established pursuant to this Compact.

"(d) 'Ground waters' means waters within a saturated zone or stratum beneath the surface of land, whether or not flowing through known and definite channels.

"(e) 'Person' means any individual, firm, association, organization, partnership, business, trust, corporation, public corporation, company, the United States of America, any state, and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

"(f) 'Surface waters' means waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be considered 'surface waters' when it exits from the spring onto the surface of the earth.

"(g) 'United States' means the executive branch of the government of the United States of America, and any department, agency, bureau or division thereof.

"(h) 'Water Resource Facility' means any facility or project constructed for the impoundment, diversion, retention, control or regulation of waters within the ACF Basin for any purpose.

"(i) 'Water resources,' or 'waters' means all surface waters and ground waters contained or otherwise originating within the ACF Basin.

"ARTICLE V

"CONDITIONS PRECEDENT TO LEGAL VIABILITY OF THE COMPACT

"This Compact shall not be binding on any party until it has been enacted into law by the legislatures of the states of Alabama, Florida and Georgia and by the Congress of the United States of America.

"ARTICLE VI

"ACF BASIN COMMISSION CREATED

"(a) There is hereby created an interstate administrative agency to be known as the 'ACF Basin Commission.' The Commission shall be comprised of one member representing the state of Alabama, one member representing the state of Florida, one member representing the state of Georgia, and one non-voting member representing the United States of America. The state members shall be known as 'State Commissioners' and the federal member shall be known as 'Federal Commissioner.' The ACF Basin Commission is a body politic and corporate, with succession for the duration of this Compact.

"(b) The Governor of each of the states shall serve as the State Commissioner for his or her state. Each State Commissioner shall appoint one or more alternate members and one of such alternates as designated by the State Commissioner shall serve in the State Commissioner's place and carry out the functions of the State Commissioner, including voting on Commission matters, in the event the State Commissioner is unable to attend a meeting of the Commission. The alternate members from each state shall be knowledgeable in the field of water resources management. Unless otherwise provided by law of the state for which an alternate State Commissioner is appointed, each alternate State Commissioner shall serve at the pleasure of the State Commissioner. In the event of a vacancy in the office of an alternate, it shall be filled in the same manner as an original appointment.

"(c) The President of the United States of America shall appoint the Federal Commissioner who shall serve as the representative of all federal agencies with an interest in the ACF. The President shall also appoint an alternate Federal Commissioner to attend and participate in the meetings of the Commission in the event the Federal Commissioner is unable to attend meetings. When at meetings, the alternate Federal Commissioner shall possess all of the powers of the Federal Commissioner. The Federal Commissioner and alternate appointed by the President shall serve until they resign or their replacements are appointed.

"(d) Each state shall have one vote on the ACF Basin Commission and the Commission

shall make all decisions and exercise all powers by unanimous vote of the three State Commissioners. The Federal Commissioner shall not have a vote, but shall attend and participate in all meetings of the ACF Basin Commission to the same extent as the State Commissioners.

"(e) The ACF Basin Commission shall meet at least once a year at a date set at its initial meeting. Such initial meeting shall take place within ninety days of the ratification of the Compact by the Congress of the United States and shall be called by the chairman of the Commission. Special meetings of the Commission may be called at the discretion of the chairman of the Commission and shall be called by the chairman of the Commission upon written request of any member of the Commission. All members shall be notified of the time and place designated for any regular or special meeting at least five days prior to such meeting in one of the following ways: by written notice mailed to the last mailing address given to the Commission by each member, by facsimile, telegram or by telephone. The Chairmanship of the Commission shall rotate annually among the voting members of the Commission on an alphabetical basis, with the first chairman to be the State Commissioner representing the State of Alabama.

"(f) All meetings of the Commission shall be open to the public.

"(g) The ACF Basin Commission, so long as the exercise of power is consistent with this Compact, shall have the following general powers:

"(1) to adopt bylaws and procedures governing its conduct;

"(2) to sue and be sued in any court of competent jurisdiction;

"(3) to retain and discharge professional, technical, clerical and other staff and such consultants as are necessary to accomplish the purposes of this Compact;

"(4) to receive funds from any lawful source and expend funds for any lawful purpose;

"(5) to enter into agreements or contracts, where appropriate, in order to accomplish the purposes of this Compact;

"(6) to create committees and delegate responsibilities;

"(7) to plan, coordinate, monitor, and make recommendations for the water resources of the ACF Basin for the purposes of, but not limited to, minimizing adverse impacts of floods and droughts and improving water quality, water supply, and conservation as may be deemed necessary by the Commission;

"(8) to participate with other governmental and non-governmental entities in carrying out the purposes of this Compact;

"(9) to conduct studies, to generate information regarding the water resources of the ACF Basin, and to share this information among the Commission members and with others;

"(10) to cooperate with appropriate state, federal, and local agencies or any other person in the development, ownership, sponsorship, and operation of water resource facilities in the ACF Basin; provided, however, that the Commission shall not own or operate a federally-owned water resource facility unless authorized by the United States Congress;

"(11) to acquire, receive, hold and convey such personal and real property as may be necessary for the performance of its duties under the Compact; provided, however, that nothing in this Compact shall be construed as granting the ACF Basin Commission authority to issue bonds or to exercise any right of eminent domain or power of condemnation;

"(12) to establish and modify an allocation formula for apportioning the surface waters of the ACF Basin among the states of Alabama, Florida and Georgia; and

"(13) to perform all functions required of it by this Compact and to do all things necessary, proper or convenient in the performance of its duties hereunder, either independently or in cooperation with any state or the United States.

"ARTICLE VII

"EQUITABLE APPORTIONMENT

"(a) It is the intent of the parties to this Compact to develop an allocation formula for equitably apportioning the surface waters of the ACF Basin among the states while protecting the water quality, ecology and biodiversity of the ACF, as provided in the Clean Water Act, 33 U.S.C. Sections 1251 et seq., the Endangered Species Act, 16 U.S.C. Sections 1532 et seq., the National Environmental Policy Act, 42 U.S.C. Sections 4321 et seq., the Rivers and Harbors Act of 1899, 33 U.S.C. Sections 401 et seq., and other applicable federal laws. For this purpose, all members of the ACF Basin Commission, including the Federal Commissioner, shall have full rights to notice of and participation in all meetings of the ACF Basin Commission and technical committees in which the basis and terms and conditions of the allocation formula are to be discussed or negotiated. When an allocation formula is unanimously approved by the State Commissioners, there shall be an agreement among the states regarding an allocation formula. The allocation formula thus agreed upon shall become effective and binding upon the parties to this Compact upon receipt by the Commission of a letter of concurrence with said formula from the Federal Commissioner. If, however, the Federal Commissioner fails to submit a letter of concurrence to the Commission within two hundred ten (210) days after the allocation formula is agreed upon by the State Commissioners, the Federal Commissioner shall within forty-five (45) days thereafter submit to the ACF Basin Commission a letter of nonconcurrence with the allocation formula setting forth therein specifically and in detail the reasons for nonconcurrence; provided, however, the reasons for nonconcurrence as contained in the letter of nonconcurrence shall be based solely upon federal law. The allocation formula shall also become effective and binding upon the parties to this Compact if the Federal Commissioner fails to submit to the ACF Basin Commission a letter of nonconcurrence in accordance with this Article. Once adopted pursuant to this Article, the allocation formula may only be modified by unanimous decision of the State Commissioners and the concurrence by the Federal Commissioner in accordance with the procedures set forth in this Article.

"(b) The parties to this Compact recognize that the United States operates certain projects within the ACF Basin that may influence the water resources within the ACF Basin. The parties to this Compact further acknowledge and recognize that various agencies of the United States have responsibilities for administering certain federal laws and exercising certain federal powers that may influence the water resources within the ACF Basin. It is the intent of the parties to this Compact, including the United States, to achieve compliance with the allocation formula adopted in accordance with this Article. Accordingly, once an allocation formula is adopted, each and every officer, agency, and instrumentality of the United States shall have an obligation and duty, to the maximum extent practicable, to exercise their powers, authority, and discretion in a manner consistent with the allocation formula so long as the exercise of such powers, authority, and discretion is not in conflict with federal law.

"(c) Between the effective date of this Compact and the approval of the allocation formula under this Article, the signatories to this Compact agree that any person who is withdrawing, diverting, or consuming water resources of the ACF Basin as of the effective date of this Compact, may continue to withdraw, divert or consume such water resources in accordance with the laws of the state where such person resides or does business and in accordance with applicable federal laws. The parties to this Compact further agree that any such person may increase the amount of water resources withdrawn, diverted or consumed to satisfy reasonable increases in the demand of such person for water between the effective date of this Compact and the date on which an allocation formula is approved by the ACF Basin Commission as permitted by applicable law. Each of the state parties to this Compact further agree to provide written notice to each of the other parties to this Compact in the event any person increases the withdrawal, diversion or consumption of such water resources by more than 10 million gallons per day on an average annual daily basis, or in the event any person, who was not withdrawing, diverting or consuming any water resources from the ACF Basin as of the effective date of this Compact, seeks to withdraw, divert or consume more than one million gallons per day on an average annual daily basis from such resources. This Article shall not be construed as granting any permanent, vested or perpetual rights to the amounts of water used between January 3, 1992 and the date on which the Commission adopts an allocation formula.

"(d) As the owner, operator, licensor, permitting authority or regulator of a water resource facility under its jurisdiction, each state shall be responsible for using its best efforts to achieve compliance with the allocation formula adopted pursuant to this Article. Each such state agrees to take such actions as may be necessary to achieve compliance with the allocation formula.

"(e) This Compact shall not commit any state to agree to any data generated by any study or commit any state to any allocation formula not acceptable to such state.

"ARTICLE VIII

"CONDITIONS RESULTING IN TERMINATION OF THE COMPACT

"(a) This Compact shall be terminated and thereby be void and of no further force and effect if any of the following events occur:

"(1) The legislatures of the states of Alabama, Florida and Georgia each agree by general laws enacted by each state within any three consecutive years that this Compact should be terminated.

"(2) The United States Congress enacts a law expressly repealing this Compact.

"(3) The States of Alabama, Florida and Georgia fail to agree on an equitable apportionment of the surface waters of the ACF as provided in Article VII(a) of this Compact by December 31, 1998, unless the voting members of the ACF Basin Commission unanimously agree to extend this deadline.

"(4) The Federal Commissioner submits to the Commission a letter of nonconcurrence in the initial allocation formula in accordance with Article VII(a) of the Compact, unless the voting members of the ACF Basin Commission unanimously agree to allow a single 45 day period in which the non-voting Federal Commissioner and the voting State Commissioners may renegotiate an allocation formula and the Federal Commissioner withdraws the letter of nonconcurrence upon completion of this renegotiation.

"(b) If the Compact is terminated in accordance with this Article it shall be of no further force and effect and shall not be the subject of any proceeding for the enforcement thereof in any federal or state court. Further, if so terminated, no party shall be deemed to have acquired a specific right to any quantity of water because it has become a signatory to this Compact.

"ARTICLE IX

"COMPLETION OF STUDIES PENDING ADOPTION OF ALLOCATION FORMULA

"The ACF Basin Commission, in conjunction with one or more interstate, federal, state or local agencies, is hereby authorized to participate in any study in process as of the effective date of this Compact, including, without limitation, all or any part of the Alabama-Coosa-Tallapoosa/Apalachicola-Chattahoochee-Flint River Basin Comprehensive Water Resource Study, as may be determined by the Commission in its sole discretion.

"ARTICLE X

"RELATIONSHIP TO OTHER LAWS

"(a) It is the intent of the party states and of the United States Congress by ratifying this Compact, that all state and federal officials enforcing, implementing or administering other state and federal laws affecting the ACF Basin shall, to the maximum extent practicable, enforce, implement or administer those laws in furtherance of the purposes of this Compact and the allocation formula adopted by the Commission insofar as such actions are not in conflict with applicable federal laws.

"(b) Nothing contained in this Compact shall be deemed to restrict the executive powers of the President in the event of a national emergency.

"(c) Nothing contained in this Compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions or jurisdiction under other existing or future laws in and over the area or waters which are the subject of the Compact, including projects of the Commission, nor shall any act of the Commission have the effect of repealing, modifying or amending any federal law. All officers, agencies and instrumentalities of the United States shall exercise their powers and authority over water resources in the ACF Basin and water resource facilities, and to the maximum extent practicable, shall exercise their discretion in carrying out their responsibilities, powers, and authorities over water resources in the ACF Basin and water resource facilities in the ACF Basin in a manner consistent with and that effectuates the allocation formula developed pursuant to this Compact or any modification of the allocation formula so long as the actions are not in conflict with any applicable federal law. The United States Army Corps of Engineers, or its successors, and all other federal agencies and instrumentalities shall cooperate with the ACF Basin Commission in accomplishing the purposes of the Compact and fulfilling the obligations of each of the parties to the Compact regarding the allocation formula.

"(d) Once adopted by the three states and ratified by the United States Congress, this Compact shall have the full force and effect of federal law, and shall supersede state and local laws operating contrary to the provisions herein or the purposes of this Compact; provided, however, nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective signatory states relating to water quality, and riparian rights as among persons exclusively within each state.

"ARTICLE XI

"PUBLIC PARTICIPATION

"All meetings of the Commission shall be open to the public. The signatory parties recognize the importance and necessity of public participation in activities of the Commission, including the development and adoption of the initial allocation formula and any modification thereto. Prior to the adoption of the initial allocation formula, the Commission shall adopt procedures ensuring public participation in the development, review, and approval of the initial allocation formula and any subsequent modification thereto. At a minimum, public notice to interested parties and a comment period shall be provided. The Commission shall respond in writing to relevant comments.

"ARTICLE XII

"FUNDING AND EXPENSES OF THE COMMISSION

"Commissioners shall serve without compensation from the ACF Basin Commission. All general operational funding required by the Commission and agreed to by the voting members shall obligate each state to pay an equal share of such agreed upon funding. Funds remitted to the Commission by a state in payment of such obligation shall not lapse; provided, however, that if any state fails to remit payment within 90 days after payment is due, such obligation shall terminate and any state which has made payment may have such payment returned. Costs of attendance and participation at meetings of the Commission by the Federal Commissioner shall be paid by the United States.

"ARTICLE XIII

"DISPUTE RESOLUTION

"(a) In the event of a dispute between two or more voting members of this Compact involving a claim relating to compliance with the allocation formula adopted by the Commission under this Compact, the following procedures shall govern:

"(1) Notice of claim shall be filed with the Commission by a voting member of this Compact and served upon each member of the Commission. The notice shall provide a written statement of the claim, including a brief narrative of the relevant matters supporting the claimant's position.

"(2) Within twenty (20) days of the Commission's receipt of a written statement of a claim, the party or parties to the Compact against whom the complaint is made may prepare a brief narrative of the relevant matters and file it with the Commission and serve it upon each member of the Commission.

"(3) Upon receipt of a claim and any response or responses thereto, the Commission shall convene as soon as reasonably practicable, but in no event later than twenty (20) days from receipt of any response to the claim, and shall determine if a resolution of the dispute is possible.

"(4) A resolution of a dispute under this Article through unanimous vote of the State Commissioners shall be binding upon the state parties and any state party determined to be in violation of the allocation formula shall correct such violation without delay.

"(5) If the Commission is unable to resolve the dispute within 10 days from the date of the meeting convened pursuant to subparagraph (a)(3) of this Article, the Commission shall select, by unanimous decision of the voting members of the Commission, an independent mediator to conduct a non-binding mediation of the dispute. The mediator shall not be a resident or domiciliary of any member state, shall not be an employee or agent of any member of the Commission, shall be a person knowledgeable in water resource management issues, and shall disclose any and all current or prior contractual or other relations to any member of the Commission. The expenses of the mediator shall be paid by the Commission. If the mediator becomes unwilling or unable to serve, the Commission by unanimous decision of the voting members of the Commission, shall appoint another independent mediator.

"(6) If the Commission fails to appoint an independent mediator to conduct a non-binding mediation of the dispute within seventy-five (75) days of the filing of the original claim or within thirty (30) days of the date on which the Commission learns that a mediator is unwilling or unable to serve, the party submitting the claim shall have no further obligation to bring the claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

"(7) If an independent mediator is selected, the mediator shall establish the time and location for the mediation session or sessions and may request that each party to the Compact submit, in writing, to the mediator a statement of its position regarding the issue or issues in dispute. Such statements shall not be exchanged by the parties except upon the unanimous agreement of the parties to the mediation.

"(8) The mediator shall not divulge confidential information disclosed to the mediator by the parties or by witnesses, if any, in the course of the mediation. All records, reports, or other documents received by a mediator while serving as a mediator shall be considered confidential. The mediator shall not be compelled in any adversary proceeding or judicial forum to divulge the contents of such documents or the fact that such documents exist or to testify in regard to the mediation.

"(9) Each party to the mediation shall maintain the confidentiality of the information received during the mediation and shall not rely on or introduce in any judicial proceeding as evidence:

"a. Views expressed or suggestions made by another party regarding a settlement of the dispute;

"b. Proposals made or views expressed by the mediator; or

"c. The fact that another party to the hearing had or had not indicated a willingness to accept a proposal for settlement of the dispute.

"(10) The mediator may terminate the nonbinding mediation session or sessions whenever, in the judgment of the mediator, further efforts to resolve the dispute would not lead to a resolution of the dispute between or among the parties. Any party to the dispute may terminate the mediation process at any time by giving written notification to the mediator and the Commission. If terminated prior to reaching a resolution, the party submitting the original claim to the Commission shall have no further obligation to bring its claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

"(11) The mediator shall have no authority to require the parties to enter into a settlement of any dispute regarding the Compact. The mediator may simply attempt to assist the parties in reaching a mutually acceptable resolution of their dispute. The mediator is authorized to conduct joint and separate meetings with the parties to the mediation and to make oral or written recommendations for a settlement of the dispute.

"(12) At any time during the mediation process, the Commission is encouraged to take whatever steps it deems necessary to assist the mediator or the parties to resolve the dispute.

"(13) In the event of a proceeding seeking enforcement of the allocation formula, this Compact creates a cause of action solely for equitable relief. No action for money damages may be maintained. The party or parties alleging a violation of the Compact shall have the burden of proof.

"(b) In the event of a dispute between any voting member and the United States relating to a state's noncompliance with the allocation formula as a result of actions or a refusal to act by officers, agencies or instrumentalities of the United States, the provisions set forth in paragraph (a) of this Article (other than the provisions of subparagraph (a)(4)) shall apply.

"(c) The United States may initiate dispute resolution under paragraph (a) in the same manner as other parties to this Compact.

"(d) Any signatory party who is affected by any action of the Commission, other than the

adoption or enforcement of or compliance with the allocation formula, may file a complaint before the ACF Basin Commission seeking to enforce any provision of this Compact.

"(1) The Commission shall refer the dispute to an independent hearing officer or mediator, to conduct a hearing or mediation of the dispute. If the parties are unable to settle their dispute through mediation, a hearing shall be held by the Commission or its designated hearing officer. Following a hearing conducted by a hearing officer, the hearing officer shall submit a report to the Commission setting forth findings of fact and conclusions of law, and making recommendations to the Commission for the resolution of the dispute.

"(2) The Commission may adopt or modify the recommendations of the hearing officer within 60 days of submittal of the report. If the Commission is unable to reach unanimous agreement on the resolution of the dispute within 60 days of submittal of the report with the concurrence of the Federal Commissioner in disputes involving or affecting federal interests, the affected party may file an action in any court of competent jurisdiction to enforce the provisions of this Compact. The hearing officer's report shall be of no force and effect and shall not be admissible as evidence in any further proceedings.

"(e) All actions under this Article shall be subject to the following provisions:

"(1) The Commission shall adopt guidelines and procedures for the appointment of hearing officers or independent mediators to conduct all hearings and mediations required under this Article. The hearing officer or mediator appointed under this Article shall be compensated by the Commission.

"(2) All hearings or mediations conducted under this article may be conducted utilizing the Federal Administrative Procedures Act, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. The Commission may also choose to adopt some or all of its own procedural and evidentiary rules for the conduct of hearings or mediations under this Compact.

"(3) Any action brought under this Article shall be limited to equitable relief only. This Compact shall not give rise to a cause of action for money damages.

"(4) Any signatory party bringing an action before the Commission under this Article shall have the burdens of proof and persuasion.

"ARTICLE XIV

"ENFORCEMENT

"The Commission may, upon unanimous decision, bring an action against any person to enforce any provision of this Compact, other than the adoption or enforcement of or compliance with the allocation formula, in any court of competent jurisdiction.

"ARTICLE XV

"IMPACTS ON OTHER STREAM SYSTEMS

"This Compact shall not be construed as establishing any general principle or precedent applicable to any other interstate streams.

"ARTICLE XVI

"IMPACT OF COMPACT ON USE OF WATER WITHIN THE BOUNDARIES OF THE COMPACTING STATES

"The provisions of this Compact shall not interfere with the right or power of any state to regulate the use and control of water within the boundaries of the state, providing such state action is not inconsistent with the allocation formula.

"ARTICLE XVII

"AGREEMENT REGARDING WATER QUALITY

"(a) The States of Alabama, Florida, and Georgia mutually agree to the principle of individual State efforts to control man-made water pollution from sources located and operating within each State and to the continuing support of each State in active water pollution control programs.

"(b) The States of Alabama, Florida, and Georgia agree to cooperate, through their appropriate State agencies, in the investigation, abatement, and control of sources of alleged interstate pollution within the ACF River Basin whenever such sources are called to their attention by the Commission.

"(c) The States of Alabama, Florida, and Georgia agree to cooperate in maintaining the quality of the waters of the ACF River Basin.

"(d) The States of Alabama, Florida, and Georgia agree that no State may require another State to provide water for the purpose of water quality control as a substitute for or in lieu of adequate waste treatment.

"ARTICLE XVIII

"EFFECT OF OVER OR UNDER DELIVERIES UNDER THE COMPACT

"No state shall acquire any right or expectation to the use of water because of any other state's failure to use the full amount of water allocated to it under this Compact.

"ARTICLE XIX

"SEVERABILITY

"If any portion of this Compact is held invalid for any reason, the remaining portions, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force, effect, and application.

"ARTICLE XX

"NOTICE AND FORMS OF SIGNATURE

"Notice of ratification of this Compact by the legislature of each state shall promptly be given by the Governor of the ratifying state to the Governors of the other participating states. When all three state legislatures have ratified the Compact, notice of their mutual ratification shall be forwarded to the Congressional delegation of the signatory states for submission to the Congress of the United States for ratification. When the Compact is ratified by the Congress of the United States, the President, upon signing the Federal ratification legislation, shall promptly notify the Governors of the participating states and appoint the Federal Commissioner. The Compact shall be signed by all four Commissioners as their first order of business at their first meeting and shall be filed of record in the party states.".

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the compact consented to by this Act shall not be affected by any insubstantial difference in its form or language as adopted by the States.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

SEC. 4. RESERVATIONS.

To ensure participation of Federal agencies during the development of the allocation formula and participation in all technical working groups and meetings in which the terms and conditions of the allocation formula are negotiated and to preserve Federal discretion under law, the consent of Congress to, and participation of the United States in, the Apalachicola-Chattahoochee-Flint River Basin Compact, is subject to the following conditions and reservations:

(1) Representatives of any Federal agency may attend any and all meetings of the Commission.

(2) Upon the request of the Federal Commissioner, representatives of any Federal agency may participate in any meetings of technical committees, if any, of the Commission at which the basis or terms and conditions of the allocation formula or modifications to the allocation formula are to be discussed or negotiated.

(3) The Federal Commissioner shall be given notice of any meeting of the Commission or any meeting of technical committees, if any, of the Commission at which compliance with the allocation formula by one or more officers, agencies, or instrumentalities of the United States is to be discussed.

(4) Under the provisions of Article VII(a), the Federal Commissioner may submit a letter of concurrence with the allocation formula unanimously adopted by the State Commissioners within 255 days of such adoption.

(5) No mediator shall be selected under Article XIII(b) or Article XIII(c) without the concurrence of the Federal Commissioner and no resolution of a dispute under Article XIII(c) shall be made binding on the United States without the concurrence of the Federal Commissioner.

(6) The obligations of employees, agencies, and instrumentalities of the United States pursuant to Articles VII(b), X(a), and X(c) to exercise their discretion, to the maximum extent practicable, in a manner consistent with the allocation formula shall not be construed to interfere with the ability of such employees, agencies, and instrumentalities to take actions during emergency situations.

(7) As among water right holders within any one State, nothing in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective signatory States relating to riparian rights of the United States in and to the waters of the Apalachicola-Chattahoochee-Flint River Basin.

SEC. 5. EFFECTUATION.

(a) FEDERAL AGENCY AUTHORITY.—To carry out the purposes of this Compact, Federal agencies are authorized, as they may deem appropriate—

(1) to engage in cooperative relationships with the Commission;

(2) to conduct studies and monitoring programs in cooperation with the Commission;

(3) to enter into agreements to indemnify private landowners against liability that may arise from studies and monitoring programs undertaken in cooperation with the Commission; and

(4) to furnish assistance, including the provision of services, facilities, and personnel, to the Federal Commissioner.

(b) APPROPRIATIONS.—Appropriations are authorized as necessary for implementing the Compact, including appropriations for carrying out the functions of the Federal Commissioner and alternates and for employment of personnel by the Federal Commissioner?

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution now under consideration.

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

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume. I urge adoption of this legislation.

As Members know, the Constitution of the United States requires that

when two or more States are in conflict over certain measures that affect those States and that they would be susceptible to an agreement among those States or between those States, that they cannot be finalized without the approval of the Congress of the United States.

Hence, the States of Alabama, Georgia, and Florida, not able to agree on water allocation stemming from the Apalachicola, Chattahoochee, and Flint Rivers in their jurisdictions, turned to the courts and other negotiating features to try to arrange their differences. They were unable to do so until very recently when their three respective legislatures finally agreed and approved of a measure suitable to all three States.

Because the Constitution requires our intervention, a hearing was held before our committee on the matter, and this bill provides the approval of the Congress for the various features of the agreement reached among Alabama, Georgia, and Florida.

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

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

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

Mr. NADLER. Mr. Speaker, I rise in support of this measure which passed the Committee on the Judiciary unanimously with the support of all Members on both sides of the aisle. The chairman of the subcommittee, the gentleman from Pennsylvania, has done a fine job of explaining the bill, and I will not attempt to cover the same ground a second time.

It has the support of the States involved in the compact of their congressional delegations and of the administration. It protects the discretion of Federal agencies to enforce the laws they are charged with enforcing. It is our responsibility under Article I of the Constitution to grant the consent of Congress to interstate compacts. I urge my colleagues to do so in this case.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, the gentleman from New York [Mr. NADLER], for yielding me this time. I thank the chairman for all of his help and all of his support, the gentleman from Pennsylvania.

I am here to lend my strong support for these three tri-State water compacts. It was not easy, but the States of Georgia, Florida, and Alabama had come together with the Federal Government behind a proposal that we all can agree on. This legislation will protect the environment, the water supplies, and the interests of everyone involved.

A lot of dedicated people spent a lot of time working on this legislation. I want to thank my colleagues, the gentleman from Georgia [Mr. BARR] and the gentleman from Georgia [Mr. GINGRICH], for their work on this project. I also want to thank Rob Hood with the Speaker's office and Bob Herriott with the office of the gentleman from Georgia [Mr. BARR], Spinner Findley with the Department of Justice, Philip Mancusi-Ungaro with the EPA, Joe Tanner with the State of Georgia, and State Representative Bob Kerr, who deserve recognition for their contribution. In addition, I thank Sally Bethea with the Upper Chattahoochee River people for her work to ensure that these compacts adequately protect the environment.

Mr. Speaker, lastly, I thank Harold Reheis, head of the Georgia Environmental Protection Division. More than any other individual, Harry Reheis deserves recognition for bringing us to where we are today. Through his leadership and dedication, we have managed to resolve all of the differences and overcome all of the problems confronting this project. So I thank Mr. Reheis for all his work on this project.

Again, I express my strong support for these compacts and ask my colleagues for their support.

Mr. EVERETT. Mr. Speaker, I rise in support of H.J. Res. 91, a resolution providing congressional approval of the interstate compact between Alabama, Georgia, and Florida. This compact represents many months of hard work and negotiations between these States on how best to allocate limited water resources. This compact follows a 1992 agreement which expires at the end of this year; therefore, time is of essence. I support this water management plan and believe this compact is crucial to proper water flow and allocation in this region. My State of Alabama depends heavily on adequate water flow from these rivers to support the need of navigation, industry, agriculture and households. Please join me in supporting H.J. Res. 91.

Mr. GEKAS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 91, as amended.

The question was taken.

Mr. NADLER. 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 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.

ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMPACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 92) granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact, as amended.

The Clerk read as follows:

H.J. RES. 92

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

The Congress consents to the Alabama-Coosa-Tallapoosa River Basin Compact entered into by the States of Alabama and Georgia. The compact is substantially as follows:

"Alabama-Coosa-Tallapoosa River Basin Compact

"The States of Alabama and Georgia and the United States of America hereby agree to the following compact which shall become effective upon enactment of concurrent legislation by each respective state legislature and the Congress of the United States

"SHORT TITLE

"This Act shall be known and may be cited as the 'Alabama-Coosa-Tallapoosa River Basin Compact' and shall be referred to hereafter in this document as the 'ACT Compact' or 'Compact'.

"ARTICLE I

"COMPACT PURPOSES

"This Compact among the States of Alabama and Georgia and the United States of America has been entered into for the purposes of promoting interstate comity, removing causes of present and future controversies, equitably apportioning the surface waters of the ACT, engaging in water planning, and developing and sharing common data bases.

"ARTICLE II

"SCOPE OF THE COMPACT

"This Compact shall extend to all of the waters arising within the drainage basin of the ACT in the states of Alabama and Georgia.

"ARTICLE III

"PARTIES

"The parties to this Compact are the states of Alabama and Georgia and the United States of America.

"ARTICLE IV

"DEFINITIONS

"For the purposes of this Compact, the following words, phrases and terms shall have the following meanings:

"(a) 'ACT Basin' or 'ACT' means the area of natural drainage into the Alabama River and its tributaries, the Coosa River and its tributaries, and the Tallapoosa River and its tributaries. Any reference to the rivers within this Compact will be designated using the letters 'ACT' and when so referenced will mean each of these three rivers and each of the tributaries to each such river.

"(b) 'Allocation formula' means the methodology, in whatever form, by which the ACT Basin Commission determines an equitable apportionment of surface waters within the ACT Basin among the two states. Such formula may be represented by a table, chart, mathematical calculation or any other expression of the Commission's apportionment of waters pursuant to this compact.

"(c) 'Commission' or 'ACT Basin Commission' means the Alabama-Coosa-Tallapoosa River Basin Commission created and established pursuant to this Compact.

"(d) 'Ground waters' means waters within a saturated zone or stratum beneath the surface of land, whether or not flowing through known and definite channels.

"(e) 'Person' means any individual, firm, association, organization, partnership, business, trust, corporation, public corporation, company, the United States of America, any state, and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

"(f) 'Surface waters' means waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be considered 'surface waters' when it exits from the spring onto the surface of the earth.

"(g) 'United States' means the executive branch of the Government of the United States of America, and any department, agency, bureau or division thereof.

"(h) 'Water Resource Facility' means any facility or project constructed for the impoundment, diversion, retention, control or regulation of waters within the ACT Basin for any purpose.

"(i) 'Water resources,' or 'waters' means all surface waters and ground waters contained or otherwise originating within the ACT Basin.

"ARTICLE V

"CONDITIONS PRECEDENT TO LEGAL VIABILITY OF THE COMPACT

"This Compact shall not be binding on any party until it has been enacted into law by the legislatures of the States of Alabama and Georgia and by the Congress of the United States of America.

"ARTICLE VI

"ACT BASIN COMMISSION CREATED

"(a) There is hereby created an interstate administrative agency to be known as the 'ACT Basin Commission.' The Commission shall be comprised of one member representing the State of Alabama, one member representing the State of Georgia, and one non-voting member representing the United States of America. The State members shall be known as 'State Commissioners' and the Federal member shall be known as 'Federal Commissioner.' The ACT Basin Commission is a body politic and corporate, with succession for the duration of this Compact.

"(b) The Governor of each of the States shall serve as the State Commissioner for his or her State. Each State Commissioner shall appoint one or more alternate members and one of such alternates as designated by the State Commissioner shall serve in the State Commissioner's place and carry out the functions of the State Commissioner, including voting on Commission matters, in the event the State Commissioner is unable to attend a meeting of the Commission. The alternate members from each State shall be knowledgeable in the field of water resources management. Unless otherwise provided by law of the State for which an alternate State Commissioner is appointed, each alternate State Commissioner shall serve at the pleasure of the State Commissioner. In the event of a vacancy in the office of an alternate, it shall be filled in the same manner as an original appointment.

"(c) The President of the United States of America shall appoint the Federal Commissioner who shall serve as the representative of all Federal agencies with an interest in the ACT. The President shall also appoint an alternate Federal Commissioner to attend and participate in the meetings of the Commission in the event the Federal Commissioner is unable to attend meetings. When at meetings, the alternate Federal Commissioner shall possess all of the powers of the Federal Commissioner. The Federal Commissioner and alternate appointed by the President shall serve until they resign or their replacements are appointed.

"(d) Each state shall have one vote on the ACT Basin Commission and the Commission shall make all decisions and exercise all powers by unanimous vote of the two State Commissioners. The Federal Commissioner shall not have a vote but shall attend and participate in all meetings of the ACT Basin Commission to the same extent as the State Commissioners.

"(e) The ACT Basin Commission shall meet at least once a year at a date set at its initial meeting. Such initial meeting shall take place within ninety days of the ratification of the Compact by the Congress of the United States and shall be called by the chairman of the Commission. Special meetings of the Commission may be called at the discretion of the chairman of the Commission and shall be called by the chairman of the Commission upon written request of any member of the Commission. All members shall be notified of the time and place designated for any regular or special meeting at least five days prior to such meeting in one of the following ways: by written notice mailed to the last mailing address given to the Commission by each member, by facsimile, telegram or by telephone. The Chairmanship of the Commission shall rotate annually among the voting members of the Commission on an alphabetical basis, with the first chairman to be the State Commissioner representing the State of Alabama.

"(f) All meetings of the Commission shall be open to the public.

"(g) The ACT Basin Commission, so long as the exercise of power is consistent with this Compact, shall have the following general powers:

"(1) to adopt bylaws and procedures governing its conduct;

"(2) to sue and be sued in any court of competent jurisdiction;

"(3) to retain and discharge professional, technical, clerical and other staff and such consultants as are necessary to accomplish the purposes of this Compact;

"(4) to receive funds from any lawful source and expend funds for any lawful purpose;

"(5) to enter into agreements or contracts, where appropriate, in order to accomplish the purposes of this Compact;

"(6) to create committees and delegate responsibilities;

"(7) to plan, coordinate, monitor, and make recommendations for the water resources of the ACT Basin for the purposes of, but not limited to, minimizing adverse impacts of floods and droughts and improving water quality, water supply, and conservation as may be deemed necessary by the Commission;

"(8) to participate with other governmental and non-governmental entities in carrying out the purposes of this Compact;

"(9) to conduct studies, to generate information regarding the water resources of the ACT Basin, and to share this information among the Commission members and with others;

"(10) to cooperate with appropriate state, federal, and local agencies or any other person in the development, ownership, sponsorship, and operation of water resource facilities in the ACT Basin; provided, however, that the Commission shall not own or operate a federally-owned water resource facility unless authorized by the United States Congress;

"(11) to acquire, receive, hold and convey such personal and real property as may be necessary for the performance of its duties under the Compact; provided, however, that nothing in this Compact shall be construed as granting the ACT Basin Commission authority to issue bonds or to exercise any right of eminent domain or power of condemnation;

"(12) to establish and modify an allocation formula for apportioning the surface waters of the ACT Basin among the states of Alabama and Georgia; and

"(13) to perform all functions required of it by this Compact and to do all things necessary, proper or convenient in the performance of its duties hereunder, either independently or in cooperation with any state or the United States.

"ARTICLE VII

"EQUITABLE APPORTIONMENT

"(a) It is the intent of the parties to this Compact to develop an allocation formula for equitably apportioning the surface waters of the ACT Basin among the states while protecting the water quality, ecology and biodiversity of the ACT, as provided in the Clean Water Act, 33 U.S.C. Sections 1251 et seq., the Endangered Species Act, 16 U.S.C. Sections 1532 et seq., the National Environmental Policy Act, 42 U.S.C. Sections 4321 et seq., the Rivers and Harbors Act of 1899, 33 U.S.C. Sections 401 et seq., and other applicable federal laws. For this purpose, all members of the ACT Basin Commission, including the Federal Commissioner, shall have full rights to notice of and participation in all meetings of the ACT Basin Commission and technical committees in which the basis and terms and conditions of the allocation formula are to be discussed or negotiated. When an allocation formula is unanimously approved by the State Commissioners, there shall be an agreement among the states regarding an allocation formula. The allocation formula thus agreed upon shall become effective and binding upon the parties to this Compact upon receipt by the Commission of a letter of concurrence with said formula from the Federal Commissioner. If, however, the Federal Commissioner fails to submit a letter of concurrence to the Commission within two hundred ten (210) days after the allocation formula is agreed upon by the State Commissioners, the Federal Commissioner shall within forty-five (45) days thereafter submit to the ACT Basin Commission a letter of nonconcurrence with the allocation formula setting forth therein specifically and in detail the reasons for nonconcurrence; provided, however, the reasons for nonconcurrence as contained in the letter of nonconcurrence shall be based solely upon federal law. The allocation formula shall also become effective and binding upon the parties to this Compact if the Federal Commissioner fails to submit to the ACT Basin Commission a letter of nonconcurrence in accordance with this Article. Once adopted pursuant to this Article, the allocation formula may only be modified by unanimous decision of the State Commissioners and the concurrence by the Federal Commissioner in accordance with the procedures set forth in this Article.

"(b) The parties to this Compact recognize that the United States operates certain projects within the ACT Basin that may influence the water resources within the ACT Basin. The parties to this Compact further acknowledge and recognize that various agencies of the United States have responsibilities for administering certain federal laws and exercising certain federal powers that may influence the water resources within the ACT Basin. It is the intent of the parties to this Compact, including the United States, to achieve compliance with the allocation formula adopted in accordance with this Article. Accordingly, once an allocation formula is adopted, each and every officer, agency, and instrumentality of the United States shall have an obligation and duty, to the maximum extent practicable, to exercise their powers, authority, and discretion in a manner consistent with the allocation formula so long as the exercise of such powers, authority, and discretion is not in conflict with federal law.

"(c) Between the effective date of this Compact and the approval of the allocation formula under this Article, the signatories to this Compact agree that any person who is withdrawing, diverting, or consuming water resources of the

ACT Basin as of the effective date of this Compact, may continue to withdraw, divert or consume such water resources in accordance with the laws of the state where such person resides or does business and in accordance with applicable federal laws. The parties to this Compact further agree that any such person may increase the amount of water resources withdrawn, diverted or consumed to satisfy reasonable increases in the demand of such person for water between the effective date of this Compact and the date on which an allocation formula is approved by the ACT Basin Commission as permitted by applicable law. Each of the state parties to this Compact further agree to provide written notice to each of the other parties to this Compact in the event any person increases the withdrawal, diversion or consumption of such water resources by more than 10 million gallons per day on an average annual daily basis, or in the event any person, who was not withdrawing, diverting or consuming any water resources from the ACT Basin as of the effective date of this Compact, seeks to withdraw, divert or consume more than one million gallons per day on an average annual daily basis from such resources. This Article shall not be construed as granting any permanent, vested or perpetual rights to the amounts of water used between January 3, 1992 and the date on which the Commission adopts an allocation formula.

"(d) As the owner, operator, licensor, permitting authority or regulator of a water resource facility under its jurisdiction, each state shall be responsible for using its best efforts to achieve compliance with the allocation formula adopted pursuant to this Article. Each such state agrees to take such actions as may be necessary to achieve compliance with the allocation formula.

"(e) This Compact shall not commit any state to agree to any data generated by any study or commit any state to any allocation formula not acceptable to such state.

"ARTICLE VIII

"CONDITIONS RESULTING IN TERMINATION OF THE COMPACT

"(a) This Compact shall be terminated and thereby be void and of no further force and effect if any of the following events occur:

"(1) The legislatures of the states of Alabama and Georgia each agree by general laws enacted by each state within any three consecutive years that this Compact should be terminated.

"(2) The United States Congress enacts a law expressly repealing this Compact.

"(3) The States of Alabama and Georgia fail to agree on an equitable apportionment of the surface waters of the ACT as provided in Article VII(a) of this Compact by December 31, 1998, unless the voting members of the ACT Basin Commission unanimously agree to extend this deadline.

"(4) The Federal Commissioner submits to the Commission a letter of nonconcurrence in the initial allocation formula in accordance with Article VII(a) of the Compact, unless the voting members of the ACT Basin Commission unanimously agree to allow a single 45 day period in which the non-voting Federal Commissioner and the voting State Commissioners may renegotiate an allocation formula and the Federal Commissioner withdraws the letter of nonconcurrence upon completion of this renegotiation.

"(b) If the Compact is terminated in accordance with this Article it shall be of no further force and effect and shall not be the subject of any proceeding for the enforcement thereof in any federal or state court. Further, if so terminated, no party shall be deemed to have acquired a specific right to any quantity of water because it has become a signatory to this Compact.

"ARTICLE IX

"COMPLETION OF STUDIES PENDING ADOPTION OF ALLOCATION FORMULA

"The ACT Basin Commission, in conjunction with one or more interstate, federal, state or local agencies, is hereby authorized to participate in any study in process as of the effective date of this Compact, including, without limitation, all or any part of the Alabama-Coosa-Tallapoosa/ Apalachicola-Chattahoochee-Flint River Basin Comprehensive Water Resource Study, as may be determined by the Commission in its sole discretion.

"ARTICLE X

"RELATIONSHIP TO OTHER LAWS

"(a) It is the intent of the party states and of the United States Congress by ratifying this Compact, that all state and federal officials enforcing, implementing or administering other state and federal laws affecting the ACT Basin shall, to the maximum extent practicable, enforce, implement or administer those laws in furtherance of the purposes of this Compact and the allocation formula adopted by the Commission insofar as such actions are not in conflict with applicable federal laws.

"(b) Nothing contained in this Compact shall be deemed to restrict the executive powers of the President in the event of a national emergency.

"(c) Nothing contained in this Compact shall impair or affect the constitutional authority of the United States or any of its powers, rights, functions or jurisdiction under other existing or future laws in and over the area or waters which are the subject of the Compact, including projects of the Commission, nor shall any act of the Commission have the effect of repealing, modifying or amending any federal law. All officers, agencies and instrumentalities of the United States shall exercise their powers and authority over water resources in the ACT Basin and water resource facilities, and to the maximum extent practicable, shall exercise their discretion in carrying out their responsibilities, powers, and authorities over water resources in the ACT Basin and water resource facilities in the ACT Basin in a manner consistent with and that effectuates the allocation formula developed pursuant to this Compact or any modification of the allocation formula so long as the actions are not in conflict with any applicable federal law. The United States Army Corps of Engineers, or its successors, and all other federal agencies and instrumentalities shall cooperate with the ACT Basin Commission in accomplishing the purposes of the Compact and fulfilling the obligations of each of the parties to the Compact regarding the allocation formula.

"(d) Once adopted by the two states and ratified by the United States Congress, this Compact shall have the full force and effect of federal law, and shall supersede state and local laws operating contrary to the provisions herein or the purposes of this Compact; provided, however, nothing contained in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective signatory states relating to water quality, and riparian rights as among persons exclusively within each state.

"ARTICLE XI

"PUBLIC PARTICIPATION

"All meetings of the Commission shall be open to the public. The signatory parties recognize the importance and necessity of public participation in activities of the Commission, including the development and adoption of the initial allocation formula and any modification thereto. Prior to the adoption of the initial allocation formula, the Commission shall adopt procedures ensuring public participation in the development, review, and approval of the initial allocation formula and any subsequent modification thereto. At a minimum, public notice to interested parties and a comment period shall be provided. The Commission shall respond in writing to relevant comments.

"ARTICLE XII

"FUNDING AND EXPENSES OF THE COMMISSION

"Commissioners shall serve without compensation from the ACT Basin Commission. All general operational funding required by the Commission and agreed to by the voting members shall obligate each state to pay an equal share of such agreed upon funding. Funds remitted to the Commission by a state in payment of such obligation shall not lapse; provided, however, that if any state fails to remit payment within 90 days after payment is due, such obligation shall terminate and any state which has made payment may have such payment returned. Costs of attendance and participation at meetings of the Commission by the Federal Commissioner shall be paid by the United States.

"ARTICLE XIII

"DISPUTE RESOLUTION

"(a) In the event of a dispute between the voting members of this Compact involving a claim relating to compliance with the allocation formula adopted by the Commission under this Compact, the following procedures shall govern:

"(1) Notice of claim shall be filed with the Commission by a voting member of this Compact and served upon each member of the Commission. The notice shall provide a written statement of the claim, including a brief narrative of the relevant matters supporting the claimant's position.

"(2) Within twenty (20) days of the Commission's receipt of a written statement of a claim, the party or parties to the Compact against whom the complaint is made may prepare a brief narrative of the relevant matters and file it with the Commission and serve it upon each member of the Commission.

"(3) Upon receipt of a claim and any response or responses thereto, the Commission shall convene as soon as reasonably practicable, but in no event later than twenty (20) days from receipt of any response to the claim, and shall determine if a resolution of the dispute is possible.

"(4) A resolution of a dispute under this Article through unanimous vote of the State Commissioners shall be binding upon the state parties and any state party determined to be in violation of the allocation formula shall correct such violation without delay.

"(5) If the Commission is unable to resolve the dispute within 10 days from the date of the meeting convened pursuant to subparagraph (a)(3) of this Article, the Commission shall select, by unanimous decision of the voting members of the Commission, an independent mediator to conduct a non-binding mediation of the dispute. The mediator shall not be a resident or domiciliary of any member state, shall not be an employee or agent of any member of the Commission, shall be a person knowledgeable in water resource management issues, and shall disclose any and all current or prior contractual or other relations to any member of the Commission. The expenses of the mediator shall be paid by the Commission. If the mediator becomes unwilling or unable to serve, the Commission by unanimous decision of the voting members of the Commission, shall appoint another independent mediator.

"(6) If the Commission fails to appoint an independent mediator to conduct a non-binding mediation of the dispute within seventy-five (75) days of the filing of the original claim or within thirty (30) days of the date on which the Commission learns that a mediator is unwilling or unable to serve, the party submitting the claim

shall have no further obligation to bring the claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

"(7) If an independent mediator is selected, the mediator shall establish the time and location for the mediation session or sessions and may request that each party to the Compact submit, in writing, to the mediator a statement of its position regarding the issue or issues in dispute. Such statements shall not be exchanged by the parties except upon the unanimous agreement of the parties to the mediation.

"(8) The mediator shall not divulge confidential information disclosed to the mediator by the parties or by witnesses, if any, in the course of the mediation. All records, reports, or other documents received by a mediator while serving as a mediator shall be considered confidential. The mediator shall not be compelled in any adversary proceeding or judicial forum to divulge the contents of such documents or the fact that such documents exist or to testify in regard to the mediation.

"(9) Each party to the mediation shall maintain the confidentiality of the information received during the mediation and shall not rely on or introduce in any judicial proceeding as evidence:

"a. Views expressed or suggestions made by another party regarding a settlement of the dispute;

"b. Proposals made or views expressed by the mediator; or

"c. The fact that another party to the hearing had or had not indicated a willingness to accept a proposal for settlement of the dispute.

"(10) The mediator may terminate the nonbinding mediation session or sessions whenever, in the judgment of the mediator, further efforts to resolve the dispute would not lead to a resolution of the dispute between or among the parties. Any party to the dispute may terminate the mediation process at any time by giving written notification to the mediator and the Commission. If terminated prior to reaching a resolution, the party submitting the original claim to the Commission shall have no further obligation to bring its claim before the Commission and may proceed by pursuing any appropriate remedies, including any and all judicial remedies.

"(11) The mediator shall have no authority to require the parties to enter into a settlement of any dispute regarding the Compact. The mediator may simply attempt to assist the parties in reaching a mutually acceptable resolution of their dispute. The mediator is authorized to conduct joint and separate meetings with the parties to the mediation and to make oral or written recommendations for a settlement of the dispute.

"(12) At any time during the mediation process, the Commission is encouraged to take whatever steps it deems necessary to assist the mediator or the parties to resolve the dispute.

"(13) In the event of a proceeding seeking enforcement of the allocation formula, this Compact creates a cause of action solely for equitable relief. No action for money damages may be maintained. The party or parties alleging a violation of the Compact shall have the burden of proof.

"(b) In the event of a dispute between any voting member and the United States relating to a state's noncompliance with the allocation formula as a result of actions or a refusal to act by officers, agencies or instrumentalities of the United States, the provisions set forth in paragraph (a) of this Article (other than the provisions of subparagraph (a)(4)) shall apply.

"(c) The United States may initiate dispute resolution under paragraph (a) in the same manner as other parties to this Compact.

"(d) Any signatory party who is affected by any action of the Commission, other than the adoption or enforcement of or compliance with the allocation formula, may file a complaint before the ACT Basin Commission seeking to enforce any provision of this Compact.

"(1) The Commission shall refer the dispute to an independent hearing officer or mediator, to conduct a hearing or mediation of the dispute. If the parties are unable to settle their dispute through mediation, a hearing shall be held by the Commission or its designated hearing officer. Following a hearing conducted by a hearing officer, the hearing officer shall submit a report to the Commission setting forth findings of fact and conclusions of law, and making recommendations to the Commission for the resolution of the dispute.

"(2) The Commission may adopt or modify the recommendations of the hearing officer within 60 days of submittal of the report. If the Commission is unable to reach unanimous agreement on the resolution of the dispute within 60 days of submittal of the report with the concurrence of the Federal Commissioner in disputes involving or affecting federal interests, the affected party may file an action in any court of competent jurisdiction to enforce the provisions of this Compact. The hearing officer's report shall be of no force and effect and shall not be admissible as evidence in any further proceedings.

"(e) All actions under this Article shall be subject to the following provisions:

"(1) The Commission shall adopt guidelines and procedures for the appointment of hearing officers or independent mediators to conduct all hearings and mediations required under this Article. The hearing officer or mediator appointed under this Article shall be compensated by the Commission.

"(2) All hearings or mediations conducted under this article may be conducted utilizing the Federal Administrative Procedures Act, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence. The Commission may also choose to adopt some or all of its own procedural and evidentiary rules for the conduct of hearings or mediations under this Compact.

"(3) Any action brought under this Article shall be limited to equitable relief only. This Compact shall not give rise to a cause of action for money damages.

"(4) Any signatory party bringing an action before the Commission under this Article shall have the burdens of proof and persuasion.

"ARTICLE XIV

"ENFORCEMENT

"The Commission may, upon unanimous decision, bring an action against any person to enforce any provision of this Compact, other than the adoption or enforcement of or compliance with the allocation formula, in any court of competent jurisdiction.

"ARTICLE XV

"IMPACTS ON OTHER STREAM SYSTEMS

"This Compact shall not be construed as establishing any general principle or precedent applicable to any other interstate streams.

"ARTICLE XVI

"IMPACT OF COMPACT ON USE OF WATER WITHIN THE BOUNDARIES OF THE COMPACTING STATES

"The provisions of this Compact shall not interfere with the right or power of any state to regulate the use and control of water within the boundaries of the state, providing such state action is not inconsistent with the allocation formula.

"ARTICLE XVII

"AGREEMENT REGARDING WATER QUALITY

"(a) The States of Alabama and Georgia mutually agree to the principle of individual State efforts to control man-made water pollution from sources located and operating within each State and to the continuing support of each State in active water pollution control programs.

"(b) The States of Alabama and Georgia agree to cooperate, through their appropriate State agencies, in the investigation, abatement, and control of sources of alleged interstate pollution within the ACT River Basin whenever such sources are called to their attention by the Commission.

"(c) The States of Alabama and Georgia agree to cooperate in maintaining the quality of the waters of the ACT River Basin.

"(d) The States of Alabama and Georgia agree that no State may require another state to provide water for the purpose of water quality control as a substitute for or in lieu of adequate waste treatment.

"ARTICLE XVIII

"EFFECT OF OVER OR UNDER DELIVERIES UNDER THE COMPACT

"No state shall acquire any right or expectation to the use of water because of any other state's failure to use the full amount of water allocated to it under this Compact.

"ARTICLE XIX

"SEVERABILITY

"If any portion of this Compact is held invalid for any reason, the remaining portions, to the fullest extent possible, shall be severed from the void portion and given the fullest possible force, effect, and application.

"ARTICLE XX

"NOTICE AND FORMS OF SIGNATURE

"Notice of ratification of this Compact by the legislature of each state shall promptly be given by the Governor of the ratifying state to the Governor of the other participating state. When the two state legislatures have ratified the Compact, notice of their mutual ratification shall be forwarded to the Congressional delegation of the signatory states for submission to the Congress of the United States for ratification. When the Compact is ratified by the Congress of the United States, the President, upon signing the federal ratification legislation, shall promptly notify the Governors of the participating states and appoint the Federal Commissioner. The Compact shall be signed by all three Commissioners as their first order of business at their first meeting and shall be filed of record in the party states.".

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the compact consented to by this Act shall not be affected by any insubstantial difference in its form or language as adopted by the States.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved.

SEC. 4. RESERVATIONS.

To ensure participation of Federal agencies during the development of the allocation formula and participation in all technical working groups and meetings in which the terms and conditions of the allocation formula are negotiated and to preserve Federal discretion under law, the consent of Congress to, and participation of the United States in, the Alabama-Coosa-Tallapoosa River Basin Compact, is subject to the following conditions and reservations:

(1) Representatives of any Federal agency may attend any and all meetings of the Commission.

(2) Upon the request of the Federal Commissioner, representatives of any Federal agency may participate in any meetings of technical committees, if any, of the Commission at which the basis or terms and conditions of the allocation formula or modifications to the allocation formula are to be discussed or negotiated.

(3) The Federal Commissioner shall be given notice of any meeting of the Commission or any meeting of technical committees, if any, of the Commission at which compliance with the allocation formula by one or more officers, agencies, or instrumentalities of the United States is to be discussed.

(4) Under the provisions of Article VII(a), the Federal Commissioner may submit a letter of concurrence with the allocation formula unanimously adopted by the State Commissioners within 255 days of such adoption.

(5) No mediator shall be selected under Article XIII(b) or Article XIII(c) without the concurrence of the Federal Commissioner and no resolution of a dispute under Article XIII(c) shall be made binding on the United States without the concurrence of the Federal Commissioner.

(6) The obligations of employees, agencies, and instrumentalities of the United States pursuant to Articles VII(b), X(a), and X(c) to exercise their discretion, to the maximum extent practicable, in a manner consistent with the allocation formula shall not be construed to interfere with the ability of such employees, agencies, and instrumentalities to take actions during emergency situations.

(7) As among water right holders within any one State, nothing in this Compact shall be construed as affecting or intending to affect or in any way to interfere with the laws of the respective signatory States relating to riparian rights of the United States in and to the waters of the Alabama-Coosa-Tallapoosa River Basin.

SEC. 5. EFFECTUATION.

(a) FEDERAL AGENCY AUTHORITY.—To carry out the purposes of this Compact, Federal agencies are authorized, as they may deem appropriate—

(1) to engage in cooperative relationships with the Commission;

(2) to conduct studies and monitoring programs in cooperation with the Commission;

(3) to enter into agreements to indemnify private landowners against liability that may arise from studies and monitoring programs undertaken in cooperation with the Commission; and

(4) to furnish assistance, including the provision of services, facilities, and personnel, to the Federal Commissioner.

(b) APPROPRIATIONS.—Appropriations are authorized as necessary for implementing the Compact, including appropriations for carrying out the functions of the Federal Commissioner and alternates and for employment of personnel by the Federal Commissioner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] and the gentleman from New York [Mr. NADLER], each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

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GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. GEKAS]?

There was no objection.

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

Mr. Speaker, just as we outlined in the previous matter, the Constitution provides that two or more States entering into agreements cannot finalize those agreements without the consent of the Congress. A similar situation has arisen in the States of Alabama and Georgia with respect to certain rights that they each claim and benefits that each would derive from an agreement. And, therefore, the two States finally entered into an agreement concerning the Alabama Coosa-Tallapoosa River Basin Commission. They developed a formula with which they can all live comfortably, and they come to the Congress for approval of the compact. Hence, our posture here today.

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

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

Mr. Speaker, like the last measure that we just debated a few moments ago, this measure, which passed the Committee on the Judiciary unanimously, has the support of all the Members on both sides of the aisle on that committee. Again, the chairman has done a fine job of explaining it, and I am not going to repeat it.

Again, this bill has support of both States involved in the compact, of their entire congressional delegations of both parties, and of the administration. It protects the discretion of the Federal agencies to enforce the Federal laws that they have to enforce. And, therefore, there is no reason we should not grant our approval under article 1 to the two States' interstate compact.

I support this legislation. I urge my colleagues to do so.

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

Mr. GEKAS. Mr. Speaker, I have no speakers on our side of the aisle, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, as chairman of the Transportation and Infrastructure Committee, I rise to address provisions in House Joint Resolution 91, a joint resolution granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River basin compact and House Joint Resolution 92, a joint resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River basin compact.

I commend the Speaker, members of the Judiciary Committee, and Representatives of the States of Alabama, Florida, and Georgia and the Federal agencies involved. These two resolutions, and the underlying compacts, have a long history of conflict and cooperation. I understand the final text before us is the result of much compromise.

Because of its jurisdiction over the U.S. Army Corps of Engineers' water resources program, as well as the Clean Water Act, the Transportation and Infrastructure Committee has a significant interest in the joint resolutions, the interstate compacts and the development and implementation of the allocation formulas. In fact, in 1988 the committee's Subcommittee on Water Resources held hearings in Georgia and Florida on the water allocation issues these compacts are attempting to solve.

Perhaps at the heart of this debate among three States and two river basins is the management of Federal reservoirs. For example, proposed reallocation of storage water from corps' reservoirs in Georgia prompted litigation in 1990 which also lead in part to a memorandum of agreement among the States in 1992.

Today, and certainly into the future, the Corps of Engineers will be a critical player in determining the success of the compacts and their resulting water allocation formulas. It is my understanding the Judiciary Committee amended the introduced joint resolutions specifically to address outstanding concerns of the Corps of Engineers and the Department of Justice. One of the amendments is intended to preserve Federal discretion to comply with and enforce other congressional directives and authorities—such as project authorities contained in water resources development acts.

I recognize there is a delicate balance between Federal and State rights and responsibilities regarding water allocations in the two basin compacts. I expect our committee will be in a position to oversee and investigate the implementation of House Joint Resolution 91 and House Joint Resolution 92, particularly the efforts of Federal agencies to respect that delicate balance as we turn our attention to a water resources development act of 1998 and to future hearings and bills involving the Corps of Engineers.

Mr. Speaker, I commend you for your leadership on these joint resolutions and look forward to working with you and others on their implementation.

Mr. CALLAHAN. Mr. Speaker, I rise today to speak briefly in support of House Joint Resolution 92, a joint resolution endorsing the Alabama-Coosa-Tallapoosa [ACT] River Basin Compact and House Joint Resolution 91, a bill to implement the Apalachicola-Chattahoochee-Flint [ACF] River Basin Compact. The rivers of the ACT and ACF basins originate in northern Georgia and terminate in Mobile Bay in my congressional district in southern Alabama and Florida respectively. In recent years, the areas along these waterways have continued to grow, adding demands on the water systems from increased drinking water needs, flood control projects, hydropower and navigational demands, fish and wildlife conservation, and recreation.

In an effort to ensure a fair system for allocating the supply of water in both Georgia, Florida, and Alabama, the three States have entered into agreements between themselves and the Federal Government to provide a framework for the future determination of allocation formulas which meet the various demands placed on these systems. These joint resolutions are necessary to give congressional consent to the States' compacts.

I would like to take a moment to commend the offices of Gov. Fob James of Alabama, Gov. Zell Miller of Georgia, and Gov. Lawton Chiles of Florida for their dedication to resolving outstanding issues between the States and the appropriate Federal agencies. I would also like to thank Alabama's chief negotiator during these deliberations, Walter Stevenson of the Alabama Department of Economic and Community Affairs.

I would like to remind my colleagues, as the sponsor of House Joint Resolution 92 and a

cosponsor of House Joint Resolution 91, these bills have strong support from the States and near unanimous support from the congressional delegations of Georgia, Florida, and Alabama. House Joint Resolution 91 and House Joint Resolution 92 represent a tremendous step forward in establishing a process to fairly allocate the waters of the ACT and ACF basins between the States of Georgia and Alabama. This legislation, and the cooperative Federal-State negotiations upon which they are based, should be seen as a model for all similar conflict resolutions.

I thank the Speaker for yielding me this time and encourage all my colleagues to support this legislation.

Mr. BARR of Georgia. Mr. Speaker, I want to begin by thanking Mr. HYDE and Mr. GEKAS of the Judiciary Committee and their staff for diligently working with me to bring this legislation to the floor. I would also like to commend the Governors and legislators of the three States involved—Georgia, Alabama, and Florida—as well as the Clinton administration, for tirelessly working to find the appropriate middle ground that has allowed us to move forward with this Federal enacting legislation.

I would like to make a brief statement about the importance of these two pieces of legislation, House Joint Resolutions 91 and 92. Although the language in House Joint Resolution 91 and House Joint Resolution 92 does not set forth the actual water allocations, these bills are vital to the water flow in this tristate region. House Joint Resolutions 91 and 92 will simply lay out the process by which the States, with the approval of the administration, will negotiate the final water allocation formulas.

Without the timely passage of these bills, many months of hard negotiations between the States and administration, and the legislative efforts of three States and their Governors would have been lost. It is important to point out that without Federal action by the end of the current year the legislation before us would have been void, and with so few legislative days remaining in this session I am glad to see this legislation pass the House.

Again, all the parties involved are in agreement with the legislation and ready to move forward. It is my hope that Congress will now lend its approval to these proposals and pass House Joint Resolutions 91 and 92.

Mr. EVERETT. Mr. Speaker, I rise in support of House Joint Resolution 92, a resolution to provide congressional approval of the interstate compact between Alabama and Georgia. Both of these States have worked hard in arriving at a water resource sharing solution that benefits each State. This resolution simply endorses this agreement.

The combined partnership will enhance water quality, deliver water allocations in a responsible manner, and promote interstate commerce. It has always been my belief that locally derived solutions and cooperation regarding the allocation of valuable resources, such as the Alabama-Coosa-Tallapoosa River, makes far better sense than a solution derived in Washington. I support House Joint Resolution 92 and encourage my colleagues to do the same.

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

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, House Joint Resolution 92, as amended.

The question was taken.

Mr. NADLER. 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 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.

COMMERCIAL SPACE ACT OF 1997

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1702) to encourage the development of a commercial space industry in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1702

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 "Commercial Space Act of 1997".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

Sec. 101. Commercialization of space station.
Sec. 102. Commercial space launch amendments.
Sec. 103. Launch voucher demonstration program.
Sec. 104. Promotion of United States Global Positioning System standards.
Sec. 105. Acquisition of space science data.
Sec. 106. Administration of Commercial Space Centers.

TITLE II—REMOTE SENSING

Sec. 201. Land Remote Sensing Policy Act of 1992 amendments.
Sec. 202. Acquisition of earth science data.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

Sec. 301. Requirement to procure commercial space transportation services.
Sec. 302. Acquisition of commercial space transportation services.
Sec. 303. Launch Services Purchase Act of 1990 amendments.
Sec. 304. Shuttle privatization.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term "payload" means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload;

(4) the term "space-related activities" includes research and development, manufacturing, processing, service, and other associated and support activities;

(5) the term "space transportation services" means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term "space transportation vehicle" means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers, to companies described in subparagraph (A) with respect to local investment opportunities, that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

SEC. 101. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic

development of Earth orbital space. The Congress further declares that the use of free market principles in operating, servicing, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) REPORTS.—(1) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 90 days after the date of the enactment of this Act, a study that identifies and examines—

(A) the opportunities for commercial providers to play a role in International Space Station activities, including operation, use, servicing, and augmentation;

(B) the potential cost savings to be derived from commercial providers playing a role in each of these activities;

(C) which of the opportunities described in subparagraph (A) the Administrator plans to make available to commercial providers in fiscal year 1998 and 1999;

(D) the specific policies and initiatives the Administrator is advancing to encourage and facilitate these commercial opportunities; and

(E) the revenues and cost reimbursements to the Federal Government from commercial users of the Space Station.

(2) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, an independently-conducted market study that examines and evaluates potential industry interest in providing commercial goods and services for the operation, servicing, and augmentation of the International Space Station, and in the commercial use of the International Space Station. This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1) based on the external market assessment.

(3) The Administrator shall deliver to the Congress, no later than the submission of the President's annual budget request for fiscal year 1999, a report detailing how many proposals (whether solicited or not) the National Aeronautics and Space Administration received during calendar year 1997 regarding commercial operation, servicing, utilization, or augmentation of the International Space Station, broken down by each of these four categories, and specifying how many agreements the National Aeronautics and Space Administration has entered into in response to these proposals, also broken down by these four categories.

(4) Each of the studies and reports required by paragraphs (1), (2), and (3) shall include consideration of the potential role of State governments as brokers in promoting commercial participation in the International Space Station program.

SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

and

(D) by adding at the end the following new items:

"70120. Regulations.
"70121. Report to Congress.".

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting ", reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "conduct of commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) in paragraph (3)—

(i) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth";

(ii) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a comma; and

(iii) by adding after subparagraph (C) the following:

"including activities involved in the preparation of a launch vehicle or payload for launch, when those activities take place at a launch site in the United States.";

(B) in paragraph (5)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(ii) by inserting before subparagraph (B), as so redesignated by clause (i) of this subparagraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;";

(C) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(D) by redesignating paragraphs (10), (11), and (12) as paragraphs (14), (15), and (16), respectively;

(E) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space to Earth, substantially intact."; and

(F) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (D) of this paragraph;

(4) in section 70103(b)—

(A) by inserting "AND REENTRIES" after "LAUNCHES" in the subsection heading;

(B) by inserting "and reentries" after "commercial space launches" in paragraph (1); and

(C) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

(C) by adding at the end of subsection (a) the following: "The Secretary shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 30 days after any occurrence when a license is not issued within the deadline established by this subsection.

"(2) In carrying out paragraph (1), the Secretary may establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(D) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1);

(E) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(F) by striking "and" at the end of subsection (b)(2)(B);

(G) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and";

(H) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

(I) by inserting ", including the requirement to obtain a license," after "waive a requirement" in subsection (b)(3);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(D) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(E) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(F) by inserting after subsection (b)(2) the following new paragraph:

"(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.";

(G) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(H) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) in subsection (a)(1), by inserting "launch or reentry" after "(1) When a";

(B) by inserting "or reentry" after "one launch" in subsection (a)(3);

(C) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(D) in subsection (b)(1), by inserting "launch or reentry" after "(1) A";

(E) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(F) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(G) by striking ", Space, and Technology" in subsection (d)(1);

(H) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e);

(I) by inserting "or reentry site or a reentry" after "launch site" in subsection (e); and

(J) in subsection (f), by inserting "launch or reentry" after "carried out under a";

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears;

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) by amending subsection (f) to read as follows:

"(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports, except that payloads launched pursuant to foreign trade zone procedures as provided for under the Foreign Trade Zones Act (19 U.S.C. 81a–81u) shall be considered exports with regard to customs entry."; and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2); and

(16) by adding at the end the following new sections:

"§ 70120. Regulations

"(a) IN GENERAL.—The Secretary of Transportation, within 9 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

"(1) guidelines for industry and State governments to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to launch a commercial launch vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch;

"(4) procedures for requesting and obtaining launch site operator licenses; and

"(5) procedures for the application of government indemnification.

"(b) REENTRY.—The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue a notice of proposed rulemaking to carry out this chapter that includes—

"(1) procedures for requesting and obtaining licenses to reenter a reentry vehicle;

"(2) procedures for requesting and obtaining operator licenses for reentry; and

"(3) procedures for requesting and obtaining reentry site operator licenses.

"§ 70121. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(6)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(6)(H).

SEC. 103. LAUNCH VOUCHER DEMONSTRATION PROGRAM.

Section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803) is amended—

(1) in subsection (a)—

(A) by striking "the Office of Commercial Programs within"; and

(B) by striking "Such program shall not be effective after September 30, 1995.";

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 104. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.

(a) FINDING.—The Congress finds that the Global Positioning System, including satellites, signal equipment, ground stations, data links, and associated command and control facilities, has become an essential element in civil, scientific, and military space development because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services.

(b) INTERNATIONAL COOPERATION.—In order to support and sustain the Global Positioning System in a manner that will most effectively contribute to the national security, public safety, scientific, and economic interests of the United States, the Congress encourages the President to—

(1) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees; and

(2) enter into international agreements that promote cooperation with foreign governments and international organizations to—

(A) establish the Global Positioning System and its augmentations as an acceptable international standard; and

(B) eliminate any foreign barriers to applications of the Global Positioning System worldwide.

SEC. 105. ACQUISITION OF SPACE SCIENCE DATA.

(a) ACQUISITION FROM COMMERCIAL PROVIDERS.—In order to satisfy the scientific requirements of the National Aeronautics and Space Administration, and where practicable of other Federal agencies and scientific researchers, the Administrator shall to the

maximum extent possible acquire, where cost effective, space science data from a commercial provider.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) DEFINITION.—For purposes of this section, the term "space science data" includes scientific data concerning the elemental and mineralogical resources of the moon, asteroids, planets and their moons, and comets, microgravity acceleration, and solar storm monitoring.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) LIMITATION.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

SEC. 106. ADMINISTRATION OF COMMERCIAL SPACE CENTERS.

The Administrator shall administer the Commercial Space Center program in a coordinated manner from National Aeronautics and Space Administration headquarters.

TITLE II—REMOTE SENSING

SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992 AMENDMENTS.

(a) FINDINGS.—The Congress finds that—

(1) a robust domestic United States industry in high resolution Earth remote sensing is in the economic, employment, technological, scientific, and national security interests of the United States;

(2) to secure its national interests the United States must nurture a commercial remote sensing industry that leads the world;

(3) the Federal Government must provide policy and regulations that promote a stable business environment for that industry to succeed and fulfill the national interest;

(4) it is the responsibility of the Federal Government to create domestic and international conditions favorable to the health and growth of the United States commercial remote sensing industry; and

(5) it is a fundamental goal of United States policy to support and enhance United States industrial competitiveness in the field of remote sensing, while at the same time protecting the national security concerns and international obligations of the United States.

(b) AMENDMENTS.—The Land Remote Sensing Policy Act of 1992 is amended—

(1) in section 2 (15 U.S.C. 5601)—

(A) by amending paragraph (5) to read as follows:

"(5) Commercialization of land remote sensing is a near-term goal, and should remain a long-term goal, of United States policy.";

(B) by striking paragraph (6) and redesignating paragraphs (7) through (16) as paragraphs (6) through (15), respectively;

(C) in paragraph (11), as so redesignated by subparagraph (B) of this paragraph, by striking "determining the design" and all that follows through "international consortium" and inserting in lieu thereof "ensuring the continuity of Landsat quality data"; and

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

"(16) The United States should encourage remote sensing systems to promote access to land remote sensing data by scientific researchers and educators.";

(2) in section 101 (15 U.S.C. 5611)—

(A) in subsection (c)—

(i) by inserting "and" at the end of paragraph (6);

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (e)(1)—

(i) by inserting "and" at the end of subparagraph (A);

(ii) by striking ", and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(iii) by striking subparagraph (C);

(3) in section 201 (15 U.S.C. 5621)—

(A) by inserting "(1)" after "NATIONAL SECURITY.—" in subsection (b);

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

(i) by striking "No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply" and inserting in lieu thereof "The Secretary shall grant a license if the Secretary determines that the activities proposed in the application are consistent"; and

(ii) by inserting ", and that the applicant has provided assurances adequate to indicate, in combination with other information available to the Secretary that is relevant to activities proposed in the application, that the applicant will comply with all terms of the license" after "concerns of the United States";

(C) by adding at the end of subsection (b) the following new paragraph:

"(2) The Secretary, within 6 months after the date of the enactment of the Commercial Space Act of 1997, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this title. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.";

(D) in subsection (c), by amending the second sentence thereof to read as follows: "If the Secretary has not granted the license within such 120-day period, the Secretary shall inform the applicant, within such period, of any pending issues and actions required to be carried out by the applicant or the Secretary in order to result in the granting of a license."; and

(E) in subsection (e)(2)(B), by striking "and the importance of promoting widespread access to remote sensing data from United States and foreign systems";

(4) in section 202 (15 U.S.C. 5622)—

(A) by striking "section 506" in subsection (b)(1) and inserting in lieu thereof "section 507";

(B) in subsection (b)(2), by striking "as soon as such data are available and on reasonable terms and conditions" and inserting in lieu thereof "on reasonable terms and conditions, including the provision of such data in a timely manner subject to United States national security and foreign policy interests";

(C) in subsection (b)(6), by striking "any agreement" and all that follows through "nations or entities" and inserting in lieu thereof "any significant or substantial agreement with new foreign customers"; and

(D) by inserting after paragraph (6) of subsection (b) the following:

"The Secretary may not seek to enjoin a company from entering into a foreign agreement the Secretary receives notification of under paragraph (6) unless the Secretary has, within 30 days after receipt of such notification, transmitted to the licensee a statement that such agreement is inconsistent with the national security or international obligations of the United States, including an explanation of such inconsistency.";

(5) in section 203(a)(2) (15 U.S.C. 5623(a)(2)), by striking "under this title and" and inserting in lieu thereof "under this title and/or";

(6) in section 204 (15 U.S.C. 5624), by striking "may" and inserting in lieu thereof "shall";

(7) in section 205(c) (15 U.S.C. 5625(c)), by striking "if such remote sensing space system is licensed by the Secretary before commencing operation" and inserting in lieu thereof "if such private remote sensing space system will be licensed by the Secretary before commencing its commercial operation";

(8) by adding at the end of title II the following new section:

"SEC. 206. NOTIFICATION.

"(a) LIMITATIONS ON LICENSEE.—Not later than 30 days after a determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations imposed on the licensee, and the period during which such limitations apply.

"(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Not later than 30 days after an action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 202(b) or section 203(a)(2), the Secretary shall provide written notification to Congress of such action and the reasons therefor.";

(9) in section 301 (15 U.S.C. 5631)—

(A) by inserting ", that are not being commercially developed" after "and its environment" in subsection (a)(2)(B); and

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

"(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVITIES.—The Federal Government shall not undertake activities under this section which duplicate activities available from the United States commercial sector, unless such activities would result in significant cost savings to the Federal Government, or are necessary for reasons of national security or international obligations.";

(10) in section 302 (15 U.S.C. 5632)—

(A) by striking "(a) GENERAL RULE.—";

(B) by striking ", including unenhanced data gathered under the technology demonstration program carried out pursuant to section 303," and inserting in lieu thereof "that is not otherwise available from the commercial sector"; and

(C) by striking subsection (b);

(11) by repealing section 303 (15 U.S.C. 5633);

(12) in section 401(b)(3) (15 U.S.C. 5641(b)(3)), by striking ", including any such enhancements developed under the technology demonstration program under section 303,";

(13) in section 501(a) (15 U.S.C. 5651(a)), by striking "section 506" and inserting in lieu thereof "section 507";

(14) in section 502(c)(7) (15 U.S.C. 5652(c)(7)), by striking "section 506" and inserting in lieu thereof "section 507"; and

(15) in section 507 (15 U.S.C. 5657)—

(A) by amending subsection (a) to read as follows:

"(a) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under title II affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States, and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary to review a completed application, the Secretary of Defense shall notify the Secretary and the licensee of, and describe in appropriate detail, any specific national security concerns of the United States that the Secretary of Defense determines are an appropriate reason for delaying, modifying, or rejecting a license application. The Secretary of Defense shall convey to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines necessary to meet the national security concerns of the United States. If no such notification has been received by the Secretary within such 60-day period, the Secretary shall deem that activities proposed in the license application meet the national security concerns of the United States.";

(B) by striking subsection (b)(1) and (2) and inserting in lieu thereof the following:

"(b) RESPONSIBILITY OF THE SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under title II affecting international obligations of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations and policies of the United States and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary to review a completed application, the Secretary of State shall notify the Secretary and the licensee of, and describe in appropriate detail, any specific international obligations of the United States that the Secretary of State determines are an appropriate reason for delaying, modifying, or rejecting a license application. The Secretary of State shall convey to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines necessary to meet the international obligations of the United States. If no such notification has been received by the Secretary within such 60-day period, the Secretary shall deem that activities proposed in the license application meet the international obligations of the United States.

"(2) Appropriate United States Government agencies are authorized and encouraged to provide to developing nations, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from commercial providers."; and

(C) in subsection (d), by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require".

SEC. 202. ACQUISITION OF EARTH SCIENCE DATA.

(a) ACQUISITION.—For purposes of meeting Government goals for Mission to Planet Earth, and in order to satisfy the scientific requirements of the National Aeronautics and Space Administration, and where practicable of other Federal agencies and scientific researchers, the Administrator shall to the maximum extent possible acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) STUDY.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by commercial providers, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by commercial providers.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to commercial providers to enable commercial providers to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) make recommendations to promote the dissemination to commercial providers of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) The results of the study conducted under this subsection shall be transmitted to the Congress within 6 months after the date of the enactment of this Act.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) ADMINISTRATION AND EXECUTION.—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from United States commercial providers whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) EXCEPTIONS.—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload requires the unique capabilities of the space shuttle;

(2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers is inconsistent with foreign policy purposes, or launch of the payload by a foreign entity serves foreign policy purposes, and a specific exception to the requirements of subsection (a) has been provided by a law, enacted after the date of the enactment of this Act, that contains no matter other than that exception;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a Space Shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

The Administrator, in consultation with the Secretary of State and the Secretary of Transportation, may propose to the Congress that a specific exception described in paragraph (5) be enacted for a launch or class of launches. Any such proposal shall include a description of the foreign policy purposes that would be served by such an exception, and shall identify the impacts of such an exception on the commercial launch industry. Nothing in this subsection shall prevent the Administrator from planning or negotiating agreements with foreign entities for the launch of Federal Government payloads for foreign policy purposes, contingent on enactment of a specific exception described in paragraph (5).

(c) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before the date of the enactment of this Act, or with respect to which a contract for such acquisition or ownership has been entered into before such date.

(d) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

SEC. 302. ACQUISITION OF COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) TREATMENT OF COMMERCIAL SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space transportation services shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320

of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

SEC. 303. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

The Launch Services Purchase Act of 1990 (42 U.S.C. 2465b et seq.) is amended—

(1) by striking section 202;

(2) in section 203—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;

(3) by striking sections 204 and 205; and

(4) in section 206—

(A) by striking "(a) COMMERCIAL PAYLOADS ON THE SPACE SHUTTLE.—"; and

(B) by striking subsection (b).

SEC. 304. SHUTTLE PRIVATIZATION.

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle fleet.

(b) FEASIBILITY STUDY.—The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including—

(1) whether the Federal Government or the Space Shuttle contractor should own the Space Shuttle orbiters and ground facilities;

(2) whether the Federal Government should indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle launch assignments, and what policies should be developed to prioritize among payloads generally;

(6) whether the public interest requires that certain Space Shuttle functions continue to be performed by the Federal Government; and

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(c) REPORT TO CONGRESS.—Within 60 days after the date of the enactment of this Act, the National Aeronautics and Space Administration shall complete the study required under subsection (b) and shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and the gentleman from Alabama [Mr. CRAMER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

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

Mr. Speaker, last month we marked the 40th anniversary of the beginning of the space age by recalling that day in 1957 when the Soviet Union orbited Sputnik, the world's first manmade satellite. We have accomplished a great deal in the last 40 years, largely through Federal spending. Because of that history, which is a history of the Federal Government's success in the space endeavor, we sometimes think that only the Government is capable of accomplishing missions in space.

As a result, Federal laws and policies are designed around space activities run by the Government for the Government. However, according to a recent study by the investment firm Spacevest and an accounting firm, that is KPMG Peat Marwick, global revenues from commercial space business now exceeds global revenues generated by Government outlays.

This is good news, for several reasons. It gives us a broader industrial base to support Federal space missions, lowering costs to taxpayers in the process. Second, it means that the American people are gaining access to a wide range of new space-related goods and services. Third, it means that the country is creating high-technology, high-paying aerospace jobs that are no longer dependent on Government spending for their existence. Finally, and perhaps most importantly, it means that our future in space is not bound by the Government's ability to spend money.

The spirit of American enterprise will take us to the stars. One problem that we still face is the fact that Government laws, policies, and regulations have not caught up with the way space is developing in the private sector. As a result, sometimes the Government inadvertently hinders commercial space activity. We need to change that so that the American business community can lead the way for the entire planet into space.

Fortunately, there has been bipartisan agreement that commercial space is and should be a vital part of America's space enterprise. Most recently, the Clinton administration has adopted several policies regarding space launch, remote sensing, and space-based navigation which help promote the national interest in commercial space.

We have introduced H.R. 1702 this year to capitalize on those policies and to incorporate some of the lessons we learned about commercial space over the last few years into law. The bill meets an urgent as well as near-term need to establish a regulatory framework that will allow commercial entities to reenter spacecraft and payloads from space to Earth.

Basically, what we are talking about here is allowing companies who are investing in reusable launch vehicles to legally operate this new type of exciting spacecraft that we believe will be the basis of our whole space exploration utilization effort in the years ahead.

The bill improves the legal framework for commercial remote sensing by requiring that license applications be examined by Secretaries of Defense and State to ensure their consistency with U.S. national security and international obligations. However, we are also giving the Government hard deadlines to act upon these applications.

In business, time is money and it can make the difference between success or failure. The past failures of Federal departments to coordinate implementation of the Land Remote Sensing Policy Act in a timely fashion have made it difficult for U.S. companies to retake the international lead in commercial remote sensing from a multitude of other countries.

Finally, the bill we are discussing today requires the Government to purchase commercial space launch services instead of relying on burdensome procurement rules in the purchase of rockets themselves.

Mr. Speaker, the Commercial Space Act of 1997 is a culmination of 2 years of extensive bipartisan consultation and cooperation. It would not have been possible to bring this bill to the floor today without the real dedication and commitment by Members of both sides of the aisle and, I might say, on both sides of the aisle in the Subcommittee on Space and Aeronautics.

There are three significant changes in the bill. By working together, we have come up with these changes to meet the request by committee members since our markup. We add today a new section on shuttle privatization, which contains the same language as the Civilian Space Authorization Act the House passed this April. In it we direct NASA to prepare for the potential privatization of the space shuttle system.

In the bill's amendments to the Commerce Space Launch Act, the language

addressing "launch not an export" has been modified to underscore the intent of the original language in the Commercial Space Launch Act of 1984. The committee intends that payloads launched pursuant to foreign trade zone procedures be considered as exports only for the purpose of customs entry procedures so that such payloads will be in complete compliance with the duty deferral program.

The third change, which we made at the request, I might add, of ranking member, the gentleman from California [Mr. BROWN], is to add an exception to the bill's mandate that the Federal Government purchase launch services from U.S. commercial providers. We allow for an exception for reasons of foreign policy purposes but with a requirement that Congress pass a law in order to approve the exception.

Mr. Speaker, I am proud to say that this bill is also a product of excessive consultation and cooperation with the Clinton administration. This bill moved through the committee; and as it did, it attracted the attention of various bureaucrats, departments, and agencies.

During the markup, we have made over three dozen changes at the request of these agencies and will make several more today. In most cases, these changes improve the bill and we are happy and were happy to make them. In particular, the provisions that cause the administration the most concern have been changed.

For example, we deleted a requirement that the Defense Department and State Department publish lists of national security concerns and international obligations. We also added a reference to the international policies that exist in current law.

The other changes to this section include the promotion of greater access to remote sensing by scientific researchers and educators, making the current regulations for this growing industry consistent with the national security and foreign policy considerations of the United States, streamlining the application procedures for a commercial license so that the needs of the Government are addressed while ensuring that agencies are responsive to the highly competitive environment in the commercial sector.

In the sections on space science and Earth science data buys, we modified proposed language to include consideration of the data requirements of scientific researchers and other Federal agencies beyond NASA.

Finally, we made a change in the section on acquisition of commercial space transportation services to accommodate the Defense Department. Unfortunately, it has become clear that some Federal departments do not agree with either the President's own policy supporting commercial space development or the intent of Congress as expressed in previous laws supporting space enterprise. Those departments have asked us to make changes that have no other purpose than to fight bureaucratic turf battles or to enhance their own self-importance. We have rejected such changes.

Departments and agencies work for the American people, who have made it clear they want goods and services and the jobs of commercial space development is here and has been created here and to have these things done here instead of going overseas because of bureaucratic impediments.

These continued efforts by the entrenched Government bureaucrats to enhance their own power and, basically, these things conflict with the American people and our own national interest, and that national interest is that we lead the world in new space enterprise and industry.

As this bill moves through the Senate, we need to challenge our colleagues on the other side of the Capitol to be on guard against scare tactics by bureaucrats and by bureaucracies attempting to enhance their own power by changing this bill. We must also challenge the President and Vice President, who have developed very sound policies that this bill supports. But we like them and we want to make sure they stick to their guns. We must challenge the White House to impose order on the interagency process and to reject the special pleas of bureaucratic interest to change the bill in order to enhance certain bureaucrats' own authority.

If the White House is serious about its public pronouncements on space policy, and I believe the White House is sincere in this, then it needs to bring all Federal agencies into line with the goals of the American people rather than subverting those goals to accommodate different power bureaucrats here in Washington, DC.

With the President's support and with the discipline to reject the pleas from special interests, especially those within Government, to modify this bill further, we can give the American people sound, bipartisan legislation that will help build a better future and ensure that America remains the No. 1, power in space and especially the No. 1 space commercial power. I would ask all of my colleagues in the House on both sides of the aisle to join us in this effort.

Finally, I would like to thank the gentleman from Alabama [Mr. CRAMER] for the hard work that he has put in. This has truly been a bipartisan effort, and I congratulate him for the hard work he has put in and thank him for that.

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

□ 1430

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

Mr. Speaker, I am privileged today to rise with the chairman of the Subcommittee on Space and Aeronautics in full support of the Commercial Space Act of 1997; that is, H.R. 1702, as amended. I want to say as well to the chairman of the Subcommittee on Space and Aeronautics, the chairman of the full committee, as well as the gentleman from California [Mr. BROWN], the ranking member, that it has been a pleasure to work with them on this very important piece of legislation.

Since the early years of the space age, successive Congresses and administrations have supported the development of a healthy, robust commercial space sector on a bipartisan basis. I think this that we are offering today is a reflection of that. As a result, we have already witnessed the explosive growth of the commercial satellite communications systems. This offers us so much potential, systems that have brought the rest of the world as close to us as the telephone and the television. Companies are investing billions of dollars to make sure that the next generation is able to benefit the way they should be able to benefit.

However, space commercialization is not just confined to the satellite communications. This Congress in years past has had an aggressive record of making sure that we were proactive in this area. Back in 1984, the Congress enacted the Commercial Space Launch Act. That led to the development of a U.S. commercial space launch industry that is competitive on a worldwide basis. Then again in 1992, we enacted the Land Remote Sensing Policy Act, which my colleague has detailed. This has kick-started the commercial remote sensing industry in this country and given us a tremendous lead and a tremendous advantage.

Today H.R. 1702, as amended, should be seen as another effort in those steps to help advance the commercial space sector. It includes a number of important provisions. In particular, I think a very important provision would allow the Department of Transportation to license reentry vehicle operations. That provision and other provisions are noncontroversial. There are provisions in there that would make sure that we move toward the eventual commercial operation of the reusable launch systems, the next generation of space transportation systems. I am someone who has long been a supporter of efforts to reduce the launch costs. I think it is very important to this country that we accomplish that. I am pleased that we are including such provisions, the licensing provisions, in H.R. 1702.

Mr. Speaker, again I want to thank the chairman of the Committee on Science, the chairman of the Subcommittee on Space and Aeronautics, and the gentleman from California [Mr.

BROWN], the ranking member, for their diligence and years of work on this legislation and similar legislation. I think H.R. 1702, as amended, is a useful piece of legislation, and I urge its passage today.

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

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

Mr. Speaker, the gentleman from California [Mr. BROWN], our ranking member, has been a tremendous asset to us in this bill and as with all bills dealing with space. I salute that ranking member. I also salute the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman. He has done a terrific job as the newest chairman of the Committee on Science. The gentleman from Alabama [Mr. CRAMER] and I have worked together. If there is any committee in Congress that exemplifies the spirit of bipartisan cooperation, I think it is our committee.

I think this piece of legislation is a very positive piece of legislation. It has been made better by that spirit of cooperation. I am sure we can work this way in the future, but I would like to extend my congratulations to the gentleman from Alabama [Mr. CRAMER], who also will be moving on to another committee assignment on the Committee on Appropriations, so we are looking forward to bigger and better things from the gentleman from Alabama as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I have enjoyed very much working with my colleague across the aisle. In my years here in Congress, I came to this Congress so I could be on this committee, we have accomplished a number of extraordinary things together. We have fought battles in the trenches; won most of them, but not all of them. I want to congratulate the gentleman as well and the gentleman from Wisconsin [Mr. SENSENBRENNER] as well as the gentleman from California [Mr. BROWN] for those years of service. I just hope that my move now to another committee will give me a chance to advance my work with the space issues as well.

Mr. BROWN of California. Mr. Speaker, I would like to rise in support of H.R. 1702, as amended, also known as the Commercial Space Act of 1997. This bill, while not perfect, represents another step in Congress' efforts to promote the development of a vibrant, growing commercial space sector.

In the forty years since the dawn of the space age, Congress has enacted a series of legislative measures that have helped to increase the private sector's role in satellite communications, launch services, and remote sensing. As a result, commercial space activities have become a significant component of the Nation's economy, and they give every indication of being even more significant in the years ahead.

Mr. Speaker, I believe that America is best served by both a strong commercial space sector and a strong governmental commitment to space research and development. On the one hand, government should not try to compete with the private sector. On the other hand, the existence of a commercial space sector does not relieve the Federal Government of its responsibility to undertake those activities that only it can and/or should carry out.

I believe that H.R. 1702, while a relatively modest bill, includes a number of useful provisions, especially those related to reentry vehicle licensing, launch operations, and commercial launch services. I would note that the version of H.R. 1702 that is under consideration today also contains an amendment intended to at least partially address a concern I had raised about the Union Calendar version of the bill.

Specifically, existing law allows NASA to undertake cooperative missions with other nations that involve flying U.S. government payloads on foreign launch vehicles. Such an option can provide significant benefits to both parties, lowering costs to each partner and allowing enhanced mission capabilities. To cite just one example, the law allowed the highly successful Topex-Poseidon Earth science mission to be conducted with the French. That law also makes possible other cooperative space and Earth science missions, as well giving us the flexibility we will need to most effectively resupply the International Space Station.

I strongly believe that the ability to undertake such cooperative missions is in our national interest. The Union Calendar version of H.R. 1702 would have deleted that provision from existing law. An amendment that is included in the bill before us today restores that provision, albeit with restrictions. While I wish that the amendment had simply reaffirmed existing law, I believe that it represents a positive step forward in addressing the issue. I want to express my appreciation to Chairman SENSENBRENNER for his willingness to work with me on this matter.

Mr. Speaker, I believe that, on balance, H.R. 1702 is a useful bill. I recognize that the Administration has several areas of continuing concern with the bill. I intend to work with the Chairman, the Administration, and our counterparts in the Senate to resolve any remaining differences and enact a commercial space bill during the 105th Congress.

I urge Members to suspend the rules and pass H.R. 1702, as amended.

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

The SPEAKER pro tempore [Mr. PACKARD]. The question is on the motion offered by the gentleman from California [Mr. ROHRABACHER] that the House suspend the rules and pass the bill, H.R. 1702, as amended.

The question was taken.

Mr. CRAMER. 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.

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1702.

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

There was no objection.

ADDITION OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 1702

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that the names of the following members who were inadvertently not included as cosponsors of H.R. 1702 be placed in the RECORD at this point:

Mr. DOYLE of Pennsylvania;

Mr. HASTINGS from Florida; and

Mr. BRADY from Texas.

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

There was no objection.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1997

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1839) to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, as amended.

The Clerk read as follows:

H.R. 1839

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Salvage Motor Vehicle Consumer Protection Act of 1997".

SEC. 2. MOTOR VEHICLE TITLING AND DISCLOSURE REQUIREMENTS.

(a) AMENDMENT TO TITLE 49, UNITED STATES CODE.—Subtitle VI of title 49, United States Code, is amended by inserting a new chapter at the end:

"CHAPTER 333—AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS

"Sec.

"33301. Definitions.

"33302. Passenger motor vehicle titling.

"33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles.

"33304. Report on funding.

"33305. Effect on State law.

"33306. Civil and criminal penalties.

"33307. Actions by States.

"§ 33301. Definitions

"(a) DEFINITIONS.—For the purposes of this chapter:

"(1) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' shall have the same meaning given such term by section 32101(10), except, notwithstanding section 32101(9), it shall include a multipurpose passenger vehicle (constructed on a truck chassis or with special features for occasional off-road operation), or a truck, other than a truck referred to in section 32101(10)(B), when that vehicle or truck is rated by the manufacturer of such vehicle or truck at not more than 10,000 pounds gross vehicle weight, and except further, it shall only include a vehicle manufactured primarily for use on public streets, roads, and highways.

"(2) SALVAGE VEHICLE.—The term 'salvage vehicle' means any passenger motor vehicle, other than a flood vehicle or a nonrepairable vehicle, which—

"(A) is a late model vehicle which has been wrecked, destroyed, or damaged, to the extent that the total cost of repairs to rebuild or reconstruct the passenger motor vehicle to its condition immediately before it was wrecked, destroyed, or damaged, and for legal operation on the roads or highways, exceeds 80 percent of the retail value of the passenger motor vehicle;

"(B) is a late model vehicle which has been wrecked, destroyed, or damaged, and to which an insurance company acquires ownership pursuant to a damage settlement (except in the case of a settlement in connection with a recovered stolen vehicle, unless such vehicle sustained damage sufficient to meet the damage threshold prescribed by subparagraph (A)); or

"(C) the owner wishes to voluntarily designate as a salvage vehicle by obtaining a salvage title, without regard to the level of damage, age, or value of such vehicle or any other factor, except that such designation by the owner shall not impose on the insurer of the passenger motor vehicle or on an insurer processing a claim made by or on behalf of the owner of the passenger motor vehicle any obligation or liability.

"(3) SALVAGE TITLE.—The term 'salvage title' means a passenger motor vehicle ownership document issued by the State to the owner of a salvage vehicle. A salvage title shall be conspicuously labeled with the word 'salvage' across the front.

"(4) REBUILT SALVAGE VEHICLE.—The term 'rebuilt salvage vehicle' means—

"(A) any passenger motor vehicle which was previously issued a salvage title, has passed State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, has passed the State safety inspection in those States requiring a safety inspection pursuant to section 33302(b)(8), has been issued a certificate indicating that the passenger motor vehicle has passed the required safety inspection in those States requiring such a safety inspection pursuant to section 33302(b)(8), and has a decal stating 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' affixed to the driver's door jamb; or

"(B) any passenger motor vehicle which was previously issued a salvage title, has passed a State anti-theft inspection, has been issued a certificate indicating that the passenger motor vehicle has passed the required anti-theft inspection, and has, affixed to the driver's door jamb, a decal stating 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria' in those States not requiring a safety inspection pursuant to section 33302(b)(8).

"(5) REBUILT SALVAGE TITLE.—The term 'rebuilt salvage title' means the passenger motor vehicle ownership document issued by the State to the owner of a rebuilt salvage vehicle. A rebuilt salvage title shall be conspicuously labeled either with the words 'Rebuilt Salvage Vehicle—Anti-theft and Safety Inspections Passed' or 'Rebuilt Salvage Vehicle—Anti-theft Inspection Passed/No Safety Inspection Pursuant to National Criteria,' as appropriate, across the front.

"(6) NONREPAIRABLE VEHICLE.—The term 'nonrepairable vehicle' means any passenger motor vehicle, other than a flood vehicle, which is incapable of safe operation for use on roads or highways and which has no resale value except as a source of parts or scrap only or which the owner irreversibly designates as a source of parts or scrap. Such passenger motor vehicle shall be issued a nonrepairable vehicle certificate and shall never again be titled or registered.

"(7) NONREPAIRABLE VEHICLE CERTIFICATE.—The term 'nonrepairable vehicle certificate' means a passenger motor vehicle ownership document issued by the State to the owner of a nonrepairable vehicle. A nonrepairable vehicle certificate shall be conspicuously labeled with the word 'Nonrepairable' across the front.

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(9) LATE MODEL VEHICLE.—The term 'Late Model Vehicle' means any passenger motor vehicle which—

"(A) has a manufacturer's model year designation of or later than the year in which the vehicle was wrecked, destroyed, or damaged, or any of the six preceding years; or

"(B) has a retail value of more than $7,500.

The Secretary shall adjust such retail value on an annual basis in accordance with changes in the consumer price index.

"(10) RETAIL VALUE.—The term 'retail value' means the actual cash value, fair market value, or retail value of a passenger motor vehicle as—

"(A) set forth in a current edition of any nationally recognized compilation (to include automated databases) of retail values; or

"(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment.

"(11) COST OF REPAIRS.—The term 'cost of repairs' means the estimated retail cost of parts needed to repair the vehicle or, if the vehicle has been repaired, the actual retail cost of the parts used in the repair, and the cost of labor computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are to be performed.

"(12) FLOOD VEHICLE.—The term 'flood vehicle' means any passenger motor vehicle that—

"(A) has been acquired by an insurance company as part of a damage settlement due to water damage; or

"(B) has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water, except—

"(i) where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined to have no electrical, computerized or mechanical components which were damaged by water; or,

"(ii) where a passenger motor vehicle which, pursuant to an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer or motor vehicle dealer in accordance with inspection guidelines or procedures established by the Secretary or the State, is determined to have one or more electrical, computerized or mechanical components which were damaged by water and where all such damaged components have been repaired or replaced.

Disclosure that a vehicle is a flood vehicle must be made at the time of transfer of ownership and the brand 'Flood' shall be conspicuously marked on all subsequent titles for the vehicle. No inspection shall be required unless the owner or insurer of the passenger motor vehicle is seeking to avoid a brand of 'Flood' pursuant to subparagraph (B). Disclosing a passenger motor vehicle's status as a flood vehicle or conducting an inspection pursuant to subparagraph (B) shall not impose on any person any liability for damage to (except in the case of damage caused by the inspector at the time of the inspection) or reduced value of a passenger motor vehicle.

"(b) CONSTRUCTION.—The definitions set forth in subsection (a) shall only apply to vehicles in a State which are wrecked, destroyed, or otherwise damaged on or after the date on which such State complies with the requirements of this chapter and the rule promulgated pursuant to section 33302(b).

"§ 33302. Passenger motor vehicle titling

"(a) CARRY-FORWARD OF INFORMATION ON A NEWLY ISSUED TITLE WHERE THE PREVIOUS TITLE FOR THE VEHICLE WAS NOT ISSUED PURSUANT TO NEW NATIONALLY UNIFORM STANDARDS.—For any passenger motor vehicle, the ownership of which is transferred on or after the date that is 1 year from the date of the enactment of this chapter, each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after fiscal year 1998, in licensing such vehicle for use, shall disclose in writing on the certificate of title whenever records readily accessible to the State indicate that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was 'salvage', 'unrebuildable', 'parts only', 'scrap', 'junk', 'nonrepairable', 'reconstructed', 'rebuilt', or any other symbol or word of like kind, or that it has been damaged by flood.

"(b) NATIONALLY UNIFORM TITLE STANDARDS AND CONTROL METHODS.—Not later than 18 months after the date of the enactment of this chapter, the Secretary shall by rule require each State receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after fiscal year 1998, in licensing any passenger motor vehicle where ownership of such passenger motor vehicle is transferred more than 2 years after publication of such final rule, to apply uniform standards, procedures, and methods for the issuance and control of titles for motor vehicles and for information to be contained on such titles. Such titling standards, control procedures, methods, and information shall include the following requirements:

"(1) A State shall conspicuously indicate on the face of the title or certificate for a passenger motor vehicle, as applicable, if the passenger motor vehicle is a salvage vehicle, a nonrepairable vehicle, a rebuilt salvage vehicle, or a flood vehicle.

"(2) Such information concerning a passenger motor vehicle's status shall be conveyed on any subsequent title, including a

duplicate or replacement title, for the passenger motor vehicle issued by the original titling State or any other State.

"(3) The title documents, the certificates, and decals required by section 33301(4), and the issuing system shall meet security standards minimizing the opportunities for fraud.

"(4) The certificate of title shall include the passenger motor vehicle make, model, body type, year, odometer disclosure, and vehicle identification number.

"(5) The title documents shall maintain a uniform layout, to be established in consultation with the States or an organization representing them.

"(6) A passenger motor vehicle designated as nonrepairable shall be issued a nonrepairable vehicle certificate and shall not be retitled.

"(7) No rebuilt salvage title shall be issued to a salvage vehicle unless, after the salvage vehicle is repaired or rebuilt, it complies with the requirements for a rebuilt salvage vehicle pursuant to section 33301(4). Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. Any such anti-theft inspection program shall include the following:

"(A) A requirement that the owner of any passenger motor vehicle submitting such vehicle for an anti-theft inspection provide a completed document identifying the vehicle's damage prior to being repaired, a list of replacement parts used to repair the vehicle, and proof of ownership of such replacement parts, as may be evidenced by bills of sale, invoices, or, if such documents are not available, other proof of ownership for the replacement parts. The owner shall also include an affirmation that the information in the declaration is complete and accurate and that, to the knowledge of the declarant, no stolen parts were used during the rebuilding.

"(B) A requirement to inspect the passenger motor vehicle or any major part or any major replacement part required to be marked under section 33102 for signs of such mark or vehicle identification number being illegally altered, defaced, or falsified. Any such passenger motor vehicle or any such part having a mark or vehicle identification number that has been illegally altered, defaced, or falsified, and that cannot be identified as having been legally obtained (through bills of sale, invoices, or other ownership documentation), shall be contraband and subject to seizure. The Secretary, in consultation with the Attorney General, shall, as part of the rule required by this section, establish procedures for dealing with those parts whose mark or vehicle identification number is normally removed during industry accepted remanufacturing or rebuilding practices, which parts shall be deemed identified for purposes of this section if they bear a conspicuous mark of a type, and applied in such a manner, as designated by the Secretary, indicating that they have been rebuilt or remanufactured. With respect to any vehicle part, the Secretary's rule, as required by this section, shall acknowledge that a mark or vehicle identification number on such part may be legally removed or altered as provided for in section 511 of title 18, United States Code, and shall direct inspectors to adopt such procedures as may be necessary to prevent the seizure of a part from which the mark or vehicle identification number has been legally removed or altered.

"(8) Any safety inspection for a rebuilt salvage vehicle performed pursuant to this chapter shall be performed in accordance with nationally uniform safety inspection criteria established by the Secretary. A State may determine whether to conduct such safety inspection itself, contract with one or more third parties, or permit self-inspection by a person licensed by such State in an automotive-related business, all subject to criteria promulgated by the Secretary hereunder. Any State inspection program operating under this paragraph shall be subject to continuing review by and approval of the Secretary. A State requiring such safety inspection may require the payment of a fee for the privilege of such inspection or the processing thereof.

"(9) No duplicate or replacement title shall be issued unless the word 'duplicate' is clearly marked on the face thereof and unless the procedures for such issuance are substantially consistent with Recommendation three of the Motor Vehicle Titling, Registration and Salvage Advisory Committee.

"(10) A State shall employ the following titling and control methods:

"(A) If an insurance company is not involved in a damage settlement involving a salvage vehicle or a nonrepairable vehicle, the passenger motor vehicle owner shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable, before the passenger motor vehicle is repaired or the ownership of the passenger motor vehicle is transferred, but in any event within 30 days after the passenger motor vehicle is damaged.

"(B) If an insurance company, pursuant to a damage settlement, acquires ownership of a passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company or salvage facility or other agent on its behalf shall apply for a salvage title or nonrepairable vehicle certificate within 30 days after the title is properly assigned by the owner to the insurance company and delivered to the insurance company or salvage facility or other agent on its behalf with all liens released.

"(C) If an insurance company does not assume ownership of an insured's or claimant's passenger motor vehicle that has incurred damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the insurance company shall notify the owner of the owner's obligation to apply for a salvage title or nonrepairable vehicle certificate for the passenger motor vehicle and notify the State passenger motor vehicle titling office that a salvage title or nonrepairable vehicle certificate should be issued for the vehicle, except to the extent such notification is prohibited by State insurance law.

"(D) If a leased passenger motor vehicle incurs damage requiring the vehicle to be titled as a salvage vehicle or nonrepairable vehicle, the lessor shall apply for a salvage title or nonrepairable vehicle certificate within 21 days after being notified by the lessee that the vehicle has been so damaged, except when an insurance company, pursuant to a damage settlement, acquires ownership of the vehicle. The lessee of such vehicle shall inform the lessor that the leased vehicle has been so damaged within 30 days after the occurrence of the damage.

"(E) Any person acquiring ownership of a damaged passenger motor vehicle that meets the definition of a salvage or nonrepairable vehicle for which a salvage title or nonrepairable vehicle certificate has not been issued, shall apply for a salvage title or nonrepairable vehicle certificate, whichever is applicable. This application shall be made before the vehicle is further transferred, but in any event, within 30 days after ownership is acquired. The requirements of this subparagraph shall not apply to any scrap metal processor which acquires a passenger motor vehicle for the sole purpose of processing it into prepared grades of scrap and which so processes such vehicle.

"(F) State records shall note when a nonrepairable vehicle certificate is issued. No State shall issue a nonrepairable vehicle certificate after 2 transfers of ownership.

"(G) When a passenger motor vehicle has been flattened, baled, or shredded, whichever comes first, the title or nonrepairable vehicle certificate for the vehicle shall be surrendered to the State within 30 days. If the second transferee on a nonrepairable vehicle certificate is unequipped to flatten, bale, or shred the vehicle, such transferee shall, at the time of final disposal of the vehicle, use the services of a professional automotive recycler or professional scrap processor who is hereby authorized to flatten, bale, or shred the vehicle and to effect the surrender of the nonrepairable vehicle certificate to the State on behalf of such second transferee. State records shall be updated to indicate the destruction of such vehicle and no further ownership transactions for the vehicle will be permitted. If different than the State of origin of the title or nonrepairable vehicle certificate, the State of surrender shall notify the State of origin of the surrender of the title or nonrepairable vehicle certificate and of the destruction of such vehicle.

"(H) When a salvage title is issued, the State records shall so note. No State shall permit the retitling for registration purposes or issuance of a rebuilt salvage title for a passenger motor vehicle with a salvage title without a certificate of inspection, which complies with the security and guideline standards established by the Secretary pursuant to paragraphs (3), (7), and (8), as applicable, indicating that the vehicle has passed the inspections required by the State. This subparagraph does not preclude the issuance of a new salvage title for a salvage vehicle after a transfer of ownership.

"(I) After a passenger motor vehicle titled with a salvage title has passed the inspections required by the State, the inspection official will affix the secure decal required pursuant to section 33301(4) to the driver's door jamb of the vehicle and issue to the owner of the vehicle a certificate indicating that the passenger motor vehicle has passed the inspections required by the State. The decal shall comply with the permanency requirements established by the Secretary.

"(J) The owner of a passenger motor vehicle titled with a salvage title may obtain a rebuilt salvage title or vehicle registration, or both, by presenting to the State the salvage title, properly assigned, if applicable, along with the certificate that the vehicle has passed the inspections required by the State. With such proper documentation and upon request, a rebuilt salvage title or registration, or both, shall be issued to the owner. When a rebuilt salvage title is issued, the State records shall so note.

"(11) A seller of a passenger motor vehicle that becomes a flood vehicle shall, at or prior to the time of transfer of ownership, give the buyer a written notice that the vehicle has been damaged by flood, provided such person has actual knowledge that such vehicle has been damaged by flood. At the time of the next title application for the vehicle, disclosure of the flood status shall be provided to the applicable State with the properly assigned title and the word 'Flood' shall be conspicuously labeled across the front of the new title.

"(12) In the case of a leased passenger motor vehicle, the lessee, within 15 days of the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

"(13) Ownership of a passenger motor vehicle may be transferred on a salvage title, however, a passenger motor vehicle for which a salvage title has been issued shall not be registered for use on the roads or highways unless it has been issued a rebuilt salvage title.

"(14) Ownership of a passenger motor vehicle may be transferred on a rebuilt salvage title, and a passenger motor vehicle for which a rebuilt salvage title has been issued may be registered for use on the roads and highways.

"(15) Ownership of a passenger motor vehicle may only be transferred 2 times on a nonrepairable vehicle certificate. A passenger motor vehicle for which a nonrepairable vehicle certificate has been issued can never be titled or registered for use on roads or highways.

"(c) CONSUMER NOTICE IN NONCOMPLIANT STATES.—Any State receiving, either directly or indirectly, funds appropriated under section 30503(c) of this title after fiscal year 1998 and not complying with the requirements of subsections (a) and (b) of this section, shall conspicuously print the following notice on all titles or ownership certificates issued for passenger motor vehicles in such State until such time as such State is in compliance with the requirements of subsections (a) and (b) of this section: 'NOTICE: This State does not conform to the uniform Federal requirements of the National Salvage Motor Vehicle Consumer Protection Act of 1997.'.

"§ 33303. Disclosure and label requirements on transfer of rebuilt salvage vehicles

"(a) WRITTEN DISCLOSURE REQUIREMENTS.—

"(1) GENERAL RULE.—Under regulations prescribed by the Secretary of Transportation, a person transferring ownership of a rebuilt salvage vehicle shall give the transferee a written disclosure that the vehicle is a rebuilt salvage vehicle when such person has actual knowledge of the status of such vehicle.

"(2) FALSE STATEMENT.—A person making a written disclosure required by a regulation prescribed under paragraph (1) of this subsection may not make a false statement in the disclosure.

"(3) COMPLETENESS.—A person acquiring a rebuilt salvage vehicle for resale may accept a disclosure under paragraph (1) only if it is complete.

"(4) REGULATIONS.—The regulations prescribed by the Secretary shall provide the way in which information is disclosed and retained under paragraph (1).

"(b) LABEL REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall by regulation require that a label be affixed to the windshield or window of a rebuilt salvage vehicle before its first sale at retail containing such information regarding that vehicle as the Secretary may require. The label shall be affixed by the individual who conducts the applicable State antitheft inspection in a participating State.

"(2) REMOVAL, ALTERATION, OR ILLEGIBILITY OF REQUIRED LABEL.—No person shall willfully remove, alter, or render illegible any label required by paragraph (1) affixed to a rebuilt salvage vehicle before the vehicle is delivered to the actual custody and possession of the first retail purchaser.

"(c) LIMITATION.—The requirements of subsections (a) and (b) shall only apply to a transfer of ownership of a rebuilt salvage vehicle where such transfer occurs in a State which, at the time of the transfer, is complying with subsections (a) and (b) of section 33302.

"§ 33304. Report on funding

"The Secretary shall, contemporaneously with the issuance of a final rule pursuant to section 33302(b), report to appropriate committees of Congress whether the costs to the States of compliance with such rule can be met by user fees for issuance of titles, issuance of registrations, issuance of duplicate titles, inspection of rebuilt vehicles, or for the State services, or by earmarking any moneys collected through law enforcement action to enforce requirements established by such rule.

"§ 33305. Effect on State law

"(a) IN GENERAL.—Unless a State is in compliance with subsection (c) of section 33302, effective on the date the rule promulgated pursuant to section 33302 becomes effective, the provisions of this chapter shall preempt all State laws in States receiving funds, either directly or indirectly, appropriated under section 30503(c) of this title after fiscal year 1998, to the extent they are inconsistent with the provisions of this chapter or the rule promulgated pursuant to section 33302, which—

"(1) set forth the form of the passenger motor vehicle title;

"(2) define, in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms 'salvage', 'junk', 'reconstructed', 'nonrepairable', 'unrebuildable', 'scrap', 'parts only', 'rebuilt', 'flood', or any other symbol or word of like kind, or apply any of those terms to any passenger motor vehicle (but not to a passenger motor vehicle part or part assembly separate from a passenger motor vehicle); or

"(3) set forth titling, recordkeeping, antitheft inspection, or control procedures in connection with any salvage vehicle, rebuilt salvage vehicle, nonrepairable vehicle, or flood vehicle.

The requirements described in paragraph (3) shall not be construed to affect any State consumer law actions that may be available to residents of the State for violations of this chapter.

"(b) CONSTRUCTION.—Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in section 33301, shall not be deemed inconsistent with the provisions of this chapter. Such disclosures shall include disclosures made on a certificate of title. When used in connection with a passenger motor vehicle (but not in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any definition of a term defined in section 33301 which is different than the definition in that section or any use of any term listed in subsection (a), but not defined in section 33301, shall be deemed inconsistent with the provisions of this chapter. Nothing in this chapter shall preclude a State from disclosing on a rebuilt salvage title that a rebuilt salvage vehicle has passed a State safety inspection which differed from the nationally uniform criteria to be promulgated pursuant to section 33302(b)(8).

"§ 33306. Civil and criminal penalties

"(a) PROHIBITED ACTS.—It shall be unlawful for any person knowingly and willfully to—

"(1) make or cause to be made any false statement on an application for a title (or duplicate title) for a passenger motor vehicle or any disclosure made pursuant to section 33303;

"(2) fail to apply for a salvage title when such an application is required;

"(3) alter, forge, or counterfeit a certificate of title (or an assignment thereof), a nonrepairable vehicle certificate, a certificate verifying an anti-theft inspection or an anti-theft and safety inspection, a decal affixed to a passenger motor vehicle pursuant to section 33302(b)(10)(I), or any disclosure made pursuant to section 33303;

"(4) falsify the results of, or provide false information in the course of, an inspection conducted pursuant to section 33302(b)(7) or (8);

"(5) offer to sell any salvage vehicle or nonrepairable vehicle as a rebuilt salvage vehicle;

"(6) fail to make any disclosure required by section 33303, except when the person lacks actual knowledge of the status of the rebuilt salvage vehicle;

"(7) violate a regulation prescribed under this chapter; or

"(8) conspire to commit any of the acts enumerated in paragraph (1), (2), (3), (4), (5), (6), or (7).

"(b) CIVIL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined a civil penalty of up to $2,000 per offense. A separate violation occurs for each passenger motor vehicle involved in the violation.

"(c) CRIMINAL PENALTY.—Any person who commits an unlawful act as provided in subsection (a) of this section shall be fined up to $50,000 or sentenced to up to 3 years imprisonment or both, per offense.

"§ 33307. Actions by States

"(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has violated or is violating section 33302 or 33303, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States or the appropriate State court to enjoin such violation or to enforce the civil penalties under section 33306 or enforce the criminal penalties under section 33306.

"(b) NOTICE.—The State shall serve prior written notice of any civil or criminal action under subsection (a) or (e)(2) upon the Attorney General and provide the Attorney General with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil or criminal action, the Attorney General shall have the right—

"(1) to intervene in such action;

"(2) upon so intervening, to be heard on all matters arising therein; and

"(3) to file petitions for appeal.

"(c) CONSTRUCTION.—For purposes of bringing any civil or criminal action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(d) VENUE; SERVICE OF PROCESS.—Any civil or criminal action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever

venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(e) ACTIONS BY STATE OFFICIALS.—

"(1) Nothing contained in this section shall prohibit an attorney general of a State or other authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

"(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.".

(b) CONFORMING AMENDMENT.—The table of chapters for part C at the beginning of subtitle VI of title 49, United States Code, is amended by inserting at the end the following new item:

"333. AUTOMOBILE SAFETY AND TITLE DISCLOSURE REQUIREMENTS ..... 33301".

SEC. 3. AMENDMENTS TO CHAPTER 305.

(a) DEFINITIONS.—

(1) Amend section 30501(4) of title 49, United States Code, to read as follows:

"(4) 'nonrepairable vehicle', 'salvage vehicle', and 'rebuilt salvage vehicle' shall have the same meanings given those terms in section 33301 of this title.".

(2) Amend section 30501(5) of title 49, United States Code, by striking "junk automobiles" and inserting "nonrepairable vehicles".

(3) Amend section 30501(8) by striking "salvage automobiles" and inserting "salvage vehicles".

(4) Strike paragraph (7) of section 30501 of title 49, United States Code, and renumber the succeeding sections accordingly.

(b) NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM.—

(1) Amend section 30502(d)(3) of title 49, United States Code, to read as follows:

"(3) whether an automobile known to be titled in a particular State is or has been a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle;".

(2) Amend section 30502(d)(5) of title 49, United States Code, to read as follows:

"(5) whether an automobile bearing a known vehicle identification number has been reported as a nonrepairable vehicle, a rebuilt salvage vehicle, or a salvage vehicle under section 30504 of this title.".

(c) STATE PARTICIPATION.—Amend section 30503 of title 49, United States Code, to read as follows:

"§ 30503. State participation

"(a) STATE INFORMATION.—Each State receiving funds appropriated under subsection (c) shall make titling information maintained by that State available for use in operating the National Motor Vehicle Title Information System established or designated under section 30502 of this title.

"(b) VERIFICATION CHECKS.—Each State receiving funds appropriated under subsection (c) shall establish a practice of performing an instant title verification check before issuing a certificate of title to an individual or entity claiming to have purchased an automobile from an individual or entity in another State. The check shall consist of—

"(1) communicating to the operator—

"(A) the vehicle identification number of the automobile for which the certificate of title is sought;

"(B) the name of the State that issued the most recent certificate of title for the automobile; and

"(C) the name of the individual or entity to whom the certificate of title was issued; and

"(2) giving the operator an opportunity to communicate to the participating State the results of a search of the information.

"(c) GRANTS TO STATES.—

"(1) In cooperation with the States and not later than January 1, 1994, the Attorney General shall—

"(A) conduct a review of systems used by the States to compile and maintain information about the titling of automobiles; and

"(B) determine for each State the cost of making titling information maintained by that State available to the operator to meet the requirements of section 30502(d) of this title.

"(2) The Attorney General may make reasonable and necessary grants to participating States to be used in making titling information maintained by those States available to the operator.

"(d) REPORT TO CONGRESS.—Not later than October 1, 1998, the Attorney General shall report to Congress on which States have met the requirements of this section. If a State has not met the requirements, the Attorney General shall describe the impediments that have resulted in the State's failure to meet the requirements.".

(d) REPORTING REQUIREMENTS.—Section 30504 of title 49, United States Code, is amended by striking "junk automobiles or salvage automobiles" every place it appears and inserting "nonrepairable vehicles, rebuilt salvage vehicles, or salvage vehicles".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1839.

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

There was no objection.

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

Mr. Speaker, today I rise in strong support of H.R. 1839, the National Salvage Motor Vehicle Consumer Protection Act. Ever since my constituent Dick Strauss, a car dealer in Richmond, VA, first came to me to describe this problem several years ago, I have consistently supported the adoption of uniform definitions for salvage automobiles. It is an important protection for consumers, dealers, and insurers alike to prevent theft and to protect used car customers.

Frequently auto dealers will make every effort to ensure that the used cars on their lots are of the highest quality. Unfortunately, increasingly sophisticated scam artists are using the differences in State automobile titling schemes to swindle both consumers and legitimate businesspeople. We read about the problem in our local papers, even in the comics. I am reminded of a recent series in the Judge Parker comic strip about a young lady who discovered she had unknowingly purchased a vehicle that had been totaled in an accident. We have an obligation to protect real consumers from the same fate.

H.R. 1839 goes a long way toward achieving that goal. Supported by a coalition of business groups and the States, this bill implements many of the recommendations of a national panel of experts representing the States, law enforcement and business asking for Federal legislation to establish uniform definitions and procedures for the titling and registration of vehicles totaled by accident or flood. When enacted, H.R. 1839 will ensure that consumers have better access to information about the cars that they intend to purchase and that honest dealers can sell used cars without the worry that they may unwittingly be selling a stolen or totaled car.

The bill before the House today makes several changes to the bill reported by the Committee on Commerce. At the request of the States and the Committee on the Judiciary, we reexamined a provision in the committee reported bill which tied participation in the National Motor Vehicle Title Information System to the adoption of the standards in H.R. 1839. After extensive discussions with State motor vehicle administrators and others, we agreed that an approach using the incentive of an existing Federal grant program would address the concerns of State motor vehicle and law enforcement officials while at the same time significantly improving participation in the program.

The bill as amended eliminates the prohibition on participation in the National Motor Vehicle Title Information System which concerns State and Federal officials. However, the bill stipulates that if a State receives grant funding to upgrade its motor vehicle titling systems, it must either adopt the standards and procedures described in H.R. 1839 or print a notice on the face of each of its titles that it does not comply with the consumer protections required by this legislation. We believe that this change will encourage even more States to participate than CBO originally projected.

The legislation before the House today also improves the definition of "flood vehicle" provided in the bill as introduced. After the Midwest floods over the past few years, it was clear that a more precise definition of this term is needed. I was happy to see that the salvage operators, insurers, and automobile dealers worked together to address this problem.

Mr. Speaker, H.R. 1839 is legislation which protects consumers by striking a balance. It vastly improves the status quo by giving consumers, dealers and

State officials notice about the status of vehicles that have been totaled by accident or flood. Today the patchwork of 50 different State laws ensures that no State can adequately protect its own citizens. This bill changes that situation. For that reason I strongly support its passage.

In closing, I want to recognize the gentleman from Washington [Mr. WHITE] for all the hard work and his willingness to try to work with the interested groups for a solution to the problem. I would also like to thank the gentleman from Illinois [Mr. HYDE] and the gentleman from Florida [Mr. MCCOLLUM] for their willingness to work with the Committee on Commerce to bring this legislation forward. I urge all my colleagues to support the bill.

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

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

Mr. Speaker, I rise with significant concerns about the bill before us this afternoon. This legislation is opposed by the Center for Auto Safety, the Consumer Federation of America, the Consumers for Auto Reliability and Safety, U.S. PIRG, the National Association of Consumer Advocates, Public Citizen and the Consumers Union.

I believe the author of this legislation commenced with very noble intentions, but was forced into a rather elliptical legislative scheme to induce State actions for fear of triggering an unfunded mandates claim. As a result, this legislation ultimately does not require States to do much of anything to protect consumer safety. There are no mandatory safety inspections in the bill. Safety inspections are optional.

Moreover, this bill may unwittingly lead to greater consumer confusion about the condition of used cars because States will undoubtedly have various requirements for consumer disclosure from coast to coast.

In addition, the bill may force States to rewrite better consumer protection laws in which the terms "rebuilt salvage vehicle" or "salvage vehicle" now appear. It would prevent States from using a damage threshold of under 80 percent, which is higher than a number of States' laws, and higher than the recommendations from the Nation's attorneys general and a special task force that delved into these issues in depth.

Second, I continue to have concerns that the definition in the bill of a "late model vehicle" is overly narrow. This legislation would exempt sellers of cars over 6 model years old and worth less than $7,500 from having to disclose any accident damage. My car, my beautiful Buick Park Avenue, is 7 years old. It only has 42,000 miles on it. If I had a major accident, I would not have to disclose that, even though I could represent that it only had 42,000 miles, looked like it was in good condition. The average car on the road these days is close to 8 years old. The Department of Transportation tells us that. So we are potentially exempting a very large fleet of automobiles from the provisions in the bill.

Third, the legislation does not include a private right of action for aggrieved consumers. I believe that a private right of action ought to be included in the bill so that individuals can act without having to wait for a State attorney general to take action.

Again, this legislation is opposed by the Center for Auto Safety, the Consumer Federation of America, and all the rest of the groups that I mentioned. I would hope that before the legislative process is over, the bill will be adjusted so that consumer groups will support what is ostensibly being done on their behalf.

I do believe that we will still have an opportunity in the other body and in conference with the Senate to further improve the bill. I want to thank the gentleman from Virginia [Mr. BLILEY] for the way in which he has conducted proceedings on this bill, and I want to thank the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Washington [Mr. WHITE] for their willingness to work with people on this side of the aisle and to listen to our concerns and those of national consumer organizations.

The gentleman from Washington [Mr. WHITE] has made some adjustments in this legislation, and I thank him for that, but I continue to feel that this bill needs further adjustment and hope that we can continue to improve upon the language before the House this afternoon or when we reach conference committee with the Senate.

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

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. WHITE], a member of the committee.

□ 1445

Mr. WHITE. Mr. Speaker, I thank the gentleman from Virginia for his excellent work in helping on this bill and yielding me this time today.

Mr. Speaker, we have a bill here that in the last Congress had well over 200 cosponsors. In this Congress, we also have numerous cosponsors going all the way from the minority leader, the gentleman from Missouri [Mr. GEPHARDT] to many, many Republicans. That usually means one or two things; either it is a bill that is a really good idea and a lot of people support it, or it is a bill that does not do very much so people do not have to worry about it too much. I would respectfully suggest that in this case we are in the former situation, and I think all my colleagues should think very seriously about passing this bill.

This bill addresses a very simple problem, the fact that consumers now do not know, when they buy a used car, whether the car has been damaged and totaled and then reconstructed or not, and that can lead to a number of safety problems. The problem is, we do not have a uniform system among our States to title these vehicles, and the bill is designed to solve that problem.

Although it does seem like a simple problem, nothing is never quite as simple as we think when we start drafting a Federal bill, and we have spent 3 years, Mr. Speaker, talking to every single group we could find, from the State motor vehicle departments, the consumer groups, auto dealers, everybody we could come up with, to try to come up with a bill that solves this problem in a reasonable way, and I think the bill we have does that in a very good way.

I would say to my friend from Massachusetts that there are some groups who oppose this bill, but there are far more groups who support the bill, groups ranging from the motor vehicle administrators representing all the State and motor vehicle departments, certain consumer groups, new car dealers, and most of the people who have been involved in this process right from the beginning.

I would also say that while there are some groups who support it, many of them, the groups who oppose this bill, do so because it omits a private right of action, does not allow people to sue under a Federal statute in order to enforce certain parts of the bill. That is exactly what we tried to avoid in drafting this bill, was a process that would lead to a lot of litigation. We would like to have a simple rule that can be easily administered without a whole bunch of Federal preemptions of States rights.

I would also say to the gentleman that we have spent hours and hours and hours trying to figure out a definition that achieves a balance between protecting as many people as possible but not being absurd at the end of the day.

The gentleman may have an automobile that is more than 6 years old. I have to tell him that my automobile is 13 years old. My automobile has 120,000 miles on it, and I can tell my colleague that if I have a flat tire on my automobile, the value of the automobile is such that it might well trigger the 80-percent threshold for saying that my car has been totaled. And what we have tried to do in coming up with a definition is find a balance where we protect as many cars as possible but we do not bring into the definition of a car that has been totaled cars as old as mine and as worthless as mine that still work but might be considered totaled because they have a flat tire.

So we really have tried very hard to address the gentleman's concerns. I would say that we would like to continue to try to address the gentleman's

concerns, and if this bill does pass today, as we hope, we would be happy to talk to him in the conference and see if we cannot make some additional adjustments that move things in the right direction, but we have worked very hard on this bill with all the groups who are interested, and I think it is time to pass it in this House today.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, again, I want to compliment the gentleman from Washington State, and the gentleman from Virginia, and the gentleman from Louisiana for their work on this legislation. It is a complicated piece of legislation, and where we draw the line is, of course, one that is, as my colleagues know, a judgment that is quite subjective.

The bill that is before us today exempts sellers of cars where the automobile is 6 years, 6 model years, or older and worth less than $7,500. Now that is just a judgment call, but we are told that the average, the average automobile in the United States is 8 years old or older. So if the average car is 8 years old and we are picking 6 years, what are we talking about?

So what I did was, I had Kelly's Blue Book site on the Internet pulled up so we can take a look at some of the cars that one might be able to purchase that would not be covered, one would not get any warning that the car had had serious damage to it. Here are just a few of the 1989 model cars that the bill exempts in the Blue book:

A 1989 Chrysler Le Baron premium convertible 2–D, 100,000 miles; 1989; one could get it for $1,310; but they do not have to say if it has had a major collision, they do not have to give any information about it.

How about a 1989—would my colleague be interested in this: A 1989 Oldsmobile Cutlass Supreme coupe, 110,000 miles, cruise control, AM/FM stereo cassette, compact disk, CD changer, premium sound, sliding sun roof, and get it for 1,900 bucks? But my colleague is not going to get any information about whether or not it was in a crash.

How about this one? See if my colleague is interested. A 1989 Alfa Romeo Spyder convertible, compact disk, CD changer, premium sound, air-conditioning, power steering, the works, 4,470 bucks. 1989. But it is exempt; they do not have to pass on this information about whether or not it had a major accident.

Now how about this one if my colleague is not interested in the others? A 1989 Porsche 944 turbo coupe with air-conditioning, power steering, power windows, power door locks, tilt wheel, cruise control, premium sound, sliding sun roof, alloy rear wheels, excellent trade-in value, 7,455 bucks. This is a 1989 Porsche, no information about whether or not it had accidents.

I am almost done. As my colleague knows, I have got to go through the entire inventory in the store, and then I will be more than willing to yield to the gentleman.

Mr. WHITE. I have got my eye on one right now. I would be happy to buy it from the gentleman.

Mr. MARKEY. All right. Well, listen to this one. This might have been something that has been in the back of my colleague's mind over the years. I bet we all had a little bit of a fantasy about this car, a 1989 Jaguar XJS convertible, beautiful car, really a beautiful car, air-conditioning, power steering, power windows, power door locks, tilt wheel, AM/FM cassette, leather, alloy wheels, 7,125 bucks, 1989, 8 years old, the average age of a car in the United States.

I think that we at least should have the average car. Now we all know that an automobile that is older than this, as my colleagues know, is not going to be worth, on average, 7,500 bucks. It is tough to find a car that is 8, 9, 10 years old that is worth 7,500 bucks, but yet that is the average age of the cars on the road, and millions and millions of Americans every single year purchase a car in that age category because they cannot afford to buy a brand new car. Are not they entitled to some minimal amount of information about whether or not the previous owner had a major crackup with the car?

Mr. Speaker, I yield to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I appreciate it very much, and I know it is a mistake to buy a used car from the gentleman from Massachusetts, but, nevertheless, I am intrigued by the Oldsmobile that he talked about, the 1989 Oldsmobile, I believe the gentleman said it had a sun roof, for $1,900; is that right?

Mr. MARKEY. That is correct.

Mr. WHITE. And if I bought that car from the gentleman, and the sun roof had a malfunction, it could easily cost me $1,000, $1,300, maybe even $1,600 to fix that sun roof, and if it did cost me $1,600 to fix that sun roof, the bill would be considered totaled under the 80 percent definition, which is why it would not make sense to include that car in this particular bill.

The whole thing is about coming up with a balance. We do not want a situation where a perfectly serviceable car, no structural damage, has a damaged sun roof and then all of a sudden has to be classified as a salvaged vehicle under this title, and that is the balance we are trying to strike. I know the gentleman wants to strike the balance too. I know he suggested that we use a definition of 8 years. We actually have 6 model years, which is actually 7 years, so we are very close.

Mr. MARKEY. If I may reclaim my time, what if, rather than the case the gentleman singles out, what if it was the axle of the car that was damaged? What if it was that the steering wheel, in fact, had been coming off in the hands of the previous owner? What if, in fact, the engine on a frequent basis had been exploding into flames in the driveway of the previous owner and he had been trying to unload it on some unsuspecting consumer looking for a bargain?

So, yes, the sun roof answer is an interesting one and kind of a cute one, but it does not get to the core of our concern, which is the safety-related issues that could be covered up.

Mr. Speaker, I yield to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. All I want to point out is, the gentleman is absolutely right, if a car has an axle problem, that is something someone would like to know about, but under his bill a car, or his suggestion, a car that is older than 8 years, one still would not know about the axle.

So it is all a question of just where we draw the line to try to capture the most cars in a reasonable way.

Mr. MARKEY. Let me reclaim my time one more time to say I agree with the gentleman, it is where we draw the line. But if the average age of the average automobile on the American highway is 8 years of age, then at least let us give that protection. We can decide that in 10 years, in 12 years it is caveat emptor, but, my God, most of us, when and if we buy a used car, we are going to be buying it in the sixth to eighth year category. So that is the only point I am trying to make here.

The gentleman has moved the bill in the correct direction. I just think it stops short of capturing that group of automobiles which really is the most desirable used car that is being sold in America but with representations that may not fully reflect the safety of the car.

Mr. Speaker, I reserve the balance of my time at this point.

Mr. BLILEY. Mr. Speaker, I do not have any more speakers, so I would reserve the balance of my time.

Mr. MARKEY. May I ask, Mr. Speaker, how much time I have remaining?

The SPEAKER pro tempore [Mr. PACKARD]. The gentleman from Massachusetts has 9 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding this time to me. He is gracious. I may not use all 5 minutes, and I would be happy to yield that time back if I do not.

I just want to say, Mr. Speaker, along with my colleague from Massachusetts, I rise today to inform my colleagues that, in fact, this bill might not be what they think it is, and I want to first of all start off by giving great praise to my colleague, the gentleman

from Washington [Mr. WHITE], who has worked very hard on this piece of legislation, and the fact that we disagree on this piece of legislation does not mean that he has not worked with all great intention and he has moved the bill the right way, but I think that if this bill is to pass, that we are going to be making an already bad situation all the more confusing for the consumers across this Nation.

And I would agree that the national uniformity for auto salvage laws is a very good idea. In fact, VIN switching and title washing are definitely a problem that national uniformity would help. But as it has developed, this bill does not provide that uniformity.

As introduced, H.R. 1839 did require national uniformity even though, and I may have disagreed with how it would have preempted the State laws, at least it would have created a uniform system so that consumers would know exactly what it was they were buying, regardless of the State that they lived in.

But, Mr. Speaker, I have to point out to my colleagues that the bill that they will be voting on today, as changed by the manager's amendment, will not get us uniformity, and in fact it now runs the risk of being worse than us doing nothing at all.

In 1992, Members of Congress passed the Anti-Car Theft Act which, among other things, made carjacking a Federal crime. Also included in that act was the authorization of the National Motor Vehicle Title Information System to be a national data base of information on State and motor vehicle titles that would allow States to do an instant check on vehicles titled in another State.

The way this bill works is to require States that want to participate in the National Motor Vehicle Title Information System to either adopt the new Federal standards or include a new notice on the certificate of title that discloses that their State does not comply with the new Federal standards or stay exactly the way they are right now and not participate in the National Motor Vehicle Title Information System.

So, again, Mr. Speaker, I want to point out that making the adoption of the new Federal standards completely optional directly contradicts the bill's intended purpose to establish national uniformity and definitions and procedures regarding the titling of severely damaged motor vehicles.

If this act passes, we will have three kinds of States; we will have States that can opt into the Federal standards and can take Federal grant money to participate in a yet to be developed national motor vehicle titling information system at the cost of having their salvage laws preempted by the national law. If a State does not want to do that, they would fall perhaps in the second category, and that is States that opt out of the Federal standards but they still want to take Federal grant money to participate in the national motor vehicle titling information system, but they would then decide to disclose the fact that they do not comply with Federal standards on each certificate of title that they issue. Or we could have a third kind of State, States that completely opt out and keep their current law.

Now I am in favor of national uniformity, but, as my colleagues can see, we have some States adopting a Federal standard, some States that have to disclose that they are not going to adopt the Federal standards but that they still want to take Federal grant money to participate in a national motor vehicle titling information system, and some States that could say the heck with it all, we are going to stand pat on what we are doing now, we are going to keep our local standards, our current State law, that afford more disclosure to consumers than the proposed Federal standard.

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Now, I have to say again, this does not help us to achieve the stated goal of uniformity. In fact, I think it is going to worsen the current hodgepodge of State laws, while potentially undermining the effectiveness of the national motor vehicle tight link information system at the same time. In addition to having various State laws, we are now going to add to that another level of Federal law that consumers will assume is national uniformity, but, in fact, will not be.

Mr. Speaker, I remain very happy to work with my colleagues if this bill does not pass so that we can achieve our goals, but as of right now this is a bill that badly needs to be improved.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, I thank the gentleman for yielding me this time.

I just wanted to say in response to the gentleman from Pennsylvania, I appreciate his work on this bill too, and I know he has worked with us long and hard in a sincere effort in trying to improve this bill. The same is certainly true for the gentleman from Massachusetts.

If I could characterize what the gentleman from Pennsylvania has said, he is essentially saying this bill is not quite perfect, it does not quite establish a national uniform standard, and I would say to him that that is essentially true. It would be nice to have a uniform national standard, but we also have a Constitution that we have to deal with here and we can only do so much as the Constitution permits us.

I think it would be a mistake to make the perfect bill here be the enemy of a good bill. We have a good bill that takes us a long way in the right direction. We have heard from most of the States, and our sense is that virtually all of them will participate in this program.

So I think it is a good bill and one that is worth voting for.

Mr. MARKEY. Mr. Speaker, I have no remaining speakers on my side, so I would urge a "no" vote on this bill.

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

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume just to say this, and I will be very brief. The National Automobile Dealers support this bill; the American Association of Motor Vehicle Administrators, and a wide array of associations, industries, and law enforcement groups all support this bill.

Yes, I would like to have a national standard, but because of the Supreme Court Brady decision, we could not do that. I would also like to point out, there were some statements made today that perhaps 1839 would overrule existing State safety inspections. That is not the case. Mr. Speaker, 1839 specifically leaves intact existing State safety inspections of rebuilt and salvage vehicles. Mr. Speaker, I urge the adoption of the legislation.

Mr. POMEROY. Mr. Speaker, I rise today in support of H.R. 1839, the National Salvage Motor Vehicle Consumer Protection Act of 1997. The bill would remedy a situation where salvage vehicles that have been rebuilt are sold as undamaged used cars. This fraud occurs at the expense of $4 billion to consumers and business people each year.

Currently, there is no uniformity in how States define and report whether a vehicle has been damaged and if the level of damage warrants the vehicle to be deemed salvage. Some States require that this information appear on vehicle titles. However, even the States that require this disclosure record the information differently on vehicle titles. These discrepancies leave the door open for consumers to be defrauded. With each State having different guidelines, a car may be considered junked in one State and yet could cross State lines and obtain a clear title in another State. This problem becomes an issue of consumer rights. Car owners and the auto dealers who sell the cars have the right to know the history of their cars, and the rest of the public has the right to know that cars on the road are safe.

Under H.R. 1839, States involved in uniform titling and registering of salvage, rebuilt salvage and nonrepairable vehicles would have access to a Federal computer system that would assist in locating information about vehicle documents issued by other States. In an age when we attempt to track vehicles on Mars, why wouldn't we track our vehicles from one State to the next under a uniform system of titling procedures and definitions? It makes sense to use technology to guard consumers against theft and fraud of automobiles.

This legislation would set a definition of salvage vehicle to mean any damage that exceeds 80 percent of the retail value on a car

up to 7 years old or newer. Once a car is designated as such, the car owner must get a salvage title. This sets the wheels in motion to ensure that a salvaged vehicle in North Dakota is a salvaged vehicle in New Mexico.

You may hear the argument that States aren't able to set their own guidelines under this bill. As a former State insurance commissioner, I firmly believe in States rights and the need for States to tailor laws for their respective residents. But this is a case where uniformity across State lines improves the overall safety of people in communities across the country.

The Motor Vehicle Titling, Registration and Salvage Advisory Committee, known simply as the Salvage Committee, that was formed as a result of the Anti-Car Theft Act of 1992 recommended many of the provisions of H.R. 1839. These provisions result in better information for consumers and dealers, and increased safety for the general public. With that in mind, I urge the Members to support the bill.

Mr. BLILEY. Mr. Speaker, having no further requests for time, 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. BLILEY] that the House suspend the rules and pass the bill, H.R. 1839, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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.

FEDERAL EMPLOYEES HEALTH CARE PROTECTION ACT OF 1997

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1836) to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1836

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 "Federal Employees Health Care Protection Act of 1997".

SEC. 2. DEBARMENT AND OTHER SANCTIONS.

(a) AMENDMENTS.—Section 8902a of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "and" at the end of subparagraph (B);

(ii) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(iii) by adding at the end the following:

"(D) the term 'should know' means that a person, with respect to information, acts in deliberate ignorance of, or in reckless disregard of, the truth or falsity of the information, and no proof of specific intent to defraud is required;"; and

(B) in paragraph (2)(A), by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)";

(2) in subsection (b)—

(A) by striking "The Office of Personnel Management may bar" and inserting "The Office of Personnel Management shall bar"; and

(B) by amending paragraph (5) to read as follows:

"(5) Any provider that is currently debarred, suspended, or otherwise excluded from any procurement or nonprocurement activity (within the meaning of section 2455 of the Federal Acquisition Streamlining Act of 1994).";

(3) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively, and by inserting after subsection (b) the following:

"(c) The Office may bar the following providers of health care services from participating in the program under this chapter:

"(1) Any provider—

"(A) whose license to provide health care services or supplies has been revoked, suspended, restricted, or not renewed, by a State licensing authority for reasons relating to the provider's professional competence, professional performance, or financial integrity; or

"(B) that surrendered such a license while a formal disciplinary proceeding was pending before such an authority, if the proceeding concerned the provider's professional competence, professional performance, or financial integrity.

"(2) Any provider that is an entity directly or indirectly owned, or with a control interest of 5 percent or more held, by an individual who has been convicted of any offense described in subsection (b), against whom a civil monetary penalty has been assessed under subsection (d), or who has been debarred from participation under this chapter.

"(3) Any individual who directly or indirectly owns or has a control interest in a sanctioned entity and who knows or should know of the action constituting the basis for the entity's conviction of any offense described in subsection (b), assessment with a civil monetary penalty under subsection (d), or debarment from participation under this chapter.

"(4) Any provider that the Office determines, in connection with claims presented under this chapter, has charged for health care services or supplies in an amount substantially in excess of such provider's customary charge for such services or supplies (unless the Office finds there is good cause for such charge), or charged for health care services or supplies which are substantially in excess of the needs of the covered individual or which are of a quality that fails to meet professionally recognized standards for such services or supplies.

"(5) Any provider that the Office determines has committed acts described in subsection (d).

Any determination under paragraph (4) relating to whether a charge for health care services or supplies is substantially in excess of the needs of the covered individual shall be made by trained reviewers based on written medical protocols developed by physicians. In the event such a determination cannot be made based on such protocols, a physician in an appropriate specialty shall be consulted.";

(4) in subsection (d) (as so redesignated by paragraph (3)) by amending paragraph (1) to read as follows:

"(1) in connection with claims presented under this chapter, that a provider has charged for a health care service or supply which the provider knows or should have known involves—

"(A) an item or service not provided as claimed,

"(B) charges in violation of applicable charge limitations under section 8904(b), or

"(C) an item or service furnished during a period in which the provider was debarred from participation under this chapter pursuant to a determination by the Office under this section, other than as permitted under subsection (g)(2)(B);";

(5) in subsection (f) (as so redesignated by paragraph (3)) by inserting after "under this section" the first place it appears the following: "(where such debarment is not mandatory)";

(6) in subsection (g) (as so redesignated by paragraph (3))—

(A) by striking "(g)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(g)(1)(A) Except as provided in subparagraph (B), debarment of a provider under subsection (b) or (c) shall be effective at such time and upon such reasonable notice to such provider, and to carriers and covered individuals, as shall be specified in regulations prescribed by the Office. Any such provider that is debarred from participation may request a hearing in accordance with subsection (h)(1).

"(B) Unless the Office determines that the health or safety of individuals receiving health care services warrants an earlier effective date, the Office shall not make a determination adverse to a provider under subsection (c)(5) or (d) until such provider has been given reasonable notice and an opportunity for the determination to be made after a hearing as provided in accordance with subsection (h)(1).";

(B) in paragraph (3)—

(i) by inserting "of debarment" after "notice"; and

(ii) by adding at the end the following: "In the case of a debarment under paragraph (1), (2), (3), or (4) of subsection (b), the minimum period of debarment shall not be less than 3 years, except as provided in paragraph (4)(B)(ii).";

(C) in paragraph (4)(B)(i)(I) by striking "subsection (b) or (c)" and inserting "subsection (b), (c), or (d)"; and

(D) by striking paragraph (6);

(7) in subsection (h) (as so redesignated by paragraph (3)) by striking "(h)(1)" and all that follows through the end of paragraph (2) and inserting the following:

"(h)(1) Any provider of health care services or supplies that is the subject of an adverse determination by the Office under this section shall be entitled to reasonable notice and an opportunity to request a hearing of record, and to judicial review as provided in this subsection after the Office renders a final decision. The Office shall grant a request for a hearing upon a showing that due process rights have not previously been afforded with respect to any finding of fact which is relied upon as a cause for an adverse determination under this section. Such hearing shall be conducted without regard to subchapter II of chapter 5 and chapter 7 of this title by a hearing officer who shall be designated by the Director of the Office and who shall not otherwise have been involved in the adverse determination being appealed. A request for a hearing under this subsection

shall be filed within such period and in accordance with such procedures as the Office shall prescribe by regulation.

"(2) Any provider adversely affected by a final decision under paragraph (1) made after a hearing to which such provider was a party may seek review of such decision in the United States District Court for the District of Columbia or for the district in which the plaintiff resides or has his or her principal place of business by filing a notice of appeal in such court within 60 days after the date the decision is issued, and by simultaneously sending copies of such notice by certified mail to the Director of the Office and to the Attorney General. In answer to the appeal, the Director of the Office shall promptly file in such court a certified copy of the transcript of the record, if the Office conducted a hearing, and other evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and evidence of record, a judgment affirming, modifying, or setting aside, in whole or in part, the decision of the Office, with or without remanding the case for a rehearing. The district court shall not set aside or remand the decision of the Office unless there is not substantial evidence on the record, taken as whole, to support the findings by the Office of a cause for action under this section or unless action taken by the Office constitutes an abuse of discretion."; and

(8) in subsection (i) (as so redesignated by paragraph (3))—

(A) by striking "subsection (c)" and inserting "subsection (d)"; and

(B) by adding at the end the following: "The amount of a penalty or assessment as finally determined by the Office, or other amount the Office may agree to in compromise, may be deducted from any sum then or later owing by the United States to the party against whom the penalty or assessment has been levied.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXCEPTIONS.—(A) Paragraphs (2), (3), and (5) of section 8902a(c) of title 5, United States Code, as amended by subsection (a)(3), shall apply only to the extent that the misconduct which is the basis for debarment under such paragraph (2), (3), or (5), as applicable, occurs after the date of the enactment of this Act.

(B) Paragraph (1)(B) of section 8902a(d) of title 5, United States Code, as amended by subsection (a)(4), shall apply only with respect to charges which violate section 8904(b) of such title for items or services furnished after the date of the enactment of this Act.

(C) Paragraph (3) of section 8902a(g) of title 5, United States Code, as amended by subsection (a)(6)(B), shall apply only with respect to debarments based on convictions occurring after the date of the enactment of this Act.

SEC. 3. MISCELLANEOUS AMENDMENTS RELATING TO THE HEALTH BENEFITS PROGRAM FOR FEDERAL EMPLOYEES.

(a) DEFINITION OF A CARRIER.—Paragraph (7) of section 8901 of title 5, United States Code, is amended by striking "organization;" and inserting "organization and an association of organizations or other entities described in this paragraph sponsoring a health benefits plan;".

(b) SERVICE BENEFIT PLAN.—Paragraph (1) of section 8903 of title 5, United States Code, is amended by striking "plan," and inserting "plan, which may be underwritten by participating affiliates licensed in any number of States,".

(c) PREEMPTION.—Section 8902(m) of title 5, United States Code, is amended by striking "(m)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(m)(1) The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to health insurance or plans.".

SEC. 4. CONTINUED HEALTH INSURANCE COVERAGE FOR CERTAIN INDIVIDUALS.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of chapter 89 of title 5, United States Code, any period of enrollment—

(1) in a health benefits plan administered by the Federal Deposit Insurance Corporation before the termination of such plan on January 3, 1998, or

(2) subject to subsection (c), in a health benefits plan (not under chapter 89 of such title) with respect to which the eligibility of any employees or retired employees of the Board of Governors of the Federal Reserve System terminates on January 3, 1998,

shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—(1) Subject to subsection (c), any individual who, on January 3, 1998, is enrolled in a health benefits plan described in subsection (a)(1) or (2) may enroll in an approved health benefits plan under chapter 89 of title 5, United States Code, either as an individual or for self and family, if, after taking into account the provisions of subsection (a), such individual—

(A) meets the requirements of such chapter for eligibility to become so enrolled as an employee, annuitant, or former spouse (within the meaning of such chapter); or

(B) would meet those requirements if, to the extent such requirements involve either retirement system under such title 5, such individual satisfies similar requirements or provisions of the Retirement Plan for Employees of the Federal Reserve System.

Any determination under subparagraph (B) shall be made under guidelines which the Office of Personnel Management shall establish in consultation with the Board of Governors of the Federal Reserve System.

(2) Subject to subsection (c), any individual who, on January 3, 1998, is entitled to continued coverage under a health benefits plan described in subsection (a)(1) or (2) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, but only for the same remaining period as would have been allowable under the health benefits plan in which such individual was enrolled on January 3, 1998, if—

(A) such individual had remained enrolled in such plan; and

(B) such plan did not terminate, or the eligibility of such individual with respect to such plan did not terminate, as described in subsection (a).

(3) Subject to subsection (c), any individual (other than an individual under paragraph (2)) who, on January 3, 1998, is covered under a health benefits plan described in subsection (a)(1) or (2) as an unmarried dependent child, but who does not then qualify for coverage under chapter 89 of title 5, United States Code, as a family member (within the meaning of such chapter) shall be deemed to be entitled to continued coverage under section 8905a of such title, to the same extent and in the same manner as if such individual had, on January 3, 1998, ceased to meet the requirements for being considered an unmarried dependent child of an enrollee under such chapter.

(4) Coverage under chapter 89 of title 5, United States Code, pursuant to an enrollment under this section shall become effective on January 4, 1998.

(c) ELIGIBILITY FOR FEHBP LIMITED TO INDIVIDUALS LOSING ELIGIBILITY UNDER FORMER HEALTH PLAN.—Nothing in subsection (a)(2) or any paragraph of subsection (b) (to the extent such paragraph relates to the plan described in subsection (a)(2)) shall be considered to apply with respect to any individual whose eligibility for coverage under such plan does not involuntarily terminate on January 3, 1998.

(d) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—The Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System shall transfer to the Employees Health Benefits Fund under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amounts so transferred shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of such title.

(e) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer the provisions of this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

SEC. 5. FULL DISCLOSURE IN HEALTH PLAN CONTRACTS.

The Office of Personnel Management shall encourage carriers offering health benefits plans described by section 8903 or section 8903a of title 5, United States Code, with respect to contractual arrangements made by such carriers with any person for purposes of obtaining discounts from providers for health care services or supplies furnished to individuals enrolled in such plan, to seek assurance that the conditions for such discounts are fully disclosed to the providers who grant them.

SEC. 6. PROVISIONS RELATING TO CERTAIN PLANS THAT HAVE DISCONTINUED THEIR PARTICIPATION IN FEHBP.

(a) AUTHORITY TO READMIT.—

(1) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903a the following:

"§ 8903b. Authority to readmit an employee organization plan

"(a) In the event that a plan described by section 8903(3) or 8903a is discontinued under this chapter (other than in the circumstance described in section 8909(d)), that discontinuation shall be disregarded, for purposes of any determination as to that plan's eligibility to be considered an approved plan under this chapter, but only for purposes of any contract year later than the third contract year beginning after such plan is so discontinued.

"(b) A contract for a plan approved under this section shall require the carrier—

"(1) to demonstrate experience in service delivery within a managed care system (including provider networks) throughout the United States; and

"(2) if the carrier involved would not otherwise be subject to the requirement set forth in section 8903a(c)(1), to satisfy such requirement.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8903a the following:

"8903b. Authority to readmit an employee organization plan.".

(3) APPLICABILITY.—

(A) IN GENERAL.—The amendments made by this subsection shall apply as of the date of enactment of this Act, including with respect to any plan which has been discontinued as of such date.

(B) TRANSITION RULE.—For purposes of applying section 8903b(a) of title 5, United States Code (as amended by this subsection) with respect to any plan seeking to be readmitted for purposes of any contract year beginning before January 1, 2000, such section shall be applied by substituting "second contract year" for "third contract year".

(b) TREATMENT OF THE CONTINGENCY RESERVE OF A DISCONTINUED PLAN.—

(1) IN GENERAL.—Subsection (e) of section 8909 of title 5, United States Code, is amended by striking "(e)" and inserting "(e)(1)" and by adding at the end the following:

"(2) Any crediting required under paragraph (1) pursuant to the discontinuation of any plan under this chapter shall be completed by the end of the second contract year beginning after such plan is so discontinued.

"(3) The Office shall prescribe regulations in accordance with which this subsection shall be applied in the case of any plan which is discontinued before being credited with the full amount to which it would otherwise be entitled based on the discontinuation of any other plan.".

(2) TRANSITION RULE.—In the case of any amounts remaining as of the date of enactment of this Act in the contingency reserve of a discontinued plan, such amounts shall be disposed of in accordance with section 8909(e) of title 5, United States Code, as amended by this subsection, by—

(A) the deadline set forth in section 8909(e) of such title (as so amended); or

(B) if later, the end of the 6-month period beginning on such date of enactment.

SEC. 7. MAXIMUM PHYSICIANS COMPARABILITY ALLOWANCE PAYABLE.

(a) IN GENERAL.—Paragraph (2) of section 5948(a) of title 5, United States Code, is amended by striking "$20,000" and inserting "$30,000".

(b) AUTHORITY TO MODIFY EXISTING AGREEMENTS.—

(1) IN GENERAL.—Any service agreement under section 5948 of title 5, United States Code, which is in effect on the date of enactment of this Act may, with respect to any period of service remaining in such agreement, be modified based on the amendment made by subsection (a).

(2) LIMITATION.—A modification taking effect under this subsection in any year shall not cause an allowance to be increased to a rate which, if applied throughout such year, would cause the limitation under section 5948(a)(2) of such title (as amended by this section), or any other applicable limitation, to be exceeded.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to authorize additional or supplemental appropriations for the fiscal year in which occurs the date of enactment of this Act.

SEC. 8. CLARIFICATION RELATING TO SECTION 8902(k).

Section 8902(k) of title 5, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) Nothing in this subsection shall be considered to preclude a health benefits plan from providing direct access or direct payment or reimbursement to a provider in a health care practice or profession other than a practice or profession listed in paragraph (1), if such provider is licensed or certified as such under Federal or State law.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

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

Mr. Speaker, the Federal Government Employees Health Care Protection Act of 1997, H.R. 1836, makes some very significant improvements in the Federal Employees Health Benefit Program. It was introduced by the distinguished chairman of the full Committee on Government Reform and Oversight, the gentleman from Indiana [Mr. BURTON], in order to protect the integrity of the Federal Employees Health Benefit Program.

This is truly a bipartisan piece of legislation. The Office of Personnel Management, which administers this health benefits program, asked for many of the specific changes this bill proposes and suggested much of the language incorporated in this measure.

Additionally, some provisions in this bill are substantially similar to those in a bill which was introduced by the distinguished gentleman from Maryland, [Mr. CUMMINGS], who is the ranking member of our Subcommittee on Civil Service. I want to take this opportunity to commend the gentleman from Indiana [Mr. BURTON] for his leadership on this important piece of legislation and these issues, and thank the gentleman from Maryland [Mr. CUMMINGS] for his leadership and for his close cooperation on this particular piece of legislation.

Mr. Speaker, almost 9 million Federal employees, postal workers, retirees, and their families depend on the Federal Employee Health Benefit Program. They rely on this program to obtain high quality health care at affordable prices. For the most part, the program has been a great success story. It is widely considered to be a model employer-sponsored health care plan, and many have suggested that its model should be copied so others in need of coverage could have access to a similar program.

Key to the success is in fact the market orientation of the program. It provides Federal employees and retirees with the opportunity to choose from among numerous competing health care plans. Consumer choice and competition have kept premiums in check.

To keep the cost of health care affordable for our Federal employees, retirees, and other dependents, Mr. Speaker, it is important to protect their health benefits from those few unscrupulous health care providers that attempt to defraud the system or engage in other improper practices.

H.R. 1836 strengthens the Office of Personnel Management's ability to debar health care providers who commit such misconduct, and it also allows OPM to impose civil monetary penalties.

Fraudulent and abusive practices drive up the costs of our health care. Under this bill, OPM will better be able to protect the taxpayers and Federal health care consumers by acting swiftly against unethical providers.

This bill also contains other provisions that are very important, Mr. Speaker. For the first time, this bill establishes rules under which employee organizations-sponsored health care plans may reenter the Federal Employee Health Benefit Program after previously discontinuing their participation. It also requires the Office of Personnel Management to distribute the reserves of such plans that withdraw from the FEHB to plans that remain in the program.

Another feature of this legislation makes clear that the FEHB contracts preempt State and local laws. This is a necessary provision which will permit nationwide plans in the program to provide uniform benefits throughout our country.

Another important problem this bill addresses is the use of so-called silent PPOs. Mr. Speaker, PPOs, preferred provider organizations, negotiate lower rates from medical care providers. In exchange, the PPOs provide certain incentives to the providers. Directed PPOs promise to direct patients to the provider. Nondirected PPOs may promise financial incentives such as prepayment or prompt payment. Both directed PPOs and nondirected PPOs are in fact legitimate business arrangements, but silent PPOs are not. Silent PPOs arrange for carriers to pay discounted rates when they are not, in fact, entitled to them. They violate the terms of the discounted rate arrangements the providers have entered into with networks or carriers. Unfortunately, many people believe the Office of Personnel Management has tacitly encouraged the use of silent PPOs in a shortsighted effort to obtain lower rates from providers under any circumstances.

Hospitals and doctors are the first victims of silent PPOs, but in the end, the practice in fact drives up health care costs for all consumers, just as

shoplifters drive up the cost of retail purchases for everyone.

Everyone agrees, Mr. Speaker, that full disclosure is the answer to this problem. This legislation, H.R. 1836, requires OPM to encourage carriers who enter into discount arrangements with third parties to seek assurances that the third party has fully disclosed the terms of the discount to the health care provider. This solution protects the sanctity of contracts and the integrity of the FEHB program without hindering legitimate PPOs, whether they are directed or nondirected.

Finally, Mr. Speaker, this bill permits certain employees and retirees from the Fed and also the FDIC to participate in our Federal Employees Health Benefit Program. Unless both Houses of Congress pass this bill during this session, some employees at these agencies will not be able to participate in the government's health care benefit program next year. These agencies in fact will be forced to find more costly alternatives to cover those employees.

I urge all Members to support this bill and the many improvements it offers us and our Federal employees today.

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

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

Mr. Speaker, I first of all want to take a moment to compliment the gentleman from Florida [Mr. MICA], the subcommittee chairman, who has worked very closely with this side of the aisle to make sure that we came up with a very, very good bill. I would also like to take a moment to recognize the ranking member of our full committee, Mr. WAXMAN, and to recognize the gentleman from Indiana, Mr. BURTON, our chairman, for this excellent piece of legislation. Furthermore, I would like to recognize two of our Members on our side, the gentlewoman from Washington, DC [Ms. NORTON] and the gentleman from Tennessee (Mr. FORD), who have worked very, very hard, and of course the gentlewoman from Maryland [Mrs. MORELLA], my colleague, who has played a very significant role with this legislation. I want to thank all of my colleagues for what we have been able to do together to make life a little bit easier for our Federal employees.

Mr. Speaker, H.R. 1836, the Federal Employees Health Care Protection Act of 1997, is a good bill that has won strong bipartisan support. It has at its core a provision that would enable the Office of Personnel Management to effectively use administrative sanctions to protect our health care program from fraud and abuse perpetrated by unscrupulous health care providers.

The enactment of this particular reform was requested by OPM earlier this year. I support it, and in fact, introduced a narrow bill to achieve the same result. H.R. 1836, however, contains some additional provisions that would improve the administration of the Federal Employees Health Benefits Program. I will highlight just a few of them.

The bill contains a provision that would strengthen the current preemption statute in title V so as to ensure that FEHB's programs and national plans can continue to provide uniform benefits and rates to enrollees regardless of where they live.

Another provision would permit active and retired employees of the Federal Deposit Insurance Corporation and the Federal Reserve System to enter the FEHB Program. This will save both agencies several millions of dollars in future premium costs.

□ 1515

This bill also requires OPM to encourage participating health plans that contract with third parties to obtain discounted rates from health care providers to seek assurances that the conditions surrounding those discounts have been fully disclosed.

This proposal had proven to be somewhat controversial. I am pleased to say, however, that the majority worked cooperatively with our side and with the Office of Personnel Management to reach agreement on the language in the bill.

Finally, H.R. 1836 clarifies a provision of an existing law concerning direct access and reimbursement to health care providers in the program. The inclusion of that provision had also stirred some controversy; however, a compromise was reached on it as well.

Mr. Speaker, I believe that H.R. 1836 makes important and needed improvements in the Federal Employees Health Benefits Program. I urge all Members to give their support to this very, very significant piece of legislation. Again, I thank the subcommittee chairman for his cooperation.

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

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Indiana [Mr. BURTON], the chairman of our full Committee on Government Reform and Oversight.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, earlier this year I introduced H.R. 1836, the Federal Employees Health Protection Act of 1997, to protect Federal employees and taxpayers by helping to reduce fraud in the Federal Employees Health Benefit Program. This bill will help strengthen the integrity and the standards of the FEHBP and continue its reputation as one of the strongest, most cost-effective and comprehensive programs in the United States.

I want to commend the chairman of the Subcommittee on Civil Service, the gentleman from Florida [Mr. MICA], for his diligence in getting this bill before the Committee on Government Reform and Oversight for consideration. Last week the full committee unanimously approved H.R. 1836.

This is a pro-Federal employee bill and is supported by all Members of the Congress from the D.C. metropolitan area. H.R. 1836 is a noncontroversial, bipartisan bill cosponsored by the ranking minority member of the Subcommittee on Civil Service, the gentleman from Maryland, Mr. CUMMINGS, and the ranking minority member of the full committee, the gentleman from California, Mr. HENRY WAXMAN.

H.R. 1836 is supported by the major hospital and health care associations, the National Association of Postmasters, the National Treasury Employees Union, the National Association of Retired Federal Employees, the Federal Managers Association, a number of health benefit carriers, the Federal Deposit Insurance Corporation, and the Federal Reserve. In fact, the only opposition to this bill is likely to come from health care providers and brokers who engage in unethical business practices.

The FEHB Program is the largest employer-sponsored health system in this country. It insures approximately 9 million Federal employees, annuitants, and their dependents at a cost of $16 billion a year. It is often cited as the model health care program that the private sector and public sector should attempt to replicate.

Through private sector competition with limited governmental intervention, this program has effectively and efficiently contained costs and continued to provide quality health care. The benefits have been very well explained by the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS], so I will not go into all those, but I would like to say that I urge support of all of my colleagues for this pro-Federal employee legislation.

Through the changes included in this bill, the integrity and the standards of the FEHB Program will be strengthened and protected. It is also my sincere hope that once this legislation is approved by the full House of Representatives, the Senate will move expeditiously and pass this very important bill.

I urge all of my colleagues to support this legislation that will help reduce fraud in the Federal Employees Health Benefit Program. Once again, congratulations on a job well done to the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS].

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

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA], another distinguished member of the

Committee on Government Reform and Oversight.

Mrs. MORELLA. I thank the gentleman for yielding me the time, Mr. Speaker.

Mr. Speaker, I rise in strong support of H.R. 1836, the Federal Employees Health Care Protection Act of 1997. Again, I offer my thanks to the gentleman from Indiana [Chairman BURTON] and the Subcommittee on Civil Service Chair, the gentleman from Florida [Mr. MICA] for working with me and the other Members to fine-tune this legislation as it moves through committee. My commendation also to the ranking member, the gentleman from Maryland [Mr. CUMMINGS], my colleague. As he mentioned, this legislation has bipartisan support.

Mr. Speaker, FEHBP is an outstanding program. But even among the best programs there is always room for improvement. The FEHBP is critically important to my constituents. Every year I hold a symposium for Federal employees and retirees in my district. The turnout is enormously high. The comments about FEHBP are generally very positive. FEHBP is the country's largest employer-based health insurance program, serving the health care needs of almost 10 million Federal employees, retirees and their families. In fact, when Congress considered health care reform in 1994, FEHBP was touted as a model.

FEHBP enjoys high customer satisfaction. Over 85 percent of participants in fee-for-service plans and HMO's are satisfied with their FEHBP plan. It is critical that we ensure that its success continues.

One important way Congress has ensured the continued success of FEHBP was by adopting an amendment that I offered to the budget reconciliation bill to prevent an annual increase of $276 per person in the program beginning in 1999. The new formula I offered as an amendment is derived from taking a weighted average of all the plans and setting the maximum Government contribution at 72 percent. It will ensure that Federal employees' premiums do not rise. Thus, the Government's share and the employees' share will remain the same.

The legislation before us is another opportunity to improve FEHBP. This legislation attacks fraud and abuse in the FEHB Program. It provides OPM with better tools to swiftly penalize fraudulent health care providers. The legislation will also enable OPM to bar fraudulent providers from FEHBP participation and impose monetary penalties on providers who engage in misconduct.

I want to, again, thank the gentleman from Florida [Chairman MICA] and the ranking member, the gentleman from Maryland [Mr. CUMMINGS], for their leadership on this issue.

H.R. 1836 extends FEHBP to the Federal Deposit Insurance Corporation and Federal Reserve Board employees. Without this legislation, the FDIC and the FED will be forced to establish a non-FEHB plan, costing both these agencies and the taxpayers a considerable amount of money and imposing unnecessary administrative burdens on the FDIC and FED. As the calendar year comes to a close, it is critical we move this legislation quickly.

The legislation also contains important language in section 5 concerning the disclosure of silent PPO's. While I opposed section 5 as it was originally drafted, I am pleased with the language that is in this legislation and the report language which will not restrict the competitive relationship between directed and nondirected PPO's.

There is a clear distinction between silent PPO's and the legitimate directed and non-directed PPO's. This section will not prohibit OPM from continuing to encourage FEHBP carriers to seek out the lowest prices possible for goods and services. Millions of dollars each year in savings accrue to Federal employees and the Government through the use of various savings initiatives, including both directed and nondirected PPO efforts. I am pleased that this legislation will not impede this activity.

Today I want to thank both the gentleman from Florida [Mr. MICA] and the gentleman from Indiana [Mr. BURTON] for ensuring that we move forward in a positive direction without increasing the costs to FEHBP that would have been borne jointly by the Federal Government and Federal employees.

Section 7 of H.R. 1836 was added by an amendment that I offered to the bill in subcommittee to increase the physician's comparability allowance, a critically important tool used to recruit and retain Federal physicians. I recently commissioned a GAO study to review the PCA and its usefulness. This September 1997 GAO report confirms that PCA is critical. Since I requested the GAO study, I have heard from hundreds of Federal physicians across the country who have stated very clearly that, without the PCA, they would have chosen a different career. This section would increase the PCA from $20,000 to $30,000, and it has not been increased for 10 years.

The increase, however, would not result in an increase in appropriations. It simply allows agencies to pay an additional PCA from their own budgets based on their recruitment and retention needs. According to the Office of Personnel Management, the PCA constitutes a declining percentage of income.

I had also hoped to include a provision of legislation that I introduced to H.R. 2541 that would include a physician's PCA in his or her average pay in order to compute retirement. I understand Chairman MICA'S cost concerns, and I have requested a CBO score so we can move this piece forward at a later date.

The over 2,700 Federal physicians eligible for the PCA are working on cures for HIV/AIDS, cancer, heart disease, protecting the safety of food and drugs, providing medical care to Defense and State Department employees and dependents, airline pilots, astronauts, Native Americans, Federal prisoners. Indeed, it is critically important that we have this PCA in this particular bill.

Again, I want to thank the chairman of the subcommittee and ranking member, and the chairman of the full committee and ranking member of the full committee. This is good legislation.

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

Mr. Speaker, I just wanted to close by saying, again, that this is a very excellent piece of legislation. I would recommend that all the Members of this great House vote in favor of it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Federal Employees Health Care Protection Act of 1997 deserves the support of every Member. This bill provides the Office of Personnel Management the tools to deal swiftly with health care providers who defraud the program or who engage in similar misconduct.

The bill protects the integrity of the FEHBP in other ways as well. First, it makes it abundantly clear that carriers and preferred provider networks are expected to live up to the terms of their agreements with doctors and hospitals. Also, it establishes rules for the reentry into plans that have been discontinued as far as participation in the program. Finally, it levels the playing field for certain health care providers by clarifying that carriers may provide direct access and direct payment to those providers, even though they are not named in the relevant statute.

Very finally, in closing, Mr. Speaker, a provision of this bill improves the Federal Government's ability to compete for highly qualified doctors by raising the maximum physician comparability allowance.

I want to take this final moment to thank the gentleman from Indiana, Chairman BURTON, for his introduction of the legislation, the gentleman from Maryland [Mr. CUMMINGS], the ranking member, and the gentlewoman who worked so hard on behalf of our civil servants, the gentlewoman from Maryland [Mrs. MORELLA], and Members and staff who have helped put this bill together.

This is a good bill, Mr. Speaker. I urge all Members to support this legislation.

Mr. SOUDER. Mr. Speaker, I wish to congratulate you on this important bipartisan legislation to protect the Federal Employees

Health Benefits Program [FEHBP] from fraud. I strongly support this legislation, which protects taxpayers from the misuse of their tax dollars.

One provision that is particularly meritorious is section 5 of the bill, which attempts to limit the growth of a group of health care brokers, known as silent preferred providers organizations, or silent PPO's. Through silent PPO's payors are obtaining preferred-provider discounts without physician, hospital, or other health system providers' knowledge or consent. These silent PPO's undermine legitimate PPO's by causing health care providers to question the utility of entering into legitimate contracts with health benefit carriers if fraudulent discounts are taken elsewhere. This fraudulent discounting is particularly insidious because it's so hard to track. Unfortunately, the Federal Government, through the Office of Personnel Management [OPM], has encouraged the use of these silent PPO's in the FEHBP.

Mr. Speaker, I believe the compromise language included in the Chairman's mark, which was proposed by the Office of Personnel Management, represents a substantial change in the administration's attitude toward silent PPO's. As I indicated OPM had previously encouraged the proliferation of these brokers of health care discounts. I commend the administration for recognizing the error of its ways and now moving to eliminate silent PPO's in the program.

Mr. Speaker, I again commend you for raising this issue by including section 5 in your legislation, and while the provision has been altered I believe the new language, which garnered the support of the administration, is a direct reflection of your leadership on this issue. It is only through your commitment to eliminating the fraudulent use of discounts that we are here today with a bipartisan bill that will substantially benefit all Federal employees and taxpayers.

It has been brought to my attention that the inspector general [IG] at OPM is investigating the activities of these silent PPO's, and I urge that this Committee should work with the IG to keep a close eye on these health care discounting practices. Furthermore, States are beginning to examine the activities of silent PPO's and North Carolina has recently passed legislation designating such discounting activities as unfair trade practices thereby subjecting violators to treble damages and attorney fees.

I urge support for H.R. 1836.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 1836, and I want to compliment Mr. BURTON, the chairman of the Government Reform and Oversight Committee, for his sponsorship of this important bill. I had expressed concern regarding the original language in section 5 of this bill and I commend both Mr. MICA, chairman of the Civil Service Subcommittee, and Mr. BURTON for ensuring through redrafting that the concerns about potential increased costs to the Federal Employees Health Benefits Program [FEHBP] were addressed. The redrafting of section 5 allows the FEHBP to continue to benefit from the flexibility of being able to adapt quickly to ever-changing health care marketplace dynamics. This flexibility has been an enduring strength of the FEHBP and I am pleased to see that it will not be adversely impacted.

Mr. Speaker, section 5 of H.R. 1836 focuses on the use of silent PPO's in the FEHBP and is intended to address the inappropriate use of such discounts and, in so doing, protect plan enrollees and taxpayers in a manner consistent with the other provisions in the Federal Employees Health Care Protection Act of 1997. There is no clear distinction between silent PPO's and legitimate directed and nondirected PPO's. Directed and nondirected PPO's provide legitimate valuable benefits to health care providers, carriers, and patients. Nondirected PPO's are currently saving the Government and the FEHBP millions of dollars a year through their legitimate utilization of a number of fee-for-service carriers. Examples of nondirected discounts are those given by participating providers in return for incentives other than steerage, such as prompt payment, prepayment, claim audit assistance, and negotiated provider settlements.

Many of us believed that the original language of section 5 would increase costs to the FEHBP by placing nondirected PPO's at a market disadvantage which would have killed the savings they generate for the FEHBP. The Congressional Budget Office [CBO] agreed and scored the original language at a cost to the FEHBP of $10 to $50 million per year. CBO's initial estimates regarding the rewrite of section 5 is that it should now be neutral. I appreciate the efforts of Mr. MICA and Mr. BURTON to redraft this section so that it accomplishes their stated goal of shedding light on silent PPO's without adversely impacting the program savings direct and nondirect PPO's have been generating for many years now.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. DELAY. Mr. Speaker, I rise today in support of H.R. 1836, the Federal Employee Health Care Protection Act of 1997. I want to commend the chairman of the Civil Service Subcommittee, Mr. MICA, and the chairman of the Government Reform and Oversight Committee, Mr. BURTON, for all of their efforts to bring this bill before the House today.

Virtually everyone agrees that vigorous competition among providers and carriers has been critical to the success of the Federal Employees Health Benefit Program. While Congress has provided the Office of Personnel Management with the broad authority to referee this competition, we have wisely chosen to allow the marketplace to sort out many related issues.

I was initially concerned that the original language in section 5 of the bill would have veered away from our reliance on the marketplace by imposing an unnecessary Federal mandate. This mandate would have unfairly tilted the playing field between directed and nondirected PPO's and resulted in significantly higher costs for the FEHBP.

I am pleased that section 5 has now been rewritten so that OPM may continue to allow FEHBP carriers to seek out appropriate provider discounts in a competitive marketplace.

I appreciate the efforts of Mr. MICA and Mr. BURTON to redraft section 5 so that it accomplishes their stated goal of shedding light on silent PPO's without adversely impacting the program savings that both direct and nondirect PPO's have been able to achieve. I encourage my colleagues to support final passage of this bill.

The SPEAKER pro tempore [Mr. KINGSTON]. The question is on the motion offered by the gentleman from California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1836, as amended.

The question was taken.

Mr. CUMMINGS. 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 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.

GENERAL LEAVE

Mr. MICA. 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. 1836, as amended.

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

There was no objection.

FEDERAL EMPLOYEES LIFE INSURANCE IMPROVEMENT ACT

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2675) 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, as amended.

The Clerk read as follows:

H.R. 2675

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 "Federal Employees Life Insurance Improvement Act".

SEC. 2. REQUIREMENT THAT A LEGISLATIVE PROPOSAL BE SUBMITTED.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress proposed legislation under which there would be made available to Federal employees and annuitants the following:

(1) Group universal life insurance.

(2) Group variable universal life insurance.

(3) Additional voluntary accidental death and dismemberment insurance.

The proposal shall indicate whether any such insurance could be taken in addition to, in lieu of, or in combination with any insurance otherwise offered under chapter 87 of title 5, United States Code.

(b) DESCRIPTION OF POLICIES AND COSTS.—The proposed legislation shall be accompanied by a report which shall include a concise description of the policies proposed, an

estimate of the cost to the Government anticipated with respect to each of those policies, and any other information which the Office of Personnel Management may consider appropriate.

SEC. 3. UNREDUCED ADDITIONAL OPTIONAL LIFE INSURANCE.

(a) IN GENERAL.—Section 8714b of title 5, United States Code, is amended—

(1) in subsection (c)—

(A) by striking the last 2 sentences of paragraph (2); and

(B) by adding at the end the following:

"(3) The amount of additional optional insurance continued under paragraph (2) shall be continued, with or without reduction, in accordance with the employee's written election at the time eligibility to continue insurance during retirement or receipt of compensation arises, as follows:

"(A) The employee may elect to have withholdings cease in accordance with subsection (d), in which case—

"(i) the amount of additional optional insurance continued under paragraph (2) shall be reduced each month by 2 percent effective at the beginning of the second calendar month after the date the employee becomes 65 years of age and is retired or is in receipt of compensation; and

"(ii) the reduction under clause (i) shall continue for 50 months at which time the insurance shall stop.

"(B) The employee may, instead of the option under subparagraph (A), elect to have the full cost of additional optional insurance continue to be withheld from such employee's annuity or compensation on and after the date such withholdings would otherwise cease pursuant to an election under subparagraph (A), in which case the amount of additional optional insurance continued under paragraph (2) shall not be reduced, subject to paragraph (4).

"(C) An employee who does not make any election under the preceding provisions of this paragraph shall be treated as if such employee had made an election under subparagraph (A).

"(4) If an employee makes an election under paragraph (3)(B), that individual may subsequently cancel such election, in which case additional optional insurance shall be determined as if the individual had originally made an election under paragraph (3)(A)."; and

(2) in the second sentence of subsection (d)(1) by inserting "if insurance is continued as provided in subparagraph (A) of paragraph (3)," after "except that,".

(b) TECHNICAL AMENDMENT.—The last sentence of section 8714b(d)(1) of title 5, United States Code, is amended by inserting "(and any amounts withheld as provided in subsection (c)(3)(B))" after "Amounts so withheld".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 120th day after the date of enactment of this Act and shall apply with respect to employees who become eligible, on or after such 120th day, to continue additional optional insurance during retirement or receipt of compensation.

SEC. 4. IMPROVED OPTIONAL LIFE INSURANCE ON FAMILY MEMBERS.

(a) IN GENERAL.—Subsection (b) of section 8714c of title 5, United States Code, is amended to read as follows:

"(b) The optional life insurance on family members provided under this section shall be made available to each eligible employee who has elected coverage under this section, under conditions the Office shall prescribe, in multiples, at the employee's election, of 1, 2, 3, 4, or 5 times—

"(1) $5,000 for a spouse; and

"(2) $2,500 for each child described in section 8701(d).

An employee may reduce or stop coverage elected pursuant to this section at any time.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8714c of title 5, United States Code, is amended—

(1) in subsection (c)(2) by striking "section 8714b(c)(2) of this title" and inserting "section 8714b(c)(2)–(4)"; and

(2) in subsection (d)(1) by inserting before the last sentence the following: "Notwithstanding the preceding sentence, the full cost shall be continued after the calendar month in which the former employee becomes 65 years of age if, and for so long as, an election under this section corresponding to that described in section 8714b(c)(3)(B) remains in effect with respect to such former employee.".

(c) EFFECTIVE DATE; OPEN ENROLLMENT PERIOD.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period which begins on or after the 180th day following the date of enactment of this Act or on any earlier date that the Office of Personnel Management may prescribe.

(2) OPEN ENROLLMENT PERIOD.—

(A) IN GENERAL.—Before the effective date under paragraph (1), the Office shall afford eligible employees a reasonable opportunity to elect to begin coverage under section 8714c of title 5, United States Code (as amended by this section), or to increase any existing optional life insurance on family members to any amount allowable under such section (as so amended), beginning on such effective date.

(B) DEFINITION OF AN ELIGIBLE EMPLOYEE.—For purposes of subparagraph (A), the term "eligible employee" means any employee (within the meaning of section 8701 of title 5, United States Code) covered by group life insurance under section 8704(a) of such title.

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The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Maryland [Mr. CUMMINGS], each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

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

Mr. Speaker, the bill before the House today, entitled the Federal Employees Life Insurance Improvement Act, is in fact a bipartisan effort. It incorporates the provisions of the bill which I originally introduced and amendments offered by the distinguished gentleman from Maryland [Mr. CUMMINGS], the ranking member of our Subcommittee on Civil Service.

I thank the gentleman from Maryland for his hard work on this legislation and also for his close cooperation on putting this legislation together.

The bill also addresses an issue first brought to our attention by the distinguished gentlewoman from Maryland [Mrs. MORELLA], and I also want to commend her for her interest and contributions to this bill.

Mr. Speaker, employer-provided benefit packages are in fact critical elements of employee compensation in our society today. If the Federal Government is to deliver the quality of services our overburdened taxpayers deserve, it must be competitive with the private sector to attract and to maintain a quality work force. Benefits must provide good value to Federal employees.

Mr. Speaker, earlier this year I held an oversight hearing on the Federal Employees Government Life Insurance program. I called that hearing because I was concerned that the current program does not deliver the value Federal Government employees deserve. It has been in fact too many years since key parts of the life insurance program have been improved or in fact reviewed.

More importantly, Congress has not even looked at the fundamental structure of the program since 1954. For 43 years, Mr. Speaker, the program has been based on term life insurance. For the first time in 43 years, this bill would introduce a life insurance option other than term insurance for our Federal employees.

Many things have changed between 1954 and today, Mr. Speaker. Life insurance products are no exception. As usual, the private sector has led the way. The Federal Government must learn from the private sector. We must adopt benefit practices from the private sector that have adjusted to the dynamic, ever-shifting market environments.

At our hearing, the Subcommittee on Civil Service heard from interested private sector insurance experts. We also heard from Met Life, which has been the sole provider of life insurance under the program since 1954. All of these experts agreed that it is time for major improvements in the Federal Government's life insurance program. All of these experts agreed that, at the very least, Congress should increase coverages that are currently available. All of these experts agreed that Congress should consider providing a new option to employees, group universal life insurance.

In a nutshell, Mr. Speaker, group universal life is a very flexible plan that permits employees to accumulate cash benefits for use in later years for various family needs or for their retirement. It has been gaining popularity in the private sector because it offers these many advantages.

Insurance planning is important to many of our employees. Employees want and need to protect their families from financial hardship. Life insurance is an important component of that protection. My colleagues on the subcommittee agreed that our Federal employees in fact need more flexibility to tailor insurance coverage to their own needs. To better protect their families,

Federal employees would be able to choose from options that are increasingly available to employees in the private sector such as group universal life.

This bill does just that. It directs the Office of Personnel Management to present to Congress legislation offering our Federal employees group universal life insurance, group variable life insurance, and additional voluntary accidental and dismemberment insurance policies. In addition, Mr. Speaker, this bill permits employees to increase insurance coverage of family members and to maintain more adequate levels of coverage on themselves throughout their retirement years.

Mr. Speaker, the hallmarks of this legislation are family protection, employee choice, and flexibility. Federal employees and their families will enjoy more options as they plan for their financial security. It is an important bill. It is important to our Federal employees. It is the first major improvement in life insurance benefits for our Federal employees in 16 years. It is the first time in 43 years that an alternative to term insurance is incorporated for the benefit of our Federal employees.

I urge all Members to support this legislation.

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

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

Mr. Speaker, I am very pleased that the gentleman from Florida, Mr. MICA, and I, along with all the other members of the Subcommittee on Civil Service were able to work together to develop this legislation which will implement some of the excellent recommendations we received from witnesses at our oversight hearing on the Federal Employees Group Life Insurance program, known as FEGLI. This bill will result in far better life insurance coverage being made available to Federal employees.

By directing OPM to provide us with draft legislative proposals for group universal life, group variable life, and accidental death and dismemberment insurance coverage within 6 months, our subcommittee will be in a far better position to act expeditiously should OPM's upcoming employee survey document that there is substantial interest in purchasing these options.

By giving enrollees the opportunity to continue the full extent of their life insurance coverage after they reach age 65, we will be providing a measure of comfort and convenience to many who would still have a desire to provide for the security of their loved ones. They will no longer have to seek out a new insurance company from which to purchase life insurance, something often very difficult and expensive to do at the late stage in life, at age 65.

I offered an amendment to H.R. 2675 during our subcommittee's markup of the bill which added a provision that would enable enrollees to purchase an increased amount of insurance coverage for their spouse and dependent children. Through the cooperation of Mr. MICA and all the Members on both sides of the aisle, we were able to successfully pass this amendment.

Clearly, the present levels of coverage available, $5,000 for one spouse and $2,500 for each child, is very inadequate. It neither compensates for the loss nor covers average burial expenses. The bill makes it possible to obtain coverage up to five times the current limits. The fact is that by doing what we have been able to do, I think it makes a very, very significant difference and it says to our Federal employees that we do care very much about them and their loved ones.

To the gentleman from Florida, I express my appreciation, and to all the members of the committee, because it is a fact that we did work together in a bipartisan manner, and if we can continue to do that throughout this House, I think that we will see a lot of great legislation coming forward such as this legislation.

Mr. Speaker, once again I believe that we have a good bipartisan bill before us. I strongly urge all Members to give their support. This is a very good piece of legislation. It does in fact lift up our Federal employees and make their lives better and the lives of their families. I urge all Members of the House to support this legislation.

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

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

The Federal Employees Life Insurance Improvement Act will provide valuable benefits to our Federal workers and their families. For the first time since 1954, Federal employees will have the opportunity to consider something other than term insurance as a plan for their family's financial future and security. They will be able to carry more insurance on themselves into retirement, I believe at very reasonable and competitive costs, and they will be able to increase the coverage for their dependents. This also will provide substantial benefits for our Federal retirees, who sometimes are lost without insurance coverage or see decreasing or diminishing value of their insurance coverage.

Finally, Mr. Speaker, I wish to thank both the Majority and Minority staff for their fine work on this legislation and for their efforts not only on this bill but also on the previous legislation which passed today.

I wish to also thank Members and staff for their work on the Subcommittee on Civil Service. In the 103d Congress, I might add, for the record, there were 54 staff that handled Civil Service issues in a number of subcommittees. We have operated with one subcommittee and seven professional staffers on both sides of the aisle total, and worked on numerous pieces of legislation, including the two presented here today and nearly all the appropriations measures and other legislation to come before the House.

I want to thank each of the staff members, members of my subcommittee, for their diligent participation and productive session as this may be the final bill we offer.

This legislation, in fact, Mr. Speaker, as I mentioned earlier, is bipartisan legislation. There is no controversy surrounding it. I urge all Members to support it.

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 2675, as amended.

The question was taken.

Mr. CUMMINGS. 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 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.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2675, as amended.

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

There was no objection.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO AUTHORIZE TRANSFER TO STATE AND LOCAL GOVERNMENTS OF CERTAIN SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 404) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property for use for law enforcement or public safety purposes, as amended.

The Clerk read as follows:

H.R. 404

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

SECTION 1. AUTHORITY TO TRANSFER CERTAIN SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR FIRE AND RESCUE PURPOSES.

Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended—

(1) by inserting "that is" after "personal property"; and

(2) by inserting ", or that is or was part of a military installation that has been closed or realigned pursuant to a base closure law and that is determined by the Attorney General to be needed for use by the transferee or grantee for a law enforcement or fire and rescue purpose approved by the Attorney General" before the first period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentleman from Maryland [Mr. CUMMINGS] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, the Federal Government owns an enormous amount of property, including some property that it no longer needs. H.R. 404 simplifies the process by which State and local governments are permitted to receive surplus Federal property on military bases for the benefit of their law enforcement and fire and rescue functions.

In making this simplification, H.R. 404, authored by the gentleman from California [Mr. CALVERT], both contributes to important State and local government functions and eases an administrative burden on the Federal Government. In 1949, the Commission on Organization of the Executive Branch of the Government, known as the first Hoover commission, appointed by President Truman, recommended the creation of an agency, the General Services Administration, GSA, to coordinate purchases, utilization and disposal of real and personal property for the Federal Government.

The Federal Property and Administrative Services Act of 1949 set forth the rules for the disposal of surplus Federal real estate. Normally, when one agency no longer needs property, the General Services Administration screens the excess property to determine whether another Federal agency needs it. If not, the property is declared surplus.

The Federal Property Act created a series of public benefit discounts whereby local governments can obtain surplus Federal real estate for a price below market value, generally at no cost. The current categories of public benefit discounts for real property include public health, education, recreation, national service activities, historic monuments, correctional facilities, and shipping ports, only in the base closure facilities.

The bill before us creates a new public benefit discount by expanding the definition of public benefit discounts for "correctional facilities" to cover "other law enforcement" and "fire and rescue" activities.

On June 3, 1997, the Subcommittee on Government Management, Information and Technology, which I chair, held a hearing on H.R. 404. Officials from Riverside County, CA, testified that they wanted to place a coroner's office and a law enforcement and fire training academy on surplus Federal property at the March Air Force Base. That surplus property became available through the actions of the Defense Base Realignment and Closure Commission.

The county officials observed that to receive the land for these purposes, they would have to go through the application process with two Federal agencies, the Department of Education for the training academy and the Department of Health and Human Services for the coroner's office. With H.R. 404, the process would be consolidated. Both functions would fall under the expanded definition of correctional facilities and, therefore, would be handled by the Department of Justice.

On June 26, 1997, the Subcommittee on Government Management, Information and Technology marked up H.R. 404. The subcommittee considered an amendment in the nature of a substitute that made technical corrections to the bill as introduced and voted unanimously to forward the substitute version to the full Committee on Government Reform And Oversight.

The full committee voted unanimously to report H.R. 404 to the House on September 30. There was a minor amendment made to the bill after it was reported to the Committee on Government Reform and Oversight. This amendment limits the application of this authority to military facilities closed under the Base Realignment and Closure Act. The change was necessary in order to ensure that no Budget Act point of order lay against the bill.

The amendment will not substantially alter the effect of the bill because closed military bases constitute over 90 percent of surplus Federal real property.

In conclusion, Mr. Speaker, we should note that this bill is a step toward making the Federal Government more efficient in its own processes and also more responsive to local needs. I urge my colleagues to support it.

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

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

Mr. Speaker, I commend the gentleman from California [Mr. HORN] for bringing before the House this bill to amend the Federal Property and Administrative Services Act of 1949. The gentlewoman from New York [Mrs. MALONEY], the ranking Democrat on the Subcommittee on Government Management, Information and Technology, has been detained in her district and asked me to manage this bill, which I gladly do.

The Committee on Government Reform and Oversight has jurisdiction over the Federal Property Act. It has a long history of overseeing its proper implementation. Under the Federal Property Act, State and local governments may acquire real estate that the Federal Government no longer needs. The Federal Property Act currently allows such surplus Federal property to be transferred to State and local governments at discounts of up to 100 percent of fair market value for certain public benefit purposes.

Current public benefit discount uses include public health or educational uses, public parks or recreational areas, historic monuments, correctional institutions, port facilities, public airports and wildlife conservation.

The original version of H.R. 404 would have added to that list "law enforcement or public safety purposes." Legitimate concern was expressed at our hearing on this legislation over the vagueness of the phrase "public safety purposes." During our committee's consideration of the bill, this problem was corrected by submitting "fire fighting and rescue purposes" for "public safety purposes." We also deleted an unnecessary retroactive provision. I support both of these changes.

The manager's amendment to H.R. 404 before us today also restricts the use of this new public benefit discount to property that was originally part of a military installation which has been closed or realigned under a base closure statute. This was done because of budgetary concerns with the bill as it passed committee.

I support H.R. 404, as amended. Law enforcement and fire and rescue purposes are legitimate reasons for State and local governments to acquire surplus Federal property at a discount. I also want to thank the majority for working with the minority to come up with a very, very good bill.

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

Mr. HORN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Speaker, I thank the gentleman from Long Beach, CA [Mr. HORN], my good friend and neighbor.

Mr. Speaker, I rise to ask my colleagues to support H.R. 404. We all know that the cost of crime prevented and a person diverted from a life of crime is much less than that of a prison cell. One of the keys to crime deterrence is a well-trained police force.

Due to the efforts of the Riverside Sheriff's Department in my district to do the right thing and emphasize police training over prison space, I discovered a Federal catch-22 that I believe we should quickly correct. When the Federal Government declares real property

as surplus, various local entities may apply for the property at a no-cost basis if they use the property for some valid social purpose.

To obtain the excess Federal property, the local entity must apply to a Federal agency to sponsor the no-cost transfer. As would seem logical, agencies usually sponsor transfers in keeping with their charges. The Department of Education sponsors educational facilities. Housing and Urban Development sponsors housing. And Department of Justice sponsors prisons. Therein lies the problem.

Incredibly, the Department of Justice is prohibited by statute to sponsor law enforcement and/or fire and rescue training facilities. They can only sponsor the building of prisons. H.R. 404, as amended, would correct this quirk in the law and allow the Department of Justice to apply its considerable expertise to sponsor its excess property for training of law enforcement, fire and rescue officials.

Mr. Speaker, I would like to take a minute to thank the 60 cosponsors of this measure. I especially wanted to thank the gentleman from California [Mr. HORN] for his hard work and leadership in crafting this legislation and passing the measure out of committee. I wish to thank the gentlewoman from New York [Mrs. MALONEY] for her support. And I would also like to express my gratitude to the gentleman from California [Mr. BONO], who also shares the area of March Air Force Base and testified on the bill's behalf during subcommittee hearings. Finally, I wish to thank the gentleman from California [Mr. BROWN], the gentleman from California [Mr. LEWIS], the gentleman from Illinois [Mr. DAVIS)] and the gentleman from California [Mr. FAZIO] for their strong support.

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

Mr. Speaker, again, I just want to thank the gentleman from California [Mr. HORN] and I want to thank the gentleman from California [Mr. CALVERT] for their cooperation in bringing this very important piece of legislation before us. Once again, I think it is a very important piece of legislation in that it serves a very important public purpose, and the bipartisanship that was displayed in bringing this together is very, very important.

Mr. Speaker, we have no other requests for time. Therefore, I yield back the balance of my time.

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

Mr. Speaker, we have no other witnesses. And I would simply say this in wrapping this up: We have had excellent cooperation from the Democratic staff and the Democratic Members, such as the gentleman from Maryland [Mr. CUMMINGS] today. The gentlewoman from New York [Mrs. MALONEY] has always been helpful on this, as well as many other bills.

So I would like to thank the Democratic staff, Mark Stephenson; the Democratic staff emeritus, Miles Romney, who we all look to for guidance and institutional memory over about 25 to 35 years; and the staff of the gentleman from California [Mr. CALVERT], Nelson Garcia, has been very helpful; and, of course, our own majority Republican staff Mark Brasher and the staff, who is the professional staff member assigned to surplus property, among many other duties, and Staff Director Russell George.

I would simply say this in summing up: I hope that the leadership of the General Services Administration, the Department of Justice—and anybody else that is involved as a result of this statute going on the books—will write those regulations as rapidly as possible. This surplus land has waited long enough for the obvious. And this is another move by Congress on a bipartisan basis to assure flexibility within the executive branch to meet the needs of people throughout America when they have base closure land and they want to put certain types of correctional law enforcement training facilities on that land and a coroner's office and laboratories, as it is in this case.

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

The SPEAKER pro tempore (Mr. KINGSTON). 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. 404, as amended.

The question was taken.

Mr. CUMMINGS. 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 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.

CARSON AND SANTA FE NATIONAL FORESTS LAND CONVEYANCES

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 434) to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, NM to the village of El Rito and the town of Jemez Springs, NM as amended.

The Clerk read as follows:

H.R. 434

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

SECTION 1. LAND CONVEYANCE, CARSON NATIONAL FOREST, NEW MEXICO.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey through sale or exchange to the County of Rio Arriba for the benefit of the village of El Rito, New Mexico (in this section referred to as "El Rito"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 5 acres located in the Carson National Forest in the State of New Mexico.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real 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 Forest Service.

(c) LANDS ACQUIRED IN EXCHANGE FROM RIO ARRIBA COUNTY.—Except as provided in this Act, any exchange of lands under subsection (a) shall be processed in accordance with the rules of the Secretary of Agriculture setting forth the procedures for conducting exchanges of National Forest System lands (36 CFR part 254). Any lands to be conveyed to the United States in such an exchange shall be acceptable to the Secretary and shall be subject to such valid existing rights or record as may be acceptable to the Secretary. Title to such land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) VALUATION AND APPRAISALS.—Values of any lands exchanged pursuant to subsection (a) shall be equal as determined by the Secretary. If, due to size, location, or use of lands exchanged under subsection (a), the values are not exactly equal, they shall be equalized by the payment of cash. The Secretary may accept cash equalization payments in excess of 25 per centum of the total value of the Federal lands exchanged. Value of any lands sold to the County of Rio Arriba shall be on the basis of fair market value as determined by the Secretary.

(e) DISPOSITION OF FUNDS.—Payments from a sale under subsection (a) or cash equalization payments may be made in equal installments for a period not to exceed 10 years. Any funds received by the Secretary through the sale or by cash equalization shall be deposited into the fund established by the Act of December 4, 1967 (16 U.S.C. 484a), known as the Sisk Act, and shall be available for expenditure, upon appropriation, for the acquisition of lands and interests in lands in the State of New Mexico.

(f) STATUS OF LANDS.—Upon approval and acceptance of title by the Secretary, any lands acquired by the United States pursuant to subsection (a) shall become part of the Carson National Forest and the boundaries of the National Forest shall be adjusted to encompass such lands. Such lands shall be managed in accordance with the Act of March 1, 1911 (commonly known as the "Weeks Law") (36 Stat. 961), and shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System. This section shall not limit the Secretary's authority to adjust the boundaries of the Carson National Forest pursuant to section 11 of the Act of March 1, 1911 ("Weeks Act"). For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Carson National Forest, as adjusted by this Act, shall be considered to be boundaries of the Forest as of January 1, 1965.

SEC. 2. LAND CONVEYANCE, SANTA FE NATIONAL FOREST, NEW MEXICO.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, through exchange, to the town of Jemez Springs, New Mexico (in this section referred to as "Jemez Springs"), all right, title, and interest of the

United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1 acre located in the Saint Fe National Forest in the State of New Mexico.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real 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 Forest Service.

(c) LANDS ACQUIRED IN EXCHANGE FROM THE TOWN OF JEMEZ SPRINGS.—Except as provided in this Act, any exchange of lands under subsection (a) shall be processed in accordance with the rules of the Secretary of Agriculture setting forth the procedures for conducting exchanges of National Forest System lands (36 CFR part 254). Any lands conveyed to the United States in such an exchange shall be acceptable to the Secretary and shall be subject to such valid existing rights or record as may be acceptable to the Secretary. Title to such land shall conform with the title approval standards applicable to Federal land acquisitions.

(d) VALUATION AND APPRAISALS.—Values of any lands to be exchanged pursuant to subsection (a) shall be equal as determined by the Secretary. If, due to size, location, or use of lands exchanged under section 1(a), the values are not exactly equal, they shall be equalized by the payment of cash. The Secretary may accept cash equalization payments in excess of 25 per centum of the total value of the involved Federal lands exchanged.

(e) DISPOSITION OF FUNDS.—Payments for any cash equalization for the exchange under subsection (a) may be made in equal installments for a period of not to exceed 10 years. Any funds received by the Secretary through the cash equalization shall be deposited into the fund established by the Act of December 4, 1967 (16 U.S.C. 484a), known as the Sisk Act, and shall be available for expenditure, upon appropriation, for the acquisition of lands and interests in lands in the State of New Mexico.

(f) STATUS OF LANDS.—Upon approval and acceptance of title by the Secretary, any lands acquired by the United States pursuant to subsection (a) shall become part of the Santa Fe National Forest and the boundaries of the National Forest shall be adjusted to encompass such lands. Such lands shall be managed in accordance with the Act of March 1, 1911 (commonly known as the "Weeks Law") (36 Stat. 961), and shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System. This section does not limit the Secretary's authority to adjust the boundaries of the Carson National Forest pursuant to section 11 of the Act of March 1, 1911 ("Weeks Act"). For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Santa Fe National Forest, as adjusted by this Act, shall be considered to be boundaries of the Forest as of January 1, 1965.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from America Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

Mr. Speaker, H.R. 434, introduced by former Congressman Bill Richardson, the current Ambassador to the United Nations, would provide a land conveyance for the village of El Rito and Jemez Springs in New Mexico. Both of these towns have important needs that deserve the attention of the committee.

I support the desire of the gentleman from New Mexico [Mr. REDMOND] to see that El Rito receive land for a public cemetery and Jemez Springs to obtain one acre of land within the town in order to construct a much needed fire substation.

It is my understanding that in 1993 the Jemez National Recreation Area was carved out of the Santa Fe National Forest and this transformed Jemez Springs from an obscure little village located in the Santa Fe National Forest to a little community housing over 1 million visitors annually. Without much imagination, we can see how this would cause significant problems for any community.

The gentleman from New Mexico [Mr. REDMOND] has continued the fine labors of Mr. Richardson, who worked extensively with the Forest Service and local communities to fashion this solution. I commend the gentleman from New Mexico [Mr. REDMOND] and urge passage of this bill.

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

□ 1600

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

Mr. Speaker, this bill was introduced by our former colleague, Congressman Bill Richardson, prior to his nomination as Ambassador to the United Nations. Serving on the Committee on Resources was no doubt good preparation for the many conflicts that he must now deal with around the world.

Mr. Speaker, at the hearing held on this bill in September of this year, the Forest Service expressed concerns about the conveyance without consideration of lands within the Carson National Forest and the Santa Fe National Forest in New Mexico. I am pleased to note that as amended by the committee, the bill provides that the Forest Service will receive fair market value in exchange for the properties which comprise a total of 6 acres. It is my understanding that the Forest Service now supports the bill as amended. I know of no objection on this side of the aisle. I urge my colleagues to support this measure.

Mr. REDMOND. Mr. Speaker, for bringing H.R. 434 to the floor today and thank you Mrs. CHENOWETH for offering the motion to suspend the rules and pass the bill. This bill was introduced on January 9, 1997, by my predecessor in the Third District of New Mexico, the Honorable Bill Richardson, current Ambassador to the United Nations.

When I was elected to Congress, I promised my constituents that I would do my best to move this legislation, as well as other bills that Mr. Richardson introduced on their behalf. I appreciate you working with me to accomplish this goal.

If passed, this bill would provide two simple land conveyances from the Santa Fe National Forest and the Carson National Forest to the cities of Jemez Springs and El Rito, respectively. These conveyances will amount to a total of six acres of land.

Jemez Springs will use their one-acre land conveyance to build a fire substation to accommodate the rapidly growing tourist population that is the result of a national recreation area created near their community. The city of El Rito will use its five-acre conveyance to expand a cemetery.

These two communities, along with the Forest Service and Mr. Richardson worked extensively to craft a piece of legislation that would provide El Rito and Jemez Springs with the land that they need to continue to provide adequate, efficient community service.

Several weeks ago, on behalf of the city of Jemez Springs, Mayor David Sanchez testified before the Forests and Forest Health Subcommittee. I want to thank him for taking the time and effort he took to appear before the committee.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I appreciate the fine comments from the gentleman from American Samoa [Mr. FALEOMAVAEGA].

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 434, as amended.

The question was taken.

Mr. FALEOMAVAEGA. 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.

GENERAL LEAVE

Mrs. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 434.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

EAGLES NEST WILDERNESS EXPANSION

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 588) to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, CO, to include land known as the Slate Creek Addition.

The Clerk read as follows:

S. 588

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

SECTION 1. SLATE CREEK ADDITION TO EAGLES NEST WILDERNESS, ARAPAHO AND WHITE RIVER NATIONAL FORESTS, COLORADO.

(a) SLATE CREEK ADDITION.—If, before December 31, 2000, the United States acquires the parcel of land described in subsection (b)—

(1) on acquisition of the parcel, the parcel shall be included in and managed as part of the Eagles Nest Wilderness designated by Public Law 94-352 (16 U.S.C. 1132 note; 90 Stat. 870); and

(2) the boundary of Eagles Nest Wilderness is adjusted to reflect the inclusion of the parcel.

(b) DESCRIPTION OF ADDITION.—The parcel referred to in subsection (a) is the parcel generally depicted on a map entitled "Slate Creek Addition-Eagles Nest Wilderness", dated February 1997, comprising approximately 160 acres in Summit County, Colorado, adjacent to the Eagles Nest Wilderness.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

Mr. Speaker, S. 588 is a noncontroversial bill affecting Forest Service lands in the district of the gentleman from Colorado [Mr. MCINNIS] which passed the House earlier this year as H.R. 985. I want to thank the gentleman from Colorado [Mr. MCINNIS] and the gentleman from New York [Mr. HINCHEY], the subcommittee ranking member, for their cooperation with passage of this measure.

This bill provides that a 160-acre parcel at Slate Creek in Summit County, CO, will be added to the Eagles Nest Wilderness and administered as part of the wilderness area if the land is acquired by the United States within the next 4 years.

The Slate Creek parcel is proposed for acquisition by the United States in a land exchange; however, the current owners are unwilling to convey the land unless it is added to the Eagles Nest Wilderness and permanently managed as wilderness. Since the Slate Creek parcel is surrounded on three sides by the wilderness area, it only makes sense that it be made a part of the wilderness area if the land is acquired by the United States.

I urge support for this measure, which does really enjoy broad support of the Summit County Board of County Supervisors and Commissioners, the Summit County Open Space Advisory Council, the Wilderness Land Trust and other interested parties.

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

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

Mr. Speaker, on today's agenda we have four previously House-passed Colorado bills. Senate bill 588 expands the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest to include land known as the Slate Creek Addition. The House passed this bill in the form of H.R. 985 on June 17 of this year.

To their credit, the owners of this 160-acre parcel want assurances that their land will be protected as wilderness if acquired by the U.S. Forest Service. Accordingly, the bill provides that if the United States acquires the Slate Creek property prior to the year 2000, it will be included in the Eagles Nest Wilderness.

Mr. Speaker, this is good legislation, consistent with the desires of both the private property owners and in the public interest. I urge my colleagues to adopt this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 588.

The question was taken.

Mr. FALEOMAVAEGA. 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.

RAGGEDS WILDERNESS BOUNDARY ADJUSTMENT AND LAND CONVEYANCE

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 589) 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.

The Clerk read as follows:

S. 589

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

SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCE, RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST, COLORADO.

(a) FINDINGS.—Congress finds that—

(1) certain landowners in Gunnison County, Colorado, who own real property adjacent to the portion of the Raggeds Wilderness in the White River National Forest, Colorado, have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that the landowners reasonably believed were accurate;

(2) in 1993, a Forest Service resurvey of the Raggeds Wilderness established accurate boundaries between the wilderness area and adjacent private lands; and

(3) the resurvey indicates that a small portion of the Raggeds Wilderness is occupied by adjacent landowners on the basis of the earlier erroneous land surveys.

(b) PURPOSE.—If it the purpose of this section to remove from the boundaries of the Raggeds Wilderness certain real property so as to permit the Secretary of Agriculture to use the authority of Public Law 97-465 (commonly known as the "Small Tracts Act") (16 U.S.C. 521c et seq.) to convey the property to the landowners who occupied the property on the basis of erroneous land surveys.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Raggeds Wilderness, Gunnison and White River National Forests, Colorado, as designed by section 102(a)(16) of Public Law 96-560 (94 Stat. 3267; 16 U.S.C. 1132 note), is hereby modified to exclude from the area encompassed by the wilderness a parcel of real property approximately 0.86-acres in size situated in the SW¼ of the NE¼ of Section 28, Township 11 South, Range 88 West of the 6th Principal Meridian, as depicted on the map entitled "Encroachment-Raggeds Wilderness", dated November 17, 1993.

(d) MAP.—The map described in subsection (c) shall be on file and available for inspection in the appropriate offices of the Forest Service, Department of Agriculture.

(e) CONVEYANCE OF LAND REMOVED FROM WILDERNESS AREA.—The Secretary of Agriculture shall use the authority provided by Public Law 97-465 (commonly known as the "Small Tracts Act") (16 U.S.C. 521c et seq.) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of the Raggeds Wilderness under subsection (c) to the owners of real property in Gunnison County, Colorado, whose real property adjoins the excluded real property and who have occupied the excluded real property in good faith reliance on an erroneous survey.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

Mr. Speaker, Senate bill 589 provides 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. This bill is

identical to legislation which passed within the House of Representatives earlier this year as H.R. 1019.

In 1993, following a boundary survey, the White River National Forest discovered an encroachment in the Raggeds Wilderness area just west of the town of Marble in Colorado. The encroachment consists of approximately 400 feet of power line and 450 feet of road. In addition, portions of four subdivision lots extend into the wilderness. The road is a country road and provides the sole legal access to these four lots. The entire encroachment is less than 1 acre of land.

The Bureau of Land Management Forest Service surveys found that the original survey of the Crystal Meadows subdivision was erroneous, and although less than 1 acre is affected, the Forest Service cannot settle the matter under the authority of the Small Tracts Act because the lands in question are within the Raggeds Wilderness area. The wilderness boundary may only be modified by an act of Congress, and S. 589 follows the guidelines established by the Small Tracts Act, Public Law 97–465.

This bill is noncontroversial, Mr. Speaker, and I urge its passage.

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

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

Mr. Speaker, the House passed H.R. 1019 on June 3, 1997, and the text has returned to us with a Senate bill number.

Mr. Speaker, this bill adjusts the boundaries of the Raggeds Wilderness in the White River National Forest in Colorado to accommodate landowners who occupy the property on the basis of erroneous land surveys. It conveys about 1 acre of land on which roads and other improvements were inadvertently constructed. The legislation is noncontroversial, and the administration does not object. I ask my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, I want to thank the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his comments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 589.

The question was taken.

Mr. FALEOMAVAEGA. 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.

DILLON RANGER DISTRICT TRANSFER

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 591) to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado.

The Clerk read as follows:

S. 591

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

SECTION 1. INCLUSION OF DILLON RANGER DISTRICT IN WHITE RIVER NATIONAL FOREST, COLORADO.

(a) BOUNDARY ADJUSTMENTS.—

(1) WHITE RIVER NATIONAL FOREST.—The boundary of the White River National Forest in the State of Colorado is hereby adjusted to include all National Forest System lands located in Summit County, Colorado, comprising the Dillon Ranger District of the Arapaho National Forest.

(2) ARAPAHO NATIONAL FOREST.—The boundary of the Arapaho National Forest is adjusted to exclude the land transferred to the White River National Forest by paragraph (1).

(b) REFERENCE.—Any reference to the Dillon Ranger District, Arapaho National Forest, in any existing statute, regulation, manual, handbook, or other document shall be deemed to be a reference to the Dillon Ranger District, White River National Forest.

(c) EXISTING RIGHTS.—Nothing in this section affects valid existing rights of persons holding any authorization, permit, option, or other form of contract existing on the date of the enactment of this Act.

(d) FOREST RECEIPTS.—Notwithstanding the distribution requirements of payments under the sixth paragraph under the heading "FOREST SERVICE" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine", approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500), the distribution of receipts from the Arapaho National Forest and the White River National Forest to affected county governments shall be based on the national forest boundaries that existed on the day before the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

Mr. Speaker, S. 591 adjusts the boundaries of White River National Forest to include all national forest system lands within Summit County, Colorado, which are currently part of the Dillon Ranger District of the Arapaho National Forest. This bill passed the House earlier this year as H.R. 1020.

The White River National Forest has administered these lands for a number of years, and therefore the inclusion of the Dillon Ranger District within the White River Forest will more accurately depict the proper administration of these lands. Furthermore, the inclusion should reduce confusion within the general public as to who administers the Dillon Ranger District. The legislation will not alter the current distribution of forest receipts to the affected county governments.

The bill is noncontroversial, and I urge its passage.

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

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

Mr. Speaker, this is yet another noncontroversial Colorado bill which we have already considered in the House. H.R. 1020 passed the House on June 3, 1997. The bill was introduced by the gentleman from Colorado [Mr. MCINNIS]. The other body in its wisdom has sent it back to us as Senate bill 591.

The bill provides for the transfer of the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in Colorado. The administration has no objection to this bill, nor does this side of the aisle.

Mr. Speaker, I want to commend the gentlewoman from Idaho as chairman of the Subcommittee on Forests and Forest Health for her diligence, for her leadership and for her attention to issues such as this.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 591.

The question was taken.

Mr. FALEOMAVAEGA. 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.

HINSDALE COUNTY, COLORADO LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 587) to require the Secretary of the Interior to exchange certain lands located in Hinsdale County, Colorado.

The Clerk read as follows:

S. 587

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

SECTION 1. LARSON AND FRIENDS CREEK EXCHANGE.

(a) IN GENERAL.—In exchange for conveyance to the United States of an equal value of offered land acceptable to the Secretary of the Interior that lies within, or in proximity to, the Handies Peak Wilderness Study Area, the Red Cloud Peak Wilderness Study Area, or the Alpine Loop Backcountry Bi-way, in Hinsdale County, Colorado, the Secretary of the Interior shall convey to Lake City Ranches, Ltd., a Texas limited partnership (referred to in this section as "LCR"), approximately 560 acres of selected land located in that county and generally depicted on a map entitled "Larson and Friends Creek Exchange", dated June 1996.

(b) CONTINGENCY.—The exchange under subsection (a) shall be contingent on the granting by LCR to the Secretary of a permanent conservation easement, on the approximately 440-acre Larson Creek portion of the selected land (as depicted on the map), that limits future use of the land to agricultural, wildlife, recreational, or open space purposes.

(c) APPRAISAL AND EQUALIZATION.—

(1) IN GENERAL.—The exchange under subsection (a) shall be subject to—

(A) the appraisal requirements and equalization payment limitations set forth in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) reviews and approvals relating to threatened species and endangered species, cultural and historic resources, and hazardous materials under other Federal laws

(2) COSTS OF APPRAISAL AND REVIEW.—The costs of appraisals and reviews shall be paid by LCR.

(3) CREDITING.—The Secretary may credit payments under paragraph (2) against the value of the selected land, if appropriate, under section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f)).

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

Mr. Speaker, the companion bill to S. 587, H.R. 591, was introduced by the gentleman from Colorado [Mr. MCINNIS]. The gentleman from Colorado has assembled a bill that is agreeable to the administration, to the environmental community and to private property owners. I would also like to commend the gentleman from Texas [Mr. THORNBERRY], who has added his support to this bill. This bill authorizes an uncomplicated land exchange and is noncontroversial.

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

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

Mr. Speaker, I rise in support of this legislation. This is one of the four Colorado-related bills on today's calendar which started in the House and have returned with the Senate numbers. In this case the House passed H.R. 591 on July 8, 1997, and we have before us the same bill in the form of Senate bill 587.

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Senate bill 587 directs the Secretary of the Interior to transfer about 560 acres of land located in Hinsdale County in Colorado and currently managed by the Bureau of Land Management. The exchange is contingent upon Department of Conservation easement being placed on 400 of these acres. In exchange, the Bureau of Land Management will receive high-priority lands of equal value within the Handies Peak Wilderness Study Area, the Red Cloud Peak Wilderness Study Area, or the Alpine Loop Backcountry Bi-way. According to the Bureau of Land Management, these areas have important wilderness, wildlife, and recreational values. The exchange is subject to appraisals and other requirements under Federal law and must meet the approval of the Secretary of the Interior.

This bill is supported by the administration, and I am not aware of any opposition.

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

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

Mr. Speaker, this bill has very wide community support, and I urge all my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 587.

The question was taken.

Mr. FALEOMAVAEGA. 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 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.

MARJORY STONEMAN DOUGLAS WILDERNESS AND ERNEST F. COE VISITOR CENTER DESIGNATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 931) to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center.

The Clerk read as follows:

S. 931

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 "Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center Designation Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) Marjory Stoneman Douglas, through her book, "The Everglades: River of Grass" (published in 1947), defined the Everglades for the people of the United States and the world;

(B) Mrs. Douglas's book was the first to stimulate widespread understanding of the Everglades ecosystem and ultimately served to awaken the desire of the people of the United States to restore the ecosystem's health;

(C) in her 107th year, Mrs. Douglas is the sole surviving member of the original group of people who devoted decades of selfless effort to establish the Everglades National Park;

(D) when the water supply and ecology of the Everglades, both within and outside the park became threatened by drainage and development, Mrs. Douglas dedicated the balance of her life to the defense of the Everglades through extraordinary personal effort and by inspiring countless other people to take action;

(E) for these and many other accomplishments, the President awarded Mrs. Douglas the Medal of Freedom on Earth Day, 1994; and

(2)(A) Ernest F. Coe (1886–1951) was a leader in the creation of Everglades National Park;

(B) Mr. Coe organized the Tropic Everglades National Park Association in 1928 and was widely regarded as the father of Everglades National Park;

(C) as a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and habitats for future generations;

(D) Mr. Coe's original park proposal included lands and waters subsequently protected within the Everglades National Park, the Big Cypress National Preserve, and the Florida Keys National Marine Sanctuary; and

(E)(i) Mr. Coe's leadership, selfless devotion, and commitment to achieving his vision culminated in the authorization of the Everglades National Park by Congress in 1934;

(ii) after authorization of the park, Mr. Coe fought tirelessly and lobbied strenuously for establishment of the park, finally realizing his dream in 1947; and

(iii) Mr. Coe accomplished much of the work described in this paragraph at his own expense, which dramatically demonstrated his commitment to establishment of Everglades National Park.

(b) PURPOSE.—It is the purpose of this Act to commemorate the vision, leadership, and enduring contributions of Marjory Stoneman Douglas and Ernest F. Coe to the protection of the Everglades and the establishment of Everglades National Park.

SEC. 3. MARJORY STONEMAN DOUGLAS WILDERNESS.

(a) REDESIGNATION.—Section 401(3) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3490; 16 U.S.C. 1132 note) is amended by striking "to be known as the Everglades Wilderness" and inserting "to be known as the Marjory Stoneman Douglas Wilderness, to commemorate the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and the establishment of the Everglades National Park".

(b) NOTICE OF REDESIGNATION.—The Secretary of the Interior shall provide such notification of the redesignation made by the

amendment made by subsection (a) by signs, materials, maps, markers, interpretive programs, and other means (including changes in signs, materials, maps, and markers in existence before the date of enactment of this Act) as will adequately inform the public of the redesignation of the wilderness area and the reasons for the redesignation.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the "Everglades Wilderness" shall be deemed to be a reference to the "Marjory Stoneman Douglas Wilderness".

SEC. 4. ERNEST F. COE VISITOR CENTER.

(a) DESIGNATION.—Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended by adding at the end the following new subsection:

"(f) ERNEST F. COE VISITOR CENTER.—On completion of construction of the main visitor center facility at the headquarters of Everglades National Park, the Secretary shall designate the visitor center facility as the 'Ernest F. Coe Visitor Center', to commemorate the vision and leadership shown by Mr. Coe in the establishment and protection of Everglades National Park.".

SEC. 5. CONFORMING AND TECHNICAL AMENDMENTS.

Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended—

(1) in subsection (c)(2), by striking "personally-owned" and inserting "personnally-owned"; and

(2) In subsection (e), by striking "VISITOR CENTER" and inserting "MARJORY STONEMAN DOUGLAS VISITOR CENTER".

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

Mr. Speaker, I rise in full support of S. 931 and urge its adoption. Mr. DEUTSCH of Florida and Mr. GOSS from Florida introduced very similar legislation in the form of H.R. 136 in the House. The Subcommittee on National Parks and Public Lands held hearings on that legislation, and it is supported on a broad bipartisan basis by the Florida delegation, the administration, and many conservation organizations. I am pleased to support this legislation on the House floor and am pleased that we will be sending S. 931 to the President for his signature.

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

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

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

Mr. FALEOMAVAEGA. First of all, Mr. Speaker, I want to commend the gentleman from Utah, the chairman of the Subcommittee on National Parks and Public Lands, for his leadership and especially for his being here managing this piece of legislation.

Mr. Speaker, Senate bill 931 is the Senate companion measure to House bill H.R. 136 introduced by my colleague, the gentleman from Florida [Mr. DEUTSCH], who has been a strong advocate for this legislation. H.R. 136 was favorably reported by the Committee on Resources, and we are bringing the Senate-passed bill to the floor to expedite consideration.

This is truly a noncontroversial matter, and I am glad to see the House considering this bill so it can be sent to the President for his signature.

When the Committee on Resources held a hearing on this legislative initiative, the administration of the National Park Service strongly supported the legislation which would name the Everglades Wilderness and Visitor Center after two individuals who have long and distinguished association with the Everglades National Park. Marjory Stoneman Douglas was a tireless advocate of the Everglades for many years, and it is fitting to recognize her work in protecting this unique ecosystem. Likewise, Ernest F. Coe is considered the father of Everglades National Park, and the bill honors his work by naming the visitor center for him.

With that said, Mr. Speaker, I support the legislation, and I urge my colleagues for their approval and adoption by this Chamber.

Mr. DAVIS of Florida. Mr. Speaker, I rise in strong support of S. 931, legislation to commemorate two individuals whose work and dedication were instrumental in establishing the Everglades National Park, one of our Nation's natural treasures. The legislation before us today is nearly identical to H.R. 136, of which I am a proud cosponsor.

This year, citizens throughout Florida, and indeed our Nation, celebrate the 50th anniversary of the Everglades National Park. Over the past five decades, our knowledge and appreciation for the tremendous resources, so critical to the environmental health and quality of life in our State, have deepened in large part to the two individuals commemorated in this legislation: Marjory Stoneman Douglas and Ernest F. Coe.

Through Mrs. Douglas' trailblazing book entitled "The Everglades: River of Grass," Floridians were first alerted to the fragile nature of the Everglades ecosystem and the degree to which we are all dependent upon its continued health and protection. Since publication of the book in 1947, Mrs. Douglas has fought tirelessly in defense of the Everglades and now at the age of 107, she will be honored through this legislation designating 1.3 million acres within the park as the "Marjory Stoneman Douglas Wilderness."

In addition, this bill will honor the "Papa of the Everglades National Park," Ernest F. Coe, by naming the park's main visitor center after him. Mr. Coe's leadership was the driving force behind the establishment of the park and it was his vision which has inspired the preservation of the diverse ecosystem for future generations.

Mr. Speaker, as we celebrate the 50th anniversary of the Everglades National Park it is fitting that we commemorate the valuable service of Mrs. Douglas and Mr. Coe and I urge all my colleagues to support this legislation.

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

Mr. HANSEN. Mr. Speaker, I have no further speakers on this, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, 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 Senate bill, S. 931.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 931.

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

There was no objection.

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ACT OF 1997

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1856) 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 United States Fish and Wildlife Service region, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1856

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Wildlife Refuge System Volunteer and Community Partnership Act of 1997".

SEC. 2. VOLUNTEERS AND COMMUNITY PARTNERSHIPS FOR WILDLIFE.

(a) PROMOTION OF VOLUNTEERS AT NATIONAL WILDLIFE REFUGES.—Section 7(b)(2) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(b)(2)) is amended by adding at the end the following: "Any gift or bequest made for the benefit of a particular national wildlife refuge or complex of refuges shall be disbursed only for the benefit of that refuge or complex of refuges.".

(b) AWARDS AND RECOGNITION FOR VOLUNTEERS.—Section 7(c)(2) of that Act (16 U.S.C. 742f(c)(2)) is amended—

(1) by inserting "awards and recognition," after "lodging,"; and

(2) by inserting "without regard to their place of residence" after "volunteers".

(c) VOLUNTEER AND COMMUNITY PARTNERSHIP ENHANCEMENT.—Section 7 of that Act

(16 U.S.C. 742) is amended by adding at the end the following:

"(d) VOLUNTEER AND COMMUNITY PARTNERSHIP ENHANCEMENT.—(1) The purposes of this subsection are the following:

"(A) To encourage the use of volunteers in the National Wildlife Refuge System.

"(B) To facilitate partnerships between the National Wildlife Refuge System and partner organizations.

"(C) To promote participation by individuals, organizations, and communities in understanding and conserving the fish and wildlife resources, lands, and facilities of the National Wildlife Refuge System.

"(D) To enhance the availability of interpretive and educational materials and services for the enjoyment of visitors to national wildlife refuges.

"(2) Subject to the availability of appropriations, the Secretary of the Interior shall conduct a pilot project at 1 national wildlife refuge in each United States Fish and Wildlife Service region, under which the Secretary shall employ a full-time volunteer coordinator for each refuge.

"(3)(A) Subject to the compatibility requirements of the National Wildlife Refuge System Administration Act of 1966 and this paragraph, the Secretary of the Interior may enter into a cooperative agreement (as that term is used in chapter 63 of title 31, United States Code) with any partner organization, academic institution, or State or local government organization, for the conduct of a project on a national wildlife refuge, under which—

"(i) there will be provided enhanced opportunities for private citizens to volunteer with a national wildlife refuge in their local communities and contribute to stewardship of the resources on that refuge;

"(ii) a partner organization, academic institution, or State or local government organization will develop, produce, publish, distribute, or sell educational materials and products pertaining to a national wildlife refuge approved by the Secretary, under conditions specified by the Secretary;

"(iii) a partner organization, academic institution, or State or local government organization will construct, maintain, operate, or improve a facility on a national wildlife refuge necessary for the sale or distribution of educational materials, products, programs, and services pertaining to national wildlife refuges;

"(iv) a partner organization, academic institution, or State or local government organization will provide visitor services, facilities, or activities within a national wildlife refuge, under terms that require that the net profits from such services, facilities, or activities shall be used exclusively for projects and programs that benefit the refuge and are consistent with the purposes for which it was established; or

"(v) there will be carried out within a national wildlife refuge, on a Federal/non-Federal cost sharing basis, habitat restoration and improvement, biological monitoring, research, public education and recreation, construction of facilities, or other projects.

"(B) Any Federal funds used to fund a project under a cooperative agreement under this paragraph—

"(i) may be used only for expenses directly related to the project; and

"(ii) may not be used for operation or administration of any non-Federal entity.

"(C) A partner organization, academic institution, or State or local government organization shall not receive preferential treatment in any application process to provide visitor services, products, or facilities in a national wildlife refuge.

"(D) Any facility or permanent improvement constructed pursuant to this subsection shall be the property of the United States Government.

"(4)(A) Amounts received by the Secretary of the Interior as a result of activities under paragraph (3) shall be deposited in a separate account in the Treasury.

"(B) Amounts in the account referred to in subparagraph (A) that are attributable to activities at a particular national wildlife refuge or complex of refuges shall be available to the Secretary of the Interior without further appropriation—

"(i) for materials, training, and other uses related to volunteer activities at the refuge or complex of refuges; or

"(ii) to carry out cooperative agreements under this subsection applicable to the refuge or complex of refuges.

"(5) For the purposes of this subsection, the term 'partner organization' means an organization—

"(A) the mission of which is to promote understanding and conservation of the fish and wildlife, cultural, or historic resources of a particular national wildlife refuge or a complex of related national wildlife refuges;

"(B) that draws its membership primarily from communities near that refuge or complex of related national wildlife refuges; and

"(C) that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.

"(6) In addition to amounts available under paragraph (4)(B), there are authorized to be appropriated to the Secretary of the Interior for each of fiscal years, 1998, 1999, 2000, 2001, 2002, and 2003—

"(A) $1,000,000 for carrying out activities under this subsection and subsection (c); and

"(B) $1,050,000 for pilot projects under paragraph (2) among the United States Fish and Wildlife Service Regions.".

(d) CONFORMING AMENDMENT.—Section 7(c)(6) of that Act (16 U.S.C. 742f(c)(6)) is amended by striking "$100,000 for the Secretary of the Interior and".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Speaker, as the author of H.R. 1856, I am pleased to present the House of Representatives the National Wildlife Refuge System Community Partnership Act.

The U.S. Fish and Wildlife Service has a very successful program to encourage volunteer activities at the national wildlife refuge and other service field stations. Last year, for example, over 25,000 volunteers donated nearly $11 million worth of services, ranging from staffing of visitor centers to hunter safety classes to operating heavy equipment. I introduced this bill after a field hearing at the Edwin B. Forsythe National Wildlife Refuge in my district in New Jersey that addressed a large number of maintenance backlog issues.

Mr. Speaker, I urge an aye vote on H.R. 1856.

Mr. Speaker, as the author of H.R. 1856, I am pleased to present to the House of Representatives the National Wildlife Refuge System Community Partnership Act.

The U.S. Fish and Wildlife Service has a very successful program to encourage volunteer activities at National Wildlife Refuges and other Service field stations. Last year, for example, over 25,000 volunteers donated nearly $11 million worth of services, ranging from staffing visitor centers, to hunter safety classes, to operating heavy equipment.

I introduced this bill after a field hearing at the Edwin B. Forsythe National Wildlife Refuge in my district in New Jersey that addressed the large maintenance backlog at refuges. We heard from several local volunteer conservation groups who pointed out some problems with the existing volunteer program. This bill is intended to solve these problems.

First of all, the biggest obstacle to improving the volunteer program is a shortage of staff at refuges. We can't expect refuge employees who have full-time operation and maintenance duties to also donate all of their weekends to working with volunteer groups. H.R. 1856 would address this problem by establishing pilot projects at seven refuges for the purpose of hiring full-time volunteer coordinators. This will make it much easier for the Service and conservation groups to work together for the benefit of refuges.

Second, H.R. 1856 makes it easier for interested individuals and groups to donate money or services to refuges. It would ensure that gifts to a particular refuge will actually go to that refuge, instead of disappearing into a nationwide account.

Third, the bill will allow refuge managers to enter into cooperative agreements with local conservation groups to conduct projects on refuges. Again, these provisions are designed to make it easier for refuge managers to cooperate with local organizations. For example, if a volunteer group were interested in constructing a wildlife observation tower or other improvement at a refuge, this section would allow the refuge manager to contribute materials or staff assistance to the project.

All of these provisions are designed to make it easier for volunteers who are interested in helping to conserve fish and wildlife to contribute their skills and enthusiasm to our National Wildlife Refuges. Many of my colleagues have worked hard this year to improve Refuge operations and maintenance through the appropriations process, and to enact the National Wildlife Refuge System Improvement Act, which was signed into law on October 9th. However, it is the thousands of volunteers who directly donate their time and energy who really make the difference on the ground. By making it easier for them, this bill will enhance an already successful program and ultimately benefit fish and wildlife conservation throughout the National Wildlife Refuge System.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I rise in support of the legislation, but also

today, Mr. Speaker, we recognize two luminaries who ignited the movement to preserve one of America's greatest national treasures, the Florida Everglades.

I think most Americans know that the Everglades is an ecosystem in serious jeopardy. Decades of well intentioned but misguided human intervention have pushed the Everglades to the brink of extinction. While the pride of the Everglades is accepted as common knowledge today, this was not always the case. It took years of tireless campaigning by a few early leaders to raise public awareness to the appropriate level.

Mr. Speaker, today we consider legislation which recognizes the contributions of two of those early leaders who first led the charge to save the Everglades. The bill before us and the House companion bill, supported by 12 members of the Florida delegation, designates the Marjory Stoneman Douglas Wilderness and the Ernest Coe Visitor Center.

Ernest Coe is widely recognized as the father of Everglades National Park. In 1928 he organized a tropical Everglades National Park Association. As a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and habitats for future generations. His leadership and selfless devotion to commitment to achieving this vision culminated in the authorization of Everglades National Park by Congress in 1934 and its dedication by President Truman in 1947. Senate 931 dedicates the park's main visitor center in memory of Mr. Coe to remind visitors of his devotion to the Everglades.

The legislation also honors a person who is probably most identified with the Everglades, Marjory Stoneman Douglas. In 1947, Marjory Stoneman Douglas wrote a landmark book on Florida's largest wetland ecosystem, "The Everglades, River of Grass." This pioneering work was the first to highlight the plight of the Everglades and ultimately served to weigh upon public interest in restoring its health.

Professional journalist and author, Mrs. Douglas went on to lead many battles in defense of the Everglades. In 1994, President Clinton awarded her the Medal of Freedom, America's highest civilian honor. Considering her extraordinary accomplishments, it should come as no surprise that Mrs. Douglas is still going strong today at age 107. The legislation designates 1.3 million acres in Everglades National Park as Marjory Stoneman Douglas Wilderness. It is a fitting and permanent reminder by the Everglades' mightiest defender to forever treasure America's greatest tropical ecosystem.

Like so many Everglades accomplishments, this legislation has an entire delegation. I would especially like to thank the gentleman from Florida's southwest coast [Mr. GOSS], who has been the primary original cosponsor for two Congresses, and Florida's Senators, the sponsors of the bill before us today.

Mr. Speaker, our timing is also appropriate because the park is celebrating its 50th anniversary this year. I can say with confidence that the park would not have made it this far without Ernest Coe and Marjory Stoneman Douglas.

So as we look forward to the next 50 years, let us remember the contributions of those who made everything possible today. As a resident of south Florida in terms of both my children and my parents and hopefully grandchildren into the future, there are no words or no deeds that we can do that can thank these two people in specifics in terms of their work, in terms of quality of life in south Florida, so I urge the support of the bill today.

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

Mr. Speaker, I rise in strong support of H.R. 1856. The bill was unanimously reported from the Committee on Resources, and the amendments before the House improves its benefits to wildlife even more. The bill's chief sponsor, the gentleman from New Jersey, and also chairman of the subcommittee, has done a yeoman service for wildlife in this country by introducing this legislation by expeditiously bringing it before the House.

The amendment does three things. It promotes volunteer programs in wildlife refuges, it protects wildlife habitat by reauthorizing the highly successful North American Wetlands Conservation Act, and it improves the management of nongame species of wildlife by reauthorizing a program of Federal matching grants for such activities.

Mr. Speaker, this bill is about protecting wildlife habitat and enhancing the management of both game and nongame wildlife. We have long since reached a point where government cannot provide all the know-how and resources adequately to protect our wildlife. By establishing a pilot program to encourage partnerships between wildlife refuges and private organizations, we create a win-win situation for wildlife. Local citizens get an opportunity to gain firsthand experience with wildlife while enjoying the simple pleasure of volunteer service. For their part wildlife refuges get expertise from the local community as well as goods and services which would not otherwise be available to them.

Mr. Speaker, in the 7 years of its existence, the North American Wetlands Act has resulted in the protection of more than 10 million acres of wetlands in the United States, Canada, and Mexico. Two hundred and eight million dollars in government funds for this voluntary, nonregulatory program has been matched by more than $420 million in non-Federal funds, conserving valuable habitat for migratory birds and many nonmigratory species as well.

Lastly, the amendment reauthorizes the Partnerships for Wildlife Act which provides matching grants for nongame wildlife conservation and appreciation. A permanent source of funding like we have for sport fish and game conservation is sorely needed for nongame species. The States currently estimate their unmet needs for nongame management and conservation at over $300 million annually.

I hope that we have the opportunity to give permanent funding for nongame species serious consideration next session. In the meantime, we will continue doing what we can for nongame species under the Partnerships for Wildlife program. This legislation is sound, to benefit wildlife throughout through nonregulatory programs that leverage scarce Federal resources, and, Mr. Speaker, I also would like to commend the gentleman from Hawaii, the ranking member of this subcommittee, for his contribution to this piece of legislation.

I urge my colleagues for their adoption and support of this bill.

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

Mr. SAXTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of S. 931, a bill which honors two south Floridian conservation pioneers, Ernest Coe and Marjory Stoneman Douglas. S. 931 names the main visitor center at the Everglades National Park the Ernest F. Coe Visitor Center and designates 1.3 million acres in the park as the Marjory Stoneman Douglas Wilderness.

Ernest Coe, widely recognized as the father of the Everglades National Park, labored for more than 20 years with a single-minded determination to create a national park for the protection of the birds, panthers, and hundreds of other species of wildlife indigenous to Florida.

Almost 70 years ago, Coe presaged the societal pressures which would have threatened this unique habitat and made the designation of the park his purpose in life. Floridians owe him a debt of gratitude, and, indeed, the entire Nation does.

This bill also honors Marjory Stoneman Douglas. So much has been written about this woman's incredible life. Ms. Douglas has achieved near legendary status. At 107 years old, Ms. Douglas remains the single greatest icon of Everglades restoration and a true south Florida treasure.

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Although it is difficult to conceive in 1997, the Everglades before World War

II was considered by most to be a worthless swamp and a hindrance to development and industry. Ms. Douglas was among the first to suggest that the Federal Government's construction programs to drain and redirect the river of grass might upset the natural cycles on which the whole south Florida ecosystem relies. Thanks to Ms. Douglas' foresight, this ecological treasure is now protected in perpetuity.

Mr. Speaker, on the eve of the golden anniversary of the founding of the Everglades National Park, I urge my colleagues to support the bill.

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

Again, I want to commend the gentleman from Hawaii [Mr. ABERCROMBIE], who is necessarily absent this afternoon, for his comanagement of this piece of legislation, and I want to commend him for his service and contributions to making this bill possible to be brought before the floor for consideration.

At this time I have no additional speakers, Mr. Speaker, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, the gentleman from American Samoa correctly points out the important role that the gentleman from Hawaii [Mr. ABERCROMBIE] played in developing and getting this bill to the floor. So I would like to thank him myself for his support of the National Wildlife Refuge System Volunteer and Community Partnership Acts of 1997.

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

The SPEAKER pro tempore (Mr. KINGSTON). 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. 1856, as amended.

The question was taken.

Mr. FALEOMAVAEGA. 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 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.

PROVIDING FOR THE DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF OTTAWA AND CHIPPEWA INDIANS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1604) to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission, as amended.

The Clerk read as follows:

H.R. 1604

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. Findings; purpose.
Sec. 3. Definitions.
Sec. 4. Division of funds.
Sec. 5. Development of tribal plans for use or distribution of funds.
Sec. 6. Preparation of judgment distribution roll of descendants.
Sec. 7. Plan for use and distribution of Bay Mills Indian Community funds.
Sec. 8. Plan for use of Sault Ste. Marie Tribe of Chippewa Indians of Michigan funds.
Sec. 9. Plan for use of Grand Traverse Band of Ottawa and Chippewa Indians of Michigan funds.
Sec. 10. Payment to newly recognized or reaffirmed tribes.
Sec. 11. Treatment of funds in relation to other laws.
Sec. 12. Treaties not affected.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Judgments were rendered in the Indian Claims Commission in dockets numbered 18–E, 58, and 364 in favor of the Ottawa and Chippewa Indians of Michigan and in docket numbered 18–R in favor of the Sault Ste. Marie Tribe of Chippewa Indians.

(2) The funds Congress appropriated to pay these judgments have been held by the Department of the Interior for the beneficiaries pending a division of the funds among the beneficiaries in a manner acceptable to the tribes and descendency group and pending development of plans for the use and distribution of the respective tribes' share.

(3) The 1836 treaty negotiations show that the United States concluded negotiations with the Chippewa concerning the cession of the upper peninsula and with the Ottawa with respect to the lower peninsula.

(4) A number of sites in both areas were used by both the Ottawa and Chippewa Indians. The Ottawa and Chippewa Indians were intermarried and there were villages composed of members of both tribes.

(b) PURPOSE.—It is the purpose of this Act to provide for the fair and equitable division of the judgment funds among the beneficiaries and to provide the opportunity for the tribes to develop plans for the use or distribution of their share of the funds.

SEC. 3. DEFINITIONS.

For purposes of this Act the following definitions apply:

(1) The term "judgment funds" means funds appropriated in full satisfaction of judgments made in the Indian Claims Commission—

(A) reduced by an amount for attorneys fees and litigation expenses; and

(B) increased by the amount of any interest accrued with respect to such funds.

(2) The term "dockets 18–E and 58 judgment funds" means judgment funds awarded in dockets numbered 18–E and 58 in favor of the Ottawa and Chippewa Indians of Michigan.

(3) The term "docket 364 judgment funds" means the judgment funds awarded in docket numbered 364 in favor of the Ottawa and Chippewa Indians of Michigan.

(4) The term "docket 18–R judgment funds" means the judgment funds awarded in docket numbered 18–R in favor of the Sault Ste. Marie Band of Chippewa Indians.

(5) The term "judgment distribution roll of descendants" means the roll prepared pursuant to section 6.

(6) The term "Secretary" means the Secretary of the Interior.

SEC. 4. DIVISION OF FUNDS.

(a) DOCKET 18–E AND 58 JUDGMENT FUNDS.—The Secretary shall divide the docket 18–E and 58 judgment funds as follows:

(1) The lesser of 13.5 percent and $9,253,104.47, and additional funds as described in this section, for newly recognized or reaffirmed tribes described in section 10 and eligible individuals on the judgment distribution roll of descendants.

(2) 34.6 percent to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community, of which—

(A) the lesser of 35 percent of the principal and interest as of December 31, 1996, and $8,313,877 shall be for the Bay Mills Indian Community; and

(B) the remaining amount (less $161,723.89 which shall be added to the funds described in paragraph (1)) shall be for the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

(3) 17.3 percent (less $161,723.89 which shall be added to the funds described in paragraph (1)) to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan.

(4) 17.3 percent (less $161,723.89 which shall be added to the funds described in paragraph (1)) to the Little Traverse Bay Bands of Odawa Indians of Michigan.

(5) 17.3 percent (less $161,723.89 which shall be added to the funds described in paragraph (1)) to the Little River Band of Ottawa Indians of Michigan.

(6) Any funds remaining after distribution pursuant to paragraphs (1) through (5) shall be divided and distributed to each of the recognized tribes listed in this subsection in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of paragraphs (2) through (5) bears to the total distribution under all such paragraphs.

(b) DOCKET 364 JUDGMENT FUNDS.—The Secretary shall divide the docket 364 judgment funds as follows:

(1) The lesser of 20 percent and $28,026.79 for newly recognized or reaffirmed tribes described in section 10 and eligible individuals on the judgment distribution roll of descendants.

(2) 32 percent to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community, of which—

(A) 35 percent shall be for the Bay Mills Indian Community; and

(B) the remaining amount shall be for the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

(3) 16 percent to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan.

(4) 16 percent to the Little Traverse Bay Bands of Odawa Indians of Michigan.

(5) 16 percent to the Little River Band of Ottawa Indians of Michigan.

(6) Any funds remaining after distribution pursuant to paragraphs (1) through (5) shall be divided and distributed to each of the recognized tribes listed in this subsection in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of paragraphs (2) through (5) bears to the total distribution under all such paragraphs.

(c) DOCKET 18–R JUDGMENT FUNDS.—The Secretary shall divide the docket 18–R judgment funds as follows:

(1) 65 percent to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

(2) 35 percent to the Bay Mills Indian Community.

(d) AMOUNTS FOR NEWLY RECOGNIZED OR REAFFIRMED TRIBES OR INDIVIDUALS ON THE JUDGMENT DISTRIBUTION ROLL OF DESCENDANTS HELD IN TRUST.—Pending distribution under this Act to newly recognized or reaffirmed tribes described in section 10 or individuals on the judgment distribution roll of descendants, the Secretary shall hold amounts referred to in subsections (a)(1) and (b)(1) in trust.

SEC. 5. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DISTRIBUTION OF FUNDS.

(a) DISBURSEMENT OF FUNDS.—(1) Except as provided in paragraphs (2), (3), and (4), the Secretary shall disburse each tribe's respective share of the judgment funds described in subsections (a), (b), and (c) of section 4 not later than 30 days after a plan for use and distribution of such funds has been approved in accordance with this section. Disbursement of a tribe's share shall not be dependent upon approval of any other tribe's plan.

(2) Section 7 shall be the plan for use and distribution of the judgment funds described in subsections (a)(2)(A), (b)(2)(A), and (c)(2) of section 4. Such plan shall be approved upon the enactment of this Act and such funds shall be distributed by the Secretary to the Bay Mills Indian Community not later than 90 days after the date of the enactment of this Act to be used and distributed in accordance with section 7.

(3) Section 8 shall be the plan for use and distribution of the judgment funds described in subsections (a)(2)(B), (b)(2)(B), and (c)(1) of section 4. Such plan shall be approved upon the enactment of this Act and such funds shall be distributed by the Secretary to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan not later than 90 days after the date of the enactment of this Act to be used and distributed in accordance with section 8.

(4) Section 9 shall be the plan for use and distribution of the judgment funds described in subsections (a)(3) and (b)(3) of section 4. Such plan shall be approved upon the enactment of this Act and such funds shall be distributed by the Secretary to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, not later than 90 days after the date of the enactment of this Act to be used and distributed in accordance with section 9.

(b) APPROVAL OR COMMENT OF SECRETARY.—(1) Except as otherwise provided in this Act, each tribe shall develop a plan for the use and distribution of its respective share of the judgment funds. The tribe shall hold a hearing or general membership meeting on its proposed plan. The tribe shall submit to the Secretary its plan together with an accompanying resolution of its governing body accepting such plan, a transcript of its hearings or meetings in which the plan was discussed with its general membership, any documents circulated or made available to the membership on the proposed plan, and comments from its membership received on the proposed plan.

(2) Not later than 90 days after a tribe makes its submission under paragraph (1), the Secretary shall—

(A) if the plan complies with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)), approve the plan; or

(B) if the plan does not comply with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)), return the plan to the tribe with comments advising the tribe why the plan does not comply with such provisions.

(c) RESPONSE BY TRIBE.—The tribe shall have 60 days after receipt of comments under subsection (b)(2), or other time as the tribe and the Secretary agree upon, in which to respond to such comments and make such response by submitting a revised plan to the Secretary.

(d) SUBMISSION TO CONGRESS.—(1) The Secretary shall, within 45 days after receiving the governing body's comments under subsection (c), submit a plan to Congress in accordance with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)). If the tribe does not submit a response pursuant to subsection (c), the Secretary shall, not later than 45 days after the end of the response time for such a response, submit a plan to Congress in accordance with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)).

(2) If a tribe does not submit a plan to the Secretary within 8 years of the date of enactment of this Act, the Secretary shall approve a plan which complies with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)).

(e) GOVERNING LAW AFTER APPROVAL BY SECRETARY.—Once approved by the Secretary under this Act, the effective date of the plan and other requisite action, if any, is determined by the provisions of section 5 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1405).

(f) HEARINGS NOT REQUIRED.—Notwithstanding section 3 and section 4 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403 and 25 U.S.C. 1404), the Secretary shall not be required to hold hearings or submit transcripts of any hearings held previously concerning the Indian judgments which are related to the judgment funds. The Secretary's submission of the plan pursuant to this Act shall comply with section 4 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1404).

SEC. 6. PREPARATION OF JUDGMENT DISTRIBUTION ROLL OF DESCENDANTS.

(a) PREPARATION.—

(1) IN GENERAL.—The Secretary shall prepare, in accordance with parts 61 and 62 of title 25, Code of Federal Regulations, a judgment distribution roll of all citizens of the United States who—

(A) were born on or before the date of enactment of this Act;

(B) were living on the date of the enactment of this Act;

(C) are of at least one-quarter Michigan Ottawa or Chippewa Indian blood, or a combination thereof;

(D) are not members of the tribal organizations listed in section 4;

(E) are lineal descendants of the Michigan Ottawa or Chippewa bands or tribes that were parties to either the 1820 treaty (7 Stat. 207), the 1836 treaty (7 Stat. 491), or the 1855 treaty (11 Stat. 621);

(F) are lineal descendants of at least one of the groups described in subsection (d); and

(G) are not described in subsection (e).

(2) TIME LIMITATIONS.—The judgment distribution roll of descendants prepared pursuant to paragraph (1)—

(A) shall not be approved before 8 years after the date of the enactment of this Act or a final determination has been made regarding each petition filed pursuant to section 10, whichever is earlier; and

(B) shall be approved not later than 9 years after the date of the enactment of this Act.

(b) APPLICATIONS.—Applications for inclusion on the judgment distribution roll of descendants must be filed with the superintendent, Michigan agency, Bureau of Indian Affairs, Sault Ste. Marie, Michigan, not later than 1 year after the date of enactment of this Act.

(c) APPEALS.—Appeals arising under this section shall be handled in accordance with parts 61 and 62 of title 25, Code of Federal Regulations.

(d) GROUPS.—The groups referred to in subsection (a)(1)(F) are Chippewa or Ottawa tribe or bands of—

(1) Grand River, Traverse, Grand Traverse, Little Traverse, Maskigo, or L'Arbre Croche, Cheboigan, Sault Ste. Marie, Michilmackinac; and

(2) any subdivisions of any groups referred to in paragraph (1).

(e) INELIGIBLE INDIVIDUALS.—AN INDIVIDUAL IS NOT ELIGIBLE UNDER THIS SECTION, IF THAT INDIVIDUAL—

(1) received benefits pursuant to the Secretarial Plan effective July 17, 1983, for the use and distribution of Potawatomi judgment funds;

(2) received benefits pursuant to the Secretarial Plan effective November 12, 1977, for the use and distribution of Saginaw Chippewa judgment funds;

(3) is a member of the Keweenaw Bay Chippewa Indian Community of Michigan on the date of the enactment of this Act;

(4) is a member of the Lac Vieux Desert Band of Lake Superior Chippewa Indians on the date of the enactment of this Act; or

(5) is a member of a tribe whose membership is predominantly Potawatomi.

(f) USE OF HORACE B. DURANT ROLL.—In preparing the judgment distribution roll of descendants under this section, the Secretary shall refer to the Horace B. Durant Roll, approved February 18, 1910, of the Ottawa and Chippewa Tribe of Michigan, as qualified and corrected by other rolls and records acceptable to the Secretary, including the Durant Field Notes of 1908–1909 and the Annuity Payroll of the Ottawa and Chippewa Tribe of Michigan approved May 17, 1910. The Secretary may employ the services of the descendant group enrollment review committees.

(g) PAYMENT OF FUNDS.—Subject to section 10, not later than 90 days after the approval by the Secretary of the judgment distribution roll of descendants prepared pursuant to this section, the Secretary shall distribute per capita the funds described in subsections (a)(1) and (b)(1) of section 4 to the individuals listed on that judgment distribution roll of descendants. Payment under this section—

(1) to which a living, competent adult is entitled under this Act shall be paid directly to that adult;

(2) to which a deceased individual is entitled under this Act shall be paid to that individual's heirs and legatees upon determination of such heirs and legatees in accordance with regulations prescribed by the Secretary; and

(3) to which a legally incompetent individual or an individual under 18 years of age is entitled under this Act shall be paid in accordance with such procedures (including the establishment of trusts) as the Secretary determines to be necessary to protect and preserve the interests of that individual.

SEC. 7. PLAN FOR USE AND DISTRIBUTION OF BAY MILLS INDIAN COMMUNITY FUNDS.

(a) TRIBAL LAND TRUST.—(1) The Executive Council of the Bay Mills Indian Community shall establish a nonexpendable trust to be known as the "Land Trust". Not later than 60 days after receipt of the funds distributed to the Bay Mills Indian Community pursuant to this Act, the Executive Council of the Bay Mills Indian Community shall deposit 20 percent of the share of the Bay Mills Indian Community into the Land Trust.

(2) The Executive Council shall be the trustee of the Land Trust and shall administer the Land Trust in accordance with this section. The Executive Council may retain or hire a professional trust manager and may pay the prevailing market rate for such services. Such payment for services shall be made from the current income accounts of the trust and charged against earnings of the current fiscal year.

(3) The earnings generated by the Land Trust shall be used exclusively for improvements on tribal land or the consolidation and enhancement of tribal landholdings through purchase or exchange. Any land acquired with funds from the Land Trust shall be held as Indian lands are held.

(4) The principal of the Land Trust shall not be expended for any purpose, including but not limited to, per capita payment to members of the Bay Mills Indian Community.

(5) The Land Trust shall be maintained as a separate account, which shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be a public document, and shall be available for inspection by any member of the Bay Mills Indian Community.

(6) Notwithstanding any other provision of law, the approval of the Secretary of any payment from the Land Trust shall not be required and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of funds from the Land Trust.

(b) LAND CLAIMS DISTRIBUTION TRUST.—(1) The Executive Council of the Bay Mills Indian Community shall establish a nonexpendable trust to be known as the "Land Claims Distribution Trust Fund". Not later than 60 days after receipt of the funds distributed to the Bay Mills Indian Community pursuant to this Act, the Executive Council of the Bay Mills Indian Community shall deposit into the Land Claims Distribution Trust Fund the principal funds which shall consist of—

(A) amounts remaining of the funds distributed to the Bay Mills Indian Community after distribution pursuant to subsections (a) and (c);

(B) 10 percent of the annual earnings generated by the Land Claims Distribution Trust Fund; and

(C) such other funds which the Executive Council chooses to add to the Land Claims Distribution Trust Fund.

(2) The Executive Council shall be the trustee of the Land Claims Distribution Trust Fund and shall administer the Land Claims Distribution Trust Fund in accordance with this section. The Executive Council may retain or hire a professional trust manager and may pay for said services the prevailing market rate. Such payment for services shall be made from the current income accounts of the trust and charged against earnings of the current fiscal year.

(3) 90 percent of the annual earnings of the Land Claims Distribution Trust Fund shall be distributed on October 1 of each year after the creation of the trust fund to any person who—

(A) is enrolled as a member of the Bay Mills Indian Community;

(B) is at least 55 years of age as of the annual distribution date; and

(C)(i) has been enrolled as a member of the Bay Mills Indian Community for a minimum of 25 years as of the annual distribution date, or

(ii) was adopted as a member of the Bay Mills Indian Community on or before June 30, 1996.

(4) In the event that a member of the Bay Mills Indian Community who is eligible for payment under subsection (b)(3), should die after preparation of the annual distribution roll and prior to the October 1 distribution, that individual's share for that year shall be provided to the member's heirs at law.

(5) In the event that a member of the Bay Mills Indian Community who is at least 55 years of age and who is eligible for payment under subsection (b)(3), shall have a guardian appointed for said individual, such payment shall be made to the guardian.

(6) Under no circumstances shall any part of the principal of the Land Claims Distribution Trust Fund be distributed as a per capita payment to members of the Bay Mills Indian Community, or used or expended for any other purpose by the Executive Council.

(7) The Land Claims Distribution Trust Fund shall be maintained as a separate account, which shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be a public document and shall be available for inspection by any member of the Bay Mills Indian Community.

(8) Notwithstanding any other provision of law, the approval of the Secretary of any payment from the Land Claims Distribution Trust Fund shall not be required and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the Fund.

(c) LAND CLAIMS INITIAL PAYMENT.—As compensation to the members of the Bay Mills Indian Community for the delay in distribution of the judgment fund, payment shall be made by the Executive Council within 30 days of receipt of the Bay Mills Indian Community's share of the judgment fund from the Secretary, as follows:

(1) The sum of $3,000 to each enrolled member of the Bay Mills Indian Community living on the date of enactment of this legislation, who has attained the age of 55 years, but is less than 62 years of age, if that individual was adopted into or a member of the Bay Mills Indian Community on or before June 30, 1996.

(2) The sum of $5,000 to each enrolled member of the Bay Mills Indian Community living on the date of enactment of this legislation, who is at least 62 years of age and less than and 70 years of age, if that individual was adopted into or a member of the Bay Mills Indian Community on or before June 30, 1996.

(3) The sum of $10,000 to each enrolled member of the Bay Mills Indian Community living on the date of enactment of this legislation, who is 70 years of age or older, if that individual was adopted into or a member of the Bay Mills Indian Community on or before June 30, 1996.

(d) ANNUAL PAYMENTS FROM LAND CLAIMS DISTRIBUTION TRUST FUND.—The Executive Council shall prepare the annual distribution roll and ensure its accuracy prior to August 30 of each year prior to distribution. The distribution roll shall identify each member of the Bay Mills Indian Community who, on the date of distribution, will have attained the minimum age and membership duration required for distribution eligibility, as specified in subsection (b)(3). The number of eligible persons in each age category defined in this subsection, multiplied by the number of shares for which the age category is entitled, added together for the 3 categories, shall constitute the total number of shares to be distributed each year. On each October 1, the shares shall be distributed as follows:

(1) Each member who is at least 55 years of age and less than 62 years of age shall receive 1 share.

(2) Each member who is between the ages of 62 and 69 years shall receive 2 shares.

(3) Each member who is 70 years of age or older shall receive 3 shares.

SEC. 8. PLAN FOR USE OF SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS OF MICHIGAN FUNDS.

(a) SELF-SUFFICIENCY FUND.

(1) The Sault Ste. Marie Tribe of Chippewa Indians of Michigan (referred to in this section as the "Sault Ste. Marie Tribe"), through its board of directors, shall establish a trust fund for the benefit of the Sault Ste. Marie Tribe which shall be known as the "Self-Sufficiency Fund". The principal of the Self-Sufficiency Fund shall consist of—

(A) the Sault Ste. Marie Tribe's share of the judgment funds transferred by the Secretary to the board of directors pursuant to subsection (e);

(B) such amounts of the interest and other income of the Self-Sufficiency Fund as the board of directors may choose to add to the principal; and

(C) any other funds that the board of directors of the Sault Ste. Marie Tribe chooses to add to the principal.

(2) The board of directors shall be the trustee of the Self-Sufficiency Fund and shall administer the Fund in accordance with the provisions of this section.

(b) USE OF PRINCIPAL.—

(1) The principal of the Self-Sufficiency Fund shall be used exclusively for investments or expenditures which the board of directors determines—

(A) are reasonably related to—

(i) economic development beneficial to the tribe; or

(ii) development of tribal resources;

(B) are otherwise financially beneficial to the tribe and its members; or

(C) will consolidate or enhance tribal landholdings.

(2) At least one-half of the principal of the Self-Sufficiency Fund at any given time shall be invested in investment instruments or funds calculated to produce a reasonable rate of return without undue speculation or risk.

(3) No portion of the principal of the Self-Sufficiency Fund shall be distributed in the form of per capita payments.

(4) Any lands acquired using amounts from the Self-Sufficiency Fund shall be held as Indian lands are held.

(c) USE OF SELF-SUFFICIENCY FUND INCOME.—The interest and other investment income of the Self-Sufficiency Fund shall be distributed—

(1) as an addition to the principal of the Fund;

(2) as a dividend to tribal members;

(3) as a per capita payment to some group or category of tribal members designated by the board of directors;

(4) for educational, social welfare, health, cultural, or charitable purposes which benefit the members of the Sault Ste. Marie Tribe; or

(5) for consolidation or enhancement of tribal lands.

(d) GENERAL RULES AND PROCEDURES.—

(1) The Self-Sufficiency Fund shall be maintained as a separate account.

(2) The books and records of the Self-Sufficiency Fund shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be treated as a public document of the Sault Ste. Marie Tribe and a copy of the report shall be available for inspection by any enrolled member of the Sault Ste. Marie Tribe.

(e) TRANSFER OF JUDGMENT FUNDS TO SELF-SUFFICIENCY FUND.—

(1) The Secretary shall transfer to the Self-Sufficiency Fund the share of the funds which have been allocated to the Sault Ste. Marie Tribe pursuant to section 4.

(2) Notwithstanding any other provision of law, after the transfer required by paragraph (1) the approval of the Secretary for any payment or distribution from the principal or income of the Self-Sufficiency Fund shall not be required and the Secretary shall have no trust responsibility for the investment, administration, or expenditure of the principal or income of the Self-Sufficiency Fund.

(f) LANDS ACQUIRED USING INTEREST OR OTHER INCOME OF THE SELF-SUFFICIENCY FUND.—Any lands acquired using amounts from interest or other income of the Self-Sufficiency Fund shall be held in trust by the Secretary for the benefit of the tribe.

SEC. 9. PLAN FOR USE OF GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN FUNDS.

(a) LAND CLAIMS DISTRIBUTION TRUST FUND.—(1) The share of the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan (hereafter in this section referred to as the "Band"), as determined pursuant to subsections (a)(3) and (b)(3) of section 4, shall be deposited by the Secretary in a nonexpendable trust fund to be established by the Tribal Council of the Band to be known as the "Land Claims Distribution Trust Fund" (hereafter in this section referred to as the "Trust Fund").

(2) The principal of the Trust Fund shall consist of—

(A) the funds deposited into the Trust Fund by the Secretary pursuant to this subsection;

(B) annual earnings of the Trust Fund which shall be retained, and added to the principal; and

(C) such other funds as may be added to the Trust Fund by action of the Tribal Council of the Band.

(b) MANAGEMENT OF THE TRUST FUND.—The Tribal Council of the Band shall be the trustee of the Trust Fund and shall administer the Fund in accordance with this section. In carrying out this responsibility, the Tribal Council may retain or hire a professional trust manager and may pay the prevailing market rate for such services. Such payment for services shall be made from the current income accounts of the Trust Fund and charged against the earnings of the fiscal year in which the payment becomes due.

(c) TRUST FUND AS LOAN COLLATERAL.—(1) The Trust Fund shall be used by the Band as collateral to secure a bank loan equal to 80 percent of the principal of the Trust Fund at the lowest interest rate then available. Such loan shall be used by the Band to make a one-time per capita payment to all eligible members.

(2) The loan secured pursuant to this subsection shall be amortized by the earnings of the Trust Fund. The Tribal Council of the Band shall have the authority to invest the principal of the Trust Fund on market risk principles that will ensure adequate payments of the debt obligation while at the same time protecting the principal.

(d) ELDERS' LAND CLAIM DISTRIBUTION TRUST FUND.—(1) Upon the retirement of the loan obtained pursuant to subsection (c), the Tribal Council shall establish the Grand Traverse Band Elders' Land Claims Distribution Trust Fund (hereafter in this section referred to as the "Elders' Trust Fund"). There shall be deposited into the Elders' Trust Fund the principal and all accrued earnings that are in the Land Claims Distribution Trust Fund on the date of retirement of such loan.

(2) Upon establishment of the Elders' Trust Fund, the Tribal Council of the Band shall make a one-time payment to any person who is living on the date of the establishment of the Elders' Trust Fund, and who was an enrolled member of the Band for at least 2 years prior to, the date of the enactment of this Act as follows:

(A) $500 for each member who has attained the age of 55 years, but is less than 62 years of age.

(B) $1,000 for each member who has attained the age of 62 years, but is less than 70 years of age.

(C) $2,500 for each member who is 70 years of age or older.

(3) After distribution pursuant to paragraph (2), the net annual earnings of the Elders' Trust Fund shall be distributed as follows:

(A) 90 percent shall be distributed on October 1 of each year after the creation of the Elder's Trust Fund to all living enrolled members of the Band who have attained the age of 55 years upon such date, and who shall have been an enrolled member of the Band for not less than 2 years upon such date.

(B) 10 percent shall be added to the principal of the Elders' Trust Fund.

(4) Distribution pursuant to paragraph (3)(A) shall be as follows:

(A) One share for each person on the current annual Elders' roll who has attained the age of 55 years, but is less than 62 years of age.

(B) Two shares for each person who has attained the age of 62 years, but is less than 70 years of age.

(C) Three shares for each person who is 70 years of age or older.

(5) None of the funds in the Elders' Trust Fund shall be distributed or expended for any purpose other than as provided in this subsection.

(6) The Elders' Trust Fund shall be maintained as a separate account, which shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be reasonably available for inspection by the members of the Band.

(7) The Tribal Council of the Band shall prepare an annual Elders' distribution roll and ensure its accuracy prior to August 30 of each year. The roll shall identify each member of the Band who has attained the minimum age and membership duration required for distribution eligibility pursuant to paragraph (3)(A).

(e) GENERAL PROVISIONS.—(1) In the event that a tribal member eligible for a payment under this section shall die after preparation of the annual distribution roll, but prior to the distribution date, such payment shall be paid to the estate of such member.

(2) In any case where a legal guardian has been appointed for a person eligible for a payment under this section, payment of that person's share shall be made to such guardian.

(f) NO SECRETARIAL RESPONSIBILITIES FOR TRUST FUND.—The Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the Land Claims Distribution Trust Fund or the Elders' Trust Fund.

SEC. 10. PAYMENT TO NEWLY RECOGNIZED OR REAFFIRMED TRIBES.

(a) ELIGIBILITY.—In order to be eligible for tribal funds under this Act, a tribe that is not federally recognized or reaffirmed on the date of the enactment of this Act—

(1) must be a signatory to either the 1836 treaty (7 Stat. 491) or the 1855 treaty (11 Stat. 621);

(2) must have a membership that is predominantly Chippewa and Ottawa;

(3) shall not later than 6 months after the date of the enactment of this Act, submit to the Bureau of Indian Affairs a letter of intent for Federal recognition if such a letter is not on file with the Bureau of Indian Affairs; and

(4) shall not later than 3 years after the date of the enactment of this Act, submit to the Bureau of Indian Affairs a documented petition for Federal recognition if such a petition is not on file with the Bureau of Indian Affairs.

(b) DISTRIBUTION OF FUNDS ALLOTTED FOR NEWLY RECOGNIZED OR REAFFIRMED TRIBES.—Not later than 90 days after a tribe that has submitted a timely petition pursuant to subsection (a) is federally recognized or reaffirmed, the Secretary shall segregate and hold in trust for such tribe, its respective share of the funds described in sections 4(a)(1) and (b)(1), $3,000,000 plus 30 percent of any income earned on the funds described in section 4(a)(1) and (b)(1) up to the date of such distribution.

(c) DISTRIBUTION OF FUNDS ALLOTTED FOR CERTAIN INDIVIDUALS.—If, after the date of the enactment of this Act and before approval by the Secretary of the judgment distribution roll of descendants, Congress or the Secretary recognizes a tribe which has as a member an individual that is listed on the judgment distribution roll of descendants as approved pursuant to section 6, the Secretary shall, not later than 90 days after the approval of such judgment distribution roll of descendants, remove that individual's name from the descendants roll and reallocate the funds allotted for that individual to the fund established for such newly recognized or reaffirmed tribe.

(d) FUNDS SUBJECT TO PLAN.—Funds held in trust for a newly recognized or reaffirmed tribe shall be subject to plans that are approved in accordance with this Act.

(e) DETERMINATION OF MEMBERSHIP IN NEWLY RECOGNIZED OR REAFFIRMED TRIBE.—

(1) SUBMISSION OF MEMBERSHIP ROLL.—For purposes of this section—

(A) if the tribe is acknowledged by the Secretary under part 83 of title 25, Code of Federal Regulations, the Secretary shall use the tribe's most recent membership list provided under such part;

(B) unless otherwise provided by the statutes which recognizes the tribe, if Congress recognizes a tribe, the Secretary shall use the most recent membership list provided to Congress. If no membership list is provided

to Congress, the Secretary shall use the most recent membership list provided with the tribe's petition for acknowledgment under part 83 of title 25, Code of Federal Regulations. If no such list was provided to Congress or under such part, the newly recognized tribe shall submit a membership list to the Secretary before the judgment distribution roll of descendants is approved or the judgment funds shall be distributed per capita pursuant to section 6;

(C) a tribe that has submitted a membership roll pursuant to this section may update its membership rolls not later than 180 days before distribution pursuant to section 6.

(2) FAILURE TO SUBMIT UPDATED MEMBERSHIP ROLL.—If a membership list was not provided—

(A) to the Secretary, the Secretary will use the tribe's most recent membership list provided to the Bureau of Indian Affairs in their petition for Federal acknowledgment filed under part 83 of title 25, Code of Federal Regulations, unless otherwise provided in the statute which recognized the tribe;

(B) to the Bureau of Indian Affairs, the newly recognized or reaffirmed tribe shall submit a membership list before the judgment distribution roll of descendants is approved by the Secretary, unless otherwise provided in the statute which recognized the tribe; and

(C) before the judgment distribution roll of descendants is approved, the judgment funds shall be distributed per capita pursuant to section 6.

SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

The eligibility for or receipt of distributions under this Act by a tribe or individual shall not considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to such tribe, individual, or household under—

(1) any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act; or

(2) any other benefit to which such tribe, household, or individual would otherwise be entitled under any Federal or federally assisted program.

SEC. 12. TREATIES NOT AFFECTED.

No provision of this Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe mentioned in this Act is a party nor to any right secured to such a tribe or to any other tribe by any treaty.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Speaker, H.R. 1604 will provide for the division, use and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to the Indian Claims Commission dockets.

These judgment funds were appropriated by Congress years ago and have been held by the Department of Interior for the beneficiaries. The funds would be divided according to a formula included in H.R. 1604 between individuals and on judgment distribution rules of decedents to be created by the Secretary of the Interior and 5 Michigan tribes. Those portions of the funds to be distributed to each tribe shall be disbursed after a plan for use and distribution by each tribe has been approved by the Secretary of the Interior.

This is a good bill, it is fair. It has been approved by the tribes with whom we have worked who are entitled to the distribution of money. The Federal Government has delayed the distribution of these funds long enough. It is now time to act, and I urge a "yea" vote.

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

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

Mr. Speaker, the legislation before us today, the Michigan Land Claims Settlement Act, will resolve a long-standing injustice perpetrated against the Chippewa and Ottawa Indian Nations in Michigan.

Over a century and a half ago, the Chippewa and Ottawa Tribes signed a treaty in which the Michigan Indian Nations agreed to cede over 12 million acres of land to the Federal Government in exchange for a series of annuities to be paid to the tribes. This land encompassed most of the upper Lower Peninsula of Michigan and the eastern part of the upper peninsula. The final compensation considered paid to these tribes was approximately 15 cents an acre.

In 1948, the tribes filed suit with the Indian Claims Commission to examine the fairness of compensation paid to the Michigan tribes. After a thorough and exhaustive review, the Indian Claims Commission called the 15 cents an acre payment an "unconscionable consideration" and determined the tribes should have been given 90 cents an acre for their land. In 1971, the tribes were awarded over $10 million by the Congress to settle this lands claim.

These monies were placed in a trust fund that has been administered by the BIA for the last 26 years. Today, that fund is worth over $74 million.

The legislation before us, Mr. Speaker, will allow these funds to be distributed to the tribes. H.R. 1604 represents a negotiated compromise between the Michigan tribes and descendency groups to finally bring about the justice they so rightly deserve.

When the House Committee on Resources considered this bill, it was passed by a voice-vote. The administration is supportive of this bill, and I am hopeful that the Senate will take it up before we adjourn this year. I urge my colleagues to support this important legislation.

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

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time, since most of these lands were ceded in my district.

I just want to say I certainly endorse this proposal. I hope it will be passed. It is long overdue. It has been a long time, 1971, this money has been sitting here. I thank the chairman and the gentleman from Michigan [Mr. KILDEE], the ranking member, for all their hard work in moving this legislation forward. It is a good, fair settlement. The Native Americans are entitled to this money and I certainly strongly support this legislation, and I thank the Members for assisting us in getting to this stage here today.

Mr. YOUNG of Alaska, Mr. Speaker, I submit the following: section-by-section analysis H.R. 1604, to provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission.

SECTION 1. TABLE OF CONTENTS

Section 1 of the bill provides the Table of Contents for the Act.

SECTION 2. FINDINGS: PURPOSE

Subsection (a) contains various Congressional findings relating to the Act. These findings specifically note that judgments were rendered in the Indian Claims Commission in dockets numbered 18–E, 58 and 364 in favor of the Ottawa and Chippewa Indians of Michigan and in docket numbered 18–R in favor of the Sault Ste. Marie Bank of Chippewa Indians. It also notes that the funds Congress appropriated to pay these judgments have been held by the U.S. Department of the Interior pending a division of the fund in a manner acceptable to the tribes and descendance group and pending the development of plans for the use and distribution of the respective tribe's share.

Subsection (b) states that the purpose of this Act is to provide for a fair and equitable division of these judgment funds among the beneficiaries and to allow the tribes to develop plans for the use and distribution of their respective shares of the funds.

SECTION 3. DEFINITIONS

This section defines the important terms used in the Act.

SECTION 4. DIVISION OF FUNDS

Subsection (a) provides for the Secretary of the Interior's division of the principal and interest generated by the funds appropriated to pay the claims stemming from dockets 18–E and 58.

Paragraph (1) provides that the lesser of 13.5% or $9,253,104.47 of the funds shall be paid to newly recognized or reaffirmed tribes as well as individuals whose names are found on the judgment distribution roll of descendants which the Secretary of the Interior is mandated to develop pursuant to section 6 of this Act.

Paragraph (2) states that the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians shall each receive a share of the next 34.6% of these monies. Of this 34.6%, the Bay Mills Indian Community shall receive the lesser of 35% of the principal and interest as of December 31, 1997, or $8,313,877 and the Sault Ste. Marie Tribe of Chippewa Indians shall receive the remaining amount minus $161,723.89 that will be added to the funds described in paragraph (1).

Paragraphs (3)–(5) provide that the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Band of Ottawa Indians of Michigan shall each receive 17.3% of the principal and interest, minus $161,723.89 from each tribe to be added to the fund provided for in paragraph (1).

Paragraph (6) states that any funds remaining after the aforementioned distributions are made shall be divided among the recognized tribes listed in paragraphs (1)–(5) of this section in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of subsections (1)–(5) above bears to the total distribution under all such subsections.

Subsection (b) explains how the Secretary of the Interior is to divide the principal and interest generated on the funds appropriated to pay the claims stemming from docket 364.

Paragraph (1) provides that the lesser of 20% or $28,026.79 of the principal and interest shall be paid to the individuals whose names are found on the judgment distribution roll of descendants which the Secretary of the Interior is mandated to develop pursuant to section 6 of this Act.

Paragraph (2) states that the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians shall each receive a share of the next 32% of these monies. Of this 32%, the Bay Mills Indian Community shall receive 35% and the Sault Ste. Marie Tribe of Chippewa Indians shall receive the remaining amount.

Paragraphs (3)–(5) provide that the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Bank of Ottawa Indians of Michigan shall each receive 16% of the principal and interest.

Paragraph (6) states that any funds remaining after the aforementioned distributions are made shall be divided between the recognized tribes listed in this subsection in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of subsections (1)–(5) above bears to the total distribution under all such subsections.

Subsection (c) provides for the Secretary of the Interior to pay 65% of the principal and interest generated on the funds appropriated to pay the claims stemming from docket 18–R to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and 35% to the Bay Mills Indian Community.

Subsection (d) requires the Secretary to hold all amounts to be paid to the individuals whose names are found on the judgment distribution roll of descendants, developed pursuant to section 6 of this Act, in trust until those monies are distributed to those individuals.

SECTION 5. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DISTRIBUTION OF FUNDS

Section 5 provides for the development of tribal plans for the use and distribution of these judgment funds to the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Band of Ottawa Indians of Michigan.

Paragraph (1) requires the Secretary to distribute the funds allocated by this Act to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Band of Ottawa Indians of Michigan no later than 30 days after each tribe submits and the Secretary approves a plan for that tribe's use and distribution of its respective share.

Paragraphs (2), (3) and (4) provide that the plans set forth in sections 7, 8 and 9 of this Act detailing the Bay Mills Indian Community's, the Sault Ste. Marie Tribe's, and the Grand Traverse Band's use and distribution of their respective shares of these judgment monies shall be deemed approved by the enactment of this Act. It also requires the Secretary to distribute the monies allocated to these tribes no later than 90 days after the enactment of this Act and requires the tribes to use these monies in the manner provided by the aforementioned plans.

Subsection (b) describes the process that the Little Traverse Bay Bands of Odawa Indians of Michigan, and the Little River Band of Ottawa Indians of Michigan must undertake to obtain the release of their respective shares of these judgment funds. This subsection requires each tribe to develop a plan for the use and distribution of its respective share. It further requires the tribe to hold a hearing or general membership meeting on that proposed plan and submit that plan together with a tribal government resolution, a transcription of its hearing or meeting on the plan, any documents circulated or made available to the membership on the plan, and the comments it received to the Secretary of the Interior. It also establishes time-lines within which the Secretary must act on the plans and the steps the Secretary must take if a tribe does not submit a plan within eight years of the date of enactment.

SECTION 6. PREPARATION OF JUDGMENT DISTRIBUTION ROLL OF DESCENDANTS

Section 6 requires the Secretary to develop a judgment distribution roll of descendants and details the procedures that he must follow in performing that task. This roll must be developed within nine years after the date of enactment of this Act and in accordance with parts 61 and 62 of title 25, of the Code of Federal Regulations. The roll shall consist of the names of all citizens of the United States who were both born and living on or before the date of enactment of this Act and who are at least one-quarter Michigan Ottawa or Chippewa Indian blood, or a combination thereof. This roll shall not include persons who are members of one of the tribes receiving judgment funds pursuant to section 4 of this Act. The persons whose names are contained on this roll must be lineal descendants whose Michigan Ottawa or Chippewa ancestry is derived from the Chippewa and/or Ottawa Bands of Cheboigon, Grand River, Traverse, Grand Traverse, Little Traverse, Maskigo, L'Arbre Croche, Michilmackinac, Sault Ste. Marie, or any Ottawa or Chippewa subdivisions of any of these groups. The Secretary shall also exclude from this roll the names of persons who are deemed ineligible under subsection (e).

In preparing this roll of descendants, the Secretary shall refer to the Horace B. Durant Roll, approved February 18, 1910, of the Ottawa or Chippewa Tribe of Michigan, as that roll has been qualified and corrected by other rolls and records acceptable to the Secretary, including the Durant Field Notes of 1908–1909 and the Annuity Payroll of the Ottawa or Chippewa Tribe of Michigan approved May 17, 1910. The Secretary is authorized to employ the services of descendant group enrollment review committees to assist in this effort.

SECTION 7. PLAN FOR USE AND DISTRIBUTION OF BAY MILLS INDIAN COMMUNITY FUNDS

The section establishes an approved plan for the Bay Mills Indian Community's use of its share of the judgment funds. Specifically the section authorizes the establishment of two tribal trust funds, a "Land Trust" which shall be used exclusively for the improvement of current and future tribal lands and the consolidation of the tribal land base, and a "Land Claims Distribution Trust" which shall be used to assist Bay Mills Members over the age of 55. Both funds shall be administered by the Bay Mills Executive Council. The Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration or expenditure of the funds once they are transferred to these tribal accounts. The funds are, however, subject to an annual audit and the auditor's report must be made available for inspection by any member of the tribe.

SECTION 8. PLAN FOR USE OF SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS OF MICHIGAN FUNDS

This section establishes an approved plan for the Sault Ste. Marie Tribe's use of its share of the judgment funds. Specifically it authorizes the tribe to establish a "Self-Sufficiency" trust fund for the benefit of the tribe. This fund is administered by the tribe's board of directors. The principal of this fund must be used exclusively for investments or expenditures which the board determines are financially beneficial to the tribe, reasonably related to economic development, for the development of tribal resources, or for the consolidation or enhancement of tribal land holdings. The income produced by the fund can be used in one of five ways. It can be added to the fund's principal, it can be distributed as a dividend to tribal members, it can be distributed as per capita payment to some group or category of tribal members, or it can be used for educational, social welfare, health, cultural, or charitable purposes which benefit the tribe's members, or it can be used to purchase or exchange land to consolidate or enhance the tribal land holdings. All lands so acquired shall be held as Indian lands are held. The fund must be maintained as a separate account and shall be subject to an audit by a certified public accountant at least once a year. The Secretary of the Interior must transfer the tribe's share of said judgment funds directly into this fund and the approval of the Secretary shall not be required for any payment or distribution from the principal or income of the fund, nor shall the Secretary have any trust responsibility for the investment, supervision, administration, or expenditure of the funds it contains.

SECTION 9. PLAN FOR USE OF GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN FUNDS

Section 9 of the bill authorizes the Secretary to deposit the total share of the Grand Traverse Band, as determined in section 4(a)(3) and section 4(b)(3), into a "Land Claims Distribution Trust Fund" to be established by the Band. The Band is empowered to use such funds as collateral for a loan in the amount of 80% of the share. The proceeds of this loan would be used by the Band to make a per capita payment to its members. The annual earnings of the Trust Fund, less amounts for administration, would be used to amortize the loan.

As soon as the loan was repaid from the proceeds of the Trust Fund, the Band would create a new trust fund to be known as the "Elders Land Claims Distribution Trust

Fund." The principal and accrued earnings remaining in the first fund would then be deposited in the Elders' Trust Fund. Thereafter, 90% of the earnings of the Elders' Trust Fund would be used by the Band to make supplementary income payments to their elderly members. The remaining 10% of the earnings would be added to the principal of the Elders' Trust Fund each year.

SECTION 10. PAYMENT TO NEWLY RECOGNIZED OR REAFFIRMED TRIBES

This section requires the Secretary to distribute the funds in section 4(a)(1) of this Act to the persons listed on the judgment distribution roll of descendants and to the newly recognized or reaffirmed tribes. This roll shall be prepared pursuant to section 6 of this Act. Upon federal recognition or reaffirmation, each tribe will receive a minimum of $3 million or more as called for in this section. The per capita payments are to be made directly to each living competent adult. However, if a person entitled to receive these funds is deceased, the funds shall be paid to that individual's heirs or legatees in accordance with the regulations prescribed by the Secretary. If a person entitled to a share of these funds is legally incompetent or is under the age of 18 years, the funds shall be paid in accordance with the procedures which the Secretary determines are necessary to protect and preserve the person's interests.

Subsection 10(c) provides that if, after the date of enactment of this Act, but before the Secretary's approval of the judgment distribution roll of descendants, a tribe is recognized, Congressionally or by the Secretary, which includes one or more individuals whose names are on the judgment distribution roll of descendants, the funds allotted for that individual shall be held in trust for that newly recognized or affirmed tribe. These funds shall then be subject to a plan approved in accordance with this Act.

Subsection 10(e) provides criteria to be used by the Secretary in determining whether one of more persons whose names are contained on the judgment distribution roll of descendants is included in a newly recognized tribe.

Subsection 10(e)(1)(A) provides that if the tribe is acknowledged by the Secretary under part 83 of title 25 of the Code of Federal Regulations, the Secretary shall use the tribe's most recent membership list provided under that part. If a tribe is recognized by Congress, the Secretary shall use the most recent membership list provided to Congress, unless the recognition statute otherwise provides. If the tribe did not submit a membership list to Congress, the Secretary shall use the most recent membership list it was provided under part 83 of title 25 of the Code of Federal Regulations. If none of these lists were provided, the newly recognized tribe shall submit a membership list to the Secretary before the judgment fund distribution roll of descendants is approved. If it fails to do so, its share of the funds will be distributed to the individuals named on the judgment fund distribution roll of descendants.

Subsection 10(e)(2) provides that if a membership list was not provided to the Secretary, the Secretary will use the tribe's most recent membership list provided to the Bureau of Indian Affairs in their petition for federal acknowledgment filed under part 83, of title 25 of the Code of Federal Regulations, unless the statute which recognized the tribe provides otherwise. If the Bureau of Indian Affairs was not provided a membership list, the tribe must submit a membership list to the Secretary before the judgment distribution is approved, unless the statute which recognized the tribe provides otherwise. If the tribe fails to provide either of these lists before the judgment distribution roll of descendants is approved, the judgment funds are to be distributed per capita as provided for in section 9 of this Act.

SECTION 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS

Section 11 provides that an individual's or tribe's eligibility or receipt of distributions under this Act shall not be considered as income, resources, or otherwise when determining that tribe's or individual's eligibility for or computation of any payment or other benefit under any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act and any other benefit to which such tribe, household, or individual would otherwise be entitled under any federal or federally assisted program.

SECTION 12. TREATIES NOT AFFECTED

This section makes it clear that no provision of the Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe mentioned in the Act is a party, nor to any right secured to such a tribe, or to any other tribe by any treaty.

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

Mr. SAXTON. Mr. 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 Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 1604, as amended.

The question was taken.

Mr. SAXTON. 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.

BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 948) to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes.

The Clerk read as follows:

H.R. 948

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 "Burt Lake Band of Ottawa and Chippewa Indians Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Burt Lake Band of Ottawa and Chippewa Indians are descendants and political successors to the signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit.

(2) The Grand Traverse Band of Ottawa and Chippewa Indians, Little Traverse Bay Band of Odawa Indians, the Little River Band of Ottawa, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Band of Chippewa Indians, whose members are also descendants of the signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit, have been recognized by the Federal Government as distinct Indian tribes.

(3) The Burt Lake Band of Ottawa and Chippewa Indians consists of over 650 eligible members who continue to reside close to their ancestral homeland as recognized in the Cheboygan Reservation in the 1836 Treaty of Washington and 1855 Treaty of Detroit, which area is now known as Cheboygan County, Michigan.

(4) The Band continues its political and social existence with a viable tribal government. The Band, along with other Michigan Odawa/Ottawa groups, including the tribes described in paragraph (2), formed the Northern Michigan Ottawa Association in 1948. The Association subsequently pursued a successful land claim with the Indian Claims Commission.

(5) Between 1948 and 1975, the Band carried out many of their governmental functions through the Northern Michigan Ottawa Association, while retaining individual Band control over local decisions.

(6) In 1935, the Band petitioned under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), to form a government on behalf of the Band. Again, in spite of the Band's eligibility, the Bureau of Indian Affairs failed to act.

(7) The United States Government, the government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Band from 1836 to the present.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Band" means the Burt Lake Band of Ottawa and Chippewa Indians;

(2) the term "member" means those individuals enrolled in the Band pursuant to section 7; and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 4. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition of the Burt Lake Band of Ottawa and Chippewa Indians is hereby reaffirmed. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq., commonly referred to as the "Indian Reorganization Act"), which are inconsistent with any specific provision of this Act shall not be applicable to the Band and its members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Band and its members shall be eligible for all services and benefits provided by the Federal Government to Indians because of their status as federally recognized Indians, and notwithstanding any other provision of law, such services and benefits shall be provided after the date of the enactment of this Act to the Band and its members without regard to the existence of a reservation or the location of the residence of any member on or near any Indian reservation.

(2) SERVICE AREAS.—For purposes of the delivery of Federal services to the enrolled members of the Band, the area of the State of Michigan within 70 miles of the boundaries of the reservation for the Burt Lake Band as set out in Article I, paragraph "seventh" of the Treaty of 1855 (11 Stat. 621),

shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after the date of the enactment of this Act. Services may be provided to members outside the named service area unless prohibited by law or regulation.

SEC. 5. REAFFIRMATION OF RIGHTS.

(a) IN GENERAL.—All rights and privileges of the Band and its members, which may have been abrogated or diminished before the date of the enactment of this Act are hereby reaffirmed.

(b) EXISTING RIGHTS OF TRIBE.—Nothing in this Act shall be construed to diminish any right or privilege of the Band or of its members that existed before the date of the enactment of this Act. Except as otherwise specifically provided in any other provisions of this Act, nothing in this Act shall be construed as altering or affecting any legal or equitable claim the Band may have to enforce any right or privilege reserved by or granted to the Band which was wrongfully denied to or taken from the Band before the enactment of this Act.

SEC. 6. TRIBAL LANDS.

The Band's tribal lands shall consist of all real property, now or hereafter held by, or in trust for, the Band. The Secretary shall acquire real property for the Band. Any such property shall be taken by the Secretary in the name of the United States in trust for the benefit of the Band and shall become part of the Band's reservation.

SEC. 7. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Band shall submit to the Secretary a membership roll consisting of all individuals currently enrolled for membership in the Band. The qualifications for inclusion on the membership roll of the Band shall be determined by the membership clauses in the Band's governing document, in consultation with the Secretary. Upon completion of the roll, the Secretary shall immediately publish notice of such in the Federal Register. The Band shall ensure that such roll is maintained and kept current.

SEC. 8. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall conduct by secret ballot elections for the purpose of adopting a new constitution for the Band. The elections shall be held according to the procedures applicable to elections under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; commonly referred to as the "Indian Reorganization Act").

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of the enactment of this Act shall be the interim governing documents for the Band.

(b) OFFICIALS.—

(1) ELECTIONS.—Not later than 6 months after the Band adopts their constitution and bylaws pursuant to subsection (a), the Band shall conduct elections by secret ballot for the purpose of electing officials for the Band as provided in the Band's governing constitution. The elections shall be conducted according to the procedures described in the Band's constitution and bylaws.

(2) INTERIM GOVERNMENTS.—Until such time as the Band elects new officials pursuant to paragraph (1), the Band's governing bodies shall be those bodies in place on the date of the enactment of this Act, or any new governing bodies selected under the election procedures specified in the respective interim governing documents of the Band.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, parliamentary inquiry.

Is the gentleman from Michigan opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Michigan opposed to the bill?

Mr. KILDEE. No, Mr. Speaker, I am not opposed to the bill.

Mr. SHAYS. Mr. Speaker, in that case I would claim the time in opposition to the bill.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. SHAYS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, just as a point of order, if I may would it be possible that I can yield to the gentleman from Michigan, and we will all be happy here, right?

The SPEAKER pro tempore. The gentleman has that right.

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

Mr. Speaker, if I may, H.R. 948, the proposed Burt Lake Band of Ottawa and Chippewa Indians would reaffirm and clarify the Federal relationship of the Burt Lake Band of Ottawa and Chippewa Indians.

The Burt Lake Band consists of approximately 650 individual decedents from the Cheboigan band of Ottawa and Chippewa Indians who have lived for centuries along the shores of Burt Lake on Michigan's Lower Peninsula. The band, recognized by the Federal Government through various treaties and Federal court cases, was terminated by the Bureau of Indian Affairs without the approval of Congress earlier this century. H.R. 948 would restore the Federal recognition of the band by reaffirming the Federal Government's previous recognition. H.R. 948 is long overdue, and I recommend its passage by the House.

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

The SPEAKER pro tempore. Does the gentleman from New Jersey yield time to the gentleman from Michigan?

Mr. SAXTON. I think the gentleman from Michigan would just as soon wait to hear from the opposition, and then I will be happy to yield to him at that time.

Mr. SHAYS. Mr. Speaker, I am happy to reserve my time until we hear a presentation of the bill.

The SPEAKER pro tempore. The gentleman from Connecticut reserves the balance of his time.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding. I appreciate the gentleman's generosity in sharing his time.

Mr. Speaker, I want to thank the gentleman for bringing this bill to the floor today. The legislation before the House today would simply reaffirm the relationship between the Burt Lake Band of Ottawa and Chippewa Indians of Michigan and the U.S. Government. This tribe has a long history with the United States Government, dating back to the Treaty of Washington in 1836 and 1855 Treaty of Detroit.

Although the Federal Government promised the Burt Lake Band a tract of land encompassing 1,000 acres for its reservation, the tribe never got the land. In fact, this tribe has suffered one of the worst injustices in our government's sordid history with Native Americans.

After the tribe signed 2 treaties with the U.S. Government in the 1800s, land was held in trust for the tribe by the governor of Michigan. In 1878, the land was unexplainably put back on the tax rolls and was eventually bought by a land speculator.

In the fall of 1900, in my father's memory, during his lifetime, my father recalls this, the local sheriff evicted the tribal members from their own homes and burned the tribe's village to the ground. It is from the ashes of this tragedy which has been told to me by my father that this tribe seeks reaffirmation today.

Mr. Speaker, this tribe deserves to have its relationship with the Federal Government reaffirmed. I urge the Members of this House to support this bill.

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

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

To my colleagues on both sides of the aisle, I rise in strong opposition, not to recognition of any tribe necessarily, but to recognition of a tribe through a legislative process rather than through the Bureau of Indian Affairs.

The fact is that this bill, as it is titled, is to reaffirm and clarify the Federal relationship with the Burt Lake Band as a distinctly recognized Indian tribe and for other purposes. What we are trying to do is circumvent a process of petition before the Bureau of Indian Affairs, while the Bureau of Indian Affairs is trying to determine that while you were once a tribe, does this group of people still constitute a tribe today. That is a process that is in the works today. As the Bureau of Indian Affairs has stated, they expect to know within 6 months whether or not they can recommend that this tribe should be Federally recognized.

Please know that when we recognize a tribe, we are giving them a status as an independent nation, notwithstanding the other benefit that they can establish a gaming institution.

For the purposes of this debate, I would like to point out on the floor what we are deprived of hearing right now, but what the Resources Committee heard in this statement from Ada Deer, the Assistant Secretary for Indian Affairs under the Department of Interior, supporting what basically had been told to this tribe 2 years earlier, and stated directly by the Secretary of the Interior. Her testimony before the committee on June 24 begins:

Good morning, Mr. Chairman and members of the Committee. Thank you for the opportunity to present the views of the Department of the Interior on H.R. 948, a bill to "Reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct Federally recognized Indian tribe". The Department appreciates the interest the committee has expressed in recognition matters.

And then she continues:

Although we acknowledge and respect the Congress' authority to recognize Indian tribes, we have serious concerns with H.R. 948 because of unresolved questions about the group's history, community, government, and the nature of the membership to be acknowledged. These are concerns that cannot be resolved at the present time without a detailed review of the facts and documents presented by this group. Knowledgeable members of this group have raised significant concerns with the BIA concerning the membership of the band. Preliminary research indicates that while the current leadership and a substantial body of new members affiliated with them may have ancestry from the historic band in the 19th century, they may not have been part of the tribal community and have not resided close to the historic homeland of the band for over a hundred years. This raises significant questions within the BIA about how the community wishes to define itself.

This has also caused political dissension within the group. A related concern is that the group's present membership criteria appear to create the possibility that a large number of individuals with no ancestral ties to the "historic Burt Lake Band" or no Indian ancestry at all could be added to the group's membership.

The BIA believes it is premature to consider acknowledgment, until the community resolves these questions. Although the bill states that it is to "reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct Federally recognized Indian tribe", the fact that a recognized Burt Lake Band existed at some earlier point in time does not automatically mean that a tribe presently exists. It is the responsibility of the Department to ascertain the maintenance of tribal existence for acknowledgment, notwithstanding previous tribal recognition.

□ 1645

Then she said, "See the decision of the Ninth Circuit Court of Appeals in U.S. v. Washington. The court rejected the argument that the group should benefit from a presumption of continuing existence, just because their ancestors belonged to tribes with which the United States had signed treaties." This is what we are being asked to do.

"Without question, Congress has authority to recognize Indian tribes. However, we believe recognition would be premature even for Congress if it is yet to be established that the group has continued to exist as a social and political entity, as required of all other groups petitioning under established BIA procedures. The questions concerning the present composition of the membership requires this kind of detailed review."

Then she continues,

During the 103rd Congress, legislative recognition and approval by the President ended the Department's review of certain Michigan acknowledgment cases. One of them, the Pokagon Pottawatomi, were recognized by Congress while the BIA was evaluating its petition. Stopping the administrative process has resulted in some problems for the band in defining its membership and in dealing with other issues petitioners normally resolve during the acknowledgment process.

Because of the importance of Federal recognition and the rights and services acknowledgment brings to tribes, the BIA cannot, at this point, affirmatively support this legislation. It is important that the group document its existence in anticipation of adjustments to existing State-tribal agreements on treaty fishing rights under U.S. v. Michigan.

"The BIA's acknowledgment process is designed to evaluate the facts and evidence pertinent to the Burt Lake Band and its members, and to provide pertinent information for resolving questionable and conflicting claims."

The BIA maintains cordial working relationships with the Burt Lake Band leadership and the individuals working on their petition. Extensive technical assistance from the BIA Branch of Acknowledgment and Research has enabled the group to complete the documentation of its initial petition.

The petition is now fully documented and ready for review. A preliminary determination under Section 83.8 is that a Burt Lake Band was previously recognized as late as 1917. However, the historical membership issues raise questions which the BIA has not had the opportunity to fully research. The question of whether the present group's membership reflects the same tribe as the one that was previously acknowledged must be resolved in cooperation with the group. If this is the same group as previously acknowledged in 1917, it would substantially reduce the amount of work necessary to produce a decision on acknowledgment.

In conclusion, the BIA has provided technical assistance and conducted on-site visits as were promised to the Burt Lake Band's Congressman in 1995. The petitioner has subsequently completed its research. Real progress has been made and the case is moving forward. The acknowledgment process should be allowed to continue.

An evaluation of the Burt Lake Band's petition under 25 Code of Federal Regulations Page 83 will allow resolution of important continuing issues concerning the group, verification of the petitioner's claims, and demonstration of continuous historic existence, while taking into account past Federal acknowledgment.

That concludes her statement.

Mr. Speaker, I would petition and ask the Congress and the Members who are not here, and the staff that may be listening, that we defeat this bill. It certainly should not be on the consent calendar, as I would call it. It should be defeated, and the Bureau of Indian Affairs should be allowed to conduct its review. Their estimate is that it will take 6 more months.

I know the gentleman from Michigan [Mr. KILDEE], who is interested in this bill and is working for his constituents, would like to move now rather than later. I appreciate that. But we should let the Bureau of Indian Affairs work its will, or we should just abolish the whole process. That, I would say, would be a disaster.

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

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

Mr. Speaker, I would just like to say, in response to the gentleman from Connecticut [Mr. SHAYS], the gentleman is correct in that under normal circumstances we would all certainly prefer to let the Bureau of Indian Affairs manage those affairs which they have been delegated. Unfortunately, the history of this set of circumstances is such that I believe the great majority of the Members of this House believe that the action we are taking today is quite appropriate, and, in fact, perhaps more than appropriate.

Were we to step out of the way and permit the Bureau of Indian Affairs to complete their consideration, these things in the BIA take years. These people, these Native American people, have been waiting years if not decades to have their status as a recognized tribe restored. We can take an important step in that direction today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I rise today to express my strong support for H.R. 948 and for the reaffirmation and clarification, not the new certification and not a recognition, but a reaffirmation and clarification of the Federal relationship of the Burt Lake Band of Odawa and Chippewa Indians as a distinct federally-recognized Indian tribe.

The Burt Lake Band was an original signatory to the 1836 Treaty of Washington and the 1855 Treaty of Detroit. Pursuant to these treaties, the Burt Lake Band relinquished lands in the western half of the Upper Peninsula of Michigan and the northern half of the Lower Peninsula.

As a result of these treaties and the Burt Lake Band's subsequent treatment by the Federal Government, the Burt Lake Band was and is a federally recognized tribe. Shortly after the turn of the century, the Burt Lake Band lost all of its land as a result of illegal tax sales. They were forced from their homes, and as the gentleman from

Michigan [Mr. KILDEE] pointed out, their village was burned to the ground by the local sheriff and a timber baron who claimed ownership of the lands pursuant to the illegal tax. The United States Justice Department subsequently filed suit to recover the lands as trustee and guardian for the Burt Lake Band in 1917.

Mr. Speaker, a tribe can only be terminated by an act of Congress, not by the administrative action or the inaction of officials of Indian Service or the Bureau of Indian Affairs. Congress has never, Congress has never, ever passed an act to terminate the Burt Lake Band. The Burt Lake Band continues to exist today. However, the administrative actions of the Indian Service of the 1930s amounted to and had the practical effect of an administrative and illegal termination of the Burt Lake Band.

The Burt Lake Band contends, and I believe justifiably and legally so, that since they were never legally terminated, they have been and continue to this day to be a federally-recognized tribe. H.R. 948 simply reaffirms the Burt Lake Band's recognized status, which they have never legally lost, and would commence to mitigate the injustice the Burt Lake Band has endured since the 1930s.

The gentleman from Connecticut [Mr. SHAYS] mentions the Pokagon Band Potawatomie and the Algonquin, which we recognized in the 103rd Congress. That legislation was enacted into law, once again reaffirming the status of three other tribes in the Lower Peninsula of Michigan who were likewise previously considered to be recognized tribes, but who, like the Burt Lake Band, were denied the opportunity in the mid-1930s to reorganize under the IRA.

The Burt Lake Band also had similar legislation pending in the 103rd Congress. Unfortunately, it did not come before the floor. The merits of the Burt Lake Band, the merits of the Burt Lake Band legislation and this bill before us today are actually, I think, stronger than the legislation Congress adopted in 1994 for the three other Michigan tribes. H.R. 948 should be given the same thoughtful, favorable consideration.

With that, Mr. Speaker, I thank the gentleman from New Jersey for yielding, and I thank him for his work on behalf of the Burt Lake Band and the other Native Americans throughout northern Michigan.

Mr. SAXTON. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Michigan [Mr. KILDEE] for his sponsorship of this piece of legislation. I would also like to thank the chairman of the Committee on Resources, the gentleman from Alaska, Mr. DON YOUNG, for his support, and certainly other Members from that side of the aisle for their support, especially our good friend, the gentleman from New Jersey [Mr. SAXTON].

Mr. Speaker, I also want to say that I have the highest respect for the gentleman from Connecticut [Mr. SHAYS] expressing his point of opinion on this piece of legislation.

I would like to share some bits of information with my colleagues about this bill, and why it is important that we should pass this legislation.

In the first place, this tribe, along with three other tribes in Michigan, were unilaterally terminated by the Bureau of Indian Affairs. It was not by an act of Congress. But it was in 1994 that three tribes in Michigan were federally recognized by this body, by the Congress of the United States: the Little River Band, the Pokagon, and the Grand Traverse tribes. So what we are doing, we are just simply correcting a deficiency that existed even for these two tribes. We were simply saying that the Congress has absolute authority to do this.

I want to share some information with my friend, the gentleman from Connecticut. The Federal administrative procedure, in recognition given to the tribes, is not working and has never worked. We have tribes, Mr. Speaker, on the rolls that it has taken over 100 years, and they are still not recognized by the Federal Government. It is a sad situation for our Government to recognize the fact that the Federal administrative procedures now, as applied by the Bureau of Indian Affairs, simply is not working.

I want to say to my friend, the gentleman from Connecticut, this is just simply correcting an error that was committed by a bureaucracy. It was not done by the Congress. The Congress has the absolute authority to give proper recognition, Federal recognition, for any tribe that wants to be recognized federally.

The problem we have also with the recognition process, some tribes have accumulated in excess of $500,000 to $1 million just to pay attorneys to try to apply for recognition. If a tribe has only 500 members, where are they going to get half a million dollars to seek recognition from this bureaucracy? Impossible. So what we are simply doing here is correcting an error that was committed by a bureaucracy.

I sincerely hope my colleagues will support this bill. We should grant Federal recognition to these two tribes.

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

Mr. Speaker, it is not an easy process to speak against any bill proposed by any Member, but unfortunately, the explanation we were just given is the reason why we need to clearly vote down this attempt to circumvent the Bureau of Indian Affairs, because really, then, what we are saying is it is going to be a political process. It is going to be what Congressman do you know? What Congressman has the power? It is going to also be: which Indian tribes have greater motivation to be recognized? Which tribes will be given independent status as a nation within our own country?

This is an extraordinary decision. I totally concede the fact that this tribe did exist in 1917. We just do not know, and we will not know until the Bureau of Indian Affairs, with their documentation, ascertains that the tribe that existed in 1917 is the same tribe that we want to recognize, with all the same historic lineage. For us politically to make that determination, frankly, boggles my mind.

Mr. Speaker, I would strongly oppose recognition. I would say to both gentlemen from Michigan that we are going to know in 6 months whether the Burt Lake Band will be recognized as a tribe. The BIA has done so much work on this application. It is likely that this tribe will be recognized. It is likely, but not certain. But there will be some stipulations along with that recognition as to who, in fact, are members of the tribe and who are not, which are not issues resolved in this legislation and will not be.

We should allow the Bureau of Indian Affairs to complete their work and not do an end run around the Bureau of Indian Affairs, a system that we, the Congress, established.

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

□ 1700

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, the point of this bill is to correct a wrong. The wrong was the BIA's incorrect decision to administratively terminate a tribe, a power they did not have. Now, we are asking the same BIA to treat them well when they violated the law in terminating them in the first place.

A few years ago, the Catholic parish in this area, who keeps the best records, one can go back and find their great, great grandfather's baptismal records, they know these Indians. The Catholic parish gave them 3 acres of land so they would have at least some land they could call their own, some of the same land that they had lost before.

We should certainly recognize what the locals, the European locals, the European Catholic Church recognized, that these were the same people whose homes were burned to the ground by the sheriff. The church gave them some land so they would have at least that recognition. I think we should do no less.

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

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

I just want to say that this is not the same BIA today that existed in 1917. It is just blatantly not a factually correct statement. The facts are that the Bureau of Indian Affairs was established and new processes were established by recent Congresses to get recognition out of the political process, which it is in right now, and give it to the experts.

We had testimony before the full Resources Committee from Ada Deer, the Assistant Secretary for Indian Affairs, who has given us ample reason why we cannot recognize this tribe until we know who is actually a member of this tribe. And we have testimony from the Assistant Secretary who says that there is dispute as to who are members and who are not.

I beg this Congress to take this out of the political process. Let this work be completed in the next 6 months. The Bureau of Indian Affairs is cooperating with Burt Lake. We do not have much longer to wait. But what a gross precedent we will continue to set by circumventing the Bureau of Indian Affairs.

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Michigan.

Mr. STUPAK. With all due respect to the gentleman from Connecticut, in the 103rd Congress I had the legislation then to recognize the Burt Lake Band, and we were told it would only be 6 months, do not worry about it, we will get it taken care of. That was 4 years ago.

Mr. SHAYS. Mr. Speaker, reclaiming my time, let me just ask the gentleman, had they submitted a petition? Had they gone through the process?

Mr. STUPAK. Yes, Mr. Speaker.

Mr. SHAYS. Mr. Speaker, I do not think they had. The petition was just recently submitted to answer the questions the Bureau of Indian Affairs had.

Mr. STUPAK. Mr. Speaker, if the gentleman will continue to yield, the first part of that petition was before 1994, in the 103rd Congress. And to keep asking for more information, they say, just one more piece of information, we will get it to you. This has been going on since 1917.

Mr. SHAYS. Let me say to the gentleman, if he withdrew this bill, I would not oppose this bill next year if the bureau has not completed its work. I have been told they have the documentation. They can proceed, and it will be done.

Mr. STUPAK. With all due respect, Mr. Speaker, I have been hearing that since 1994. Here is our opportunity today. I think we should move the bill.

Mr. SHAYS. Mr. Speaker, reclaiming my time, just to say that the petition is now complete and they are ready to take action. It would be a shame to now circumvent the process.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 948.

The question was taken.

Mr. SHAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the eight bills just debated, S. 588, S. 589, S. 591, S. 587, S. 531, H.R. 1856, H.R. 1604, and H.R. 948.

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

There was no objection.

HELPING EMPOWER LOW-INCOME PARENTS (HELP) SCHOLARSHIPS AMENDMENTS OF 1997

Mr. RIGGS. Mr. Speaker, pursuant to House Resolution 288, I call up the bill (H.R. 2746) to amend title VI of the Elementary and Secondary Education Act of 1965 to give parents with low-incomes the opportunity to choose the appropriate school for their children, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2746 is as follows:

H.R. 2746

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 "Helping Empower Low-income Parents (HELP) Scholarships Amendments of 1997".

SEC. 2. DEFINITIONS.

Section 6003 of the Elementary and Secondary Education Act of 1965 is amended—

(1) in the section heading by striking "definition" and inserting "definitions";

(2) by striking "(1)", "(2)", and "(3)";

(3) in the matter proceeding subparagraph (A), by striking "title the term" and inserting the following:

"title—

"(1) the term";

(4) by striking the period at the end; and

(5) by adding at the end the following:

"(2) the term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved; and

"(3) the term 'voluntary public and private parental choice program' means a program that meets the requirements of section 6301(b)(9), is authorized by State law, and includes 1 or more private schools to allow low-income parents to choose the appropriate school for their children.".

SEC. 3. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

Section 6102(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(a) DISTRIBUTION RULE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), from the sums made available each year to carry out this title, the State educational agency shall distribute not less than 90 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(A) children living in areas with high concentrations of low-income families;

"(B) children from low-income families; and

"(C) children living in sparsely populated areas.

"(2) EXCEPTION.—A State that has enacted or will enact a law that establishes a voluntary public and private parental choice program and that complies with the provisions of section 6301(b)(9) may reserve an additional 15 percent from the sums made available each year to carry out this title if the additional amount reserved is used exclusively for voluntary public and private parental choice programs.".

SEC. 4. USES OF FUNDS.

(a) STATE USES OF FUNDS.—Section 6201(a)(1) of the Elementary and Secondary Education Act of 1965 is amended—

(1) in subparagraph (C), by striking "and" after the semicolon;

(2) by inserting after subparagraph (C) the following:

"(D) establishing voluntary public and private parental choice programs in accordance with section 6301(b)(9); and".

(b) LOCAL USES OF FUNDS.—Section 6301(b) of the Elementary and Secondary Education Act of 1965 is amended—

(1) in paragraph (7), by striking "and" after the semicolon;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (8) the following:

"(9) voluntary public and private parental choice programs that—

"(A) are located in an area that has the greatest numbers or percentages of children—

"(i) living in areas with a high concentration of low-income families;

"(ii) from low-income families; or

"(iii) living in sparsely populated areas;

"(B) ensure that participation in such a voluntary public and private parental choice program is limited to families whose family income does not exceed 185 percent of the poverty line;

"(C) ensure that—

"(i) the maximum amount of a voluntary public and private parental choice scholarship does not exceed the per pupil expenditure of the local educational agency in which

an applicant for a voluntary public and private parental choice scholarship resides;

"(ii) the minimum amount of a voluntary public and private parental choice scholarship is not less than 60 percent of the per pupil expenditure of the local educational agency in which an applicant for a voluntary public and private parental choice scholarship resides or the cost of tuition at a private school, whichever is less;

"(D) ensure that for a private school that chooses to participate in a voluntary public and private parental choice program—

"(i) such a school is permitted to impose the same academic requirements for all students, including students selected for a scholarship as provided under this paragraph;

"(ii) receipt of funds under this title is not conditioned with requirements or regulations that preclude the use of such funds for sectarian educational purposes or require removal of religious art, icons, scripture, or other symbols; and

"(iii) such a school is in compliance with all State requirements applicable to the operation of a private school that are in effect in the year preceding the date of the enactment of the Helping Empower Low-income Parents (HELP) Scholarships Amendments of 1997;

"(E) may allow State, local, and private funds to be used for voluntary public and private parental choice programs; and

"(F) ensure priority for students who were enrolled in a public school in the school year preceding the school year in which a voluntary public and private parental choice school begins operation.".

SEC. 5. EVALUATION.

Part D of title VI of the Elementary and Secondary Education Act of 1965 is amended—

(1) by adding at the end of section 6402 the following new subsection:

"(j) APPLICATION.—This section shall not apply to funds that a State or local educational agency uses to establish a voluntary public and private parental choice program in accordance with section 6301(b)(9).''; and

(2) by adding at the end of such part the following new sections:

"SEC. 6404. EVALUATION.

"(a) ANNUAL EVALUATION.—

"(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the programs established under section 6301(b)(9).

"(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to evaluate annually each program established under section 6301(b)(9) in accordance with the evaluation criteria described in subsection (b).

"(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (1).

"(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating each program established under section 6301(b)(9). Such criteria shall provide for—

"(1) a description of the implementation of each program established under section 6301(b)(9) and the program's effects on all participants, schools, and communities in the program area, with particular attention given to the effect of parent participation in the life of the school and the level of parental satisfaction with the program; and

"(2) a comparison of the educational achievement of all students in the program area, including a comparison between—

"(A) students receiving a voluntary public and private parental choice scholarships under section 6301(b)(9); and

"(B) students not receiving a voluntary public and private parental choice scholarships under such section.

"(c) EVALUATION FUNDS.—Pursuant to the authority provided under section 14701, the Secretary shall reserve not more than 0.50 percent of the amount of funds made available under section 6002 to carry out this section.

"SEC. 6405. APPLICABILITY.

"(a) NOT SCHOOL AID.—Subject to subsection (b), funds used under this title to establish a voluntary public and private parental choice program shall be considered assistance to the student and shall not be considered as assistance to any school that chooses to participate in such program.

"(b) NO FEDERAL CONTROL.—The Secretary is not permitted to exercise any direction, supervision, or control over curricula, program of instruction, administration, or personnel of any school that chooses to participate in a voluntary public and private choice program established under 6309(b)(9).".

The SPEAKER pro tempore. Pursuant to House Resolution 288, the gentleman from California [Mr. RIGGS] and the gentleman from Missouri [Mr. CLAY], each will control 1 hour.

The Chair recognizes the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I really did not plan to participate in this debate today, but as I thought about it over the weekend, I kept thinking that there probably will be more heat and more emotion than facts. And I thought perhaps I could start it by simply calling some of the facts to my colleagues' attention.

The first thing they probably will hear is that this is anti public education. I can assure my colleagues, never under my watch will anything occur on the floor of the House that is anti public education. I would imagine 80 or 85 percent of us have graduated from public schools. I spent my first 12 years there. I also spent 22 years as a public educator. So I want to make very sure that we do not start out with the business, well, this is anti public education.

Our problem is, as I have said many times, 75 percent of our schools do well, 75 percent of our children do well in public education. In that, 25 percent, with some schools within those school districts, they do well.

However, in the 21st century, we cannot have 75 percent of our children getting a quality education; we have to have 100 percent. Why? First of all, we are in a very competitive world. If they cannot play a leading role, then we cannot as a society, we cannot as a country, continue to be the powerful Nation that we are.

Secondly, we cannot allow 25 percent of our children not to have a quality education if they are ever going to get a piece of the American dream. We decided a year or two ago that we positively were going to move them to the position where they can get a piece of the American dream. Without a quality education, that cannot happen. Let me tell you about the last 30 years. I was not the chairman of the committee the last 30 years. We were not in the majority the last 30 years.

We did program after program after program, well-intended, with the idea that we were going to find some way to make sure that all children have a quality education. Thirty years later, billions of dollars later, we still have 25 percent without a quality education. Who are they? They are the poorest of the poor, with no one to speak for them, with no one to take the bull by the horns and say, everyone will receive a quality education. Of course, we know testing is not going to give them that quality education.

The second thing you are going to hear: "But we are taking Federal tax dollars for private and parochial schools." Again, I was not in charge the last 30 years, but I can read very quickly 17 programs where this happened during the last 30 years: Title I, Education for the Disadvantaged; title II, Teacher Training; title III, Education Technology; title IV, Safe and Drug-free Schools; title VI, which is what we are talking about today, used by private and parochial schools, Innovative Education Program; title VII, bilingual education; Part E of title XIV; Goals 2000; IDEA; transfer of excess and surplus Federal computer equipment; child nutrition programs; child care development block grants; national service; National Endowment of the Humanities; National Endowment for the Arts; National Science Foundation; nonimmigration students, just to mention a few. These are all private and parochial schools using Federal tax dollars. It is the law. It did not happen during my reign; it happened in the 30 years prior to that.

The third thing Members are going to hear is that we are taking money from public schools. That is not true either. The appropriators have seen fit to add $40 million to title VI, not taking anything away from anyone. They are adding $40 million.

The next thing I would like to make sure Members understand, this legislation has a very, very narrow scope. Why does it have a narrow scope? Well, I think it is called pleasing the chairman. Now, what is in that narrow scope? Why is it so narrow?

First of all, we have never told a State legislature before that they have

to pass a law to participate in title VI. In this legislation, we say to the State legislature, for the first time, if anybody is going to use any of this title VI money, for public and private school choice; they must pass a law. We never did that before in title VI; we sent them a block and they did their thing. Now we say they must pass legislation. That will take a while.

Secondly, the State and the public schools must then determine whether they want to use any of the title VI money for that purpose. They do not have to use any of it.

Again, I hope that by introducing some of these things that are fact rather than an emotional discussion of the issue, that Members will understand exactly what we are doing. I want to repeat what I said earlier. We positively have to find a way, if we are going to remain a viable entity in this world in the 21st century, to ensure every child has a possibility of a quality education.

We have tried, and we have tried, and we have tried, and it was all well meaning. We did not succeed. Now we want to try something a little bit different, nothing new; it is still part of title VI. But let us make sure that every child, no matter how poor the family may be, no matter how terrible the conditions may be in which the child lives, that they do have an opportunity for a quality education.

Mr. CLAY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, in 1965, Congressman Adam Clayton Powell, chairman of the Committee on Economic and Educational Opportunities, gave a forceful speech advocating a greater role of the Federal Government through passage of the Elementary and Secondary Education Act.

□ 1715

In that great speech he said, "We are compelled to give our most sincere and dedicated attention to the masses of our American youth, youth who give America new vision and new goals. We must not wait any longer. It is later than you think."

Today, Mr. Speaker, we are witness to the Republicans' contempt for the masses, for the 50 million children who attend public schools. Today, they bring to this floor a bill that would steal almost $2 billion from our public school systems. This proposal sends a clear and chilling signal that the Republicans have declared war on public education.

The most cynical and pernicious provision of this bill is the wholesale and deliberate denial of civil rights. The parents of low-income students who fall for this voucher scheme will be shocked to learn that their children will attend a private school that has no obligation to protect them from discrimination on the basis of race, sex, national origin, or age. The blatant disregard for civil rights fostered by proponents of this bill is an abomination.

Mr. Speaker, yesterday I received a letter from the Leadership Conference on Civil Rights vehemently opposing this Trojan Horse. In that letter, it was pointed out that under this bill, and I quote, "Private schools could permit widespread and severe racial harassment of students in class, provide female students with inferior athletic facilities, and refuse to make any accommodations for disabled students."

The letter concludes, "In short, H.R. 2746 would allow private schools to ignore the civil rights laws that have long protected students in federally funded education."

Mr. Speaker, this bill is an outrageous abandonment of civil rights. I find it ironic that the Speaker of the House stood on the floor of this House last week expressing compassion for little black children, while in fact this bill is striping away 30 years of civil rights protections from the very children he professed to help.

Mr. Speaker, in all of my years in Congress, I have not heard so many in this Chamber, who for years have refused to look beyond race and poverty, to see the human needs, now plead so eloquently for those who are victimized by their race and economic condition. No one should be deceived by the false promise that this bill is about saving poor children from the debilitating fate of inner-city schools.

Last year, Republicans in this House fought with every fiber of their being against increasing the minimum wage. In the 104th Congress, 223 House Republicans voted to cut child nutrition programs by $10 billion and to eliminate the Federal school lunch program entirely. Where was their compassion then?

If proponents of this bill are genuinely concerned about bad schools in black neighborhoods and want to give real choice to poverty stricken and educationally deprived students, let them mandate a program to give poor children the opportunity to attend any public school in the area, even in the most affluent neighboring school districts. That would be real public school choice. No reasonable, fair-minded person would deny that schools in more affluent areas have greater resources and their students receive a more complete and demanding education than children in poor neighborhoods.

This voucher bill has been condemned by a broad coalition of education groups because it does nothing to address crumbling and overcrowded schools or to improve teacher performance for the 50 million children now attending public schools.

I challenge the Republican leadership to stop playing politics with America's school children and to stop bashing public schools, parents, and teachers. I challenge them, Mr. Speaker, to embrace America's public schools instead of attacking them with this deceitful voucher scheme.

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

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

Mr. Speaker, let me say that this subject of giving parents more choice to select the school and the educational environment that is appropriate and best for their child is too important to be demeaned by the distinguished ranking member of the full committee, who is perhaps trying to conjure up a ghost from the last Congress.

Apparently, he and members of his party are still denying that, slowly but surely, the Contract with America has become a reality. But the fact of the matter is we never proposed eliminating the school lunch program. We did propose block granting it to States and local education agencies to make it more efficient in order to serve more children.

That said, let me say that I believe there are many Members on the other side of the aisle who want to show contempt for the fundamental right of parents to choose, who do not believe that we need improvement through competition and choice in our education system today, who are fundamentally opposed to parents having the freedom to select the education again that is best and most appropriate for their child.

So I say to them, let freedom reign in education. Let those who are less privileged, those who cannot afford to attend the better schools that might be financially beyond their limits, let them have the same right, let those families have the same right as more fortunate and more affluent families.

And understand this, we have too many school children in this country today who are missing out, who are not getting the kind of education they need to prepare them for the 21st century. And that, my colleagues, is the real disgrace and the real tragedy that we ought to be debating in this Chamber, not raising red herrings.

Now, how do they explain opinion poll after opinion poll showing that an overwhelming number of the American people, particularly adults of childbearing age, now favor parental choice in education? How do they explain that away? And why do the numbers go through the roof when we talk about minority parents? Could it be because they are the ones that are right there that have the best knowledge of this issue, that have the greatest concern about the future well-being of their children? That would only be natural for them to have those sentiments. And every one of us who is a parent, who is faced with the ultimate responsibility

of bringing into and raising another child in this world, ought to understand those sentiments, ought to sympathize with those parents, and ought to get behind the move to inject more competition and choice in our school system today.

Schools should be a magnet and not a trap. Let me tell my colleagues one thing I believe to the core of my being, and that is the education system we have in America today will reform itself, it will improve itself only when parents are free to choose the schools that they think are best able to educate their children.

And we are seeing, to their credit, many school districts around the country beginning to respond to the demand on the part of consumers, parents, and guardians for more choice, seeing them respond to that demand for competition by presenting more educational options for parents, whether it be home schooling, private school choice, public school choice, as we will be debating on the floor later tonight when we talk about more Federal taxpayer funding for public choice schools, independent charter schools. But school districts are responding to their credit.

We have to address this problem. It is not going to go away. To the extent we have a growing gap, an inequity in American society between the haves and have nots or have less, it is an education gap. There is a growing gap between the rich and poor in this society. And it is no accident. It begins as a gap between the well-educated and the poorly educated. And for all of us concerned about the quality of education in America today, I submit to you that is a problem that we ought to address together in as nonpartisan a way as possible. But more importantly, for the students who will be the future have-nots, the students who are receiving a poor or inadequate education, for them and for their families, it is a tragedy and a national disgrace.

Let me tell my colleagues what this bill does very simply, because it is a very, very modest bill. It amends the title VI block grant, the old chapter 2 program, by permitting state educational agencies and local educational agencies to use their title VI education block grant funds, this is probably the most flexible source of Federal taxpayer funding for Federal education, to use those funds for public and private school choice.

But this has to be, unlike what we discussed in the last Congress, instead of a top-down nationally driven program from here in Washington, this has to be a bottom-up program. These funds could only be used in those States and local communities that have decided that they will at least experiment with school choice for those children, low-income children, because this funding is very targeted and it is means tested, only for those children attending unsafe or underperforming schools.

This is a bottom-up movement designed to tell community activists and community leaders across the country that if they believe they should have more choice, more parental control and freedom in education today, they can use this source of Federal funding to provide scholarships to low-income families in low-income communities. So that is what this legislation is about.

I am going to conclude my remarks. But I want to say simply again, I cited this poll on the House floor the other day, and I would love to hear my colleagues respond to it, from American Viewpoint. The public, when asked whether parents should be allowed more control to choose where their children are educated, answered overwhelmingly, two-thirds to one-third, 67–28, that parents should have the right to choose the education that is best and most appropriate for their child, the best learning environment. And that is what this is about. Schools exist to serve children, not bureaucracy.

And lastly, from the first presidential debate in the last election campaign in Connecticut between the President and Bob Dole, the Republican nominee for President, these are the President's comments: "If you are going to have a private voucher program, that ought to be determined by States and localities where they are raising and spending most of the money."

That is exactly what this HELP scholarship legislation does. And I defy my colleagues to show me where it does not. If we are going to have a private voucher plan, that ought to be done, in other words, that ought to be determined at the local level or at the State level. Again, that is what this legislation does. It says to State and local communities, you have that option, you have that right. And in those communities, and we will talk hopefully more about them, like Cleveland and Milwaukee, in those 18 States that already have some form of school choice, we are saying you can use your Federal funding to expand those programs. And to the rest of America, we are saying, it is time now to give choice a chance.

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

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, the gentleman from California [Mr. RIGGS] uses the term "demeans." We feel it is this very bill that demeans public education, just as his vote to cut $137 million from Head Start demeans public education, just as his vote to eliminate the school lunch program demeans public education. You are going to give choice to those on school lunch, the choice to not have any lunch.

Mr. CLAY. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I want to thank the gentleman from Missouri [Mr. CLAY], the ranking member, for yielding me the time.

Respectfully, I want to remind the chairman who spoke a little earlier about the last 30 years. He was a part of a committee that developed bipartisan legislation in that committee over 3 years and Even Start was his, and it was a good bill and we all supported it. But for him to say this bill will fix education befuddled me. He was an educator, and he knows better.

Mr. Speaker, giving people a chance or a choice is a smoke screen. People have the choice now. All of us can send our kids to private school if we want to, and low-income people are doing it every day. They are sacrificing to do it because they want either more discipline or they want a better education or a religious education for their children. But the taxpayers are not paying for it.

Mr. Speaker, in my opinion, this is the extreme right's modern version of white flight from our cities. Just like we abandoned the poor parts of our cities when there were elements that we did not like and we left them to decay, this bill will leave our public schools in ruin in search of a panacea for just a few.

I would ask the chairman, where are the 90 percent that are going to be left behind that are not going to be served by this? This bill guts the very basic opportunity afforded to children, the opportunity to learn.

Mr. Speaker, the American people and my colleagues who have listened to Friday's debate on the rule heard the gentleman from California [Mr. RIGGS] condemn me for recognizing that Republicans are really doing the bidding of the conservative Christian Coalition in their advocacy for these ill-advised voucher proposals. Whether they know it or not, they are doing that.

The gentleman from California [Mr. RIGGS] even went so far as to say that my comments were, quote, beneath me. I can assure the gentleman from California [Mr. RIGGS] that I am the best judge of what is and what is not beneath me, and I never regard the truth as being beneath me.

To prove my point, why do we not take a look at some of what the extreme right has said about public schools in America. And if my colleagues want to look at the chart to my right, they can see, and I will read it for them. Pat Robertson, the founder of the Christian Coalition, states, "The public education movement has also been an anti-Christian movement. We can change education in America if you put the Christian principles in and the

Christian pedagogy in. In three years, you would totally revolutionize education in America."

□ 1730

And Jerry Falwell, our favorite Christian:

"I hope to live to see the day when we won't have any public schools. The churches will have taken them over again, and Christians will be running them. What a happy day that will be." America Can Be Saved.

Clearly, public policy is not driving Republicans to bring these voucher bills to the floor of the House. Rather, it is obvious to me it is a political debt that the majority feels it must repay. Shame on those who would use our children and their educational opportunity as an affirmation of an extreme right conservative view of the world. Let us consider the agenda on which these people brought this to the floor.

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

I stand by my earlier comments. I do not believe that Christian bashing ought to take place on this floor. I deplore the use of the race card and race baiting. I really think it is inappropriate.

Mr. Speaker, when African-Americans of childbearing age are polled, 86 percent support government-funded, taxpayer-funded vouchers to send children to the public, private or parochial school of their choice. As the gentleman very well knows, we already have taxpayer-funded choice in both preschool, child care and in higher education, and I have never heard him voice any objections to that.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to support this legislation today. Freedom is about making choices. This country was founded upon religious freedom, religious choices, because in other countries they were not given that right. We have tried a lot of monopolies in this country, controlled monopolies. Transportation, trucking, airlines, utilities and our package delivery system were run and controlled by monopolies. We found out that they were not very efficient, they did not provide very good cost-effective service, and we have been slowly decontrolling all of those and still are today.

A few years ago the auto industry and the Big 3 were a monopoly in this country. They were a monopoly until in the 1980s. They did not take the consumer into view. Then in came the Japanese and the Germans and the Swedes, and the Hondas and Toyotas and the Nissans entered the marketplace and caused real pain in America, because they took away that monopoly. But what happened? Did it destroy our auto industry? No, it made it stronger, it made it healthier, and more dominant in the world today than ever.

At least 80 percent of our schools are good. If we doubled the funding for education, problem schools would remain. We will spend $300 billion for elementary and secondary education, and someone said here erroneously that we were going to take $2 billion away from public schools.

This bill is about $310 million in a title 6 block grant. If one-ninth of that goes to choice, that is .01 percent of the basic education budget. Why should our poorest who are failing schools have no choice? Our Congressmen have choice, our Senators have choice. The leaders of this country have choice because they can afford it. The poorest cannot.

What are we afraid of? A very small pilot project that only helps States who have voted on the public record to have some choice pilots. If students leave a school in meaningful numbers, what will happen is this: The school will fix the problem. The study done by Harvard already shows that. If you have weak math or weak science, or a drug-infested school or an unsafe school and students start to leave, the school will fix the problem.

We will improve public education. Competition brings excellence to everything. Higher education works. It worked in autos, transportation, and the package delivery system. Is the education of our children not more important than all the ones above? Is it not giving Americans a choice, and we are starting with the poorest who are trapped in schools that are not delivering, that are not giving them an appropriate ability to get a good education.

Mr. Speaker, there is nothing to be afraid of. I urge Members to support this legislation and give them the same choices that congressional leaders have.

Mr. CLAY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, in the first place, I did not bash any Christians. I bashed two particular people for what they said.

Number two, we have had choice from the beginning of the time this country started. There have always been private schools out there. In fact, there were private schools before there were public schools. That competition has never improved the public schools to this day. People do have choice, and poor people have choice. This is not choice for poor people. This is choice for rich people.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, a sound public school system is the way to prepare 100 percent of our children for the high-skill, high-wage jobs that will ensure America's leadership in our world marketplace in our future. At the same time, Mr. Speaker, a good, sound public education system prevents dependency on welfare at home.

Public education is the backbone of our country. It is why we are a great Nation. Public education is available to all. It does not discriminate and must be strengthened, not weakened.

There is no question that the bill before us today will profoundly harm our public schools. This bill gives precious education dollars that public schools need to private and religious schools. Supporters of this bill say that it ensures parental choice in education, but we all know that private schools self-select their student body, and no voucher plan is going to change that. Parental choice is meaningless when it comes to private schools and self-selection.

What this bill does is make it easier, by adding $40 million to the budget, for a chosen few to go to private schools while leaving the majority of American school children in public schools. This is not acceptable.

Mr. Speaker, I am proud to speak up for public education in America. It is not perfect, but the solution to the problems with our public schools is not to give vouchers to a few kids. The solution is to fix our schools. Put that $40 million toward improving public education so that all children want to be in a good public school.

The supporters of this bill act as if vouchers are a magic bullet for American education, but H.R. 2746 does not help teachers or give them more opportunities for professional development. It creates yet another gap.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I am very pleased that Speaker GINGRICH and his supporters have finally realized that the American people really do want the Federal Government to play a role, a vital role, in improving our schools. It was just a few months ago that the Republicans had a different approach. They had a big ax out here. They were ready to cut school lunch. They were ready to cut Head Start. They wanted to cut down the Department of Education and essentially terminate any Federal commitment to education. It was really only just a few weeks ago that they were right here on the floor of this House derisively referring to our public schools as government-owned schools.

Today they come forward with their big solution. They want to offer choice. We are all for choice, and the choice that they want to offer public education when we read the fine print of this bill is the choice to do without, the choice to do without the moneys to

get the job done to educate our children.

It is a clever approach. They call it a help bill, but everyone who is familiar with the demands that are placed on our public schools recognize it is nothing but a hurt bill. It puts a big hurt on public education.

The whole bill reminds me a little bit of the fellow who was trying to come to my hometown, Austin, TX. He got lost over in the piney woods. He walked up to a fellow at a service station over there and asked how to get down to the state capital. The old man scratched his head and said, "I don't rightly know, but I sure wouldn't start from here."

Mr. Speaker, we sure do not want to start from here siphoning off money from public education. Unlike some earlier attempts, this bill is mighty clear. It will take money away from public education and give it to private parochial schools. I guarantee Members that folks like Jerry Falwell who says, "I hope to live to see the day when we won't have any public schools, what a happy day that will be," they have a stake in this because they are going to be the beneficiaries of robbing public education to help the few in private education.

I am all for private education, even though I am a graduate, as are my children, of the great public school system in central Texas. But let the parents pay for that private education, and use public resources not to fund Mr. Falwell, but to help our children.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, considering this as legislation that will give parents the right to select a private school of their choice is an absolute distortion. It will give a select, privileged few an opportunity to select the school of their choice if they can afford the difference between what the voucher is and the cost of the education.

Furthermore, Mr. Speaker, we talk about the polls that show support. What we ought to do is look at the referendums that have been taken across the country where people have had an opportunity to reflect for an entire campaign and get educated about the idea, not just a knee-jerk reaction to a poll. When we look at the referenda when people go to the polls and vote, these ideas are rejected by margins of approximately 3 to 1. And so we ought to look not just at knee-jerk reaction to the polls, we ought to look at what these bills actually do. I associate myself with the comments of many of the others.

I just wanted to point out one little trickery in this bill. There is a provision that declares that receipt of the voucher shall not be considered as assistance to any school. That kind of language looks innocuous on its face, but it will provide that the Federal Government cannot enforce anti-discrimination procedures against those schools. For example, religious and national origin discrimination cannot be enforced. Racial discrimination cannot be enforced by the Federal Government. There would have to be individual suits, one after another. The Department of Justice cannot invoke the situation where they can withdraw funds. David Duke academies could be funded without the enforcement of civil rights.

What is this language doing in the bill? It only gives exemption from Federal civil rights enforcement, and that is why we need to defeat the bill. It is under a closed rule. We cannot use an amendment to take that language out. We need to defeat the bill. This $50 million education gimmick will only take money from our public schools. We need to defeat the bill.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds.

The money under this legislation would flow to parents, and this bill targets low-income communities and low-income families in States that have enacted into law school choice legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I would like to congratulate the gentleman from California [Mr. Riggs] and the committee for doing something that is probably long overdue in this country, and that is giving people choices that they have yet to have. If you are a parent sending your kid to a public school system and you are pleased with it, good for you. If you are a parent sending your kids to a public school system and you are worried about them, that you are afraid they are going to get beat up or they are going to meet a drug dealer when they go in the door, or that the plaster is falling down on them, or somebody at school really does not have their best interests, well, there is a new crowd in town giving you some options you never had. There are some friends on this side of the aisle who agree with this idea, and there are some that do not, but this is a debate long overdue to be had in this country.

□ 1745

Public schools in this country by a large extent, I think, do a great job. I am a public school graduate, but there are places in our country where nobody in this building would send their child, and we need to do something, and all we hear is, spend more money, spend more money, spend more money.

Do my colleagues know what makes someone better? Competition makes them better. It will make us a better Congressman when somebody will run and want to take your job away. It will make the public school system better, where they failed, if there is somebody else in town that can take that child and do a quality job and give the parents the choice that they are lacking today.

This is a pilot project, but this is really a debate about the status quo versus reform. We spent money in the name of spending money. Forty years later, we have got a situation that is never going to change by just spending money. If my colleagues want to improve anybody's state in life, provide some good healthy competition.

And this finally addresses the basic problem of public education. It is a monopoly that does not respond to anything in some situations, and now there is a new act in town where parents, nobody else but mom and dad, get a choice that people in this room can afford but they cannot.

And if someone is doing a good job as a public educator, they have no fear from this. If they are failing the parents in our communities, we better get better, and it is probably not good English, but we better get our act together, because people can go somewhere else if we have our way. It is long overdue.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, let me just say to the gentleman from South Carolina that we say this is declaring war on public education, that the first shot was fired when he voted to eliminate the school lunch program, that the second shot was fired when he voted to cut Head Start by $137 million, and now, when we take 10 cents on the dollar out of public education and give it to private education, that is another shot in the war against public education.

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, the gentleman from California responded to some of the things I said but did not respond to when I said, shall not be considered assistance to any school, and I was wondering if somebody over there could respond to the effect of that language on special education students and the ability of private schools to discriminate on national origin and the effect of that language on the Department of Justice enforcing civil rights laws of the country.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to say and point out, and I would appreciate if the gentleman would not interrupt me then, let me just say, if I understand Mr. SCOTT correctly, I think he is arguing that they might support this proposal if only they could regulate the private schools in America.

Mr. Speaker, I yield 15 seconds to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I would like to respond; my name was mentioned.

We are declaring war on people who just want to write checks as politicians and go home and feel good about it and still leave the crummy school system behind. We are declaring war on the status quo. We are fighting for parents. That is the war we are engaged in, and we choose the parents over the entrenched bureaucracy, and we are going to win that war.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, there are many good reasons to be skeptical about the bill before us, but the most important is often left out, and I want to say before I go any further that the gentleman from California and I have worked together in an attempt to do exactly what I am talking about.

It is because school choice has been so widely talked about but has not been scientifically evaluated on a sufficient scale to draw concrete conclusions that I believe that the gentleman has come up with an improved accountability section of this bill. Evaluation is critical if we are to succeed or if we are to avoid monumental failure in this experiment of some size. Parental satisfaction is important, but it is wholly insufficient to measure the efficacy of choice on such a broad scale.

A bill that is serious about a voucher experiment would include statutory requirements for a whole range of considerations, some of which I believe may well be included in the gentleman's bill but which go beyond many of those which are enumerated. And they talk about data on transportation problems and solutions, the effect on siblings within a family, the changing patterns of school enrollment by type and demographic characteristics. The list goes on and on.

In short, this bill has a better evaluation component than most of the voucher demonstration programs that have been proposed in the last few years. And this is the critical point: This is not a demonstration program. We are finally getting closer to the kind of evaluation we would need if, in fact, we were doing a demonstration program, but we have it on the wrong vehicle.

This is a huge and costly experiment with the lives of millions of children, and its emphasis on parental satisfaction matches the serious focus needed on cost benefits and measurable change in student performance. Whether or not politicians agree about the value of choice, the consequences fall on the lives of real children. We simply cannot afford to proceed without a mechanism for knowing whether we are right or wrong.

Mr. RIGGS. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. WATTS], a cosponsor and one of the most prominent, passionate, and articulate proponents of parental choice in education on this legislation.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from California for leading the effort in fighting for what I believe is very important legislation.

Mr. Speaker, my father, who spent 2 days in the seventh grade, that is the extent of his education, he said to me once when I was about 45 days from graduating from the University of Oklahoma, he said to me when I would go home sometimes on the weekend and we would sit up in his front room and we would solve all of America's problems according to the book of Watts, and this particular evening about 2 o'clock in the morning it was time to retire, and daddy said something to me that I will never forget. He said to me, as you know, Junior, he said, I think I want to go to college. And I said, Daddy, why go to college at 57 years old, a double bypass heart patient, mama is diabetic, got this church with a pastor, got these cows, these rental properties being taken care of? Why did he want to go to college? He said, I would like to see what makes those guys fools after getting out. He said, those guys refuse to use common sense.

Now, common sense would say to us, or should say to us, that we have got kids in America today in the inner cities that go to schools where they have to walk through metal detectors, that they carry guns, people carry guns, people carry knives, that those kids cannot learn in that environment.

Now, Mr. Speaker, we have heard the debate today and we have heard both sides of the argument, and I think we need to separate fact from fiction. Now consider this. Common sense would say, or should say, to us if we are fighting and we are saying we are debating and we are saying that if we give poor parents the right to choose where they want to send their kids to school, that they are going to choose a private school or private faith-based school.

Now, Mr. Speaker, what does that do? What does that say to us? That is saying to us that if we give that parent a choice, they are going to choose the private school or the private faith-based school. That, in itself, is an indictment on poor schools. We are not indicting public schools. Those who say that we are hurting public schools, they are the ones that are indicting public schools.

And then we hear, we hear this. We say we cannot use this legislation for kids to go to other public schools. With these HELP scholarships, kids can go to other public schools, they can leave the school that is not working and go to a public school that is working. Or those parents can go to a private school or private faith-based school.

Frederick Douglass said this: He said some people know the importance of education because they have it. He said, I knew the importance of education because I did not have it. And, Mr. Speaker, we are sending our kids to schools every day of their lives, we are putting them in schools that are failing them every day of their lives, and when they get out into the job market to compete for good jobs, to compete in this global marketplace, they will not have the reading, writing, arithmetic skills, computer skills to compete in a global marketplace.

And then we say we hear, well, they are taking money away from public education. Let me tell my colleagues who is taking money from public education: The prison system. In every State in the Nation, we have an average of about—in the State of Oklahoma, I think we spend about $25,000 per year per inmate. And look at the inmates. We do not give them the proper reading skills, the proper writing skills, the proper arithmetic skills, the proper computer skills. Do my colleagues know where they end up? They end up in jail, they end up in prison, and then we spend 20 to 30 thousand a year to keep them in prison to house them. That is where our public education dollars are going.

Mr. Speaker, I say let us give this legislation a chance, let us pass this legislation, give those poor parents who are trapped that the Government has mandated that they must send their kids to schools every day that fail them. With this legislation, those poor parents will have a chance to get their kids out of those schools that failed, into schools that worked, public schools, private schools, or private faith-based schools. Give these parents a chance.

Let us support this legislation.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I respectfully say to the gentleman that he is passionate all right, but I believe he is passionately wrong, and when he comes to the floor and votes to cut the school lunch program, votes to cut Head Start by $137 million, and then comes back to the floor and says, today I am here to help, there is a little bit of a credibility problem.

Mr. CLAY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Indiana [Ms. CARSON].

Ms. CARSON. Mr. Speaker, I rise in opposition to H.R. 2746.

Mr. Speaker, education reform can succeed only if it benefits all of the students and not just a select few. To stand here on the floor of this august body and suggest that public schools manufactured the social problems that have been extolled here today such as guns, such as drugs, such as crime, such as teenage pregnancy, is a cruel

hoax. Let us not try to fool the American people, and let us not be fooled ourselves.

The vouchers in this bill are also a cruel hoax. They do not give all parents a choice in education. This proposal would not provide nearly enough money to pay for private school tuition for all children. With record enrollments, crumbling buildings, and the growing threats of crime and drugs that our public schools did not create, public schools are facing greater challenges than ever before.

Children in public schools across the land do not have the basic materials that they need to get an education. Diverting resources to private schools is not the answer. Surely we can put the money to better use.

Public schoolchildren need text books, library books, and other fundamental tools for learning. The globalization of the economy poses greater challenges to our children than those ever faced by previous generations, including myself. Today our children need math, science, and training in computers to be able to get on the first rung of competition for the jobs of the 21st century. Public schools need the resources to meet these challenges.

I urge in the strongest possible terms that H.R. 2746 be defeated.

Mr. RIGGS. Mr. Speaker, I yield 10 seconds to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, it is interesting that the gentleman from Texas talked about what happened. It is interesting that in the school lunch program we put $200 million more in our program than the President offered in his. So that is amazing to me how that is a cut. And, secondly, this is one of the same people that said we were gutting Medicare to give tax breaks to the wealthy, one of the same people that said we could not cut taxes and balance the budget at the same time when we have done all those things. So, you know, let us separate the facts from the fiction and let us talk about the facts today.

Mr. RIGGS. Mr. Speaker, I yield a minute and a half to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, I rise in support of this legislation. I have been on the education committee now for 10 months, and I have not yet heard any Member stand up and brag about the public school system. Everybody seems to be critical of the system, and everybody has suggestions on what we can do.

I think the problem with the school system has definitely gotten worse since we have gained control of the public school system at the national level. There is pretty good evidence to this, and I think a new program and new expenditures up here will not do the trick. This program, however, does not fall into that category.

I believe that the States ought to have the right to set up one of these programs where scholarships can be offered. This is quite a bit different than mandating and dictating a brand new program and new appropriations. So I think this is a step in the right direction.

We should not be fearful of choice; we should not be fearful of competition. If we are serious about education, I think we should get beyond equating good education with the school lunch program. I cannot quite see the analogy of saying a good lunch is equivalent to good education.

□ 1800

But, more Federal programs will not solve the problem, and I believe very sincerely that if we allow some choice and if we allow some competition, we might see some improvement.

I do not believe this program is going to solve the problem of our educational system. We have serious structural problems. Some day we will have to look at the history of the public school system and look to the time when the public schools worked much better with local control and local financing.

Mr. Speaker, I appreciate the opportunity to express my support for H.R. 2746, the Helping Empower Low-Income Parents [HELP] Scholarships Amendments of 1997. The HELP Act allows States to use title VI funds for school voucher programs if the State has a voucher law. Nothing in this bill forces states to adapt a voucher program, states without voucher programs will not lose a penny of federal funds. HELP does not create a new federal program, nor does it provide a justification for an increase in federal education funds. Furthermore, this bill addresses the legitimate concerns that federally funded voucher programs will lead to state regulations of private schools by explicitly stating that receipt of these funds cannot be used as a reason for force religious schools to alter their curriculum, or force private schools to change their admission requirements. Additionally, participating private schools must only be in compliance with state regulations in effect one year prior to passage of the HELP Act.

Under 10th amendment to the Constitution, the question of whether or not to fund private-school voucher programs is a left solely to the state and localities. However, congressional activism has undermined state and local control of education as the federal education bureaucracy has grown increasingly powerful. Thus, many states now feel compelled to obey federal dictates and only engage in those education policies for which they can receive federal funds.

Individual states, localities and, in many cases, even private citizens cannot afford to support education programs without financial help from the federal government because of the oppressive tax burden imposed on the American people by this Congress! Congress then "returns" the money (minus a hefty federal "administrative" fee) to state governments and the American people to spend on federally approved purposes.

While the very existence of federal education programs and funding is an insult to the Constitution, and while the most effective education reform to entirely defund the federal education bureaucracy and return education funding to America's parents through deep tax credits and tax cuts, the more options the federal government provides states, localities, and individuals in the use of federal education dollars the better. Mr. Speaker, authority for funding education belongs to the people and the states. We in Congress have no legal or moral justification for denying the people the right to pursue any education reform they believe will help America's children—whether it is vouchers, charter schools, or statewide testing.

Mr. Speaker, my long-term goal remains the restoration of limited, constitutional government in all areas, including education. Until that goal is achieved, I will support measures, such as the one now before us, to give the states and the people as much control as possible over education dollars. After all, in the words of the pledge to abolish the IRS many of us signed last week, it is their money, not ours. Therefore, Mr. Speaker, I urge my colleagues to join me in supporting H.R. 2746, the Helping Empower Low-Income Parents [HELP] Scholarships Amendments of 1997.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in opposition to this legislation.

These are not scholarships. These are vouchers, and vouchers are not the way to improve the public school system.

In the first place, I question the constitutionality of using Federal dollars for private and parochial schools. But putting that question aside, this proposal will not be for all low-income students, and if it were for all low-income students, we would be creating a new entitlement, and I do not quite know what my friends on this side of the aisle are doing in creating this new program. But, it also opens the question of possible discrimination, and that this discrimination would be providing vouchers to some students, but not all.

Now, one does not have to be a lawyer with a law degree or a rocket scientist to predict that if this is passed, there will be with certainty a lawsuit that will be filed claiming discrimination, and that will be a giant step towards an entitlement.

However, put that aside too. The most important issue is what it is going to do to the public school system. Now, as a former school board member, I have some experience in these matters, and I want to tell my colleagues that it will greatly reduce support of the public schools, both urban and suburban, and ultimately, these vouchers will result in gutting the public school system, because it will be sending more and more of scarce financial resources out of the public system and into the private

school system. It will be reducing financial support for the majority of students, the vast majority, and support a select few.

Gutting the public school system will not help those students who remain behind. What we need to do is to improve the system and improve the quality of standards for all students, not this select few.

Mr. Speaker, I rise in opposition to the HELP Scholarship Act. This is just another way of saying these are not scholarships, these are vouchers, and vouchers are not the way to improve our education system.

In the first place, I question the constitutionality of whether Federal dollars can be used for private and parochial schools. The Constitution provides for a division between church and State, and this proposal will interfere with that division. Such proposals have been found unconstitutional when they have not been provided to all low-income students, or when the tuition grant program has been used primarily to assist children in attending schools which are religiously affiliated.

This proposal will not be for all low-income students, and if it were to be provided for all low-income students then it would be an entitlement. And we do not need any more entitlements.

Why would we, as a Republican Party, be moving toward an entitlement. This is a problem of possible claims of discrimination—that is discrimination in providing some students with vouchers. This also moves us toward creating an entitlement.

How will it be decided which students will be provided with the vouchers? Doesn't this discriminate against the other students who are not given vouchers? It does not take a law degree or a rocket scientist to predict with certainty that a lawsuit will be filed claiming discrimination and that will be a giant step toward the entitlement.

Most important and as a former school board member with some experience in these matters, it will force regionalization of the public school system, greatly reduce support of the public schools, both urban and suburban, and ultimately these vouchers will result in gutting the public school system—because it will be sending more and more of our scarce financial resources out of the public system and into the private system. It will be reducing financial support for the vast majority to support a select few.

As a former teacher and school board member in my home community, I have always supported our public school system. I believe that our schools are best prepared to meet the educational needs of our youth when decisions about our school are made by that local community.

Gutting the public school system will not help those students who remain behind in the public school system. What we need to do is improve the system, and improve the quality and standards for all the students, not a select few.

It is also disturbing that these funds will be taken from title VI dollars. These funds are to be used for instructional materials, library materials, magnet schools, literacy programs, gifted and talented programs, dropout assistance, and other school reform activities. If school choice becomes an allowable use of funds, then these activities will not receive the funding and attention that they deserve.

This is not the way to improve our schools.

Mr. RIGGS. Mr. Speaker, I yield 10 seconds to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I say to the gentlewoman from New Jersey [Mrs. ROUKEMA], and all of those who would say "discrimination," the ultimate discrimination, the ultimate economic and racial discrimination, is to keep these poor kids, these poor black kids, these poor white kids, these poor kids in schools that do not work, and the government mandates to those parents they must send their kids to those schools. It is the ultimate discrimination to do this to these poor kids.

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. WELDON], another longtime champion of parental choice in education.

Mr. WELDON of Florida. Mr. Speaker, I thank my colleague for yielding me this time. I just want to respond a little bit further to the gentlewoman from New Jersey [Mrs. ROUKEMA]. There has been a lot of talk about hurting public schools and that our agenda should be helping public schools.

I think our agenda really should be helping kids get a good education, and saving and protecting public schools sometimes is involved in that, but sometimes these public schools are so bad that they should be closed down, and I am really pleased to see this bill come to the floor. I worked with the gentleman from California last session on trying to get a school choice bill to the floor.

One of the reasons why I am so interested in this issue is one of the things I noticed when I got out of the Army and I went into private practice is that people with money send their kids to the schools of their choice, but poor people and people who are disadvantaged cannot do that. They are locked in a system, frequently a system that is failing. Some of our public schools are great, but some of them are failing miserably, and every time we try to talk about school choice, the same group of people get up and say, no, no, no, we cannot have school choice.

All we have here is a modest bill to try it. Let me tell my colleagues something. The American people support this, they want to see this. Look at this chart here. All Americans, 82 percent; black Americans, 84 percent; whites, 83 percent; Democrats, 81 percent; Republicans, 86 percent; Independents, 81 percent. But every time we try to do this much school choice in this body, the same naysayers get up and say it is going to destroy public education.

My desire is not to protect public education, but to provide kids in America better education, particularly those kids who are locked into failing schools, schools that are frequently riddled with drugs, where they are not getting an education, where they are coming out with a diploma and they cannot read. We are just trying to give some of those parents the ability to send their kids to a decent school, the ability that rich people have had for years.

Mr. CLAY. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong opposition to this bill, which is cleverly disguised and masquerades to help empower low-income families to send their children to the best public or private schools.

This is nothing more than a third in a series of voucher bills. However, the HELP Scholarship Act is different. This is not a back-door, covert attempt to dismantle public education. This is an all-out, overt, frontal assault to help undermine and destroy public schools.

This bill reminds one of Dracula in that it seeks to suck the blood out of public education. Currently, 90 percent of America's children benefit from public schools. This bill provides no funds to improve public schools, which are in dire need of repair, teacher training, and curriculum development. This bill is anti-public education.

I urge that we reject it and say no. Halloween was last week, Halloween was last week. This bill is trick or treat, with more tricks than treats.

Mr. RIGGS. Mr. Speaker, I would inquire of the Chair as to how much time is remaining. I believe that the other side controls substantially more time than we do at this point.

The SPEAKER pro tempore [Mr. MCCOLLUM]. The gentleman from California [Mr. RIGGS] has 31 and three-quarter minutes remaining.

The gentleman from Missouri [Mr. CLAY] has 38 and one-quarter minutes remaining.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Speaker, I rise very simply to indicate that this is not about choice, this is a bill about private school vouchers. This is an extension of a debate that we had in the Washington, D.C. budget earlier this year when the roofs are falling down in the D.C. schools and rather than fix the roof, the proposal was put forward to allow 2000 children out of 78,000 children to be able to leave the schools with private vouchers.

We are committed to a strong public school system investing in technology for our children, making sure they can read and write, and that they are qualifying for the jobs of the future, every child, every neighborhood. This proposal allows a few children to take a

disproportionate amount of dollars out of the public schools to allow for private school vouchers. It is the wrong way to go.

I would very much like it if we took all of our energies together and focused them in the right direction, which is making sure every single child in America gets a quality education.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, I guess I hold a distinction in this Congress. I say to my colleagues, I am a Head Start child, a public school kid, a Pell Grant recipient.

I would say to the gentleman from Texas [Mr. PAUL], I think some Federal programs do work for our children, and I would say to the gentleman from Oklahoma [Mr. WATTS], I guess when I started out, I would be one of those poor minority students the gentleman professes to be so concerned about.

But, Mr. Speaker, today I rise against the so-called HELP Scholarship Act. Let us face it. This bill is not talking about scholarships, it is talking about vouchers, and that is why this bill bypassed our committee, the Committee on Education and the Workforce, for any consideration, and it is now on the floor under a gag rule.

It saddens me that during a time when our public schools are facing their most challenging times, we are encouraging American people to turn to private schools to teach their children. Ninety percent of all of the children in America go to public schools, and the numbers increase every day.

Let that be the focus of our education agenda: How to improve America's public education system.

For example, in Orange County, all the kindergarten through 12 schools in my district are overcrowded. They have resorted to year-round classes, portable classrooms, just to deal with things in the classroom, and they still maintain high academic standards. Voucher programs, at most, would help only a few students, and those who do use these vouchers will not even be given civil rights protection under the school admissions process. What kind of school choice is that?

School construction is an issue that deserves the attention of this Congress, not vouchers. That is why I have introduced legislation that will offer interest-free bonds to school districts to help them finance these new school needs, the school construction needs that they have. Let us do what is right for America's children. Let us make sure that quality exists for everybody in our schools. Please vote against H.R. 2746.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I am amazed to see H.R. 2746 here again today. These are from the same folks who a few weeks ago characterized government-owned schools as a communist legacy. So now we have H.R. 2746 here to talk about how we are really going to educate children.

Our Nation has the ability to provide the highest quality of public education in the world, but the question remains, who will receive this education? My Republican colleagues' answer is with the HELP Scholarship Act, again, a voucher program.

The HELP Scholarship Act is a school voucher program that is intended to do nothing but harm public education because it is taking money out of what should be going to public education. This bill does nothing for the Nation's 50 million students who attend public schools.

We are not defending public education here on the floor today by opposing this bill. We are defending those 50 million children who are in public education and need more resources, but they are taking away even current resources, money that should be used to improve the public schools and instead will go to a small number of students to pay for private and parochial schools. Private and parochial schools are great, but they should not have public funds to do it.

This bill is not only unfair to those 50 million children who will not be able to participate, but I consider public education is an American legacy, not a communist legacy. The real challenge lies in not creating small privileges for a small number of students, but instead building a strong public education system that will provide for those 50 million students instead of taking it away. I believe the HELP Scholarship Act does not improve public education in America, but it threatens the public education of those 50 million children we are defending.

There is no evidence to suggest that vouchers will lead to improved public education performance for all children. In fact, the voucher programs drain funds earmarked for improving public schools and directs them to private schools. The Republican voucher program fails to address the needs of public education and should be defeated tonight. The future of our children is too important to gamble on an untried and unrealistic proposal.

Again, this is a bill in response to the same problem that we had a few weeks ago when they were calling public education a communist legacy by one of our colleagues from Colorado. This is their answer to solutions in the public schools. Let us work to make public schools better, not take funds away.

Mr. RIGGS. Mr. Speaker, I yield 10 seconds to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I would say to the gentlewoman from California [Ms. SANCHEZ] that she proves my point exactly. Good schools should not be threatened by what we are doing. Bad schools. She went to a good public school. So did I. It is the bad public schools that we are saying, let us give those poor parents a chance to take those kids out of those bad public schools.

□ 1815

Mr. RIGGS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I would note that I believe what the education establishment and those here who are beholden to them really fear is that competition threatens their monopoly of financial control.

Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Speaker, as a former public school teacher, I rise in strong support of the HELP Scholarship Act. I have always believed that when you fail to plan, you plan to fail. Today this Congress will pass yet another part of a winning strategy for the future.

Today all children are not well-served by our schools. Sixty percent of all graduating seniors in high school cannot read on a 12th-grade level. As a whole, today's students score 60 points lower on the SATs than their parents did. Clearly there is much work to be done as we look for ways to improve our schools.

While the work of making our schools great again is in many ways difficult, it is in no way impossible. Piece by piece, one school and one child at a time, we can give our Nation the kind of education system it deserves, and we can give our children the kind of education their parents have a right to expect.

Today we have a chance to support the HELP Scholarship Act. This legislation will provide scholarships to low-income families to send their children to the school of their choice. It has often been said that the greatness of a Nation is measured by how it treats the most vulnerable and the less fortunate. The HELP Scholarship Act will help those who need our help the most, families who earn less than 185 percent of the poverty level.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise in opposition to this so-called HELP Scholarship plan. This plan is not about helping the majority of students in America. This is just the latest attack on public schools by the opponents of public education.

Speaker GINGRICH and the radical Republican right have a plan to dismantle public education, abolish the Department of Education, cut the school lunch program, cut funding for safe- and drug-free schools, for teacher training, for Head Start.

Just 2 weeks ago the Republican opponents of public education supported a voucher scheme that would drain millions of public education dollars in our Nation's capital and give it to just 3 percent of students to attend private and religious schools. But taking money out of public schools in the District of Columbia was just the beginning.

Today we consider a plan that would drain resources from every public school in every neighborhood and every city and town in America. This so-called HELP Scholarship scheme does nothing to help public schools. It is about draining resources from public schools to help private and religious schools; help the few, deprive the many. This is the Republican plan.

Mr. Speaker, 50 million students in America attend public schools. Nine out of 10 students attend public schools. We as a society know that educational opportunity is good for all. It was Thomas Jefferson who said, education is the cornerstone of our democracy. That is why Democrats support investing in our public schools, rebuilding our crumbling school buildings, and giving every child in America a solid foundation through public education.

We should be building our public schools, building them up, not tearing them down. We should be working together to improve our public schools, not giving up on them and selling them down the river.

Mr. Speaker, I urge all of my colleagues to support public education in America, support education for all of our children. Oppose the Republican HELP Scholarship scheme. The scholarship is no help at all. These are really hurt scholarships. They hurt our public schools, and they hurt the overwhelming majority of our children. I urge my colleagues to defeat this bill. It does not help anyone. It does not help our children. It hurts our children, and it hurts our public schools.

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

Mr. Speaker, I would just respond to the last speaker and point out that we are not saying on this side that competition and choice is a panacea. I wish people would not view this or try to portray this as some sort of attack on the public schools. I say that as the parent of a child who is in public school, because I always remember my most important title is not Congressman, it is dad.

But we had Alveda King testify. She is a highly respected civil rights advocate, the niece of the late Dr. Martin Luther King. She testified, I would say to the gentleman from Georgia [Mr. LEWIS] and others, before our subcommittee. She said, "If you have a boat going down, and there are 10 children on it, and you can only save 4, isn't it better to save the 4 than to let all 10 drown?"

What we are saying is our public school boat is in danger of sinking, that we are failing to serve too many children, and as a country we cannot afford to lose another generation of urban schoolchildren.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, if ever there was a moment under this majestic dome that marks the world's greatest democracy and the hope that is this Nation, it is now. Look at every urban center in America, and we will see repeated the scenario where we have relegated the most vulnerable children among us to a lifetime of poverty and bad education.

I am a product of the public schools and a public college, and proudly so, and I celebrate those good teachers and good parents that made it possible for me to get the education that I did. But what is wrong with stepping forward for the children, the most vulnerable children, who are being denied a quality education because we are refusing to address the problems of our urban schools?

This is a solution long in the making. I commend the authors of this legislation, and I urge my colleagues to support this matter of choice for our children. The parents of these children in every urban center of America are crying out for this kind of a solution. This is the right way to go. I would ask my friends who oppose this to reconsider their position. I ask them, what is the alternative?

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, we all have a great concern for our children, but it concerns me that the gentleman that just spoke to the American people to express his concern for the plight of poor children, it seems hard to believe, since in his last vote he voted against Head Start. I think that should seriously raise doubt of the concern that has been expressed.

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I would say to the gentleman from California [Mr. RIGGS], he invoked the name of Martin Luther King, Junior, and his niece, Alveda King Bill. I knew Martin Luther King, Junior. He was my mentor, my friend, and my leader. If he were alive today, he would be ashamed of what his niece did and said.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the real question has to be, how do we go forward in helping the children of America? The real driving force behind this Republican proposal on vouchers is not parents who want a better education for their children, but the likes of Jerry Falwell, who says, "I hope to live to see the day when we won't have any public schools. The churches will have taken them over again, and Christians will be running them. What a happy day that will be."

Mr. Speaker, I believe in the first amendment, I believe in Christianity, the freedom of religion and I believe in all Americans. However, I also believe in public school education. This is what we should be doing: early childhood development; basics by 6; well-trained teachers; well-equipped classrooms; relief from crumbling and overcrowded schools; support for local plans to review neighborhood public schools; efficient and coordinated use of resources; parental choice, like charter schools.

That should be the message for public schools and those who support our children, not a denial of civil rights, as these vouchers will do, to parents and children; not where the parents will be denied admission by private schools when they come with their vouchers. We need a real plan for our public schools, not a system that destroys them. I support public schools. I ask my colleagues to do so as well by voting against the voucher bill which destroys public schools.

The primary point of concern, for myself, and many other members of this body in regards to H.R. 2746, is the school scholarship or vouchers provision included in this revision of title VI of the Education and Secondary Reform Act.

This provision would authorize the distribution of scholarships to low to moderate income families to attend public or private schools in nearby suburbs or to pay the costs of supplementary academic programs outside regular school hours for students attending public schools. However, only certain students will receive these tuition scholarships.

This legislative initiative could obviously set a dangerous precedent from this body as to the course of public education in America for decades to come. If the U.S. Congress abandons public education, and sends that message to localities nationwide, a fatal blow could be struck to public schooling. The impetus behind this legislative agenda is clearly suspect. Instead of using these funds to improve the quality of public education, this policy initiative enriches fiscally successful, local private and public institutions. Furthermore, if this policy initiative is so desirable, why are certain D.C. students left behind? Can this plan be a solution, I would assert that it can not. Unless all of our children are helped, what value does this grand political experiment have?

I see this initiative as a small step in trying to position the Government behind private elementary and secondary schools. The ultimate question is why do those in this body who continue to support public education with their lipservice, persist in trying to slowly erode the acknowledged sources of funding for our public schools? Public education, and its future, is

an issue of the first magnitude. One that affects the constituency of every member of this House, and thus deserves full and open consideration.

School vouchers, have not been requested by the public mandate from the Congress, actually, they have failed every time they have been offered on a State ballot by 65 percent or greater. If a piece of legislation proposes to send our taxpayer dollars to private or religious schools, the highest levels of scrutiny are in order, and an amendment that may correct such a provision is unquestionably germane. Nine out of ten American children attend public schools, we must not abandon them, their reform is our hope.

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

Mr. Speaker, I would go back to what the gentleman from Georgia [Mr. LEWIS] said. We will let Ms. King's words speak for themselves. She is not only a highly respected civil rights advocate, but she is also a former public and private schoolteacher.

Here is what she said in testimony before our committee: "It has been demonstrated that when you implement a choice program, including vouchers, that you empower the parents, the system improves, the schools begin to compete, and hope arises."

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCINTOSH], a member of the committee.

Mr. MCINTOSH. Mr. Speaker, I rise in support of the Flake-Watts bill, and want the American people and my colleagues to know that this bill attacks one of the root causes of discrimination and poverty in America and empowers families who are living in troubled communities.

Let me tell Members what it meant in the State of Indiana. The other day I met a remarkable lady named Barbara Lewis. Barbara is an African-American and lives in the inner city of Indianapolis. She struggles to raise her three boys, and Barbara has decided to become a leader in our community. She is president of a new grass-roots organization called FORCE, Families Organized for Real Choice in Education.

A few years ago her son Alphonso had the opportunity to escape one of these terrible inner-city schools that was failing to educate him, and through a private scholarship Alphonso was able to attend Holy Cross Catholic school. This opportunity enabled Alphonso to get into a better school, but it was his own intellectual abilities and hard work that put him on the honor roll, it was his own athletic abilities that made him stand out on the football team, and his own leadership that led his classmates to elect him to the student council. Now Barbara is energized, and she wants to give every inner-city kid the same chance that her son Alphonso had.

I could tell Members about studies that show how minority students do much better in these private schools, or how 43 of our Nation's Governors are supporting school choice. But Alphonso's success story speaks for itself, and his real-life experiences tell us of the merits of this.

I appeal to my colleagues on the other side of the aisle to look at the facts and cut through the rhetoric. I know there is strong pressure from the interest groups and the establishment who want to keep the status quo.

I know my colleagues are great believers in the public school system, as am I. I am a product of that system. But it is not a choice between public schools and private schools. The choice here is between preserving the failed status quo or moving forward and giving poor inner-city kids a hope for a better education. Vote for the Watts-Flake bill.

Mr. Speaker, the author Victor Hugo once wrote, "There is one thing stronger than all the armies in the world, and that is an idea whose time has come."

The time has come to allow parents the choice of selecting schools for their children. Parents across the country—especially in inner cities—demand this choice to give their kids the chance to grow and succeed.

I want Hoosier parents to have this choice. At the K–12 level, Indiana spends an average of $5,666 per student per year. Yet performance declines as the student progresses through the public school system.

For instance, in 1996, Indiana's 4th graders took the National Assessment of Education Progress math exam. They placed fourth out of 43 states that participated in the exam. Very good.

However, Indiana's 8th graders ranked only 17th out of 43 states.

On Advanced Placement exams, Indiana ranked last in comparison to other states and the District of Columbia in terms of the percentage of students who are in the top half.

Clearly, more money is not the answer. We need to rethink our whole approach to elementary and secondary education.

I ask my colleagues, is the status quo, which is discriminating against poor, and which is letting our children down, so important that we are willing to sacrifice the hopes and aspirations of thousands of children, for the sake of the special interest unions, not for the sake of our children.

Look at what President Clinton said—"People need to know they can walk away from bad schools. Choice changes . . ."

Democrat Senator JOSEPH LIEBERMAN made the following statement on the floor during the D.C. appropriations bill, "Voting against choice is about the equivalent of voting against Pell grants or the GI bill or child care programs." I couldn't agree more.

I appeal to everyone in this House to break the chains of the special interests! Break free and let the poor inner city children like Alphonso have the same opportunity as the wealthiest citizens in this country, the same opportunity for us that the President and his family have had.

Please give poor, underprivileged parents a real choice. For the sake of the children vote for the Watts-Flake HELP scholarship bill.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I believe the only pressure from the American people, I would say to the gentleman who just spoke, is the American people's surprise about his new concern for the poor, since he voted against Head Start, and he voted to eliminate school lunch programs that would help our children learn and help our children be better off as they seek to be educated in this country.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, this is a very interesting debate. I can remember many, many, many years ago in public school, and if we had the thinking of my colleagues over there at that particular period of time, we would not have been inoculated for measles, smallpox, we would not have gotten examined from the health nurse every year.

I have yet to find out how these vouchers are going to be administered. I am told that they are going to come in a block grant to the States. What makes us think that States are not a bureaucracy, just the same as the Federal Government? We are going to say to a poor parent, as they have to come and say, hey, I want one of them vouchers, they will say, okay, we are going to get you a voucher, but here is how much it is. Well, I cannot take my kid to a private school because it is way across town. I do not have a car. I am a single parent. Well, we will mark you off, and we will go to the next one, somebody that has.

This is an attack on the public school system, Mr. Speaker. I say to the Members on the other side, your record is not good. Folks that count catsup as a vegetable, vote against Head Start and all of these things, your record is just not good.

□ 1830

You have no credibility in education. It has always been that way. You were not for education when we wanted to have student loans for people years ago before some of you were born. When my dad wanted to go to college, you wanted to send kids to school, you did not have a program. You did not support any program. You did not support education. It is inherent with you. You do not have a good record on education. I am not being vicious. It is just the truth.

As Harry Truman said, to give them hell, you just tell the truth and it sounds like you are giving them hell.

But this is an attack on the public school system. Make no mistake about it. It is going to take millions of dollars out of the public school system and deny a lot of those people you are talking about from getting any chance

for a public education. It is a fallacy, it is a rip-off, and it is a fraud.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to observe the gentleman from North Carolina is absolutely right. After 40 years of single-party control in the House of Representatives, our inner city schools in America are in great shape.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER], chairman of the House Republican Conference.

Mr. BOEHNER. Mr. Speaker, I have enjoyed listening to the debate this evening. I find it ironic that the debate is centering around whether this is for public schools, against public schools, whether it is for private schools. This has nothing to do with support for one school system or another.

What this HELP scholarship will do is to empower parents, parents and local communities, to take greater control over the education of their children. We spend far too much time in this body worrying about systems and worrying about a process instead of worrying about how we can help parents ensure that their child gets a better education. This bill tonight will do that for some people in America who do not have choice.

If you have got money, you have all the school choice you would want, but if you are poor and you are locked into an inner city school, you have no choice.

How long is it going to be before those of us in this body begin to take seriously the problems that we have in inner city schools in this country? How can we look one day longer at the system we have created that is denying those children a shot at the American dream? This helps them out of it.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE]

Ms. JACKSON-LEE of Texas. Mr. Speaker, I still maintain that it is the children that we should be concerned about. I would say to the gentleman who just spoke that the American people would find his concern for the plight of poor children in public education hard to believe since he voted against Head Start and against free lunches for our children so that they could learn.

Mr. CLAY. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Missouri for yielding me the time.

This proposal just violates the common sense test. It would be one thing for the majority party to offer scholarships, once the public education system was fully funded, once we fully funded Head Start, once we reduced the teacher/pupil ratio, once we went about getting the $100 billion that the GAO says is needed to fix our public school education system. But in the absence, in the absence of investing those needed dollars in our public education system, vouchers represent a Band-Aid approach.

Just think of it. Let us sprinkle a few vouchers out there, capture this kind of choice thing, make it sound all attractive, but what we are really doing is leaving a very unattractive system still in place. We know it needs work, but we are not doing anything to invest the dollars that are needed to make it work. We are saying, we will make it work for those who can get a voucher.

All I would ask is, what does that leave the people who cannot get a voucher? Where is the guarantee for every child?

I mean, I have heard this voucher argument a million times by you people. You talked about it with public housing. Guess what? People are going to want to take vouchers when you people cut operation and maintenance of our housing system.

There is no question our housing system is going to crumble and people are going to want a way out when you do not invest in it. That was your answer to the public housing problem, give people vouchers, do not fix the problem, just give them vouchers. Mr. Speaker, that represents a cut-and-run approach. It does not represent a meeting-the-problem-head-on approach.

The Democratic agenda for first class public schools is about meeting the agenda head on, addressing the problem that is out there head on, not giving this kind of voucher to whoever can be lucky enough to get a voucher and leaving all the rest of the kids in the dust.

Just think about it. What happens to the kids? We are not worried about the kids who can get into the private system or who can get a car to get to a better school, move to a better neighborhood. We are worried about the kids who are stuck. That is who we need to improve, their opportunities. Vouchers do nothing of the sort. They do not guarantee the child that is in the poor neighborhood, that cannot get out of the neighborhood, that is stuck with the crumbling school, an opportunity to leave that environment and get a better school system because you have failed to invest in the school system. You are just cutting and running.

Mr. RIGGS. Mr. Speaker, I yield myself 1 minute to say to the gentleman who just spoke, that was a very, very partisan, cynical comment.

Do not take my word for it. Here are 150 letters from parents whose children have participated in the Cleveland voucher program. They are all African American. They are all low income. And if the gentleman would take the time to familiarize himself with that program or the Milwaukee program, if he would listen to parents, he might change his view.

I am just going to cite a couple comments.

I appreciate the scholarship program my grandson is participating in. I feel he is getting a better education. Esther Carter.

The voucher program is a wonderful program for our children and the future of our children. Yvette Jackson.

I hope to see this and many more programs like this succeed in the very near future. My daughter and my family are truly blessed. Yolanda Pearcy.

It is a crying shame that when we had a field hearing in Cleveland there was not a Democratic Member of the House of Representatives who could take the time to join us in that field hearing and to participate and to listen to parents.

Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Michigan [Mr. HOEKSTRA], chairman of the Subcommittee on Oversight and Investigations.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding me the time.

Let us take a look at exactly what this bill does. What this bill does is, it amends title VI of the education block grant program to allow States and localities, if they choose, if they choose, they are not required to do anything, but if they believe it is the most appropriate thing and the most appropriate effort for their local community to improve schools, they may use these block grants for voluntary public, private, and parental choice programs.

Other things that they can use title VI for are professional development, curriculum development, technology and computers, magnet schools. All this says is, if you and your community and your State believe this is what you want to do to help kids in your community, we are going to let you do it.

Why do we think that this is the right approach? Over the last 12 months, we have gone to Milwaukee; New York; Chicago; California; Phoenix; Wilmington, Delaware; Milledgeville, Georgia; Cincinnati, Ohio; Louisville; Little Rock, Arkansas; Cleveland; Muskegon, Michigan; Des Moines. We have gone to these 13 different States, 14, 15 different field hearings, and in every field hearing we have heard exciting innovations at the local level about what people are trying to do to solve the education problems in their communities.

In Milwaukee, in Cleveland, they have said, we really think a scholarship program and a scholarship effort is what is needed in our community. And wonderful things are happening. Is it a silver bullet? Is it going to work everywhere? No. But in these communities, it is these people have decided and they are having some wonderful success, and they want to be able to build off of that. We should let other

States and other communities have the same opportunity. We need to give these other people and other States the opportunity to experiment to see whether this is one of those tools that will move this country forward.

The focus is not on the system, but the people in these local communities are focused on the children because it is local people making decisions for their children. And my colleagues should listen to the parents. It is not only the letters that we get but the testimony that we get from parents coming in saying, help us and empower us to save our kids, and give us the control and the flexibility to do what we want to do in this community and not do what Washington is forcing us to do.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish the gentleman who had just spoken, with all the passion that he has expressed, had the same kind of passion when he voted against Head Start and school lunches. I hope the American people realize, in his now pretended concern for the plight of the poor, that he voted against Head Start and voted against school lunches which help our children be better prepared to learn.

Mr. CLAY. Mr. Speaker, I yield myself 10 seconds.

The previous speaker stated it right. He said if the States choose, but they are not required to do anything. That is absolutely right in terms of civil rights. If they choose to enforce the civil rights provision, they may, but they probably will not.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, the Republican majority that came into power 3 years ago insisting that the Department of Education be abolished, eliminated, has no validity, no credibility in this discussion. This is another cynical ploy, cynical partisan ploy to destroy public education, public school education.

These same advocates and sponsors of vouchers, I would like for them to tell me: In your district, have you gone to your own local school boards and proposed vouchers? What is their reaction? Do you have poor children in your districts? Most of you do. You get title I funds. They are spread all across the whole country so there are some poor children in your district. There are certainly middle-class families, who also send their children to private schools and would like to have the relief provided by funds vouchers.

Have you discussed it with your school boards? And what is their reaction? Is it popular? Is this something you want to jam down only the throats of the African Americans in the inner cities and use them as guinea pigs in an experiment which has no validity in your own district?

Do you know that all the States, in 1997, where legislation was introduced for vouchers, it did not pass, it failed. Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia; there were 24 States that introduced legislation for vouchers, and it did not pass in a single State. So is it the American people who want vouchers or is it something you want to impose from Washington?

You have used your power to try to impose it in Washington, DC. The people of Washington, DC., had a referendum. They said they did not want vouchers, they want charter schools. But you want to force it down their throats. You are cynically refusing to support programs that would benefit poor people.

Your majority in two sessions voted against Goals 2000. When you failed to eliminate Goals 2000 in a regular format, you went through the back door of the Committee on Appropriations and you eliminated opportunity-to-learn standards. Nothing is more significant for poor children in America than the opportunity-to-learn standards, which deal with just what I am saying, opportunity-to-learn.

If you are going to be able to learn, you need a decent building, so school construction is what we should be discussing here. You need trained teachers. We should be discussing training teachers. We should be discussing how to introduce the best educational technology into the poorest schools.

We are not discussing the things that are significant because you have the time preoccupied with a diversionary discussion of vouchers. You refused to pass all of the President's Technology Challenge Fund; you cut funds for that. And you denied low-income students the opportunity to continue their education by voting to cut student loans by $10.1 billion in fiscal year 1996. Whenever low-income programs are introduced, whenever they are introduced on this floor, the same Members who are advocating vouchers for a handful of poor children are the Members who vote those programs down.

Follow Mayor Giuliani. What he did in New York is, he went to the private sector. You want vouchers, you want to experiment with vouchers; go to the private sector, they can help a handful of children, instead of threatening to destroy the entire system.

□ 1845

What happens is that the Giuliani program is significant in that it says exactly what vouchers can do. There were 91,000 youngsters who had no place to sit when school opened in 1996. They took 1,000 of the 91,000 and they found a voucher program for them, they found scholarships for them. They are going to take care of 1,000 children.

In the meantime, what are they saying to the other 90,000? You cannot deal with poor people and the problems of poor people in our inner cities unless you move systematically to change the larger system. Charter schools could have an impact on that system. It could accomplish some of the things they want to accomplish.

Vouchers are a diversion. They are running away from the responsibility, the need to appropriate more money for construction, more money for teacher training, more money for books and supplies. They are running away from the responsibility and they are diverting the attention of the American people with vouchers.

In their own communities, voucher advocates refuse to go and ask for a referendum and ask for focus groups and campaign on it. It will be very unpopular, I assure you, if they dare to push voucher programs in their own communities.

Mr. RIGGS. Mr. Speaker, I yield myself such time as I may consume just to say to the gentleman from New York [Mr. OWENS] that, speaking of unpopular, how would he respond to Wisconsin State Senator Polly Williams, who spearheaded the choice program in Milwaukee City schools and who just happens to be an African-American? How would he respond to Fannie Lewis, the 80-year-old Cleveland City Councilwoman, who helped spearhead the school choice program there and who happens to be an African-American? Those are local people.

Mr. OWENS. Mr. Speaker, will the gentleman from California yield?

Mr. RIGGS. Mr. Speaker, I will not yield. I attempted to respond to his question, but it proved to be purely rhetorical and not meritorious.

I say to the gentleman from Missouri [Mr. CLAY] and the gentleman from Virginia [Mr. SCOTT], whom I very much respect, please put in the mix here, in the overall equation, the civil rights of parents, the civil rights of parents to select the education that is appropriate for their child, to be able to give their child the kind of future opportunity that every parent wants for their child.

Mr. Speaker, I yield 4 minutes to the gentleman from Missouri [Mr. TALENT], the primary author of this legislation, my cosponsor.

Mr. TALENT. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS] for yielding me the time.

I am reminded that, in the midst of all this heat and the very little light, and the chairman of the committee predicted it and I think he was right in doing that, we are dealing with an issue that really matters to real people, to the millions of kids and their parents in low-income neighborhoods who are trapped in schools, trapped in schools, where they do not learn and where they are not safe.

The issue here, Mr. Speaker, is are we going to help these kids or are we going to sacrifice them on the alter of a system that is failing them and failing the country? Now, I say that with deep reluctance. But we cannot help these children unless we are honest about the situation. And we all know that this system is failing them.

In New York, Mr. Speaker, 25 percent of New York's public school students will receive their high school diploma. The record in the parochial school system is 95 percent in New York. In Baltimore, fewer than half of the city's ninth-graders could pass a basic rudimentary math test. In Philadelphia, less than 6 percent of the city high school students tested competent in reading.

Do you know what happens to you if you are in high school and you cannot read? You know what your life is going to be like? The system is so bad, Mr. Speaker, that none of us, whatever our feelings about this bill, would or do send our kids to these schools.

So what does the bill propose to do? It increases the block grant money that we are giving to all the public schools and it allows them the discretion, if they wish to use it, to institute a school choice program of the kind that has succeeded in Milwaukee and Cleveland and in New York and places around the country.

Why do we do that? Because this program works. The statistics show that. The waiting lists show that there are 20,000 parents waiting for 1300 privately funded scholarships in New York. And the reaction of the establishment shows it.

Mr. Speaker, the reason for the hostility of this bill is not because people are afraid the bill is going to fail but because they know it is going to succeed and the better education these kids will receive will embarrass an establishment that is failing them. The arguments against the bill, I have been sitting here listening to them, one of them is that we are not helping enough kids with it. We would like to help more. I would say we are helping them all. We are giving them all some hope. We are taking money away from the public schools. No, we are not. No, we are not. We are giving them more money. And then we are letting them, if they wish, use the money for these programs.

And then the argument that we are hurting public schools. Mr. Speaker, a member of the Milwaukee school board said that the school choice program there has encouraged and really forced his school system to adopt reforms that they should have adopted a long time ago. Apart from that, I have to say, with the greatest respect, it is time to stop worrying about the bureaucracy and to start worrying about these kids. The bureaucracies are doing fine. The number of employees in the Baltimore school system has doubled in the last 40 years, at the same time that math and reading skills are going down.

Mr. Speaker, let us put a human face to this. One of the things that motivates me, and I have talked to a lot of these kids and their parents around the country, is an article in the New York papers about the privately funded school changes program they have there; and they refer to a little boy named Carlos Rosario, age 9, of Washington Heights. And he explains why he would like a scholarship if he can get one. He says, "I don't like my school. The kids are too rough. They hit me and push me around."

Mr. Speaker, I have a 7-year-old boy and two other kids. And if it was my boy who came home and said that, I would do anything I could to protect him. We have an opportunity in this modest way to take a step ahead for people like Carlos Rosario and his mom. I would ask the House to drop this partisanship and these extraneous issues and support this bill.

APPLICANTS' PARENTS ARE SICK OF FEAR, VIOLENCE AND BAD TEACHERS

(By Tracy Connor and Maggie Haberman)

Parents applying for private-school scholarships say they want a smaller, safer, more educational environment than the public schools provide.

Single mom Shelmadine Usher of The Bronx is keeping her fingers crossed that her 6-year-old son, Timothy Moses, will get one of the coveted 1,300 spots.

He attends a private school, but the financial aid that pays for it dries up when Usher graduates from community college in June.

"I went to public school in The Bronx and it was bad, and I always said that when I had a child, I would make sacrifices to send him to private school, she said.

"I'm ready to work two jobs if this scholarship doesn't come through."

Timothy is a quick learner and avid reader, and Usher believes that private school—with higher standards and more parental involvement—will keep him on the fast track.

The greater amount of individual attention is also a plus.

Luiyina Abreu, a third-grader in northern Manhattan, is floundering in math class.

"I think they teach differently at private school, maybe better than at my school now," she said. "It would give me a chance to do better."

Classroom safety is another big concern.

"I don't like my school. The kids are too rough. They hit me and push me around," said Carlos Rosario, 9, who attends PS 153 in Washington Heights.

His mother, Maria Jiminez, is seeking scholarships for Carlos and his sister, Karla, 8, who emigrated from the Dominican Republic in 1993.

"Public school is dangerous," Jiminez said. "If you're a good parent, you teach your children how to behave at home. But then they go to school and it's a bad environment."

Jasmine Abdul-Quddus, 8, who lives in the East Village and attends PS 19, agrees. "They fight and call people names."

Her mother, Kalima Abdul-Quddus, who moved here from Atlanta three years ago, is just as concerned about academic standards for Jasmine and her sister Aleah, 7.

"In private school, the teachers are more devoted to education," she said. "In public school, they just push them through."

Mr. CLAY. Mr. Speaker, I yield 20 seconds to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, does the local school board of the gentleman from Missouri [Mr. TALENT] endorse vouchers? Has he asked them to endorse vouchers?

Mr. TALENT. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Missouri.

Mr. TALENT. That is one of the reasons why we are giving them the discretion to decide whether they want to under the program.

Mr. OWENS. As an elected official, have you gone to them and asked them to endorse vouchers?

Mr. TALENT. I have talked to the superintendents in my area.

Mr. OWENS. Mr. Speaker, we keep hearing examples of youngsters who live somewhere else. I would like to hear some examples of the children who live in my colleague's district.

Mr. TALENT. If the gentleman would yield, that is a different thing. Do the children who live in these neighborhoods want these scholarships? Overwhelmingly.

If the gentleman will yield me about 30 seconds, I would be happy to tell him about that.

Mr. CLAY. Mr. Speaker, I yield myself 15 seconds.

I would like to ask the gentleman from Missouri [Mr. TALENT], whose district is adjacent to mine and one of the richest districts in the country, if the children in my district, who live in one of the poorest districts, if these scholarships will entitle them to go from public schools in my district to those rich public schools in his district? That is a "yes" or "no" question.

Mr. TALENT. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Missouri.

Mr. TALENT. I would say to the gentleman from Missouri [Mr. CLAY] that the kids from low-income neighborhoods around this country in my area and in his area want this program.

Mr. CLAY. Mr. Speaker, I yield myself 10 additional seconds. The question is a "yes" or "no." Will this bill permit poor kids in my schools to go to the rich schools in his district?

Mr. TALENT. Mr. Speaker, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Missouri.

Mr. TALENT. It will permit them to go to good schools in their neighborhoods.

Mr. CLAY. Reclaiming my time, public schools in your neighborhood, "yes" or "no"?

Mr. TALENT. Mr. Speaker, the gentleman from Missouri is asking me a

question and I am trying to answer him.

Mr. CLAY. It is a "yes" or "no" answer.

Mr. TALENT. It is not a "yes" or "no" question.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Will the gentleman from Missouri [Mr. TALENT] answer the question?

Again, I think this voucher program is a terminal wound to public schools. My only concern is, why would he vote against Head Start and school lunch programs if he is concerned about poor children in public schools?

Mr. RIGGS. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, in the first place, I have the greatest respect for all of my colleagues, and I know that they are doing what they are doing out of passion. They are, however, dragging in a number of issues that are extraneous to this bill and making comments about those issues that are simply not correct. We never cut the school lunch program. It always grew. The numbers are here. The Head Start program is always growing, and my colleagues all know that.

If my colleagues can defend the existing system, defend it. If they cannot defend it, then do something to help these kids. Concentrate on them instead of on the bureaucracy.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to answer the question of the gentleman from Missouri [Mr. CLAY] with a resounding "yes" and to tell the gentleman from New York [Mr. OWENS], if this legislation becomes law, that anyone, elected official or other civic leader, who believes in school choice can petition their local school board to use at least part of their Federal funding to provide scholarships for low-income parents in low-income communities.

Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. BOB SCHAFFER], a member of the committee.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I appreciate the gentleman from California [Mr. RIGGS] yielding me the time.

I would like to direct the body's attention, if I could, over here to my left. This graph shows and explains the choices that are expressed by Members of Congress. These bars show, according to committee, the first bar here is the Committee on Senate Finance, for example, seventy percent of the Members on the Committee on Senate Finance send their children to private schools. And these show other committees that reveal a high number of Members of Congress who, when given the choice, send their children to private schools.

Now, the debate is all about this. What the American people want, as expressed to us, is the same kind of treatment and same kind of choices that politicians are able to afford for themselves. This is what the debate really is about.

What the thousands and thousands of parents who we have heard from—here is just a sample of the letters that I received from parents—what they tell us is that they do not want the Democrat model of restricted choices, of suppressed opportunity, of poor performing schools and no choice beyond that. What they do want, however, is to be treated like real customers. Allowing parents to be treated like real customers is what the bill before us is all about.

I have to tell my colleagues, I am a strong supporter of public education. I have 3 children who are in public schools today, and they are there because in my district the public school system provides excellent opportunity and excellent results and it has earned my confidence. But what the American people are asking us for today and what we are hoping to deliver is a Republican model that treats the American people like the politicians in Washington treat themselves, just like you treat yourselves.

I would ask the following: When you retire tonight to your cocktail parties and your highbrow fund-raising receptions, please think about the parents from inner-city school districts throughout the country who have written to us and asked us to be treated like real customers, to choose the education settings that are in the best interest of their children. Think about the teachers who would like to be treated like real professionals, to have you choose them, to stand in line if you would like and choose the educational services that professional teachers offer.

I suggest we stand in strong support of public education today, and this bill is a good first step.

Mr. CLAY. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, in 30 seconds, I would like to know if the gentleman from Colorado [Mr. BOB SCHAFFER], that just spoke would like to respond to the statement he made on the House floor on September 10, 1997: "Government-owned schools have a complete monopoly. Plain and simple. And all monopolies fear competition. I can 100 percent guarantee an inferior product of any human endeavor that producers are shielded from competition that produces and are not forced to innovate and improve. Just look at the communist legacy in every single case, especially education."

Would he like to elaborate on that?

Mr. CLAY. Mr. Speaker, I yield 15 seconds for the gentleman from Colorado [Mr. BOB SCHAFFER] to respond.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I sure would. Those of you who wish to come up and defend this kind of a legacy, which has been a worldwide failure, I say be my guest.

What America should not do is move in the direction that you would propose, that we have seen in Eastern Europe, for example, where they create centralized government monopolies. We should do just the opposite. We should preserve what is great about public schools in America.

Mr. MARTINEZ. Mr. Speaker, the gentleman is saying that local school boards elected by the people in that district are communist legacies? Excuse me? To me that sounds like a democracy.

Mr. CLAY. Mr. Speaker, I yield 15 seconds to the gentleman from Colorado [Mr. BOB SCHAFFER] to finish his statement.

Mr. BOB SCHAFFER of Colorado. The legacy which the gentleman defends over here to my left is one that I would submit we should not allow to occur here in the United States.

Our public school system has become the strongest in the world, particularly because it is forced to innovate, because it is forced to be challenged, and that is what we ought to preserve about our system. We should not allow my colleague's side to consolidate authority in Washington, D.C., which has been considered a failure throughout the rest of the world.

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Mr. CLAY. Mr. Speaker, I yield 5 seconds to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, that is not what the gentleman said. He said, just look at the Communist legacy in every single case, especially in education. We are talking about here in the United States, not in Russia.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I rise in strong opposition to the bill before us, the voucher bill. I am a proud product of parochial and Catholic schools, and I am a very strong advocate of public education in America. It has been said as education goes, so goes America.

The analogy here is that if our lifeboat is sinking, and vouchers can save four people, let us save four people. Many of us here on the Democratic side feel that to defend the current education system is indefensible, but you should save 10 children out of those 10 with a lifeboat, and not only four.

Mr. Speaker, I think that what we have here are two very different approaches to saving the public education system. One is the silver bullet that says vouchers will basically be a panacea, and the other is the golden rule; the silver bullet on that side versus the golden rule, which says let us help everybody. Let us not give up on one public child, one public school, whether it

is in a rural or urban area. Let us fix them all.

Our plan, then, is this: It is public choice. It is fix all the public schools with the bill that the gentleman from California [Mr. RIGGS] and I have worked on, charter schools, where parents should be able to fix and work on and send their child to any public school they choose. It is discipline and safety in the schools. It is better student-teacher ratios. It is firing bad teachers that are not doing their jobs. It is putting schools on probation and shutting down poorly performing schools. That is the Chicago public reform model.

None of us, I hope on this side, are saying, "We're hopeful, we're helpful, we want the status quo." Let us fix all the schools and do it for every American child. Defeat the vouchers and let us move on to public choice in charter schools with the next vote.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I include for the RECORD a letter from the U.S. Catholic Conference which states that it is unable to support this proposed legislation as currently drafted. That is because of many reasons, one of which is the "Not School Aid" provision in the new section 6405. They say that that section can readily be construed to negate the application of longstanding civil rights statutes which would normally apply to a scholarship program. Lacking independent antidiscrimination provisions elsewhere, that section effectively means that out of the myriad uses of title VI funds authorized, only the scholarship program authorized in this bill will be exempt from the civil rights statutes. Without clear confirmation that that section cannot be construed in this manner, it remains a serious concern.

Mr. Speaker, we are very interested in civil rights application, and as presently drafted this bill exempts the scholarships from application of Federal civil rights enforcement. For that reason alone, the bill ought to be defeated.

Mr. Speaker, the text of the letter referred to is as follows:

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY,
Washington, DC, October 29, 1997.

Hon. FRANK RIGGS,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN RIGGS: On behalf of the United States Catholic Conference, I would like to share some concerns we have with H.R. 2746 which place the USCC in the regrettable position of being unable to support this proposed legislation as it is currently drafted.

Allow me to state explicitly that the USCC has historically supported the right of all children to receive a quality education, be that in a public, private, or religious school. We recognize that the intent of your proposed legislation is to enable low income parents in areas of high poverty to send their children to the school they feel best serves their educational needs. We support the intention of H.R. 2746 in principle. However, we cannot support the proposition to fund this program through Title VI of the Elementary and Secondary Education Act or a program that contains the possibility of negating the application of current civil rights statutes.

Of all federal programs requiring the participation of private and religious school students, Title VI is the most utilized by, and impacts most positively, private and religious school students. Title VI enables all schools, public, private and religious, to improve curricula, technology, literary programs, as well as obtain library and instructional materials. For over thirty years this program has had the highest participation level and the most equitable distribution of benefits for private and religious school students and teachers.

Noting that the Clinton Administration has repeatedly zero funded Title VI in its annual budget proposals, as well as the Administration's strong opposition to any form of parental choice legislation, the USCC believes any move to amend Title VI in this manner would jeopardize the entire Title VI program by subjecting it to a potential use of the line item veto. It is the USCC's position that Title VI funding is so fundamentally important to public, private, and religious schools and their students that it should in no way be placed in such a compromised position.

The definition of a "voluntary public and private parental choice program" in new section 6003(3) of H.R. 2746 raises an additional concern. Participation of a single private school in a choice program would meet the requirements of the new scholarship program. Thus, it would be permissible for an LEA or an SEA to divert significant Title VI funds to public schools by designing an overwhelming public school choice program that includes only one token private school. Under the current statute, public and private school children share equitably in the benefits and services provided with Title VI funds. LEAs and SEAs should not be allowed to upset this longstanding balance under the pretext of a public and private parental choice program that in reality would essentially be a public school choice program. While the USCC is confident that this is not the Sponsors' intent, H.R. 2746 needs to be clarified to insure that the choice programs authorized include representative numbers of both public and private schools.

An additional reason why the USCC is unable to support H.R. 2746 is the "Not School Aid" provision in the new section 6405(a). Whatever its ramifications for defense against an Establishment Clause challenge, section 6405(a) can readily be construed to negate the application of longstanding civil rights statutes, in particular Title VI of the Civil Rights Act of 1964, Title X of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, that would normally apply to a scholarship program. Lacking independent antidiscrimination provisions elsewhere in H.R. 2746, section 6405(a) effectively means that out of the myriad of uses of Title VI funds authorized, only the scholarship program authorized by H.R. 2746 would be exempt from the civil rights statutes cited above. Without clear confirmation that section 6405(a) cannot be construed in this manner, it will remain a serious concern for the USCC. Contrary to what some may argue, we have been advised by counsel that applying the civil rights statutes to the attenuated indirect benefits that participating private schools may receive from enrolling scholarship students will not result in an Establishment Clause violation.

Again, the USCC expresses its support for the intent of the proposed legislation, but is unable to support H.R. 2746 due to the reasons outlined above.

Very Truly Yours,
Rev. Msgr. THOMAS J. MCDADE, EdD,
Secretary for Education.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ROTHMAN].

Mr. ROTHMAN. Mr. Speaker, today unfortunately the radical Republicans in Congress are continuing their all-out attack on the public school system. They want it to wither on the vine, because just like with Medicare, the conservative extremists do not believe in public school education.

Public school education is the key that unlocks the door to the American dream for 90 percent of America's children, including my own two kids. We cannot allow these people in Congress to destroy America's public school system. Besides, what would be next? Are we going to give people vouchers to buy books if they do not believe in the public library? Are we going to give people vouchers to buy their own swing set if they feel that the local playground, local park, is inconvenient?

No, because we are still a country that believes in the collective good and the American dream. Let us fix our public schools, let us encourage charter schools to create competition, but let us not pillage the public school system in America. That will not be good for America.

Mr. RIGGS. Mr. Speaker, I yield myself 30 seconds to suggest to the gentleman who just read that prepared statement that he ought to listen to the poignant testimony of Devalon Shakespeare, who is the parent of a child who attends a parochial school in Cleveland under the Cleveland parental choice program, and who testified at our field hearing there. Here is Mr. Shakespeare's words. He happens to be an African-American:

"I'm not going to tear down the Cleveland Public School System," and we are not trying to do that on this side, but he went on to say, "I don't have time to wait for a school system to get themselves together. I'm trying to raise my children now."

Mr. Speaker, I do appreciate the bipartisan efforts of the gentleman from Indiana [Mr. ROEMER] on the charter school bill, and I hope later tonight or tomorrow, whenever this week we vote on that legislation, a majority of his Democratic colleagues are going to support final passage of the bill.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST], a former public school teacher.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me

this time. One of the previous speakers made mention that this legislation, and I support this legislation, was a radical idea. Let me just tell Members some of the radicals in this Nation's history. THOMAS Jefferson was a radical, and he broke with tradition. Martin Luther King, Jr., was a radical, and he broke with tradition. Those people from our past had dreams.

I am a proud product of the public school system. I graduated public school 33 years ago, and it was an integrated public school. I am a proud former public school teacher. The only way we are going to improve the quality of our schools is to break with tradition. The only way we are going to improve the quality of the public schools is to come up with ideas and find alternatives. This Nation is based on ideas. This Nation is based on dreams. This Nation is based on vision. This is a visionary piece of legislation. I urge my colleagues to support it.

Mr. CLAY. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Speaker, one thing we can all agree upon here tonight is we have a fundamental obligation to confront the facts as we debate what is going to happen to children around the country in our public school system. I think it is clear the burden has not been met by those who are advocating the vouchers to prove that this will have a substantial impact that is positive to a substantial number of kids in our public school system.

It has been suggested our schools are broken. It is our fundamental obligation to fix those schools, working with the State, working with school boards, working with cities and counties to make those schools work. If we were to invest a fraction of the time and energy that has been devoted to these vouchers in trying to come through with positive reforms for our schools, we would have some positive impacts for all of our kids.

Let me give Members one specific example. Charter schools. Charter schools in my State, in Florida, are resulting in a serious reduction in the administrative costs in school systems. What the schools are doing is they are taking that money and they are putting it into class size. An average class size is 17 children in the charter schools that have been opened in many places in Florida. That gives a teacher more opportunity to provide attention to the gifted child, to the child with learning disabilities and to the average child. Equally importantly, it gives that teacher the opportunity to control unruly and disruptive kids in that class. That is positive reform. That is real reform. That is making a difference.

Public school choice, which we also adopted in Florida, is another meaningful way of empowering parents to choose the school of their choice for the child. We have also had success with magnet schools, both in Tampa, my home, and the State of Florida. These are proven, positive reforms at work. All we need to do is invest in making them happen. This is the way we impact our kids positively. Let us defeat vouchers and get on with some real business.

Mr. RIGGS. Mr. Speaker, after hearing the last gentleman's comments, I can tell he is very genuine and sincere, but I cannot understand why the National Education Association, the nationwide teachers union and the core constituency of the national Democratic Party opposes the Riggs-Roemer charter school bill.

Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I just want to address the gentleman from New Jersey saying that we had radical ideas. My wife is a public schoolteacher and a principal today. She has got a doctorate in education, a master's in business, and a master's in education. I was a teacher in the public education system. My children have gone to public schools.

The last thing we want to do is hurt public education. But when we look at the position we are in in many of our schools, we do not want to deny children to get the same education as anyone else does in an education system. It is not a radical idea, it is an idea for the time.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, I thank the gentleman from Missouri [Mr. CLAY] for yielding me this time.

It is so interesting to hear my colleagues on the opposite side of the aisle quote African American parents and their desire to have vouchers. I think that it suggests a few things. I would hope that the Republican Party and my leaders on the other side of the aisle would listen to African American families more often as they debate health care and debate education and debate ways to balance our budget in humane and compassionate ways.

But if we want to talk about African-American kids, I think it is somewhat unfortunate, because this is, indeed, an American issue. America's single greatest threat in tomorrow's marketplace is an uneducated work force. I would caution the gentleman from California [Mr. RIGGS] and all of his colleagues as they travel down that treacherous path.

I have been to a school in my district this last few days, Mr. Speaker, called Mitchell High School, where all of my aunts and uncles graduated from. They are the recipient of a corporate grant from the Pfizer Corp., which allows them to engage in an environmental study program at the school. All of the kids in the class came into the school yesterday, although school was out, to allow parents and teachers to engage in parent-teacher conferences. The kids all said the reason that they enjoy this class, Mr. Speaker, is because it is interesting, it is challenging, it is stimulating. No one talked about vouchers, no one talked about public schools, no one talked about choice.

If we are so concerned in this body about children and African American children, Latino children and inner-city children, let us listen to what the young people are saying. They want to be challenged and stimulated in the classroom. There is no guarantee that vouchers will do it or charter schools will do it, although I am a supporter of charter schools. But one thing is for certain. The plan that the gentleman has put forward will only impact a minute, finite number of kids in our school system and say they are helped. What do we do with the remaining 52.3 million kids in our school system, Mr. Speaker?

Mayor Daley in Chicago has shown us that the public school model can, indeed, work. Chicago is faced with every conceivable ill in the public system, yet Mayor Daley has tackled it, embraced it and moved forward.

I would say to my friends on the other side, defeat this bill, do what is right for kids. Let us challenge, stimulate them and empower them.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I listened to my colleagues on the other side, particularly the gentleman from Maryland [Mr. GILCHREST] when he talked about innovation. We are all for innovation. I think the Democrats have clearly shown that we would like to see innovative programs in the public schools. But what we are saying is that that innovation should not be through private education, it should be through public education.

We went down a couple of weeks ago when the Republicans brought up the school vouchers bill in the D.C. schools to the Brent School, I think it was, just a couple of blocks from the Capitol. What we saw was a very innovative program in the public school, a public school that was doing great with tutoring programs, with some innovative programs in various ways.

In my home State of New Jersey through Goals 2000, I can give Members a whole list of innovations that are being accomplished in the public schools in New Jersey. That is a great thing. Innovation should be done, but it should be done in the public schools.

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Do not give up on the public schools. And I am afraid that is what my colleagues are doing. They are saying that

they want to help the public schools, but this is just taking resources, scarce resources, away from the public schools.

This money today comes from an innovative approach in the classroom fund in title VI block grants which are used for innovations in the public schools. If they keep draining away the resources from the public schools to use them for a voucher program, there is not going to be anything left for innovative programs in the public schools.

The Republican leadership has been steadfastly against public education. They wanted to abolish the Department of Education. They have repeatedly slashed funding for public education in various Congresses, going way back.

So do not tell me that what we hear about today is trying to help the public schools through some sort of competition. That is not true. If my colleagues want to help the public schools, then put the money where their mouth is; put it in public education, do not take it away from title VI programs.

And that is what I see happening here over and over again in this Congress, started with D.C., where they have some of the most serious problems in terms of need for renovation and repairs and could use that money to fix up the schools, and now trying to expand this terrible voucher program nationwide.

Mr. RIGGS. Mr. Speaker, I yield myself 15 seconds to point out I am glad the gentleman mentioned D.C. public schools since he opposed and voted against opportunity scholarships for 2,000 District of Columbia parents and families even though that school district spends $10,000 per child and has the worst test scores and lowest graduation rates of any inner city school district in the country.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. FLAKE], a colleague who will soon be retiring from the House of Representatives, who has been a brave, courageous, lonely voice at times on the other side of the aisle and the Democrat cosponsor of this legislation.

Mr. FLAKE. Mr. Speaker, I stand in support of this bill as sponsor of the bill, and I realize that over the last few weeks I have been called everything from an enemy of the people to whatever can be imagined. But I do not have a problem with that, I do not have a problem with that, because I stand on my credentials.

I started my career in Head Start. I saw young people that we were able to get to second grade level. We tested them at second grade, tested the same young people at second grade after they had been in public school for 2 years. They were still at second grade level in most categories.

And I also represent I am a person who built a school almost 20 years ago. That school does produce young people at $3,200 per child versus $10,000 per child in the same district we do not test kids in. Those kids are educated; they are able to pass the national tests; they are able to function in an environment that is competitive.

I also served as dean of students at Boston University and as associate dean of students at Lincoln before that, and for those who say I cannot reason, I have an earned doctorate, not an honorary but an earned doctorate. So I do not think I am in a position not to be able to reason.

I just think that this issue transcends party, this issue transcends race. It deals with a simple question of educating our young people. All of our young people are not being educated. There is an upper tier and a lower tier. The lower tier is represented by many of the schools in the district that I represent, and on that lower tier I will tell my colleagues that these young people are not being prepared so that they can compete in the society in which we live.

We must do everything we can to assure that the public school system that we speak about is one that does not discriminate. We talk about discrimination provisions and civil rights provisions. I agree wholeheartedly that that is an appropriate discussion. But the reality is, discrimination is practiced every day in the system when young people in districts like the one I represent cannot go to the school, the better schools, when the young people in my district cannot go even to the better schools in the district because certain of those districts have limited the number of seats that are available for those young people to participate. They will take the cream of the crop; they leave the worst behind. They leave them in situations where they are not being properly educated. That, my brothers and sisters, is discrimination.

I think the system must benefit every child and must benefit them equally. The school system is not doing that. There are too many children who are stuck, there are too many children who have lost their dreams, have lost their hope of ever being able to be competitive in the society in which we live.

And there comes a point in time, and I saw it as I was in charge of the admissions program in both universities, when those young people have to compete with other persons, whether it is the ACT exam, the SAT, or whether they try to go to graduate school and get MCAT's and LSAT's and GMAT's. They are not competitive. We have an obligation to make them competitive in this society. If we are not doing that, we are not being fair to them. We must challenge them, and we must challenge the system.

I will vote for charter schools because I believe that we have to have all of the alternatives that we possibly can, but I also think that scholarships must be considered. I sit on the scholarship committee in New York. We put our 27,000 applications; 1,000 of those applications are all we could afford. Those were moneys that came from the outside. The persons I sit with on that committee represent some of the persons in this country who make the highest salaries, but they will not put those moneys in the public system.

I would say to my colleagues, those persons who pay their taxes every day deserve to have their children educated, and they deserve to have them educated without having a double tax because they turn right around and have to pay for private education.

My brothers and sisters, I will yield when I finish, when I get closer to the finish. My brother who is standing now says that we have not had groups, we have not had focus groups. Well, let me tell my colleagues, I was with 400 people and parents on Saturday at the Tucson Institute. Every one of those parents were there for one reason: Their children are not being properly educated.

I meet with an education focus group. Those people are generally teachers in the public system. They say, we have got to do something; we cannot do the job that we have been hired to do because of the bureaucracy in this system; we cannot do it because other people in the unions are jealous of us and will not let us do the jobs.

I say to my colleagues, let us try something. I cannot afford to see many more children die from this genocide.

Mr. RIGGS. Mr. Speaker, I yield the gentleman from New York [Mr. FLAKE] an additional 30 seconds.

Mr. FLAKE. Mr. Speaker, we must accept the fact that there is a lower tier in the system, and in that lower tier, genocide is being practiced every day, and when they cannot manage these children, they put them in special ed. It is the first track toward incarceration, and we wind up spending money for those children later on.

Mr. OWENS. Mr. Speaker, will the gentleman yield?

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

Mr. OWENS. How long is the waiting list at your excellent school?

Mr. FLAKE. My waiting list is 150 students. That is why we have to create as many slots as we can. And I take back the balance of my time.

Mr. OWENS. How many can you accept?

Mr. FLAKE. I cannot accept them because this program is for a different income class, but I will build another school.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, another day, another attempt to siphon resources away from our public

schools. That is what is really before us today, a proposal that will take tax dollars and use them to subsidize private schools.

See, it seems the Republican Party has given up on public schools. Instead of trying to make them better for every child, it wants them to die on the vine by starving them of the resources they need. The bill before us takes money that is targeted to helping public schools and, as the gentlewoman from New Jersey [Mrs. ROUKEMA], a Republican, has said, creates a new educational entitlement for private schools. It is legislation driven by politics, not policy. It is a bill that has no hearing but a well orchestrated press conference behind it.

America's children deserve better than to be part of a poll-driven political strategy, which is just what this is. The answer to the woes in our Nation's schools that we have heard from the majority does not mean giving up on our neighborhood classrooms. The answer is a national commitment to fixing our schools so that every American child can live up to their God given potential.

In a northern rural part of my district, for example, Tehama County, California's Department of Education has just released this year's test scores. Second grade reading scores are up 29 percent over last year; third grade reading scores soared 24 percent.

So how did this school turn things around so that every child in this public school received a first-class education? Let me tell my colleagues. It slashed class sizes from 33 to 20 students, it trained teachers to do their job better through professional development classes, it made sure that teachers and their students committed 3 hours every day to literacy, and it made sure that every classroom was wired to the information highway.

When we make the commitment to public schools, they work. When parents and teachers and students and communities demand accountability from public schools, they work. So why is it that the Republicans want to pluck a select few out of the public schools while taking resources away from the rest? Why do they want to destroy schools that are accountable to parents and the community and give our tax money to private schools that put their bottom line ahead of the common good? Why is it that the very same people lecturing us here tonight about how public schools are failing are the very same Members who will not support the President's proposal to devote more of our resources to teach children how to read?

If schools are failing, the solution is not to give vouchers to a handful of children and leave the rest behind. The solution is fixing the problem, fixing the whole school, not providing a handout and taxpayer subsidies to private schools.

The choice tonight is clear. We ought to support choice in the public schools, not aiding private schools through vouchers. As a parent whose four children have gone to public schools, and they have never been, I might add, in the racial majority in any of them, I reject this effort to placate the political right.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to point out that under our bill the money goes to parents, and, unfortunately, there are those on the other side of the aisle, such as the gentleman who just spoke, who is perfectly prepared to tell those parents, the poorest of the poor, whose children attend unsafe or underperforming schools that there is no hope for them and for their children.

Mr. Speaker, I yield 15 seconds to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, the bill will increase the amount of money that goes to the public schools because they are going to be able to keep more of the title VI money. It then lets them have the discretion to use that for these scholarships if they want. So it is going to mean more money for the public schools and more options for them and I think, and I hope, work out for more options for low income Americans.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Speaker, just a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MCCOLLUM). The gentleman will state his parliamentary inquiry.

Mr. RIGGS. At this point in time we have two speakers remaining, the majority leader of the House of Representatives and the Speaker of the House of Representatives, and it is our intent that if the minority agrees that at this point the majority leader would speak, then there would be one more speaker on their side to close debate on their side, and then we would go to the Speaker of the House to close the entire debate.

Mr. CLAY. Mr. Speaker, the gentleman is correct.

Mr. RIGGS. Mr. Speaker, I yield 4 minutes to the Majority Leader of the House of Representatives, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, let me say at the outset that this legislation that we are debating today has practically no relevance whatsoever to the people who live in the 26th District of Texas, does not impact on their lives, does not mean a thing in their lives. People in my district, in the suburbs of Dallas, are relatively well off. They made their school choice when they took their incomes from their relatively good paying jobs and moved into the neighborhoods where the schools were sound, safe, and of service to their children. They are not interested in this subject, not the least bit. Many of them take their incomes and take their child, while they pay their local taxes to support the public schools, take their child to another school.

I myself took my own son out of the public school in the district in which I paid my taxes and to another public school down the road that had a better music program, and I myself was able to pay for the tuition costs. It is good fortune for my son.

And in this current law, these same schools that are so well off on their own basis received title VI moneys which they can use now for technology curricula or other instructional materials, library materials, assessments, magnet schools, literacy programs, gifted and talented programs, dropout assistance, and other reform activities.

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What we are thinking about here is those schools that are quite frankly in the minority among all the schools in America but, strategically relevant to the lives of the children in their communities, simply are failing the children, children whose parents are not well off like the parents in my district, children whose parents are not able to move to a better school district. They are not able to make all of the conventional, quiet, silent school choice decisions that many Americans make, but they find that it is imperative that their child get an education, perhaps even more so than the children that live in my district. They know acutely in their mind that the only hope for their child is to get an education that works in that child's life.

They do not care about theories. They do not care about dogma, they do not care about politics. They care about their child. And we are saying, let us extend the things under which title VI moneys might be used by the State, might be used by the State, to construct on behalf of those parents and those children the option to take that child that has now and next year to get through the third and the fourth grades and to do so successfully, so that they can be prepared to go on, and take them out of that school that today is failing that child and put them in that school in which their child can succeed, even though they do not have the independent means to do it themselves, to add another option for the parent on behalf of the child.

I cannot imagine anybody that would look to those parents who so desperately want this opportunity for this child now and say, mom, dad, why do we not wait until we repair this school that is failing this child now, in total disregard to their fear that this child will have lost this year, for this third grade, while they were waiting for help to arrive, that hopefully will arrive.

This is not an expression of lack of appreciation for public education. It is an expression of love for children who are caught in circumstances beyond

their parents' control where their only current option is a school that is a proven failure, and a willingness to say to the States, if you have the heart for these children and these parents, you may use these funds to give those parents who cannot otherwise afford it a chance to do for their child what wealthy parents in my district do every day of their life.

I do not understand anybody who can find that objectionable. A child is not precious because he lives in my district. A child is not precious because his folks can afford to pay taxes for good schools that really shine. A child is not precious because his mom and dad can afford Sidwell Friends. A child is precious because a child is precious, and every child deserves whatever help this Congress can find it in their heart to do. That is really what it is all about. Is it about heart, or is it indeed about politics?

Mr. CLAY. Mr. Speaker, I yield 10 seconds to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I just wanted to ask the honorable majority leader if he could explain the fact that the State of Texas actually introduced vouchers in the legislature. They actually had a floor vote in Texas and it failed in the State legislature; it was not passed in the State legislature of Texas.

Mr. CLAY. Mr. Speaker, I yield the balance of my time to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

The SPEAKER pro tempore (Mr. MCCOLLUM). The gentleman from Missouri [Mr. GEPHARDT] is recognized for 4¼ minutes.

Mr. GEPHARDT. Mr. Speaker and Members of the House, I urge a "no" vote on vouchers and a "yes" vote for public schools. I want to say that I think everybody here tonight is well-meaning and everybody here I would submit cares about what happens to our children, but I believe that we have to enter into a new discussion. Part of that will happen with the gentleman from Indiana [Mr. ROEMER] on charter schools.

There are other ideas that we are wanting to talk about: Early childhood development, Basics by Six, well-trained teachers and equipped classrooms, relief for crumbling and overcrowded schools, support for local plans to review neighborhood public schools, efficient and coordinated use of resources, parental choice for public schools. This is an agenda that begins to start a national conversation about how we improve our public schools.

I had a meeting this morning in my district with the superintendents of all of the school districts in my district, the City of St. Louis, many of the county districts in St. Louis, Jefferson County, and I asked them about this agenda, and I asked them about what we ought to be talking about. Incidentally, most of those school districts, in fact all of them, get very good outcomes. That does not mean it is uniform. That does not mean that every kid is getting a good education. It does not mean every child is graduating, but they are getting some pretty darn good outcomes.

We never talk much about that; we never congratulate the people in the public schools that are doing a good job and getting a good result, which is the vast majority of our public schools. We act sometimes as if all the schools are bad and all the kids are not getting an education. Not true.

Mr. Speaker, when I asked my superintendents what they thought we ought to be talking about today instead of vouchers, they talked about repairing crumbling schools. One superintendent said, yes, you want to talk about computers? I cannot get an electric line from the electric pole outside my school to support computers. And then once, if I got the electricity and got the computers and got the software and trained the teachers, who would pay the connection charges to the Internet?

They talked about early childhood education. Every kindergarten in Missouri does not have kids go all day at age 5. They said the best thing you could do would be to have the kids come all day at age 5 into kindergarten so we could get a good start. That would probably be more important than many of the other ideas put together. There is a long list of things that we ought to be talking about our public schools.

Let me say to my colleagues, I think the organizing principle of this society should be making sure that every child is a productive citizen. After World War II we knew what the organizing principle in our society was. It was to make sure that we deterred nuclear war and we kept the Russians from invading us, and fighting communism, and everybody knew their role in that great mission that we won when the wall came down. But since then, we do not know what our organizing principle is. And the truth is, it is not just money; it is everybody's commitment to this task of making sure every child gets a chance at a good education.

I was in a school in my district last week, Shepard's School in the City of St. Louis, and they had all the mothers there. The principal goes out and sees parents who will not come in and work in the school and the one mother got up and she said, I work at night, but I am here every day from 7:30 in the morning until 3 o'clock in the afternoon, and I am here to do whatever the principal and the teachers want me to do. I said, why do you do this? She said, I have 2 kids in this school and I want them to have a good education and I want them to go to college. But then she said, but understand, every kid in this school is my child.

That is the attitude that we have to have on the part of every American in this country. Every child is my child. Even if I do not have a child in the school, I want to be in the school, because we must raise these children to be productive citizens. We must not siphon off the dollars that are so desperately needed by our public schools to go to private schools. We have to make sure that they go to the children that are wanting and demanding an opportunity to succeed.

Let us make that the organizing principle of this society. Let us stop this discussion of vouchers and let us get on to the discussion, the unfinished agenda of this country, to make the public schools in this country better. We can do it, and we are going to do it starting tonight.

Mr. RIGGS. Mr. Speaker, by his comments I guess the minority leader is suggesting that he will help us get a majority of Democratic votes for our charter school bill later tonight or later this week.

Mr. Speaker, at this point in time I am very proud to yield, for the purposes of closing the debate on the HELP scholarships bill, to the Speaker of the House, to the gentleman from Georgia [Mr. GINGRICH].

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized for 2¼ minutes.

Mr. GINGRICH. I think it should be very clear to everyone who actually pays attention to this amendment that it is about educating our children. It is about educating children in schools where they are currently failing.

Let me give my colleagues the numbers for Washington, DC. If you are in the third grade in Washington, in mathematics, 37 percent of the students perform below grade level. But if you stay in those schools, by the time you are in sixth grade, 55 percent of the students perform below grade level. If you stay in those schools, by the time you are in the eighth grade, 72 percent of the students perform below grade level. If you stay in the schools, by the time you are in the tenth grade, 89 percent of the children in Washington are performing below the grade level.

Now, I do not think that is because children in Washington are peculiarly stupid. I think that is because they are trapped in a system which serves the union, serves the bureaucracy, serves the politicians, but fails to serve the children.

My good friend from Missouri made a great appeal. I want these children, the 89 percent who are scoring below grade level, to have a chance to have a decent life. I want them to have a choice to go to college and not to prison. And I know that after all of the years of trying, that all the speeches on this floor is not going to save a single child by

keeping them trapped in a room that fails.

Now, recently, two very successful Americans announced that they would establish 1,000 scholarships, funded with private money, and in 10 days time they received 2,000 applications, 2,000 from parents who love their children and want them to avoid prison by having a chance to go to a school with discipline and having a chance to get an education, in 10 days time.

Now, what does this amendment say? It says that if your State legislature, your State legislature, wants to give children in your State a choice, to give the parents a choice; this is this great, radical, new, terrible thing. That is all it says, is that your State legislature can use some of that title VI money to give the children of your State a choice if they have concluded that theirs is a school district so bad, a school system so terrible that those children currently are being destroyed.

What do our friends over here on the left say? Do not even trust the State legislature to try to create an opportunity for those children to escape the union and escape the bureaucracy and escape the failure. Now, really, is it not sort of frightening to think that we have to trap the children?

I will just close with this observation. I am a graduate of public schools and I taught in a public high school. My wife is a graduate of public schools, both of my daughters are graduates of public schools, we believe in public schools, and in my district, middle class people have a choice because they move into our counties to go to school, and the rich have a choice because they send their kids to private school.

The only people in America without a choice are the poorest children in the poorest neighborhoods who are trapped by the bureaucracies and the unions and exploited against their will. Let us give those children a chance to go to college and not go to jail. Let us vote yes on this amendment.

Mr. CUMMINGS. Mr. Speaker, weeks ago, a vicious assault was made against Washington, D.C. public schools by offering vouchers as a cure-all solution; today, another assault is being directed against American public education. This proposed $310 million funding is not an investment with an anticipated return for better education in America; this funding is merely a political ploy. I oppose political motives at the risk of poor and disenfranchised children in America. I oppose this assault on public education.

Mr. Speaker, as a result of the Brown versus Board decision, announced in 1954, our nation began to address the issue of unequal education systems in the United States.

Today, a different phenomenon catches our attention. We witness a continued disparity within our education infrastructure among the rich and poor children of our society. The rich continue to gain access through the door of opportunity, while the poor are simultaneously condemned to the locked room of despair.

Mr. Speaker, the advocates of this bill say that it would correct the problem of continued disparity in our impoverished and disadvantaged communities.

Mr. Speaker, few students will actually benefit from this scholarship program relative to the entire group of impoverished students in America. Many students currently enrolled in public school will be left behind in inferior and unequal education institutions. Finally, many families, to whom vouchers would be given, would not have the necessary income to defray the residual costs of additional tuition for private schools. It is emphatically clear that the most needy families in America will not benefit from this voucher initiative.

Mr. Speaker, the day Congress appropriates for school vouchers is the day Congress abdicates from the long-lived and enduring concept of quality public education in America.

Mr. Speaker, I support the continued development and success of public education in America. Voucher programs are impractical, and do not allow us to address the real concerns of American public education. I urge my colleagues on both sides to consider the full effects of this bill, and vote against this legislation.

Ms. DELAURO. Mr. Speaker, I rise today in strong opposition to this legislation. The so-called "HELP" Scholarships would gut our public school system and provide no help at all to the children who need it the most.

It's not surprising that a party with a member who painted public education as a "communist legacy" continues to try to dismantle our nation's tradition of public schools. Time and time again Republicans have tried to push through their anti-education agenda, only to be pushed back by Democrats and a President who has vowed to veto these bills which would destroy our public schools.

A few weeks ago, Republicans passed with a one vote margin a measure to impose vouchers on the D.C. school system. Today they are trying to impose the same experiment on all of our nation's children.

Ninety percent of America's children depend on public schools to provide them with the skills they need to excel in the future. But the Gingrich voucher experiment will not help these students get a better start in life. Instead, the Gingrich voucher experiment will siphon funds out of the public school system and give them to private schools. Public schools will be left without the resources they desperately need to buy books, fix leaky roofs, and put computers in the classroom.

This is unacceptable. Our nation was founded on the principle that everyone would have an equal opportunity to succeed. Public schools bring together students of all races, creeds and economic classes to learn together. Each student comes in at equal footing, and everyone gets the same opportunities. That is the formula that works.

No one is arguing that public schools don't need improvement. So let's rise to that challenge and give them the means to improve. Let's not set our public schools up for failure by denying them the assistance to make changes and improve their students' performance.

Don't abandon the public school system. Give our children help they can use—invest in our public schools, and oppose the Gingrich voucher experiment.

Mr. CALVERT. Mr. Speaker, I rise today to speak in favor of H.R. 2746, the HELP Scholarships Act. The title of this legislation is very appropriate—HELP Empower Low-Income Parents—because H.R. 2746 gives parents greater choices to provide their children with a better education. One of the most contentious battles looming before us today is the battle to save our children by improving education. But now is the time to stop talking about saving schools and start talking about saving students. We must put partisan politics aside and debate the merits of legislation based on what is best for our children, not what is best for the education bureaucracy.

Every child is unique and has different needs from the education system. Public schools may not be the answer for everyone, yet lower income families have no other choice. The system is clearly failing these students when you hear statistics like 40 percent of all 10 year olds can't meet basic literacy standards, U.S. eighth-graders placed 28th in the world in math and science skills, and almost a third of today's college freshman require some remedial instruction.

This bill helps the poorest of our nation and gives their children a chance that they never had to get a quality education. In some cases, that will mean staying in a public school or going to a nearby magnet school. In others, it will mean attending a private or parochial school. But who do we think we are to stand in this chamber and dictate where every child must attend school? We are elected to represent those families, not to dictate their lives. The parents should be the ones to decide which school is right for their child. By means testing this program, as the legislation mandates, it will guarantee that only the lowest income families will be eligible to receive scholarships for their children. No one can claim that this bill is just another way to subsidize middle class parents sending their children to private schools. Scholarships would only go to students whose families are at or below 185 percent of the poverty rate to cover the cost of tuition at any private, public or religious school located in the impoverished neighborhood.

This bill is about helping parents help their children. I want the parents and children in my district to have access to the best education possible. As a lawmaker, I owe it to future generations. I urge all of my colleagues to support H.R. 2746.

Mr. FAWELL. Mr. Speaker, I do, indeed, have some troubling thoughts about this bill—H.R. 2746, the HELP Scholarship Act—though obviously well intentioned.

The bill is presented as "Parental Choice," but that choice is obviously conditioned upon the right of private schools to "pick and choose" which students will be accepted apparently on almost any condition—i.e., religion, creed, foreign birth, gender, academic standing, or mental or physical handicap. All in all, there doesn't appear to be as much choice for parents here as there is for the private school.

It is held out as "competition for the public schools". It surely is that, but it isn't "fair" competition, that is, there in no "level playing field". Public schools must accept every child

who appears at its doors—regardless of race, religion, creed, foreign birth, academic standing, or mental or physical handicaps. When we compare public and private schools, after all, we are comparing good apples and good oranges. They do not compete on the same playing field in elementary and secondary education.

I wonder too—as bad as things are in many low income area public schools—what happens to the kids who can't get into a private school and are left behind? There's bound to be a loss of public funds for them, less Ch. VI funds, less state aid which is usually measured on the basis of student population.

I'm also concerned that we didn't have a markup on this bill so we could have aired our feelings and better understood the precedent we are establishing.

I think too that Charter schools are a better vehicle to help kids in low income areas.

I wonder too about the provision in this bill which provides that states "may allow State and local [tax] funds to be used for the voluntary public and private parental choice program."

These concerns will cause me to vote against this bill in spite of the good intentions of the sponsor.

I think it is a troublesome precedent.

Mr. STOKES. Mr. Speaker, I rise in opposition to H.R. 2746, the "HELP Scholarship Act." This measure amends the $310 million education block grant, title IV of the Elementary and Secondary Education Act. It is another attempt, by the Republican majority, to drain critical financial resources from our Nation's public schools and to put them in the hands of a select few students attending private and religious schools. These resources are needed to raise academic standards and achievements in schools that are increasingly overburdened with complex financial problems.

I am particularly concerned about the manner in which this bill has been rushed to the House floor. When supporters of H.R. 2746 realized that they did not have enough votes to report the bill out of the House Committee on Education and the Workforce last Friday, the full committee markup was canceled. Yet, late Wednesday night, the Rules Committee decided that H.R. 2746 would be considered under a closed rule, so that Members would not have an opportunity to offer amendments. The fact that this measure did not have full support from all of the Republicans on the House Committee on Education and the Workforce is a clear indication that H.R. 2746 is bad news for our Nation's students and public schools.

Mr. Speaker, supporters of school vouchers say that vouchers will foster improvements in the Nation's public schools by creating competition. However, as I mentioned earlier, school vouchers will drain scarce funds away from public schools, hurting the majority of students who will not have the opportunity to attend private and religious schools. Supporters of school vouchers say that vouchers will enable parents to send their children to any school that they choose. However, that is an illusion. Real choice remains in the hands of private school admissions officers.

Supporters of school vouchers also say that these programs raise student achievement. However, the most extensive research on the impact of existing school voucher programs does not show any clear, positive benefit. School vouchers programs are not powerful enough to impact the Nation's public schools in the way that supporters would like to believe.

The school voucher program in my own congressional district of Cleveland, OH, cost $6.4 million in 1996, including $5.25 million that had previously supported the Cleveland public school system's disadvantaged pupil aid program. And, while the program has only been in effect since September 1996, current evidence indicates that it has only had a marginal impact of the educational options available to public school families.

I strongly believe that we are morally obligated to ensure that all students across the Nation have equal access to quality education. We must not abandon our public schools. Instead, we must strengthen our commitment to improve them, doing all that we can to strengthen and reform them, not weaken them.

Mr. Speaker, I strongly oppose—and urge my colleagues to join me in opposing—H.R. 2746. This bill is bad public policy. Education reform can only succeed if all students benefit. There are nearly 46 million public school students in the United States and, it is estimated that by the year 2006, there will be 3 million more. School vouchers will only reach a limited number of students. We must support educational policies that will benefit all children. I urge my colleagues to vote "no" on the HELP Scholarship Act.

Mr. PAYNE. Mr. Speaker. I rise today in adamant opposition to the "Help Empower Low-income Parents Scholarship Bill." Do not be moved by supporters of this bill who claim that by opposing this legislation you are supporting schools that fail to serve children well. Let me make it clear that I certainly do not support schools that are not able to perform the basic task of teaching children how to read and write. However, I will not give up on the public education system of this country. I will not give up on this system because it has served as the great equalizer for people of this nation. The civil rights movement was based on the notion that if all people are able to have the opportunity to receive a quality education then we truly will make real steps toward equality. By supporting schools that are designed to serve all children we uphold this vision. Giving up on our school system and this notion of educational equality is exactly what this bill will accomplish. It will put federal funds not in the hands of low income parents but in the pockets of religious and private schools that will crop up simply to capitalize on this voucher program. It will do nothing to better the situation education is in today, but perpetuate it and make it far worse. Republicans claim this bill will empower low-income families. However, if they really cared about low-income children, a disproportionate number of whom are minorities, they would have included language that would protect civil rights and guarantee equal educational opportunities for all students. This bill blatantly lacks such language. Instead, this bill contains only watered down anti-discrimination requirements for participating schools. This is a clear indication that Republicans have motives not to improve education but to funnel federal money to private schools and out of public control. Let me make it clear that I do believe that our schools need to be reformed. However, I strongly believe that if there is a problem with something you work hard to correct it. You make an investment and a commitment both financially and philosophically to change and reform that problem. This is a commitment and investment that the majority party of this Congress has not made. They have not supported legislation to invest in school buildings so that children are not exposed to leaking roofs and peeling paint. In the 104th Congress they attacked the school lunch program that keeps children well fed and their minds ready for learning. They cut education programs when they first took control over this body and only backed down when they heard an outcry of opposition from parents and voters. To make matters worse, they have paid little attention to the positive things going on in public schools across this country. In my district, the Harriet Tubman School in Newark is a perfect example of how our teachers, patents and students are turning things around. I refuse to give up on schools such as Harriet Tubman and implore my colleagues to not give up on similar schools in their district for vouchers that will tear down the notion of educational equality in this country. We must oppose this bill for the future of education in America.

The SPEAKER pro tempore. All time for debate has expired.

The bill is considered as having been read for amendment.

Pursuant to House Resolution 288, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ETHERIDGE. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ETHERIDGE moves to recommit the bill to the Committee on Education and the Workforce with instructions to hold a full, open, and fair hearing and markup on the bill before reporting it to the full House for consideration.

□ 1945

The SPEAKER pro tempore [Mr. MCCOLLUM]. The gentleman from North Carolina [Mr. ETHERIDGE] is recognized for 5 minutes.

Is there a Member who claims opposition to the motion to recommit?

Mr. RIGGS. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman from California [Mr. RIGGS] will be recognized for 5 minutes in opposition to the motion to recommit.

The Chair recognizes the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Speaker, I rise tonight as a dedicated education supporter and reformer to send this anti-public school bill back to committee. There is a right way and a wrong way to reform education in this country. It is absolutely wrong for the House to pass this voucher bill that sells out our children, our teachers, our public schools, and the American taxpayer. Let me make it perfectly clear, it is wrong to take the taxpayers' money to subsidize private schools.

Mr. Speaker, prior to my election to the people's House, I served two 4-year terms as the elected State superintendent of the schools in my State. As school chief, I fought to improve, strengthen, and reform public schools so that every child would have the opportunity to live up to his or her God-given ability. I am tremendously proud of the record of accomplishment of the students, teachers, parents, and the entire community as they achieved improved performance in education.

Earlier this year, the respected NAEP came out, the National Assessment of Education Progress, and documented their successes. North Carolina's eighth-graders gained 18 points over the last 6 years on NAEP. That is more than twice the national average. Our fourth-graders gained almost three times the national average. North Carolina students have improved the equivalent of one full grade level during the decade. In other words, eighth-graders this year were one full year ahead of eighth-graders in 1990. That is the kind of improved public schools that the American people are demanding.

Mr. Speaker, I have been honored to have the opportunity to cochair the Democratic Caucus' Educational Task Force to develop a consensus for first class public schools. That proposal includes early childhood development for every child so that they will come to the public schools ready to learn; to recruit and train well-qualified teachers; to relieve our schools, which are crumbling and overcrowded, so children will have places to learn; ensure our public schools are safe and drug-free; and empower parents to choose the very best public schools for their children.

This agenda will work to improve public education for all children. Unfortunately, the bill before us tonight takes a headlong rush in the opposite direction. Instead of strengthening public schools, this bill represents a wholesale retreat from our national commitment to quality public schools.

This bill is a shameful act of cowardice. We must not turn our backs on the schoolchildren of America. Taking taxpayers' money to fund private schools is wrong. This bill is bad education policy. It is not even about education, this bill is about politics. This bill is about a cynical political agenda of some of the most extreme groups in this country. This bill is about dressing up an ideological agenda in a package of sound bites. This bill is about robbing our schools of precious resources needed to provide for quality education for all of our children.

Mr. Speaker, the legacy of this revolutionary majority in Congress has been one attack after another on our public schools. The previous Congress tried to abolish the Education Department, slash school lunches, and eliminate school loans. A few weeks ago a Member in the majority party even compared our public schools to the Communist legacy.

Mr. Speaker, I sought this office because I could not stand by and watch this Congress of the United States continue to launch attack after attack on our public schools. This bill is nothing but an ultimate attempt to scapegoat our schools, our teachers, our students, and our parents, and yes, their communities. Putting taxpayers' money in private schools is wrong.

I believe the American people want basic things: a strong national defense to keep our Nation free; safe streets and communities in which to live, work, and raise a family; an educated work force to keep us strong in an increasingly competitive global economy; and a public education system that provides each and every child the opportunity to make the most of his or her God-given ability. We must work to strengthen public school, not turn our backs on the public schools.

I urge my colleagues on both sides of the aisle to vote to recommit this bill, this underhanded attack on our public schools.

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

Mr. Speaker, I want to tell the gentleman who just spoke that we have held field hearings in Milwaukee and Cleveland and in New York City with virtually little, if any, participation by Democratic Members of this House. I suspect one reason those hearings were boycotted is because Democratic Members did not want to hear the overwhelming support from parents in those communities for expanded parental choice, such as the HELP Scholarship bill would permit. We have had hearings here in Washington as well, and we have had field hearings in San Fernando, CA, and in Phoenix on expanded public school choice through charter schools.

Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank very much the experience shared by my colleague who just spoke. I would say to the gentleman from North Carolina [Mr. ETHERIDGE], if North Carolina or any State does not want to use these opportunity scholarships, there is a simple answer. They do not have to under this bill. It is up to them.

I want to read a quote from Jonathan Rauch, who was writing in the November 10th New Republic. I think it is applicable to the debate today.

"It's hard to get excited about improving rich suburban high schools that act as feeders for Ivy League colleges. However, for poor children trapped in execrable schools, the case is moral rather than merely educational. These kids attend schools which cannot protect their physical safety, much less teach them. To require poor people to go to dangerous, dysfunctional schools that better-off people fled years ago, and that better-off people would never tolerate for their own children—all the while intoning pieties about 'saving' public education—is worse than unsound public policy. It is repugnant public policy."

Mr. RIGGS. Mr. Speaker, I yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized for 3 minutes.

Mr. GINGRICH. Mr. Speaker, I want to take head on this question about public schools, because I represent a district which is very lucky.

Cobb County Public Schools are very, very good. There is a recent report out on the best high schools in Georgia, and two-thirds of them are in my district. They are in North Fulton, a fabulous area, growing rapidly. They are in Gwinnett County, a tremendous county, growing rapidly. They are in Cherokee County, one of the fastest growing counties in the State of Georgia.

When people of good income come to Georgia, and they move in looking for a job, and they look around, again and again they will say to the real estate agent, now, what counties have a good school? Where can I go to get a good school? And they will move into a good public school area.

I think that is wonderful. We are very lucky, and both of my daughters had a chance to go to the Carrollton Public Schools in Carrollton, Georgia, and they were terrific public schools. That is wonderful. This bill does not do a single thing to weaken those public schools. This bill does not take a penny away from those public schools.

If Members do not want to send their children to public school, and they are rich, they can just send them to private school. Maybe it is a nearby private school, maybe it is a distant private school, maybe it is a boarding school. They should take care of their kids.

That is not what this amendment is about. This amendment is not about people who can move into Cobb County and buy a nice, fancy house, or move into North Fulton or move into Gwinnett or move into Cherokee.

Those folks are going to schools that are terrific. They are going to keep their kids in public school. This bill is about the child who is trapped in New York City or Philadelphia or Atlanta, the child who is trapped in Washington, D.C.

I read the numbers. After all the talk about reform and all the talk about help, how can Members of this House in good conscience trap a child in a school where, when you have been there in the tenth grade, 89 percent of the children score below the grade level? How can Members live with their consciences, saying, oh, if you are well enough off, move out to Virginia or move out to Maryland? If you are rich enough, send your kids to a private, elite school, like many powerful politicians do? But now if you are poor and you are in public housing, and you have no money, and you are trapped in a school where you know that, literally, the longer your child stays in that school, the more likely they are to score below grade level, now, oh, we in the Congress are not going to take care of those kids.

I do not understand it. I do not understand how Members can walk off and leave a generation of children behind and offer them no hope.

Let me remind Members, what this amendment does is simple. It says that the State legislature has the option, it does not have to do it, the option, in a State that has a school system that is failing to offer the poorest children in the State, the weakest children in the State, to give the children with the least background an opportunity to go to a school with discipline, with learning, that is drug-free, and the difference is the difference between prison and college, the difference between pursuing happiness and being trapped in jail.

I would beg Members to look into their hearts, do not be afraid of the unions, do not be afraid of the bureaucrats, do not be afraid of the power structure; to look into their hearts, think about those children, and then vote to give them a chance to have a decent future.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. CLAY. 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 the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

Without objection, the vote on the first suspension motion immediately thereafter will be reduced to a minimum of 5 minutes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 203, nays 215, not voting 15, as follows:

[Roll No. 568]

YEAS—203

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—215

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barcia
Coburn
Cubin
Foglietta
Gonzalez
Holden
McDade
McNulty
Menendez
Payne
Porter
Riley
Schiff
Slaughter
Towns

□ 2017

The Clerk announced the following pair:

On this vote:

Ms. Slaughter for, with Mr. Riley against.

Mr. BATEMAN, Mr. BOEHLERT, and Ms. GRANGER changed their vote from "yea" to "nay."

Messrs. BENTSEN, DAVIS of Illinois, MARKEY, REYES, and Mrs. MALONEY of New York changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. McCOLLUM]. The question is on the passage of the bill.

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

Mr. CLAY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 191, nays 228, not voting 14, as follows:

[Roll No. 569]

YEAS—191

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis
Istook
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—228

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Cannon
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—14

Ackerman
Coburn
Cubin
Foglietta
Gonzalez
Holden
McNulty
Menendez
Payne
Porter
Riley
Schiff
Slaughter
Towns

□ 2025

The Clerk announced the following pair:

On this vote:

Mr. Riley for, with Mr. Porter against.

Mr. WALSH changed his vote from "nay" to "yea."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on the following two motions to suspend the rules, on which further proceedings were postponed earlier today, in the order in which the motion was entertained. The additional suspensions debated today will be postponed until later today.

Votes will be taken in the following order: H.R. 2644, by the yeas and nays; and H.R. 1493, by the yeas and nays.

UNITED STATES-CARIBBEAN TRADE PARTNERSHIP ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2644.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 2644, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 182, nays 234, not voting 16, as follows:

[Roll No. 570]

YEAS—182

Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bliley
Blumenauer
Blunt
Bonilla
Brady
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Christensen
Clement
Coble
Collins
Combest
Cox
Crane
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeLay
Deutsch
Dicks
Dixon
Dooley
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Ewing
Fattah
Fazio
Flake
Foley
Fowler
Frelinghuysen
Ganske
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Granger
Greenwood
Hall (OH)
Hamilton
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King (NY)
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Livingston
Lowey
Luther
Manzullo
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McIntosh
McKeon
McKinney
Meehan
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Morella
Nethercutt
Ney
Northup
Nussle
Oxley
Packard
Pappas
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Ramstad
Rangel
Redmond
Regula
Roemer
Rogan
Roukema
Ryun

Salmon
Sanchez
Sanford
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skaggs
Skeen
Smith (TX)
Snowbarger
Stenholm
Stump
Sununu
Talent
Tanner
Taylor (NC)
Thomas
Thornberry
Thune
Towns
Upton
Watkins
Watts (OK)
Weldon (FL)
Weller
Wexler
White
Wicker
Wynn

NAYS—234

Abercrombie
Aderholt
Allen
Andrews
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Bilirakis
Bishop
Blagojevich
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burton
Canady
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crapo
Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Duncan
Engel
Ensign
Etheridge
Evans
Everett
Farr
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Goode
Goodling
Gordon
Graham
Green
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hastings (FL)
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (NY)
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Myrick
Nadler
Neal
Neumann
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pascrell
Paul
Peterson (PA)
Pombo
Pomeroy
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Reyes
Riggs
Rivers
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sherman
Shuster
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stupak
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Weygand
Whitfield
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Coburn
Cooksey
Cubin
Edwards
Fawell
Foglietta
Gonzalez
McNulty
Menendez
Payne
Porter
Riley
Schiff
Slaughter
Wise

□ 2034

The Clerk announced the following pair:

On this vote:

Mr. Porter and Mr. Riley for, with Mr. Cooksey against.

Mr. CUMMINGS changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 470, I was unavoidably detained. Had I been present, I would have voted "yes."

REQUIRING ATTORNEY GENERAL TO ESTABLISH PROGRAM IN PRISONS TO IDENTIFY CRIMINAL ALIENS AND ALIENS UNLAWFULLY PRESENT IN UNITED STATES

The SPEAKER pro tempore [Mr. McCOLLUM]. The pending business is the question of suspending the rules and passing the bill, H.R. 1493, 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. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1493, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 2, not voting 20, as follows:

[Roll No. 571]

YEAS—410

Abercrombie
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
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
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
Dellums
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
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
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
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
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
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns

Stenholm	Tiahrt	Weldon (FL)
Stokes	Tierney	Weldon (PA)
Strickland	Torres	Weller
Stump	Traficant	Wexler
Stupak	Turner	Weygand
Sununu	Upton	White
Talent	Velázquez	Whitfield
Tanner	Vento	Wicker
Tauscher	Visclosky	Wolf
Tauzin	Walsh	Woolsey
Taylor (MS)	Wamp	Wynn
Thomas	Waters	Yates
Thompson	Watkins	Young (AK)
Thornberry	Watt (NC)	Young (FL)
Thune	Watts (OK)	
Thurman	Waxman	

NAYS—2

Paul Ros-Lehtinen

NOT VOTING—20

Ackerman	Goodling	Riley
Bonior	McDade	Schiff
Coburn	McNulty	Slaughter
Cubin	Menendez	Taylor (NC)
Ewing	Payne	Towns
Foglietta	Pickett	Wise
Gonzalez	Porter	

□ 2043

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.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EWING. Mr. Speaker, on rollcall No. 571, I was unavoidably detained. Had I been present, I would have voted "yes".

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, on rollcall No. 571, I was negotiating with the White House and missed the vote. Had I been present, I would have voted "yes".

□ 2045

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mrs. LOWEY. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, U.S. taxpayers have spent over $500,000 on this investigation—money that could have been better spent providing 110 children with 1 year of Head Start;

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore (Mr. MCCOLLUM).

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from New York [Mrs. LOWEY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mrs. CLAYTON. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privilege of the House.

The form of this resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marine barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to

make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, U.S. taxpayers have spent over $500,000 on this investigation—money that could have been better spent providing prenatal care for 450 pregnant women.

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from North Carolina [Mrs. CLAYTON] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. BROWN of Florida. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intent to offer a resolution which raises a question of the privileges of the House.

I ask unanimous consent that the resolution be printed in the CONGRESSIONAL RECORD in its entirety.

The SPEAKER pro tempore. Without objection, the resolution will be placed in the RECORD.

There was no objection.

The form of the resolution is as follows:

Whereas, LORETTA SANCHEZ was issued a certificate of election as the duly elected Member of Congress from the 40th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 40th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman SANCHEZ and is pursing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman SANCHEZ' election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's prior statement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Florida [Mrs. BROWN] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. KAPTUR. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certification of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review

of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the continuation of this investigation discourages full participation of American voters in the electoral process.

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

□ 2100

The SPEAKER pro tempore. Without objection, the Chair's previous reading of the rule under rule IX with regard to this matter will be entered into the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Ohio [Ms. KAPTUR] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mrs. McCARTHY of New York. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privilege of the House.

The form of the resolution is as follows:

Whereas, LORETTA SANCHEZ was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration, records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman SANCHEZ and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswomen SANCHEZ's election to the Congress; and

Whereas U.S. taxpayers have spent over $500,000 on this investigation—money that could have provided immunizations for 3,000 children; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous citation of the procedures for this matter under rule IX will be entered into the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from New York [Mrs. MCCARTHY] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. MILLENDER-McDONALD. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of this resolution is as follows:

Whereas, LORETTA SANCHEZ was issued a certificate of election as the duly elected member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and,

Whereas, a Notice of Contest of Election was filed with the clerk of the House by Mr. Robert Dornan on December 26, 1996; and,

Whereas, the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas, the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas, the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States and the INS has been asked by Congress to verify the citizenship of the voters; and

Whereas, the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas, the Committee on House Oversight, subpoenaed the records seized by the

District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas, the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas, the Task Force on Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas, the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman SANCHEZ and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman SANCHEZ's election to Congress; and

Whereas, Congresswoman SANCHEZ's election to the Congress represents an historic advance for all Americans, especially women and Californians committed to opportunity, equality, peaceful resolution of conflict and social justice; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the previous citation by the Chair of rule IX's disposition of this matter will be entered into the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. MILLENDER-MCDONALD] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, the business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the U.S. taxpayers have spent more than $500,000 on an investigation which has not provided any credible evidence to overturn this election.

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous citation of the disposition of this matter under rule IX will be entered into the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader of the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 2115

VACATING REQUEST TO LIST MEMBER AS COSPONSOR OF H.R. 2676

The SPEAKER pro tempore (Mr. MCCOLLUM). The Chair would like to make the following announcement. The unanimous-consent request earlier today by the gentleman from Georgia [Mr. LINDER] adding the gentleman from Ohio [Mr. TRAFICANT] as an original cosponsor of H.R. 2676 was not entertained by the Chair in that form under the precedent recorded on page 666 of the House Rules and Manual.

Since that time, the Chair has been informed that H.R. 2676 has been reported by committee. Without objection, the proceedings surrounding that request are vacated, but the request of the gentleman from Georgia [Mr. LINDER] that the record reflect the intent of the original sponsor, the gentleman from Texas [Mr. ARCHER], to list the gentleman from Ohio [Mr. TRAFICANT] as an original cosponsor will appear at this point in the RECORD.

There was no objection.

CHARTER SCHOOLS AMENDMENTS ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 288 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. 2616.

□ 2116

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. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of

1965 to improve and expand charter schools, with Mr. SNOWBARGER 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 Delaware [Mr. CASTLE] and the gentleman from Florida [Mr. DEUTSCH] each will control 30 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I yield myself 3 minutes.

Just to start this discussion, Mr. Chairman, and the gentleman from California [Mr. RIGGS] will be carrying on here shortly, but I am a strong believer in the charter schools. I was not a supporter of the voucher bill that we just voted on, but I am a total believer that if we are going to deal with experimentation and change in our schools, this is the way to do it.

I have been in every single school in my State. This is Delaware we are talking about. It is 182 schools. I have not been in one of the charter schools, but I have been in our three charter schools which have started.

I think the best way to describe why we should increase this funding authorization from $15 million to $100 million and give them some additional latitude with respect to what they are doing is to say what is happening in these schools. The proof is certainly in the pudding when we see it here.

I have been to the charter school at Wilmington, which was sponsored by a consortium of six employers in Delaware and focuses on math and science. It offers the most rigorous academic program in the State, pays teachers based on merit, and emphasizes values and character development.

I have seen and heard of the Positive Outcome School in Dover, which targets children who are at risk of failure in school and who have learning difficulties and emotional problems. Ninety percent of students have attention deficit disorder, and 33 percent are learning-disabled. Positive Outcomes has a 1 to 10 teacher-student ratio.

Yesterday I went to the East Side Charter School in Wilmington, Delaware. It is run by the Wilmington Housing Authority. Every child in that school is a minority child. Nearly 30 percent of the school's students do reside in public housing. It is a K-through-3 school. It offers an 11-month academic year, a 1-to-15 teacher/student ratio, two full-day kindergarten classes, a strong curriculum in the basic academics. It goes through teacher conflict. It essentially is doing the kinds of things we talk about doing perhaps to give our public schools a better opportunity. This is a great opportunity for those young people in that school.

This is a great opportunity for the Congress of the United States to step forward and to do something which will help those students who can go to charter schools, but will also help us see how we can do better in our public schools. That is really what this is all about. It is a relatively simple bill. It is a piece of legislation which I think we should support universally. The President supports it. The National Education Association actually sponsors some charter schools.

We would encourage the creation of charter schools by directing funds to those States that allow an increase in the number of schools. We would encourage autonomy over budget and expenditures of charter schools. We reduce the Federal setaside from 10 percent to 5 percent. These are the very kinds of things that we need to do in America if we are truly going to make our public education system better.

I look upon this as a great help for the public education system, as well as a great outcome for those students who can avail themselves of the opportunity to attend the charter schools which are in existence now. We are going to double our charter schools in Delaware next year. I hope with this legislation we can do more across the country.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time originally granted to the gentleman from Florida [Mr. DEUTSCH] will now be controlled by the gentleman from California [Mr. MARTINEZ].

The Chair recognizes the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish I could be as optimistic and enthusiastic as the last speaker was about charter schools.

As many Members know, I am cautious about charter schools. I am supportive of the concept of charter schools and their possible impacts on the larger public school system as a whole. The chairman of the subcommittee on which I am the ranking member, my friend and colleague, the gentleman from California [Mr. RIGGS], has held a number of hearings on charter schools to examine their place as an educational reform tool.

Obviously, since all of us, both Republicans and Democrats, say we are concerned about the educational opportunities of our children, we believe that charter schools are certainly an idea worth exploring, and in this instance probably an idea worthy of Federal support.

Throughout the hearings that we held on charter schools, we heard several serious problems, though, regarding the admission and provision of services to children with disabilities. In addition, controversy continues to swirl around the governing structure of charter schools in many States. Even here in D.C. there is a charter school that is in trouble, and the local school board is talking about taking away their charter. That is Marcus Garvey.

So I believe it is fair to say that because of their rather short existence, the oldest only being about 6 years old, there is still a lot to learn about their impact and their effectiveness in assuring educational success for our children.

Like I said earlier, while I have a positive outlook on the impact of charter schools on our educational system, I am concerned about the direction that this bill would take the Federal Government in the area of charter schools. I believe the bill raises a number of serious policy questions, and during later debate I intend to offer several amendments which I believe would fix these deficiencies.

This bill would establish, in my mind, a set of criteria which a State's charter statute would have to meet in order to ensure that the State is not at a disadvantage for funding. We here in Congress should not be in the practice of establishing funding priorities on how we believe individual State charters should be written, if we feel that flexibility is a success for them.

My colleagues who have heard me speak over the years know that I have always been concerned about unneeded interference by the Federal Government in the legislative affairs of the States and local governments. I have said repeatedly, it is local school boards who govern the school districts. Charter schools are defined by State statutes in the legislation they pass, so I do not believe it is the place of Congress through a micromanagement system to stipulate how that charter statute should be constructed.

I am also concerned about the changes in the period allowed for grants from 3 years to 5 years, and additional 2-year extension grants. I believe this change would force the Federal Government to begin supporting operating costs, rather than staying within the realm of start-up costs. Why should we extend the amount of time which a charter school would continue to receive start-up funds? Do we have charter schools taking 5 years to complete their start-up activities? I do not think so. I see little, if any, justification for that provision.

My last major concern lies in the rewrite of the national activities section of the statute. This bill would require the Secretary to make as his primary activity, with funds appropriated under the statute, the generation of private capital for charter schools.

I strongly believe that the emphasis of the Department's activities should be towards evaluation, technical assistance, and outreach, not to act as a Wall Street banker for charter schools. However, I do want to commend the gentleman from Indiana [Mr. ROEMER]

for his extremely hard work in fashioning the bill that not only reflects his priorities, but Democratic priorities as well. The hard work of both the gentleman from Indiana [Mr. ROEMER] and his staff on this bill is a tribute to his dedication to the charter school concept.

In total, I do want to stress that I am not against the concept of charter schools. In fact, like many of my colleagues, I see the value in using charter schools as one of the many educational reform tools in our public education system. I just do not believe that the policy direction which this bill would take the Federal support of charter schools is in the best interests of charter schools or the children that they serve. I am hopeful that through the amendment process, that we can rectify the deficiencies that I have outlined.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time originally controlled by the gentleman from Delaware [Mr. CASTLE] will be controlled by the gentleman from California [Mr. RIGGS].

The Chair recognizes the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I intend to come down to the well momentarily, but while I stand here at this podium, I want to thank my good friend and vice chairman of the subcommittee for claiming the time and for his eloquent statement in support of charter schools.

Mr. Chairman, first of all, let me tell Members that I am pleased that I can rise in support of what I hope becomes, based on the final vote, a very strong bipartisan bill expanding public school choice for parents. I emphasize that at the outset, because I just want my colleagues to know that on the last vote we had, just about an hour or so ago, the idea of allowing State and local school districts around the country to use one particular category or source of Federal taxpayer funding for education to provide scholarships for low-income parents unfortunately was defeated in this Chamber by pretty much a party line vote. In fact, I have the numbers here. Eighty-two percent of House Republicans supported the HELP Scholarships bill, and 93 percent of House Democrats voted against it.

The other thing I want to say, so I can get any note of partisan rancor here out of the way at the outset of the debate, I also want to take exception to comments that were made recently by the President. I have here in my hand an AP wire story from October 24 that begins by quoting the President as saying, "President Clinton suggested today," October 24, "that Congressional Republicans want the government to do next to nothing in education."

It is unfortunate the President would say those words, because, of course, what we have on the floor now is a bipartisan bill that would, as I said earlier, greatly expand public school choice for parents, and which would fully fund the President's proposal for $100 million in Federal taxpayer funding for the start-up or creation of more charter schools in America during the Federal fiscal year 1998.

So, Mr. President, you were ill-informed or certainly misspoken when you claimed that we are doing next to nothing in education, because here is a bill where we fully intend to team up with a number of House Democrats, Members of the President's own party, to advance legislation that he have requested.

And I will daresay, as I said earlier this evening during the debate on the HELP Scholarships bill, that at the end of the day, either later tonight or later this week when we reach final passage on this bill, a majority, an overwhelming majority, of House Republicans are going to support the Charter Schools Amendments Act of 1997. I daresay a majority, I hope it is not a large majority, but a majority of House Democrats will vote against that legislation. So be clear, Mr. President and the American people, who is trying to do something for parents and for children in education.

Now, it is clear to me that with respect to education, we are seeing a phenomenon across the land in this country today. It is one of those that we could sort of put under the heading of when the people lead, the leaders will follow. I am referring to the growing and widespread public demand on the part of education consumers, parents, and guardians for more competition and more choice in education.

I would like to cite for my colleagues and introduce for the RECORD an article that appeared on October 1 in the Washington Post, not exactly a conservative newspaper, entitled "Popularity Grows for Alternatives to Public Schools, Some Districts," referring to local school districts around the country, "Some Districts Reacting to Threat of Competition."

The article began by saying, "In a movement flustering schools across the Nation, more parents than ever are choosing alternatives to public education for their children, including public charter schools, religious schools, and home schooling, so much that what once seemed a fad to many educators is instead starting to resemble a revolution."

□ 2130

The article closed by quoting Robert Chase, who is the president of the National Education Association Teachers Union. I am not sure, Mr. Chase says, I am not sure if any of us really know yet where these trends are leading us, but it had better make us take a hard look at what we are doing in public education.

So I hope we are very clear that there is a growing competition and response to parents' concerns and that that growing competition is forcing the public school system to react. We are going to try to give that whole movement a little bit more impetus with the legislation before us on the House floor this evening.

I am very glad that I have been able to work closely with the gentleman from Indiana [Mr. ROEMER] on this legislation. Just on a personal note, he and his staff have been wonderful to work with. I think we really have forged a bill that strengthens existing law and which will enjoy wide bipartisan support in the House.

I think it is also important and fair to note that a majority of the Democrats on the full House Committee on Education and the Workforce supported this bill, 10 Democrats, thanks largely to the leadership of the gentleman from Indiana [Mr. ROEMER] and the respect in which he is held by his colleagues, 10 Democrats, 10 out of 18, so a majority voted for the bill in committee.

I believe, I hope I am correct in saying this, that the President has endorsed, if not this specific bill, legislation very similar in concept to our bill. And the Department of Education has issued a statement of qualified support for the legislation.

One reason for the growing bipartisan support for charter schools in Congress is the popularity of charter schools outside Washington, D.C., a popularity that has been soaring over just the last few years and that has led to Members, individual Members of Congress, hearing from parents, their constituents, about the demand, or maybe the desire is the better way to put it, for more and expanded public school choice.

This all began in 1991, in Minnesota, which became the first State in the Union to authorize charter schools. Now today, just 6 short years later, we have 29 States with charter school laws, along with the District of Columbia and Puerto Rico, and some 700 charter schools serving 170,000 children across the country. And there are more starting every day and several hundred more, I am told, on the drawing boards in these 29 States, the District of Columbia, and Puerto Rico.

So I think charter schools have arrived. They are now, I think, viewed as an integral component to reform and improvement of the public schools and our public education system. And the reports that we have heard and the testimony that we gathered during the committee process indicated that administrators who are running these charter schools are delighted to be freed up from stifling regulations.

Teachers are, indeed, this is probably the most important aspect of independent charter schools, teachers are free to innovate, and students who attend charter schools are eager to learn, and their parents seem to be thrilled by the results.

We heard, during the committee process, from Dr. Yvonne Chan, who is a lifelong professional educator for the Los Angeles Unified School District and a charter school developer in the San Fernando Valley area of Los Angeles, about the three B's, which represented her frustrations with traditional public schools, what she called busing, bureaucracy, and but; the fact that her schools too often had to bus neighborhood children outside that neighborhood to go to another public school. Now, by starting her own charter school, she is able to bring those kids back into the neighborhood where they live to attend school there.

Bureaucracy, and I think we all know the concerns about bureaucracy, and charter schools are quintessentially an experiment, but they are a movement in decentralizing and deregulating local public schools, giving them autonomy from the bureaucracy.

And Dr. Chan talked about the "but" problem, the "but" syndrome. Every time she had a good idea to propose up through the ranks, she got back the answer, that is a good idea but we cannot implement it for the following reasons. She was a very important witness to us, as we seek to expand charter schools and public school choice through the use of Federal taxpayer dollars.

Congress, the Federal Government, has been involved in the creation of charter schools since 1994, when Congress first authorized national charter schools as part of the Elementary and Secondary Education Act and established an earmarked Federal funding stream to assist charter schools with start-up costs.

We heard from a number of charter school developers around the country what business entrepreneurs have known for years, and that is, in trying to start up a charter school, it often takes longer and costs more than they originally anticipated. So there is clearly an important role where the Federal Government and Federal taxpayers can support the charter schools movement.

This bill responds to concerns expressed by students, parents, teachers, and charter school operators or developers in our five hearings on charter schools, and it responds to the findings of various public and private studies, including the Department of Education's own first year report of their 4-year study on charter schools.

The highlights of the bill, very quickly, are these.

One, it meets the President's funding level, his budget request to Congress for charter schools, by increasing the authorization, the current authorization, from $51 million in Federal taxpayer funding for charter schools to $100 million. So that is roughly a doubling or 100 percent increase in Federal taxpayer financial support for charter schools.

Two, it drives 95 percent of that money, the money for Federal charter schools, to the State and local levels to establish charter schools. It only leaves the Department with 5 percent to continue to conduct their study and other evaluation and national activities.

Three, it purposely directs the new money, the increase, the difference between 51 million and 100 million, to those States that provide a high degree of physical autonomy to charter schools and that allow for increases in the number of charter schools and that provide for strong academic accountability. We want to know, bottom line here, that charter schools are leading to an improvement in pupil performance and that charter schools are meeting or exceeding the academic performance goals set out in their charters.

Four, it ensures that charter schools can compete with traditional public schools on an equal footing for Federal categorical education aid. That is under the very simple premise that the money should follow the child and that charter schools should not be placed at some sort of competitive disadvantage in obtaining their fair and equitable share of per pupil funding under both Federal, State, and local funding sources.

Five, it directs the Secretary to assist charter schools in accessing private capital. That is particularly important to help charter schools deal with those up-front development costs, particularly capital expenses that they incur in trying to lease or renovate buildings and in trying to provide a housing or physical premise necessary to conduct a charter school.

Six, it extends the life of the Federal start-up grant from 3 years to 5 years in an effort to give charter schools a little bit more time to become financially stable and solvent, and that is again important because we heard from charter school operators in our hearings and in the written testimony, again, that many times while they were producing impressive academic results at the 3-year mark, they were still struggling to make ends meet financially.

This bill improves upon the existing Federal charter school law by sending more money directly to charter schools and by providing a maximum amount of flexibility for charter schools in that critical start-up phase. This legislation is the springboard necessary to meet the goal of having 3,000 charter schools in America in operation by the year 2000, a goal, a bipartisan goal, frequently cited by the President.

Again, in closing, I want to especially thank my good friend, the gentleman from Indiana [Mr. ROEMER], for his hard work on this issue and for the diligent work that his staffer, Gina Mahoney, has done in helping us to craft the legislation. He has, indeed, as his comments earlier tonight would suggest, been a very strong advocate for public education reform through charter schools, and this legislation would not be on the floor this evening without his very strong and active input and involvement.

I will close by citing these two charts. Clearly, support for charter schools is not only growing, as I mentioned earlier, but it really almost transcends the normal demographics and political party breakdown, as this chart indicates. There is strong support among all different groups, regardless of racial or ethnic backgrounds and regardless of political party affiliation, for creating more charter schools.

And lastly, since I referred to them, his comments earlier tonight in the context of our HELP scholarships bill, I do want to, out of fairness to the President, point out that he has been a leader on this issue. These are his comments from that same Presidential debate, the first Presidential debate in Connecticut last year with Senator Dole. He said there, I support school choice; I have advocated expansion of public school choice alternatives and the creation of 3,000 new schools that we are going to help the States finance.

And as I pointed out tonight, the Riggs-Roemer or the Roemer-Riggs or, as the minority leader suggested earlier, the Roemer bill would help us move much closer to that goal of 3,000 new schools.

And the President went on to say, I am all for students having more choices; we worked hard to expand public school choice; in my balanced budget bill, there are funds for 3,000 new schools created by teachers and parents, sometimes by business people, called charter schools that have no rules.

So I think we are on to something good here, and for those of us who truly believe that we ought to give parents more alternatives, that we ought to listen to the people demanding more choice and more competition, more freedom in the public education system, I think we have an opportunity to tell them, we hear you and we are going to respond to your concerns by the swift bipartisan passage of H.R. 2616, the Riggs-Roemer Charter Schools Amendments Act of 1997.

Mr. MARTINEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER], who is coauthor of the bill.

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] is recognized for 4 minutes.

Mr. ROEMER. Mr. Chairman, I would like to begin by saying that in this past session of Congress we have shown the American people that we wanted to work together in a bipartisan way to balance the budget, that we wanted to work together in a bipartisan way to provide modest tax relief for hard-working Americans, and now it is time to move on to education and work in a bipartisan way to help fix, restore, resurrect, and reform our public education system.

I want to thank for much of that bipartisanship the gentleman from California [Mr. RIGGS], my friend, and his fine staffer, Denzel McGuire, for her hard work, his entire personal staff and committee staff for their hard work. We have worked hours and hours, days and months on this legislation. The gentleman from California [Mr. RIGGS] has shown not only a very adept sense at understanding the legislation but a real common sense in listening to the people across this country that are very, very much in favor of charter schools.

I very much look forward to a strong bipartisan support here on the House floor, moving it to the Senate and then getting it signed by the President.

By the way, the President of the United States, President Clinton, not only talked about charter schools, which are public school choice, he has been a strong advocate of this program and wants to move from 700 charter schools that we currently have to over 3,000 charter schools. I thank the President and the Department of Education for their strong support.

Now, what are charter schools? Charter schools, for those listening out in Indiana and across America, are public school choice. Parents and students should be able to send their children to the best school in their environment. Whether it is an inner city or a rural community, let us insist on every public school being the best it can possibly be and that every child has the choice to go to that best public school. Let us make sure we save every one of these children and demand excellence from every one of our schools.

Charter schools are less regulated. Charter schools have less bureaucracy. Charter schools have more ability to be innovative and try new, bold ideas with the curriculum, doing partnerships with the business community, having longer school days and school years. Charter schools are cradles of invention and innovation, and we should very strongly support them today or next time we vote on this charter school legislation. I hope it is tomorrow or Thursday, whenever we get to this bill.

□ 2145

Public school choice is the way we should try to move in this country. What are the initial studies saying about school choice? The National School Board Association has noted that there are so-called secondary ripple effects with these charter schools, 700 of them already out there, that are now creating evidence that traditional schools are working harder to please local families so they will not abandon them for charter schools.

Charter schools are creating the competition to force other public schools to be the excellent schools that we need. The Chicago model for reforming and saving our public school system is using charter schools to be innovative. I think this is a very strong idea to help restore and save public education in this country, where education now is critically important. In the next century, it is going to determine even more so winners from losers.

So, again, I want to commend the gentleman from California [Mr. RIGGS] for his hard work. I strongly encourage my colleagues on the Republican and the Democratic side to support this charter school bill.

Mr. RIGGS. Mr. Chairman, may I clarify how much time is remaining on both sides?

The CHAIRMAN. The gentleman from California [Mr. RIGGS] has 10 minutes remaining. The other gentleman from California [Mr. MARTINEZ] has 22½ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 2¼ minutes to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I thank my colleague the gentleman from California [Mr. MARTINEZ] for yielding me the time.

Mr. Chairman, I rise to express some reservations that I have about this legislation. But first of all, I would like to thank my colleague, I would like to thank members of the committee, especially the gentleman from Indiana [Mr. ROEMER], the gentleman from Pennsylvania [Mr. GOODLING], chairman of the committee, the gentleman from California [Mr. RIGGS], chairman of the subcommittee, for the excellent work in bringing this bill before us today.

I agree with the sponsors of this bill that we must give States the flexibility to help foster the kind of innovation that charter schools provide while maintaining high levels of accountability. Parents, teachers, and administrators throughout the Nation have indicated again and again that they want the flexibility to try different approaches of educating their children, and we should support their efforts. Public charter schools expand the choices for parents, students, and typically they incorporate a great deal of input from our local communities.

There is a bipartisan agreement that charter schools have been effective in many cases, and the best way to continue this progress is to provide the additional start-up support for new charter schools.

The primary role of the Federal Government is to provide the support by sending money back to the States for the planning and the implementation of these new schools. However, that role is not to dictate to the States how they should run their charter school programs.

Mr. Chairman, I intend to offer an amendment to this legislation that would maintain existing language regarding State laws required to receive support from the Federal program. Charter schools, by design, are experiments in systemic reform. I am sure that the provisions in this bill were designed to increase the number of charter schools nationwide. We have heard that many times tonight. However, this legislation puts Congress in the role of deciding how State legislators should write their laws.

This bill does provide support for that innovation by extending the authorized amount for the program. But, at the same time, those States that already have enabling legislation, this bill says they must write new statutes or lose their funding. We should stick to providing funds that help establish new charter schools.

I urge my colleagues to support the amendment that I will introduce tomorrow and resist imposing new standards on these States.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from California [Mr. MARTINEZ], the ranking member, for yielding me the time.

I also want to thank the gentleman from California [Mr. RIGGS], chairman of the subcommittee, who has done a good job in putting together a generally very good bill here. I think it is one area in education that we can finally say that people have tried to work together without rancor and bitterness to try to come together with an idea of how we might really buttress our public schools.

When we voted a little over an hour ago on vouchers, I think there was a clear division, a clear disagreement as to whether or not that was a step outside of support for public schools into an area that many of us did not want to go and do not think is going to strengthen our public school system.

I have said it here on the floor before, and I think it bears repeating, that we have a clear philosophy in this country that we are, in fact, in favor of public schools. We understand that those people that are fortunate enough to be able to send their children to private schools should have the ability to do so, and that has historically been the case.

But there are over 50 million children in this country that do not have that kind of benefit, do not have the family with that kind of income. Nor is there any likelihood that we are going to ever create 50 million vouchers to give everybody the chance. But we can provide better public schools for all 50-million-plus of those children. We are willing to step forward on the charter schools to experiment, to let local States and communities experiment within the public school system and find the direction that they are comfortable with.

I think that we have done that in the appropriations bill, where we talked about the comprehensive schools, we talked about people and communities coming together with the school to define a mission, to decide just how they are going to measure the progress under that mission, to bring the whole community in to work on that, whether it is colleges nearby, business communities, the parents of course, employees at the school, the administration, to develop this system and to move forward. And always, we want higher standards.

But in all of those scenarios, we also expect we are going to have to provide the resources to make the public schools successful. The chairman of the subcommittee and I had a discussion the other day. We talked about a certain charter school, where it had left the public school building, set up across town, and thought they were doing great because they gave each student a computer and each student a computer at home. That will always work if you do it, even if the public school had not moved.

We want to say that there are parts of this bill we need to improve, one being the priority section, so that Massachusetts and other States can benefit from legislation as well. And providing we do that, an amendment will be offered for that, we should be able to work forward to improve our public schools.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. Kind].

Mr. KIND. Mr. Chairman, I thank my friend the gentleman from California [Mr. MARTINEZ] on the Committee on Education and the Workforce for yielding me the time.

As a member of the Committee on Education and the Workforce, Mr. Chairman, I rise in strong support tonight for this legislation. I, too, would like to commend my colleagues and friends on the Committee on Education and the Workforce, the gentleman from Indiana [Mr. ROEMER] and the gentleman from California [Mr. RIGGS], for the hard work that they put in in drafting this legislation that is a good bipartisan piece of legislation, legislation that is really geared to helping the public school system in this country to improve themselves and give parents greater choice, teachers greater flexibility in how they are going to teach our children.

I urge my colleagues tonight to get behind and support this charter school legislation. I am a supporter of school choice, Mr. Chairman. I believe that the parents should be allowed to send their children, whether it is the public school or private schools of their choice. I oppose, however, the voucher plan that we earlier voted down in this Chamber. I think it is a drain on the public school resources, limited resources that are available.

My State of Wisconsin earlier this year struck down a private voucher plan in that State as an unconstitutional infringement upon the separation of church and State. The public schools are America's commitment and promise, really, to provide a quality education to every child in this country. They are the great equalizers in our society.

Charter schools are merely public schools that are created by teachers, parents, and other members of the community as innovative means to educate students and to stimulate creativity in the public school system.

Wisconsin passed its charter school bill back in 1993. We have 15 currently in existence. There is a lot of demand for increasing that number in recent years. This legislation will provide the seed money to allow States such as Wisconsin, with the positive feedback and results that we are seeing in the charter school system, get that type of seed money in order to improve the public education system.

I believe it is time to provide the support to parents and teachers, school districts and communities throughout the country to think creatively with bold innovative ideas and the flexibility necessary to meet the challenges we face in preparing all our children to the challenges of America. I urge passage of this legislation.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. KIND] for his comments.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Chairman, I thank the gentleman from California [Mr. RIGGS] for yielding me the time.

Mr. Chairman, I rise in opposition to this legislation. I was in support of the scholarship programs that we just voted down. But this bill introduces the notion of a brand new Federal program. I have not seen the problem to be lack of Government intervention at the Federal level, nor lack of funds.

I believe very sincerely that our public school system faces too much regulation from the Federal level, we do not need a new program. In this bill we will have mandates from the Federal Government on the States. There are also recommendations in here that the curriculum be evaluated. To me, this introduces a notion that we are so much opposed to testing, because it is the eventual evaluation and setting of standards that I think is so dangerous to the public school system.

This bill has $100 million in it. I can see why some who believe in big government believe in expanding the role of government in education, would support this. I strongly oppose it.

Mr. Chairman, I appreciate the opportunity to express my opposition to H.R. 2616, a bill amending titles VI and X of the Elementary and Secondary Education Act of 1965 to expand the use of charter schools. Despite the understandable enthusiasm many members of Congress feel toward charter schools, Congress should reject this bill as it represents an unconstitutional federal infringement upon the authority of States, local communities, and individual citizens to control education. The tenth amendment reserves to the States and the people "all powers not delegated to the United States by the Constitution," and thus forbids the federal government from any interference in education be it by mandating a national curriculum or providing incentives to States and localities to form charter schools. The drafters of the Constitution made no exception for education in the tenth amendment.

H.R. 2616 encourages states to alter their education laws and policies for the purpose of increasing the number of charter schools to at least 3,000 by the year 2000. In order to achieve this congressionally set goal, the Secretary of Education is instructed to give prioritized funding to states which allow charter schools a "high degree of autonomy" over their respective budgets and expenditures; have at least one chartering authority which allows for an increase in the number of charter schools each year; and provides for periodic review and evaluation by the authorized public chartering agency of each charter school. Thus, the federal government will use monies seized from the American people to "persuade" the states to create more charter schools with federal specifications. Of course, if the federal government reduced its oppressive level of taxation, the American people would have more resources to devote to education and states would feel less compelled to obey Congressional mandates in order to finance education.

A federal policy of encouraging charter schools represents an exercise in legislative hubris incompatible with ending "the era of big government." The charter school model may not be appropriate for every state in the nation. Whether or not a charter school is appropriate for a local community is a decision best made by the people in that respective community. Yet, this bill makes it national policy to encourage the formation of charter schools throughout the nation because Congress has determined charter schools are desirable. However, a centralized body such as Congress is institutionally incapable of knowing what reforms work best for every school district in this large and diverse nation. Therefore, rather than expanding federal programs, Congress should defund the federal education bureaucracy and return control over education to those best suited to design effective education

programs—local communities and individual citizens.

Proponents of this bill claim that it expands the educational options available to the nation's children. However, increasing federal involvement in education actually decreases the ability of parents to control their child's education. As a greater percentage of the nation's educational resources are devoted to fulfilling the wishes of Congress, fewer resources will be devoted to fulfilling the wishes of America's parents. This is because some people who would otherwise operate a religious-based school, for example, will instead open charter schools in order to receive federal funds. Since charter schools cannot offer religious instruction, those parents who would send their children to that school if it provided a parochial education are denied the ability to educate their children in accordance with their preferences.

Mr. Chairman, further evidence of how this bill would actually limit educational options can be found in the language making "evaluations" of charter schools one of the stated purposes of the federal charter school program. National evaluation is a process whereby federal bureaucrats determine which are the best education practices, leading to a federally-approved set of "best practices" for charter schools. Over time, charter schools will face pressure, perhaps applied by future Congresses, to adopt those practices favored by the federal government. Language in this bill giving the Secretary of Education the power to make grants based on how well charter schools meet the academic performance requirements guarantees an increasing level of uniformity among the nation's charter schools. This may extend as far as federal control, or at least "oversight," of the curriculum offered by charter schools!

Defenders of this bill may point out that the statute specifies the review and evaluation of charter schools to determine how well the charter school meets or exceeds state performance standards. However, it is unlikely that any state seeking federal funds would set standards different from those favored by the federal educrats. Furthermore, states applying for federal funds for charter schools must describe to the Secretary the goals of charter schools and the means by which charter schools will be evaluated by the state, as well as the curriculum and instructional practices to be used by the states charter schools, thus giving the Secretary another means by which to impose a uniform federal model of charter schools.

This bill further centralizes education by ratifying the increase of federal expenditures for charter schools to one-hundred million dollars contained in this year's budget and "such sums as necessary for each of the four succeeding fiscal years." An authorization of "such sums as necessary" gives appropriators carte blanche to increase appropriations every year. Since federal education programs are funded by taking money from hardworking American taxpayers, increasing federal expenditures on charter schools, or any other education program favored by Congress, leaves America's parents with fewer resources to educate their children in the way they deem fit.

Mr. Chairman, if educational choice is to be the priority, Congress should support large educational tax credits for parents, such as those contained in the Family Education Freedom Act (H.R. 1816). Insofar as "he who pays the piper calls the tune," expanding federal education programs and federal education expenditures will inevitably lead to increased federal control. Conversely, education tax credits will restore parental control over education. Moreover, the tax credit approach is much more consistent with this Congress' stated goal of decentralizing education authority.

In conclusion, this bill, while dressed up in the rhetoric of "fostering educational innovation and increased parental empowerment," is really yet another unconstitutional infringement upon the rights of states, localities, and, especially, parents to control education.

Charter schools may be a valuable educational reform. However, it is neither the constitutional nor practical role of Congress to encourage states to adopt a particular reform. Therefore, Mr. Chairman, I urge my colleagues to reject this proposal and instead, work to eliminate all federal educational programs which interfere with education and, instead, return authority over education to the rightful owner—the American people.

The CHAIRMAN. The Chair would advise that the gentleman from California [Mr. RIGGS] has 9 minutes remaining and the gentleman from California [Mr. MARTINEZ] has 16¼ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, when this debate started, the gentleman from Delaware [Mr. CASTLE] was the first speaker, and the words that came out of his mouth were words that I could have spoken myself and, in a sense, I will speak myself at this moment. That is that I am, I believe, as strong a supporter of charter schools as anyone in this Chamber. And at the same time, I also voted against the ill-advised voucher proposal that we just defeated.

I commend my Republican colleagues, who, without their support, we would not have been able to defeat that proposal. One of the concepts of why I support charter schools is that it really does work. It creates competition within the public school system. I see it work on a very practical basis in the State of Florida in my own district, the 20th District in Broward County, FL.

I serve on the board of a charter school. I do not know how many other Members in this Chamber have that distinction in their sort of noncongressional lives. But it is a very proud part of my public service that I was part of a creation of a charter school, and it is a school that is working and that is benefitting about 40 children in my district. It is doing some good things. And within the public school system, it is creating competition. And competition works.

But I think if we look at the specifics of this legislation, it goes too far. It expands charter schools more than I think is appropriate, not just in Florida, not just in Broward County, but throughout the entire country. There are a number of specifics that have been pointed out that I think are important in terms of some of the problems that this legislation creates. One is changing from 3 to 5 years the grant proposal. If we want charter schools not to have that fiery entrepreneurship and independence that has worked, that has been practical, that is the way to do it.

Again, I think it is worth mentioning, in Florida and in south Florida, charter schools have been bipartisan. I am on the board of a charter school. The gentleman from Florida [Mr. HASTINGS] is. And former President Bush's son, Jeb Bush, actually started the first charter school in the State of Florida.

In closing, I would remind my Republican colleagues that one size really does not fit all, that the Federal Government sometimes does not do best. I urge the defeat of this proposal as presently drafted.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I rise in support of H.R. 2616, although not a perfect bill, the Charter School Amendment Act of 1997, the bill that we will have the opportunity to vote on very soon.

This innovative school choice program strengthens our public school system. At least that is the design of it. Charter schools are public schools established under State laws that are created by teachers, parents, and other members of the community to stimulate reform within the public school system.

Contrary to popular belief, charter schools do not exclusively serve suburban school districts. In fact, some of the most successful charter schools are in urban areas. Additionally, some of the schools only serve students with disabilities or also low-income students.

H.R. 2616 amends the current law. It extends it from 3 to 5 years, although there is question about that. The extension provides opportunity to actually see that these programs are implemented.

□ 2200

There are some 28 States, the District of Columbia and Puerto Rico that enjoy the great opportunity to implement charter schools. My State happens to be one. In fact, my State now has chartered more charter schools than most of the States.

In my district, charter schools are working. Not all of them are successful, but many of them are. Therefore, I

would encourage other Members to give this legislation a chance, to support these schools, and to find innovation within the opportunity of public schools.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DAVIS].

Mr. DAVIS of Florida. Mr. Chairman, I would like to speak in support of the charter schools legislation and cite two important facts about what is happening in my home, the State of Florida. The first is that there are a significant number of at-risk children, children with learning disabilities whose parents have advocated for the creation of these schools.

The second point which I find particularly interesting is a lot of these schools are finding a way to succeed with a minimum amount of administration. In Florida that means not having assistant principals, not having guidance counselors, just the principal and the teachers. As a result of those savings from reduced administration, we have an average class size of about 17 students per teacher in many of these charter schools.

Why is that so terribly important? Let me share with Members a story. There was a team of sociologists a few years ago sent into a major inner-city school system to study what had happened to the kids who had been through that school system. After a lot of study, they found a group of kids who had succeeded wildly. These kids had gone on to college while many of their peers had never finished high school, were succeeding professionally, and had healthy emotional lives. They traced it all back to one teacher.

They found this teacher. She had retired from the school system. They went to her, they said, "Ma'am, what did you do to these students? Why did they succeed?" She said, "Mister, I knew each of the kids in my class. I had a small class. I knew each of them had something good in them. I helped them find that. I knew what it was. I loved those kids. I helped those kids succeed."

That is simply one powerful example of what happens when we have smaller class sizes, when our teachers can give students the attention they need, gifted students, average students, kids at risk. This is simply one of the first important lessons that charter schools are going to teach us, important lessons that we can replicate for the entire public school system to help all our kids in public schools succeed because of the innovation that we are going to be encouraging in charter schools.

Charter schools is a long overdue reform this Congress needs to encourage. We need to encourage reform. We need to encourage innovation. We need to let the local school districts run with the ball. We need to encourage parents to be activists. This bill helps do that.

Mr. MARTINEZ. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I do not rise to speak for or against charter schools. As a matter of fact, I tend to think that I could be supportive of charter schools. However, for many years now, I have been involved in trying to stop the rip-off of our Pell grants and Stafford loans by private postsecondary schools. I have worked with some people on the opposite side of the aisle.

Well, lo and behold I have discovered in the Los Angeles area some wise crook has found a way to rip off this charter school. Let me tell Members what they have done. An organization that is organized as a nonprofit charter school has a relationship with the Victorville School District out in the desert near San Bernardino. They have come into the inner cities from Victorville, this Cato Institute, which has the relationship with Victorville, and it has gone to the already private schools in Los Angeles where my grandson is enrolled in one of these private schools, and have worked out an arrangement with the owners of the school to allow these children to be signed up to the Victorville School District by way of the Cato Institute. Of course, the dollars that are derived from the Victorville School District are being shared through the Cato Institute with the private schools. My grandson and the other children remain in the private schools, their parents are paying tuition fee for them every month, so now what we have is we have government funds going through the charter school to help support private students.

We cannot have that. I do not know how this has happened. She has checked with the State of California. They said nothing that they know of envisioned this kind of thing happening, but it is what I worry about, when we allow the proliferation of any kind of school, whether it is charter schools or what have you, I worry about the crooks being able to come in and take advantage.

In this case, there is no reason why the government should be paying for my grandson whose mother is paying for him in private school. But this institute is getting the money from the Victorville School District, and sharing it per pupil with this private school, and promising that they will support them with resource materials, a sophisticated library access and maybe even computers. This is wrong, it is not right, and this is not what I think you intended for the charter schools.

I have talked with the gentleman from California [Mr. RIGGS] about it. I want to fix it.

Mr. RIGGS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from California.

Mr. RIGGS. I appreciate the gentlewoman yielding to me.

She is correct. She was kind enough to approach me with her concerns. We have promised on this side to look into them, but I forgot to ask the gentlewoman, I guess, a pretty basic question; that is, does she know if this particular charter school in Victorville, California receives any Federal taxpayer funding?

Ms. WATERS. I do not know.

Mr. RIGGS. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, it is purely coincidental that I stand here following the statement of the gentlewoman from California [Ms. WATERS], because the gentlewoman and I have worked together on the questions of scam technical schools and the default levels.

I can pledge absolutely to the gentlewoman from California that we will work together on this, but I do not think that that issue alone should defeat this question of charter schools, because I think the gentleman from California [Mr. RIGGS] has asked the correct question. We do not know whether that is under California law solely or whether it has to do with the Federal connection.

In any case, I believe as I read this legislation and whatever mutually acceptable amendments or language the gentlewoman and I could put in here to clarify it would deal with that question. But I think this accountability requirement, as I see this as one of the strongest parts of this legislation, is that it has quite explicit accountability standards both from the Federal level to the State level and down to the local autonomous group. I think it is a wonderful, creative, innovative way to bring parents, highly-trained professionals and the local communities to bettering children's education while at the same time maintaining accountability for standards.

But there is a question about how these charters are being handled in the State of California, or New Jersey, for that matter. To my knowledge, we have not had that problem in New Jersey, and we have been rather innovative ourselves.

Ms. WATERS. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, my intent is not to defeat the legislation. My intent is to surface this problem that I have run into in California. Even if they are not receiving Federal assistance, I do not know if they are or not, you can perhaps not have this loophole in your legislation that would allow this kind of pass-through.

Mrs. ROUKEMA. That is very important, and I commit to that. It is just

coincidental that my prepared remarks were going to focus on the accountability question with respect to educational standards. But certainly we have to be accountable as to how these charters are delivered or are presented.

Mr. Chairman, I rise in support of the Charter Schools Amendments Act of 1997. This legislation is a significant creative innovation to encourage States to look for new and creative ways to improve our country's schools.

Charter schools are an intelligent way to give local authority maximum innovative techniques using the strengths of parental involvement with the highest degree of professionalism and accountability.

This legislation will give priority of charter school funds to States that allow charter schools a high degree of autonomy over their budget and expenditures, allow for an increase in the number of charter schools from one year to the next, and include a periodic review.

I am pleased that this legislation has placed a strong emphasis on accountability. The legislation gives priority to States that include a law that provides for periodic review by the authorized public chartering agency. This review is to determine whether the school is meeting or exceeding the academic performance requirements and goals for charter schools as set under the State law and the school's charter.

We need this accountability in our school systems to hold someone responsible for improving the education that our nation's youth receive. To renew its charter, the school must be meeting its goals!

Charter schools are a good step for the future. They are schools with regulatory flexibility, where they are released from a variety of regulation so the schools can have flexibility in their development, and can experiment with new ideas. Charter schools are able to test a variety of educational approaches as they commit to attaining specific educational results and standards.

Charter schools have used this opening to excel in academic performance, parental satisfaction and involvement and teacher satisfaction. This past year, New Jersey granted 17 schools charters, including one in my district in Sussex County, New Jersey for 7th and 8th graders, which, as it continues to grow, will use the creativity and energy of the community with an emphasis on integrating available technologies, to find a way to meet the demands and challenges of today's society.

I would also like to note that this legislation reaffirms current law by specifically requiring that charter schools comply with Part B of the Individuals with Disabilities Education Act. The legislation also includes assurances that charter schools may not discriminate against children with disabilities.

This education legislation emphasizes accountability and originality. It is good legislation, and it encourages programs that will create innovation in our school system. Now is the time for such action.

Mr. RIGGS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOEKSTRA], the chairman of the Subcommittee on Oversight and Investigations who has spearheaded our Education at the Crossroads project around the country.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Let us take a look at what H.R. 2616 does. What the bill does is it increases funding for charter schools, reduces the amount of money that stays in Washington, directs the Secretary and the States to ensure that charter schools receive their fair share of other Federal funding dollars.

As we have gone around the country, one of the things that we have experienced when we have taken a look at charter schools is that charter schools seem in too many cases not to be getting their fair share of Federal dollars, so we are addressing that issue, and it also then amends title VI so that in this program, money that is used for professional development, computers and technology, curriculum development and magnet schools, that there is now one more use that is allowed. If a local school district or a State wants to use the money, they can use it for charter schools.

Why is this so important? As we have gone around the country, we have visited around 13 States, 15 different field hearings. Charter schools is an experiment that many of the States are working on to improve education for our children. In every State it is slightly different. What this says is we want to encourage this development at the State level. We want to support this innovation.

We have seen charter schools in California, we have seen them in Arizona, we saw them in Delaware, we have seen them in Michigan, we have seen different types and experimentation of similar types of programs in Wisconsin and Ohio. There is a lot of innovation going on, and this really is a fundamental role where the Federal Government maybe does have a legitimate place in being involved in saying, this is a research effort, we need to fund this research effort, we need to learn from this process, and we then need to share this learning and understanding with the other States and become kind of a clearinghouse so that other people can see and learn from what we are finding around the country.

As I have said, we have gone around the country. We have seen so many exciting things in education. We have seen in some of the toughest school districts in some of the toughest parts of the country, we have seen real improvement, because States have empowered people at the local level to do what they feel needs to be done at the local level.

Charter schools along with some of these other experiments is something that the Federal Government should be supporting, something that we should be encouraging, and something that we should be learning from and then disseminating the information around the country so that other local school districts and States can learn from it and put together the most effective education package for that local community and for that State.

Mr. MARTINEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California [Mr. MARTINEZ] for yielding me this time. I would just like to say in regard to the people watching C-SPAN at this time of night that there is no more important issue that we could be working on in this Congress as education. Education firmly on the part of the American people is the single most important issue.

Why are charter schools the most important issue that we are working on at 10:15 tonight? Because people want public school choice. They want every single school in America improved so they are proud to send their child to that school, and that child gets a solid education for the workplace or to go to college in their life later on down the road. That there is accountability in charter schools.

There are great performing schools in America today, and there are some schools that are not doing as good as they should be. In charter schools, we are giving the schools the ability to shut down poorly performing schools.

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Third, they are about innovation, they are about bold ideas, they are about new curriculum, longer school days and longer school years. There are options, charter school right here in Washington, DC, that are serving 100 percent of their students that are eligible for free and reduced lunches, it is 100 percent minority, and they are graduating their students at a 20 percent higher rate than the DC public school system.

This has been a lot of hard work in putting this bill together, and I would just like to conclude by again thanking the gentleman from California [Mr. RIGGS] for the bipartisan support, thanking my staff member, Gina Mahoney, who has put in countless hours and has shown just real commitment to the legislation and an understanding of the legislation. She has sought out experts from across America to work and gain common sense on this legislation from California to New York.

Mr. Chairman, I encourage my colleagues to support this good bipartisan education bill for the United States of America.

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Let me indicate to my colleague from California that I believe I have the right to close debate and intend to close debate.

Mr. Chairman, I yield 30 seconds to the gentleman from Delaware [Mr. CASTLE] my good friend, the vice chairman of the subcommittee.

Mr. CASTLE. Mr. Chairman, let me just first say that support for charter schools which truly are innovative and truly can change education in America is extremely rewarding and well placed, and I would also like to say that I agree with the gentleman from Indiana [Mr. ROEMER] with respect to bipartisanship on education matters and for children in general. When is the last time we saw a 6-year-old who thought he was a Republican or a Democrat? We need to help those kids in every way we can.

Finally, I would like to thank the gentleman from Indiana [Mr. ROEMER] and the gentleman from California [Mr. RIGGS] for their exceptional work on this, and Mr. RIGGS in particular for the extraordinary work that he has done on this committee to try to advance the causes of education.

We need more of this in the Congress of the United States. I think this has been an exemplary piece of legislation, the way it has been managed and handled, and for that reason I hope we can all support it and pass it when the time comes.

Mr. MARTINEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just briefly before I yield back the balance of my time, I will say that several of the speakers have spoken about some of the concerns they have about the bill, and there will be amendments offered, it is an open rule, and I am glad for that. We will get a chance to debate some of those amendments. Hopefully, some of those amendments will be accepted so that we can really get truly a bipartisan, more than just a few on this side, but as many people as possible, because the basic concept is very good, and I would hope that it would be amended to a point where I could support it.

Mr. Chairman, I yield back the balance of my time.

Mr. RIGGS. Mr. Chairman, I yield myself my remaining time simply to point out that I think that the gentleman from Indiana [Mr. ROEMER] mentioned a charter school here in the District of Columbia. As we mentioned before, they are really sprouting up everywhere around the country. If my colleagues have not had an opportunity to go visit a charter school, ideally, obviously, one in the district, but, if not, another one nearby or in an adjacent community, I strongly encourage my colleagues to do so because they are hotbeds of learning. It is incredible. One cannot be in a charter school for more than a few minutes without sensing the excitement about learning; it is contagious.

I also noticed that a couple weeks ago, I believe it was USA Today, or not USA Today, Parade magazine, as part of the Sunday supplement, as my colleagues know, in the Sunday newspaper, they have a reporter who has a fifth-grade, has a teaching credential and has experience as a fifth-grade classroom teacher, and they sent her on an unusual assignment. She went on an assignment around the country working as a substitute in local school districts in five or six different communities across the country and then wrote about her experiences in Parade magazine, and she cited a charter school in Boston by the name of The Renaissance School as the best individual school that she had visited in the course of this assignment.

Why did she say that? Because she said at this school parents, teachers, and students are truly excited about learning. She talked about the fact that they have longer school hours there than traditional public schools. The children, through the charter school, each receive a computer, and the charter school goes beyond that and helps every family acquire and install a computer in the household at this particular school. And she cited it again in terms of the curriculum, the structure, the discipline, as the single best fifth-grade classroom and the single best classroom that she had visited around the entire country, and I will later, when I get a copy of the actual article, introduce that for the RECORD. But to me, that pretty much says it all about charter schools.

So, colleagues, here is an opportunity to do something on a positive bipartisan basis to expand choice for parents, to increase Federal taxpayer funding for public school choice by helping in the startup and creation of more charter schools around the country.

This legislation is truly commendable, it deserves support, and therefore I urge my colleagues that once we complete the amendment process, whenever that might be, later tonight or later this week, to support the bipartisan Riggs-Roemer Community Design Charter Schools Amendments Act of 1997.

Mr. Chairman, I yield back the balance of my time.

Mr. PACKARD. Mr. Chairman, parents across the nation want greater control of their children's education and greater accountability from their children's schools. Parents must be able to send their children to safe, quality schools that reinforce the lessons of responsibility and respect that they try so hard to teach at home.

Charter schools are innovative public schools that, once freed from burdensome regulations, have made great strides in improving and reforming public education. Today, we consider H.R. 2616, the Charter Schools Amendments Act. This measure will direct much-needed new money to states that provide character schools with a high degree of fiscal autonomy, allow increases in the number of charter schools from year to year and ensure academic accountability. In addition, this bill ensures that 95 percent of federal charter schools' money goes to the state and local levels.

Mr. Chairman, some will argue that charter schools would skim the best students from public schools. However, when you consider that 55 percent of U.S. charter school students in 1995–1996 were poor, 63 percent were minority-group members, 19 percent had limited English proficiency, and almost one in five had disabilities, I'd say their arguments have very little merit.

According to the Department of Education, the most significant problem faced by charter schools in 1997 was a lack of start-up funds. H.R. 2616 increases charter schools funding from $51 million in FY97 to $100 million in FY98 and expands the list of activities the newly authorized money can be used for to include start-up funds.

Mr. Chairman, I am committed to ensuring that every child has the same opportunities to thrive and succeed. The Charter Schools Amendments Act will give more children a chance at future success and a shot at the American Dream. It's the least they deserve and I will work to provide our children with a top-quality education. I encourage all of my colleagues to support H.R. 2616, the Charter Schools Amendments Act.

Ms. DELAURO. Mr. Chairman, I rise today in support of the Charter Schools Amendments, and I urge my colleagues to vote in favor of this bill.

This bill represents the strategy we should be taking—investing in our public school system to strengthen the schools that 90 percent of American children attend. Charter schools are an innovative means to change our public schools for the better, without siphoning off funds to private or parochial schools.

The two charter schools in my home town of New Haven—Common Ground High School and the Village Academy—have proven to be highly effective in improving student performance. They give parents a real opportunity for school choice. The schools are held to high standards and in fact are reviewed periodically to ensure that students are meeting their goals. This type of accountability is exactly what we need to improve our students' performance.

Unfortunately, Republicans don't always follow the policy of investing in public schools. Time and time again they have voted to take money out of our public schools and put it into private and parochial schools. I am particularly disappointed that this bill will be combined with the Gingrich voucher experiment—virtually guaranteeing a veto by a President who has promised to protect America's public schools.

Vouchers are not the way to strengthen our public school system. Innovative programs like charter schools will allow us to continue our investment in America's public schools without deserting our children.

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 shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2616

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 "Charter Schools Amendments Act of 1997".

SEC 2. INNOVATIVE CHARTER SCHOOLS.

Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) in section 6201(a)—

(A) in paragraph (1)(C), by striking "and" after the semicolon;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) support for planning, designing, and initial implementation of charter schools as described in part C of title X; and"; and

(2) in section 6301(b)—

(A) in paragraph (7), by striking "and" after the semicolon;

(B) by redesignating paragraph (8) as paragraph (9); and

(C) by inserting after paragraph (7) the following:

"(8) planning, designing, and initial implementation of charter schools as described in part C of title X; and".

SEC. 3. CHARTER SCHOOLS.

Part C of title X of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"PART C—PUBLIC CHARTER SCHOOLS

"SEC. 10301. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

"(3) charter schools are a mechanism for testing a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for educationally disadvantaged students consistent with challenging State content standards and challenging State student performance standards for all students;

"(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

"(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which can have a significant effect on student achievement;

"(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform; and

"(7) there is a strong documented need for cash-flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

"(b) PURPOSES.—The purposes of this part are—

"(1) to provide financial assistance for the planning, design, initial implementation of charter schools;

"(2) to facilitate the ability of States and localities to increase the number of charter schools in the Nation to not less than 3,000 by the year 2000; and

"(3) to evaluate the effects of charter schools, including the effects on students, student achievement, staff, and parents.

"SEC. 10302. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 10303 to enable such agencies to conduct a charter school grant program in accordance with this part.

"(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 10303, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 10303.

"(c) PROGRAM PERIODS.—

"(1) GRANTS TO STATES.—

"(A) BASIC GRANTS.—Grants awarded to State educational agencies under this part for planning, design, or initial implementation of charter schools, shall be awarded for a period of not more than 5 years.

"(B) EXTENSION.—Any eligible applicant that has received a grant or subgrant under this part prior to October 1, 1997, shall be eligible to receive an additional grant for a period not to exceed 2 years in accordance with this section.

"(2) GRANTS TO ELIGIBLE APPLICANTS.—

"(A) BASIC GRANTS.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this part shall be awarded for planning, design, or initial implementation of charter schools, for a period not to exceed more than 5 years, of which the eligible applicant may use—

"(i) not more than 30 months for planning and program design; and

"(ii) not more than 4 years for the initial implementation of a charter school.

"(B) EXTENSION.—Any eligible applicant that has received a grant or subgrant under this part prior to October 1, 1997, shall be eligible to receive an additional grant for a period not to exceed 2 years in accordance with this section.

"(d) LIMITATION.—Except as otherwise provided under subsection (c), the Secretary shall not award more than one grant and State educational agencies shall not award more than one subgrant under this part to support a particular charter school.

"(e) PRIORITY AND REQUIREMENTS.—

"(1) PRIORITY.—

"(A) FISCAL YEARS 1998, 1999, AND 2000.—In awarding grants under this part for any of the fiscal years 1998, 1999, and 2000 from funds appropriated under section 10310 that are in excess of $51,000,000 for the fiscal year, the Secretary shall give priority to State educational agencies in accordance with subparagraph (C).

"(B) SUCCEEDING FISCAL YEARS.—In awarding grants under this part for fiscal year 2001 or any succeeding fiscal year from any funds appropriated under section 10310, the Secretary shall consider the number of charter schools in each State and shall give priority to State educational agencies in accordance with subparagraph (C).

"(C) PRIORITY ORDER.—In awarding grants under subparagraphs (A) and (B), the Secretary shall, in the order listed, give priority to a State that—

"(i) meets all requirements of paragraph (2);

"(ii) meets 2 requirements of paragraph (2); and

"(iii) meets 1 requirement of paragraph (2).

"(2) REQUIREMENTS.—The requirements referred to in paragraph (1)(C) are as follows:

"(A) The State law regarding charter schools ensures that each charter school has a high degree of autonomy over its budgets and expenditures.

"(B) The State law regarding charter schools provides that not less than 1 chartering authority in the State allows for an increase in the number of charter schools from 1 year to the next year; and

"(C) The State law regarding charter schools provides for periodic review and evaluation by the authorized public chartering agency of each charter school to determine whether the school is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

"SEC. 10303. APPLICATIONS.

"(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant from the Secretary under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) CONTENTS OF A STATE EDUCATIONAL AGENCY APPLICATION.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program;

"(2) describe how the State educational agency will inform each charter school of available Federal programs and funds that each such school is eligible to receive and ensure that each such school receives its appropriate share of Federal education funds allocated by formula; and

"(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

"(A) a description of the educational program to be implemented by the proposed charter school, including—

"(i) how the program will enable all students to meet challenging State student performance standards;

"(ii) the grade levels or ages of children to be served; and

"(iii) the curriculum and instructional practices to be used;

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal statutory or regulatory provisions

that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part;

"(L) such other information and assurances as the Secretary and the State educational agency may require; and

"(4) describe how the State educational agency will disseminate best or promising practices of charter schools in such State to each local educational agency in the State.

"(c) CONTENTS OF ELIGIBLE APPLICANT APPLICATION.—Each eligible applicant desiring a grant pursuant to section 10302 shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

"(d) CONTENTS OF APPLICATION.—Each application submitted pursuant to subsection (c) shall contain—

"(1) the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (L) of such subsection shall be applied by striking 'and the State educational agency' each place such term appears; and

"(2) assurances that the State educational agency—

"(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

"(B) will assist each subgrantee in the State in receiving a waiver under section 10304(e).

"SEC. 10304. ADMINISTRATION.

"(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 10303(b), after taking into consideration such factors as—

"(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

"(3) the ambitiousness of the objectives for the State charter school grant program;

"(4) the quality of the strategy for assessing achievement of those objectives;

"(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students; and

"(6) the number of charter schools created under this part in the State.

"(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 10303(c), after taking into consideration such factors as—

(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the charter school;

"(5) the quality of the strategy for assessing achievement of those objectives; and

"(6) the likelihood that the charter school will meet those objectives and improve educational results for students.

"(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for assistance under this part.

"(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award subgrants under this part in a manner that, to the extent possible, ensures that such grants and subgrants—

"(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

"(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

"(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 10309(1), if—

"(1) the waiver is requested in an approved application under this part; and

"(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

"(f) USE OF FUNDS.—

"(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

"(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school in accordance with this part.

"(3) ALLOWABLE ACTIVITIES FOR BASIC GRANTS.—An eligible applicant receiving a basic grant or subgrant under section 10302(c)(2) may use the grant or subgrant funds only for—

"(A) post-award planning and design of the educational program, which may include—

"(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(ii) professional development of teachers and other staff who will work in the charter school; and

"(B) initial implementation of the charter school, which may include—

"(i) informing the community about the school;

"(ii) acquiring necessary equipment and educational materials and supplies;

"(iii) acquiring or developing curriculum materials; and

"(iv) other initial operational costs that cannot be met from State or local sources.

"(4) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

"SEC. 10305. NATIONAL ACTIVITIES.

"The Secretary shall reserve for each fiscal year the lesser of 5 percent of the amount appropriated to carry out this part for the fiscal year or $5,000,000, to carry out, giving highest priority to carrying paragraph (2), the following:

"(1) To provide charter schools, either directly or through the State educational agency, with information regarding available education funds that such school is eligible to receive, and assistance in applying for Federal education funds which are allocated by formula, including filing deadlines and submission of applications; and

"(2) To provide, through 1 or more contracts using a competitive bidding process—

"(A) charter schools with assistance in accessing private capital;

"(B) pilot projects in a variety of States to better understand and improve access to private capital by charter schools; and

"(C) collection on a nationwide basis, of information regarding successful programs that access private capital for charter schools and disseminate any such relevant information and model descriptions to all charter schools.

"(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related evaluations or studies.

"(4)(A) To provide information to applicants for assistance under this part;

"(B) assistance to applicants for assistance under this part with the preparation of applications under section 10303;

"(C) assistance in the planning and startup of charter schools;

"(D) ongoing training and technical assistance to existing charter schools; and

"(E) for the dissemination of best practices in charter schools to other public schools.

"SEC. 10306. PART A, TITLE I ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

"For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, or of any other Federal educational assistance funds, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of this part as are necessary to ensure that every charter school receives the Federal funding for which it is eligible in the calendar year in which it first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that school are not fully and completely determined until that school actually opens. These measures shall similarly ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which it is eligible during the calendar year of such expansion.

"SEC. 10307. RECORDS TRANSFER.

"State and local educational agencies, to the extent practicable, shall ensure that a student's records and if applicable a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(11)), are transferred to the charter school upon transfer of a student to a charter school in accordance with applicable State law.

"SEC. 10308. PAPERWORK REDUCTION.

"To the extent practicable, the Secretary and each authorized public chartering agency, shall ensure that implementation of this part results in a minimum of paperwork for any eligible applicant or charter school.

"SEC. 10309. DEFINITIONS.

"As used in this part:

"(1) The term 'charter school' means a public school that—

"(A) in accordance with a specific State charter school statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

"(J) meets all applicable Federal, State, and local health and safety requirements;

"(K) operates in accordance with State law; and

"(L) has a written performance contract with the authorized public chartering agency in the State.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

"(4) The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

"SEC. 10310. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $100,000,000 for fiscal year 1998 and such sums as may be necessary for each of the four succeeding fiscal years.".

The CHAIRMAN. Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 105–357 if offered by the gentleman from Pennsylvania [Mr. GOODLING] or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the Chair 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 request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, pursuant to the rule which the Chair just recited, I offer an amendment printed in the report.

The CHAIRMAN. Is this the Goodling amendment?

Mr. RIGGS. Yes, Mr. Chairman.

The CHAIRMAN. Is the gentleman from California the designee of the gentleman from Pennsylvania [Mr. GOODLING]?

Mr. RIGGS. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RIGGS:

Page 12, strike lines 15 through 18, and insert the following:

"(4) describe how the State educational agency will use administrative funds provided under section 10304(f)(4) to disseminate best or promising practices of charter schools in such State to each local educational agency in the State, except that such dissemination shall result, to the extent practicable, in a minimum of paperwork for a State educational agency, eligible applicant, or charter school.".

Page 18, line 7, insert "out" after "carrying".

Beginning on page 19, strike line 17 and all that follows through page 20, line 9, and insert the following:

"SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

"For purposes of the allocation to schools by the States or their agencies of funds under Part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of this part as are necessary to ensure that every charter school receives the Federal funding for which it is eligible not later than 5 months after first opening, notwithstanding the fact that the identity and characteristics of the students enrolling in that school are not fully and completely determined until that school actually opens. These measures shall similarly ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which it is eligible not later than 5 months of such expansion.".

The CHAIRMAN. Pursuant to House Resolution 288, the gentleman from California [Mr. RIGGS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. RIGGS].

MODIFICATION TO AMENDMENT OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, before proceeding, I ask unanimous consent to modify the amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. RIGGS:

Page 5, line 23, strike "eligible applicant" and insert "State educational agency".

Page 12, strike lines 15 through 18, and insert the following:

"(4) describe how the State educational agency will use administrative funds provided under section 10304(f)(4) to disseminate best or promising practices of charter schools in such State to each local educational agency in the State, except that such dissemination shall result, to the extent practicable, in a minimum of paperwork for a State educational agency, eligible applicant, or charter school.".

Page 18, line 7, insert "out" after "carrying".

Beginning on page 19, strike line 17 and all that follows through page 20, line 9, and insert the following:

"SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

"For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of this part as are necessary to ensure that every charter school receives the Federal funding for which it is eligible not later than 5 months after first opening, notwithstanding the fact that the identity and characteristics of the students enrolling in that school are not fully and completely determined until that school actually opens. These measures shall similarly ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which it is eligible not later than 5 months after such expansion.".

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

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. RIGGS] that the amendment be modified?

Mr. MARTINEZ. Reserving the right to object, Mr. Chairman, could the gentleman from California explain the modification?

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

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I believe the modification is very technical in nature, but if the gentleman wants a more detailed explanation, we will have to, I guess, hear the Clerk explain it.

Mr. MARTINEZ. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I proceed with my 5 minutes, let me see if I can just alert the gentleman from Tennessee [Mr. FORD] that if he happens to be present, I would yield to him, and while we are perhaps looking for him, let me just explain very quickly to my good friend that my manager's package of amendments contains one technical amendment, two clarifying amendments.

The first clarifying amendment refines the language of an amendment that was accepted at the full committee markup. The amendment accepted in committee requires State education agencies to disseminate best or most promising practices of charter schools to local education agencies in that State, and the amendment also stipulates that the SEA, the State Education Agencies, can only use Federal charter school money to disseminate best or most promising practices from the 5 percent that they are permitted to retain for administrative purposes.

Further, my amendment requires that the dissemination of best or, again, most promising practices shall result in a minimum of paperwork for SEA and charter schools. The last thing we are trying to do is cause them more red tape or paperwork, and the amendment clarifies the language in the reported bill that directs the Secretary to take measures to ensure that charter schools receive the Federal funds for which they are eligible in their first year of operation.

In response to concerns expressed by some committee members, the amendment changes the time by which a charter school should receive their Federal money from, I quote now, within the calendar year to, again, quote, within 5 months in which the school first opens.

Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, given the rather fractious debate we have had this evening with regard to how we educate our kids in this Nation, I think we would all do well to return to a basic principle, a principle best articulated by Thomas Jefferson when he wrote that every child must be encouraged to get as much education as she has the ability to take. We want this not only for her sake, but for the Nation's sake.

Mr. Chairman, Jefferson did not use the words, "a few," or "several," or even "many." He used the word "every," every child, Mr. Chairman.

Charter schools, and I must applaud the leadership of the gentleman from Indiana [Mr. ROEMER] and his hard work in certainly reaching across the aisle to attract bipartisan support. Charter schools provide these opportunities. They are public schools, Mr. Chairman, schools accountable to public authorities but with the kind of local level autonomy that spurs innovation and excellence. Charter schools are part of a common sense solution to some of the problems facing and confronting parents and teachers and communities in America. They are not a panacea for all that ails our school system, for they will not solve our $112 billion infrastructure problem, the technology gap, or the resolve, the standards issue, but they do represent a very important step toward improvement.

At the same time, Mr. Chairman, we cannot allow our zeal for change to overtake our common sense. Charter schools and vouchers ought not to be part of the same conversation. Public choice encouraged by charters is one thing; vouchers, Mr. Chairman, are entirely another.

I recognize that some of my colleagues, particularly those on the other side of the aisle, however well intentioned, have been operating under the misapprehension that competition from small-scale vouchers will actually force public schools to improve. But unless every one of our Nation's nearly 50 million public school students is given a voucher, it hardly seems likely that public schools will be forced to improve.

In addition, Mr. Chairman, it seems a much more practical way, charter schools, to improve education for the majority of our Nation's students. That is exactly what charter schools do, which is why I support H.R. 2616 but did not support H.R. 2746, and I am proud to say neither did this House.

Again, let Mr. Jefferson's words be our guide. Let us oppose measures that do not educate the majority of our kids, taking out a few. Let us support the gentleman from Indiana [Mr. ROEMER] and the gentleman from California's [Mr. RIGGS] charter schools amendment.

Mr. MARTINEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand that the amendment is simply technical in nature, and as a result, we have no objections on this side.

Mr. Chairman, I yield back the balance of my time.

Mr. RIGGS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California [Mr. RIGGS].

The amendment, as modified, was agreed to.

□ 2230

Mr. RIGGS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. HANSEN] having assumed the chair, Mr. SNOWBARGER, 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. 2616), to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 5 of rule 1, 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, except that without objection, the yeas and nays will be taken on H.R. 1839 after proceeding de novo on H.R. 1604.

Votes will be taken in the following order: H.R. 2265, de novo;

House Joint Resolution 91 de novo;
House Joint Resolution 92, de novo;
H.R. 1702 de novo;
H.R. 1836 de novo;
H.R. 2675 de novo;
H.R. 404 de novo;
H.R. 434 de novo;
Senate 588 de novo;
Senate 589 de novo;
Senate 591 de novo;
Senate 587 de novo;
H.R. 1856 de novo;
H.R. 1604 de novo;
H.R. 1839, yeas and nays; and
H.R. 948, yeas and nays.

There was no objection.

The SPEAKER pro tempore. The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NO ELECTRONIC THEFT (NET) ACT

The SPEAKER pro tempore (Mr. HANSEN). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2265, 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 North Carolina [Mr. COBLE], that the House suspend the rules and pass the bill, H.R. 2265, 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.

APALACHICOLA-CHATAHOOCHEE-FLINT RIVER BASIN COMPACT

The SPEAKER pro tempore. The pending business is on the question de novo of suspending the rules and passing the joint resolution, H.J. Res. 91, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS], that the House suspend the rules and pass the joint resolution, H.J.Res. 91, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMPACT

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the joint resolution, H.J. Res 92, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the joint resolution, H.J. Res. 92, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, H.J. Res. 92, as amended, was passed.

A motion to reconsider was laid on the table.

COMMERCIAL SPACE ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1702, 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. ROHRABACHER] that the House suspend the rules and pass the bill, H.R. 1702, 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.

FEDERAL EMPLOYEES HEALTH CARE PROTECTION ACT OF 1977

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1836, 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 Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 1836, 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.

FEDERAL EMPLOYMENT LIFE INSURANCE IMPROVEMENT ACT

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2675, 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 Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 2675, 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.

AMENDING FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO AUTHORIZE TRANSFER TO STATE AND LOCAL GOVERNMENTS OF CERTAIN SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR PUBLIC SAFETY PURPOSES

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 404, 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. 404, 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 of the bill was amended so as to read:

"A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to State and local governments of certain surplus property needed for use for a law enforcement or fire and rescue purpose."

A motion to reconsider was laid on the table.

CARSON AND SANTA FE NATIONAL FORESTS LAND CONVEYANCES

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 434, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 434, 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.

EAGLES NEST WILDERNESS EXPANSION

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 588.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 588.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RAGGEDS WILDERNESS BOUNDARY ADJUSTMENT AND LAND CONVEYANCE

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 589.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 589.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DILLON RANGER DISTRICT TRANSFER

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 591.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the Senate bill, S. 591.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HINSDALE COUNTY, COLORADO LAND EXCHANGE

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the Senate bill, S. 587.

The Clerk read the title of the Senate bill.

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 Senate bill, S. 587.

The question was taken.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows:

[Roll No. 572]

YEAS—406

Abercrombie
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
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
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
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
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
McKinney
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
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
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
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
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)
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—26

Ackerman
Coburn
Cox
Cubin
Fawell
Flake
Foglietta
Gephardt
Gonzalez
Hinojosa
King (NY)
Lewis (CA)
McIntosh
McKeon
McNulty
Menendez
Payne
Pelosi
Riley
Schiff
Scott
Shuster
Waxman
Weller
Yates
Young (AK)

□ 2259

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNOWBARGER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ACT OF 1997

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1856, 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 New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 1856, 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.

PROVIDING FOR DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF OTTAWA AND CHIPPEWA INDIANS

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 1604, 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 Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1604, 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.

NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1839, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 1839, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 336, nays 72, not voting 24, as follows:

[Roll No. 573]

YEAS—336

Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
Deutsch
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Farr
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHugh
McInnis
McIntyre
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
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
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NAYS—72

Abercrombie
Andrews
Becerra
Berman
Blagojevich
Borski
Boswell
Boucher
Cardin
Carson
Conyers
Cummings
Davis (IL)
DeGette
DeLauro
Dellums
Dicks
Dingell
Evans
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gutierrez
Hinchey
Jackson (IL)
Kaptur
Kennedy (MA)
Kennelly
Kilpatrick
Klink
Kucinich
LaFalce
Lewis (GA)
Maloney (CT)
Maloney (NY)
Manton
Markey
McCarthy (MO)
McDermott
McHale
McKinney
Meehan
Miller (CA)
Mink
Nadler
Neal
Olver
Ortiz
Owens
Pallone
Paul
Pelosi
Rothman
Roybal-Allard
Sanders
Sanford
Sawyer
Scarborough
Schumer
Serrano
Skaggs
Slaughter
Stark
Tierney
Velázquez
Waters
Watt (NC)
Woolsey

NOT VOTING—24

Ackerman
Clay
Coburn
Cubin
Fawell
Flake
Foglietta
Gephardt
Gonzalez
Hinojosa
King (NY)
Lewis (CA)
McIntosh
McKeon
McNulty
Menendez
Payne
Riley
Schiff
Scott
Shuster
Waxman
Yates
Young (AK)

□ 2312

Messrs. GEJDENSON, LAFALCE, and Mr. SANFORD changed their vote from "yea" to "nay."

Mr. GREEN and Mr. HOSTETTLER changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 948.

The Clerk read the title of the bill.

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 pass the bill, H.R. 948, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 167, not voting 25, as follows:

[Roll No. 574]

YEAS—240

Abercrombie
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Calvert
Campbell
Canady
Cardin
Carson
Chambliss
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gillmor
Gilman
Goodling
Gordon
Granger
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hayworth
Hefner
Hill
Hilliard
Hinchey
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Leach
Lewis (GA)
Linder
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Myrick
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pomeroy
Poshard
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Salmon

Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Serrano
Shadegg
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn

NAYS—167

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Blunt
Boehner
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Cannon
Castle
Chabot
Chenoweth
Christensen
Coble
Collins
Combest
Cooksey
Crapo
Cunningham
Davis (VA)
Deal
DeLauro
DeLay
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Everett
Ewing
Fowler
Fox
Franks (NJ)
Ganske
Gibbons
Gilchrest
Goode
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Kasich
Kennelly
Kingston
Klug
LaHood
Largent
Latham
LaTourette
Lazio
Levin
Lewis (KY)
LoBiondo
Lucas
Manzullo
McCrery
McDade
McHugh
McInnis
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Petri
Pickering
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Riggs
Roemer
Rogan
Rogers
Roukema
Royce
Ryun
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—25

Ackerman
Clay
Coburn
Cubin
Fawell
Flake
Foglietta
Gephardt
Gonzalez
Hall (OH)
Hinojosa
King (NY)
Lewis (CA)
McIntosh
McKeon
McNulty
Menendez
Payne
Riley
Schiff
Scott
Shuster
Waxman
Yates
Young (AK)

□ 2322

Messrs. RYUN, SNOWBARGER, VISCLOSKY, and PICKERING and Mrs. NORTHUP changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

IN SUPPORT OF THE MARRIAGE TAX ELIMINATION ACT

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

Mr. WELLER. Mr. Speaker, I rise today in support of the Marriage Tax Elimination Act. I would like to speak in favor of this important legislation with a few simple questions.

Mr. Speaker, do Americans feel it is fair that our Tax Code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million middle-class married working couples pay an average of almost $1,400 in higher taxes just because they are married? Do Americans feel it is morally right that our Tax Code provides an incentive to get divorced?

Of course not. The marriage tax is not only unfair, it is wrong. It is immoral that our Tax Code punishes our society's most basic institution, marriage, with a tax penalty of almost $1,400 for 21 million working couples. The Marriage Tax Elimination Act eliminates the marriage penalty. It is important legislation that deserves bipartisan support. I am pleased we now have 223 cosponsors to eliminate the marriage tax penalty.

I include the following material for the RECORD:

MARRIAGE TAX QUOTES

If we are really interested in "putting children first", then why would this country penalize the very situation (marriage) where kids do best? When parents are truly committed to each other, through their marriage vows, their children's outcomes are enhanced. Children from solid, married families have higher graduation rates from high school and lower rates of drug abuse and teenage pregnancy.—Gary & Carla Gipson of Houston, Texas.

I am a 61 year old grandmother, still holding down a full time job, and I remarried three years ago. I had to think long and hard about marriage over staying single as I knew it would cost us several thousand dollars a year just to sign that marriage license. Marriage has become a contract between two individuals and the federal government.—Mary A. Hottel of New Castle, Virginia.

Last, I would like to share the few simple words spoken by a constituent of mine in Illinois' 11th Congressional District:

You try and be honest and do things straight, and you get penalized for it. That's just not right.—Mike Reading—Monee, Illinois.

[From the Daily Journal, Sept. 11, 1997]

THE MARRIAGE TAX

Congressman Jerry Weller is taking a leading part in the campaign to repeal the marriage tax.

A story in The Daily Journal Wednesday reported that both he and Rep. David MacIntosh of Indiana are spearheading an effort to get the tax repealed. They would like to see its repeal as part of any new tax bill next year.

We agree. 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. People will do anything, almost anything, that's legal to avoid taxes. Thus, throughout the 1980s, depreciation rules drove the construction, even overbuilding, in many areas of the country. Large portions of the health insurance crises were driven by a change in the tax laws. You used to be able to deduct insurance entirely off your income tax. It should not have surprised lawmakers that the percentage of people taking health insurance dropped when the deductibility of health insurance shrank.

Thus, laws should encourage, rather than discourage, marriage. And they should encourage, rather than discourage, couples from staying together.

It is patently unfair that a married couple, where both work, is taxed at a higher rate than two separate people. Every year you hear of a couple that humorously goes through a sham divorce just for tax purposes.

This year, the government did lurch in the right direction by enacting tax credits to help parents. Now it should act to help the rest of the family by repealing the marriage tax. Weller's initiative deserves support.

[From the Herald News, Oct. 16, 1997]

WORKING FAMILIES WELCOME REPEAL OF MARRIAGE TAX PENALTY

Elimination of the marriage tax penalty looks like a "can't miss" campaign for married couples and Rep. Jerry Weller, R-Morris.

The problem is that it has failed in the past, most notably it was part of the recent Republican "Contract with America." It has been vetoed twice by President Bill Clinton.

Backing this tax reform is like supporting hot dogs and apple pie. It's "politically correct."

Weller's bill would allow married couples to select "single" or "married" on their Internal Revenue Service forms. They can pick the filing status that brings them the greatest tax relief.

Like any "relief," this proposal has a price tag. More than 21 million married couples pay an average of $1,400 more in taxes because they file joint income tax returns.

Weller has 218 co-sponsors for this legislation so far. That's a majority in the House of Representatives. The key player in his corner is House Speaker Newt Gingrich, R-Ga. Gingrich said that an anticipated budget surplus next spring could be used to offset the loss of revenue caused by the eliminating the marriage tax penalty.

Even a heavyweight like Gingrich will face opposition with this unfair tax. There are numerous other uses for that projected surplus, including legislators who want to spend more to repair the nation's highways.

All of this considered, the elimination of the marriage tax should have appeal for working families. Weller said the tax change would be the centerpiece of any 1998 tax relief bills.

Working couples should support this concept. The tax is clearly discriminatory.

Weller released the results of a national poll this week that showed Americans support repeal of the marriage tax. We are sure of that. This is a middle class issue that will draw considerable support when it is explained to taxpayers.

Taxpayers across America should support repeal of the marriage tax. In this region that means contacting Weller's office or Rep. Harris Fawell of Naperville. It will bring clear-cut tax relief to married couples. There may be competition to use federal dollars for other purposes but working people need to stand up and be counted on this proposal.

Marriage should not be penalized by the IRS.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). 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.

HUMAN RIGHTS IN ECUADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise this evening to talk about human rights in Ecuador.

On October 1, I traveled to Ecuador to visit several American prisoners who have been held for many years without even a trial. I made my first trip to Ecuador in April of this year, where I was surprised to see the horrible conditions of the prison and the chaotic condition that exists in the justice system.

Ecuador is a Third World country that cannot afford decent prisons. Many prisoners do not even have bathrooms or food that is safe to eat. The justice system is incredibly corrupt. Judges and lawyers ask for bribes, and it is only the wealthy who can buy their way out. Almost 80 percent of the prisoners in this country have been held on drug charges. Because Ecuador has some of the strictest drug laws in the world, I have been told by several officials that this policy is a result of pressure from the United States.

I firmly believe that we need to be tough on crime. But the problem in Ecuador is that the drug laws are so sophisticated that you have to have a good functional justice system to administer these laws. Ecuador does not. There is no computers in the courtroom. It takes months before the police even let the courts know that someone has been arrested. And then you can sit in jail for years before anyone acknowledges you.

The problem is that when, and if, the people go to trial, more than 60 percent of them are found innocent. Let me repeat this. Sixty percent of those people are found innocent. This is a travesty. And in this system, there are almost 60 Americans. But there has been progress. The condemnation of international attention and visits by Members of Congress in this part of the country has shed light on the situation. I am proud today that since April, Ecuador has released more than 800 Ecuadorean prisoners who were trapped in this unjust system.

One of those prisoners was an American who was released last month after my visit. I spoke about this woman when I came to the floor in May to talk about the problems of this horrible system. Her name is Sandra Chase. She is a 53-year-old woman who suffers a terrible circulatory disease. She was arrested in December 1995 during her first trip out of this country. It took almost 18 months for the police to take her deposition. While she was in jail, Sandra lost her house and everything she owned.

On October 7, the Ecuadorean Government gave amnesty to Sandra Chase. She came home October 9, and her daughter Tammi and I met her in Miami.

□ 2330

She is now with her daughter in California where she is receiving treatment for her disease. I cannot express how happy I was that after almost 2 years, Sandra Chase was able to come home to her family. What a terrible nightmare she suffered.

I am submitting a letter for the RECORD that I have sent to the Minister of Government in Ecuador thanking their country for their release of this prisoner.

While I am extremely grateful for the cooperation, I remain very concerned about another prisoner in Ecuador, Jim Williams. He has been held for 14 months, and the judge in this case continues to refuse all of the evidence presented on his behalf. This is a very good example of how the justice system does not work.

Jim Williams has brought an incredible amount of attention to the justice system in Ecuador and has helped many lives by doing so. I continue to pray for Jim Williams and his family. This Sunday night, November 9, Jim Williams and other American prisoners in Ecuador will be featured on 60 Minutes. I hope that this program will show the American people what is happening to our neighbors in South America and encourage this country to take a closer look at our policy in South America.

Finally, I want to thank the family of Jim Williams for their continued strong support. My thoughts and prayers go out to each of them, especially to Jim Williams' mother, who sends me cards of encouragement, and to Jim Williams' loving wife Robin Williams, who have worked campaigning for her husband each day since his arrest, and his brother Charlie Williams who refused to give up the fight. Robin and Charles are in Washington tonight working on behalf of Jim Williams.

PUBLICATION OF THE RULES OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, pursuant to clause 2 of rule 11 of the Rules of the House of Representatives, I hereby submit the Rules of Procedure of the Joint Committee of Congress on the Library for printing in the CONGRESSIONAL RECORD.

RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

[ONE HUNDRED FIFTH CONGRESS]

RULE NO. 1

GENERAL PROVISIONS

(a) The Rules of the House are the rules of the Joint Committee on the Library so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and (subject to the adoption of expense resolutions as required by House Rule XI, clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee, and to distribute such information by electronic means. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the appropriate House account.

(d) The committee's rules shall be published in the Congressional Record as soon as possible following the committee's organizational meeting in each odd numbered year.

RULE NO. 2

REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Joint Committee on the Library shall be the second Wednesday of every month when the House is in session in accordance with clause 2(b) of House Rule XI. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the chairman subject to clause 2(c) of House Rule XI. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee, or at the discretion of the chairman, the vice chairman of the committee shall preside at the meeting. If the chairman and vice chairman of the committee are not present at any meeting of the committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3

OPEN MEETINGS

As required by clause 2(g), of House rule XI, each meeting for the transaction of business of the committee, shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the

remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: provided, however, that no person other than member of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business session which has been closed to the public.

RULE NO. 4

RECORDS AND ROLL CALLS

(a) The result of each roll call vote in any meeting of the committee shall be transmitted for publication in the Congressional Record as soon as possible, but in no case later than two legislative days following such roll call vote, and shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of Congress and all members of Congress shall have access thereto.

(c) House records of the committee which are at the National Archives shall be made available pursuant to House Rule XXXVI. The chairman of the committee shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the committee upon written request of any committee member.

(d) To the maximum extent feasible, the committee shall make its publications available in electronic form.

RULE NO. 5

PROXIES

No vote by any member in the committee may be cast by proxy.

RULE NO. 6

POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee is authorized, (subject to subparagraph (b)(1) of this paragraph):

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

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

(b)(1) A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee may be enforced only as authorized or directed by the House

RULE NO. 7

QUORUMS

For the purposes of taking any action other than issuing a subpoena, closing meetings, promulgating committee orders, or changing the rules of the committee, the quorum shall be one-third of the members of the committee. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8

AMENDMENTS

Any amendment offered to any pending matter before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9

HEARING PROCEDURES

(a) The chairman, with the concurrence of the vice chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Committee members may question a witness only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question the witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in committee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(e) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall:

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10

BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in clause 3 of House Rule XI, subject to the limitations therein.

RULE NO. 11

TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel will occur;

(3) the locations to be visited and the length of time to be spent in each;

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the jurisdiction of the committee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be

submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Oversight pertaining to such travel.

RULE NO. 12

POWERS AND DUTIES OF SUBUNITS OF THE COMMITTEE

The chairman of the committee is authorized to establish appropriately named subunits, such as task forces, composed of members of the committee, for any purpose, measure or matter; one member of each such subunit shall be designated chairman of the subunit by the chairman of the committee. All such subunits shall be considered ad hoc subcommittees of the committee. The rules of the committee shall be the rules of any subunit of the committee, so far as applicable, or as otherwise directed by the chairman of the committee. Each subunit of the committee is authorized to meet, hold hearings, receive evidence, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary, and to report to the full committee on all measures or matters for which it was created. Chairman of subunits of the committee shall set meeting dates with the approval of the chairman of the full committee, with a view toward avoiding simultaneous scheduling of committee and subunit meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subunits not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the clerk of the committee.

RULE NO. 13

OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 14

DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the chairman designated staff person, of the committee shall act as the clerk of the committee.

THE DISMANTLING OF EQUAL OPPORTUNITY

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to express my extreme disappointment with the Supreme Court's ruling yesterday that allows the ban on affirmative action in California to stand. The Supreme Court's decision yesterday is consistent with its trend to reverse the gains of African-Americans, women, and minorities in this country. The Court's unwillingness to take this case and decide it on the merits will spur an all-out frontal attack on initiatives that seek to ensure that minorities receive equal opportunity and fairness in contracting, higher education, employment, and many other areas.

Campaigns to eliminate preferences based on race and sex are under way in several States. Today voters in Houston, the Nation's fourth largest city, had an initiative on the ballot to end affirmative action in the area of public contracts. Perhaps W.E.B. Dubois was right when he said that the problem of the 21st century will be the problem of the color line.

Proponents of dismantling affirmative action have argued that discrimination and isolation are no longer barriers to achievement. However, the statistics bear out a different result. The U.S. Department of Labor's Glass Ceiling Commission report, released March 16, 1995, shows that while white men are only 43 percent of the Fortune 2,000 work force, they hold 95 percent of the senior management jobs. In addition, this report revealed that women are only 8.6 percent of engineers, less than 1 percent of carpenters, 23 percent of practicing attorneys, 16 percent of police, and 3.7 percent of firefighters.

Women and minorities are 66 percent of the population in this country, but only 35 percent of physicians, 20 percent of tenured professors, and 6 percent of school superintendents. Minority enrollments in law school and other graduate programs are plummeting for the first time in decades. Women make up 80 percent of the health service professionals, but white males dominate the senior management positions. It is plain that America is still a society where race and sex play major roles in how far you can go.

The concept of affirmative action encompasses three fundamental principles of fairness: First, ensuring that every American has access to education; second, ensuring that every American has access to good jobs; and the third basic principle of affirmative action for which there can be no retreat is ensuring that every American has the opportunity to advance as far in their field as their talents and hard work will take them.

Affirmative action is really all about our Nation's economic competitiveness. It is about being inclusive and not exclusive. In other words, it is about making sure that every American regardless of gender or race has an opportunity to live out the American dream. It is about trying to make sure that individuals do, in fact, have access to equal opportunity.

The Supreme Court's decision yesterday is a major setback for equal opportunity and diversity in this country. However, I urge all citizens who want to shatter the infamous glass ceiling, who want to make America's Statue of Liberty ring true when she says, I welcome your poor, tired, huddled masses of immigrants to our borders, to oppose efforts to end Federal affirmative action.

If we end Federal affirmative action, we are likely to see the gap between the haves and the have-nots widen. We are likely to see contracting for minorities, women and small businesses severely decline. In addition, we are likely to see opportunities for higher education continue to be reduced. Therefore, I urge the masses to mobilize and defeat those who would take us backwards rather than forward. Affirmative action must remain a reality in America.

SUPREME COURT WRONG IN LETTING AFFIRMATIVE ACTION BAN STAND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to associate my remarks with that of the gentleman from Illinois in raising concerns about the recent Supreme Court decision that allowed to stand Proposition 209 in California.

I think it is very clear that many have misinterpreted the concept of affirmative action. Affirmative action simply provides an opportunity for those qualified. It is unfortunate that the proponents of 209 and the Supreme Court now in its refusal to hear the decision have denied the rights of women and minorities to address discriminatory practices. And so as we see in California, with the initial impact of Proposition 209, a decided decrease in the schools of medicine and law with respect in particular to Hispanics and African Americans.

We have seen as a result of 209 a chilling effect on qualified minority students leaving in droves the State of California because they find no opportunity for civil rights or the opportunity to be educated in their own

schools because they have been denied those opportunities through the biased and unfair implementation of 209.

The question becomes, well, these individuals are not qualified. Evidence shows that graduate students in law and medicine who may have come in under an affirmative action program and scholarship program passed their medical boards and law boards equal to those who were admitted in another manner.

Additionally, I come from the State of Texas, and in particular represent the 18th Congressional District in Houston, TX. It is very clear that the Hopwood decision in Texas has been extremely chilling. In fact, I would say to you that Cheryl Hopwood, the petitioner in that case, which has now eliminated any opportunity for minority students to be accepted on what we call affirmative action goals-directed programs in the State of Texas, should have gotten into the University of Texas. In fact, she was far more qualified than many white males who got in under normal circumstances. So, in fact, I would have supported the admission of Cheryl Hopwood.

Unfortunately, her challenge was misdirected. It was directed at a program that sought to diversify a school system that had been born in segregation. Texas Southern University is a school that was organized in the State of Texas because Herman Sweat was not allowed to go to the law school at the University of Texas. Now we find ourselves having come full circle to deny now the best and the brightest of Texas from particularly Hispanic, African-American, and women populations along with Asians because of the implementation of the Hopwood decision. Now we find ourselves with a clone of 209 on the ballot as I speak in the city of Houston.

First I would like to thank all of those who worked in good faith to maintain the diversity and the international persona of the city of Houston. Mayor Bob Lanier was one of the leaders in this effort. I would suggest to Members that the people of good will know what is best for Houston, and that is to remain with an open door policy.

In this instance, proponents of the elimination of affirmative action directed their hostility toward the city's NWBE Program. Let me share with my colleagues the irony of such a rejection or opposition to the program. Our program was started in 1984, simply a goals aspiration program, simply saying to the majority community, which heretofore took 95 percent of city contracts, again paid for by city tax dollars of which all citizens pay for. After 1984, when the NWBE Program was carefully carved not to be a quotas program, not to be a preference program, we began to see 20 percent of the contracts going to women and minorities, 17 percent in construction and another percentage in professional services.

Now, the proponents of a clone of 209 say that that, in fact, is too much, say that Houston has preference, says that Houston has quotas. Absolutely absurd. What Houston has is the opportunity to promote minority businesses and women-owned businesses that have created jobs.

Mr. Speaker, as I close, let me simply say the Supreme Court was misdirected and unfortunately wrong in their opinion. I would encourage those who will be seeing these particular mechanisms on their ballot to fight hard to oppose allowing individuals to have a remedy for discrimination. That is all that affirmative action is, and we should join with colleagues of good will to likewise defeat any effort by the United States Congress to pass Federal legislation on affirmative action. That certainly will be the commitment that I offer, and I ask my colleagues to join me as well.

IRS IN NEED OF REFORM

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. Mr. Speaker, I rise to address the House this evening on an issue which is really front and center for all the American people, and that is the issue of tax reform and the issue of reforming the IRS. We only have to look to Carol Ward in Colorado Springs, CO, to look to the centrality of this problem. Here we have a young lady who was questioning for her son the way the IRS handled his particular return. Here the agent felt that she was being a little bit defensive or being a little bit actually helpful and he thought overly helpful in asking questions to the IRS agent. Her thanks for being watchful as to her son had her business closed by the IRS, signs placed on it saying that this business is closed, the IRS seized the assets, seized the bank accounts, put her out of business.

What justification did we have for a Federal agency that is supposed to be there for the benefit of taxpayers, to fund Federal agencies, of course, supposed to be a voluntary payment. Again we have involuntary agents going after Americans in this case where there was no probable cause. This was a fishing expedition. This was an act of retribution against a taxpayer trying to protect the rights of her son.

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She recently won in court a settlement on this matter, but if Carol Warden did not have attorneys and could not afford to go forward in this action, she would be like many others who were victims of the IRS whose businesses and personal assets were seized and who in fact felt the full awesome power, Mr. Speaker, of the IRS without fairness and without proper procedures.

So it is for those reasons that many of us in the House, both sides of the aisle, Republican and Democrat, are working on legislative initiatives to change that.

One of the issues I am introducing, Mr. Speaker, is the taxpayer bill of rights 3. This will require for the first time there will be no fishing expeditions by the IRS, no more quotas, as you have heard, from the Senate Finance Committee where they have to have so many cases where they bring investigations or fines and penalties against unwitting Americans who did nothing wrong. But the IRS for the first time under my legislation will be responsible for business and personal losses caused by the IRS actions, and, furthermore, the IRS will be responsible for the legal fees that are a part of this entire charade.

Moreover, we change the burden of proof so it would not require that the IRS would assume that the commissioner is correct and the taxpayer is guilty.

Furthermore, the bill calls for mediation service for those taxpayers that could not afford an attorney that there be a mediation service to settle the claims.

And finally for those taxpayers who come forward with violations by the IRS that they would not be subject to a special audit because they came forward to report wrongdoing or problems with the IRS.

We in Congress need to work together with BILL ARCHER, Congressman PORTMAN, Congressman LARGENT and also Congressman PAXON on all relative bills which deal with the same topic, reforming IRS, making the agency more fair and making sure the Tax Code we have is changed by the year 2000, one that may be flatter, fairer, not have special exemptions and make sure that working Americans have a fair shake from this system and that the agency that will succeed the IRS will be fair to all taxpayers.

I appreciate this time to address the taxpayer bill of rights, and I look forward to the support of my colleagues on this important legislation.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF NINE MEASURES RELATING TO THE POLICY OF THE UNITED STATES WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-379) on the resolution (H. Res. 302) providing for consideration of nine measures relating to the policy of the United States with respect to the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2676, IRS RESTRUCTURING AND REFORM ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–380) on the resolution (H. Res. 303) providing for consideration of the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RILEY (at the request of Mr. ARMEY), for today and the balance of the week, on account of medical reasons.

Mr. MCNULTY (at the request of Mr. GEPHARDT), for today, on account of personal reasons.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT), for today, on account of medical reasons.

Mr. YATES (at the request of Mr. GEPHARDT), for today after 10:30 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FORD) to revise and extend their remarks and include extraneous material:)

Ms. BROWN of Florida, for 5 minutes, today.

Mr. MCNULTY, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. GREEN, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. WHITE) to revise and extend their remarks and include extraneous material:)

Mr. SAXTON, for 5 minutes, today.

Mrs. LINDA SMITH of Washington, for 5 minutes each day, on today and November 5, 6, and 7.

Mr. KINGSTON, for 5 minutes each day, on today and November 5.

Mr. JONES, for 5 minutes, on November 6.

Mr. THOMAS, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, on November 6.

Mr. MCHUGH, for 5 minutes, on November 6.

Mr. BOEHLERT, for 5 minutes, on November 6.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. ADAM SMITH of Washington, for 5 minutes each day, on November 5, 6, and 7.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WHITE) and to include extraneous matter:)

Mr. FORBES.
Mr. CALLAHAN.
Mr. GILMAN.
Mr. ROGAN.
Mr. GRAHAM.
Mr. YOUNG of Alaska.
Mr. SAXTON.
Mr. BEREUTER.
Mr. ADERHOLT.

(The following Members (at the request of Mr. FORD) and to include extraneous matter:)

Mr. HOYER.
Mr. KUCINICH.
Mr. ABERCROMBIE.
Mr. FRANK of Massachusetts.
Mr. PAYNE in two instances.
Mr. ACKERMAN.
Mr. VENTO.
Mr. TOWNS.
Mr. LANTOS.
Mr. VISCLOSKY.
Mr. ORTIZ.
Mr. GONZALEZ.
Ms. DELAURO.
Mr. MANTON.
Mr. BENTSEN.
Ms. LOFGREN.
Mr. OWENS.
Mr. STARK.
Mr. KIND.
Mr. MCGOVERN.

(The following Members (at the request of Mr. FOX of California) and to include extraneous matter:)

Mrs. MCCARTHY of New York.
Mr. BOB SCHAFFER of Colorado.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled, a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2107. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2107. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 5, 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:

5719. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Pesticide Tolerances for Emergency Exemptions [OPP–300567; FRL–5750–8] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5720. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lambda-cyhalothrin; Pesticide Tolerances for Emergency Exemptions [OPP–300555; FRL–5745–5] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5721. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ferric Phosphate; Establishment of an Exemption from the Requirement of a Tolerance [OPP–300564; FRL–5749–2] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5722. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—4-(2,2-difluoro-1,3-benzodioxol-4-yl) — H-pyrrole-3-carbonitrile; Pesticide Tolerance [OPP–300565; FRL–5750–2] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5723. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerances for Emergency Exemptions [OPP–300570; FRL–5752–4] (RIN: 2070–AB78) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5724. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dipropylene Glycol Dimethyl Ether; Final Significant New Use Rule [OPPTS–50621B; FRL–5745–1] (RIN: 2070–AB27) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5725. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fuels and Fuel Additives; Elimination of Oxygenated Fuels Program Reformulated Gasoline (OPRG) Category from the Reformulated Gasoline Regulations [FRL-5917-7] (RIN: 2060-AH43) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5726. A letter from the AMD—Performance Evaluation and RECORDS Management, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received October 31, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5727. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to New Zealand (Transmittal No. 05-98), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

5728. 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 Greece (Transmittal No. DTC-88-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5729. 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 the United Kingdom (Transmittal No. DTC-127-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5730. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC-129-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5731. 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 the United Kingdom (Transmittal No. DTC-126-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5732. 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 Australia (Transmittal No. DTC-120-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5733. 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 the United Kingdom (Transmittal No. DTC-123-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5734. 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.

5735. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of the Inspector General and the Secretary's semiannual report on final action taken on Inspector General audits for the period from April 1, 1996 through September 30, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

5736. A letter from the Deputy Independent Counsel, Office of the Independent Counsel, transmitting the annual report on audit and investigative coverage required by the Federal Managers' Financial Integrity Act for the period ending September 30, 1997, pursuant to 5 U.S.C. app. 3 section 8G(h)(2); to the Committee on Government Reform and Oversight.

5737. 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; Sablefish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7025-02; I.D. 102997B] received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5738. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Pennsylvania Regulatory Program [PA-113-FOR] received October 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5739. A letter from the Director, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Executive Office for Immigration Review; Adjustment of Status to That of Person Admitted for Permanent Residence [EOIR No. 119 I; A.G. ORDER No. 2120-97] (RIN: 1125-AA20) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5740. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report on the authorized deep-draft navigation project for the Cape Fear-Northeast (Cape Fear) Rivers, North Carolina, pursuant to Public Law 104-303, section 101(a)(22); (H. Doc. No. 105—164); to the Committee on Transportation and Infrastructure and ordered to be printed.

5741. 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 Cedar Hammock (Wares Creek) area of Manatee County, Florida, pursuant to Public Law 104-303, section 101(a)(10); (H. Doc. No. 105-165); to the Committee on Transportation and Infrastructure and ordered to be printed.

5742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6-50 and -80C2 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97-ANE-52-AD; Amendment 39-10186; AD 97-22-14] (RIN: 2120-AA64) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes (Federal Aviation Administration) [Docket No. 97-CE-11-AD; Amdt. 39-10187; AD 97-22-16] (RIN: 2120-AA64) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-252-AD; Amdt. 39-10185; AD 97-22-13] (RIN: 2120-AA64) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lewiston, ID (Federal Aviation Administration) [Airspace Docket No. 97-ANM-07] (RIN: 2120-AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Gillette, WY (Federal Aviation Administration) [Airspace Docket No. 97-ANM-11] (RIN: 2120-AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Twin Falls, ID (Federal Aviation Administration) [Airspace Docket No. 97-ANM-08] (RIN: 2120-AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Aurora, MO (Federal Aviation Administration) [Airspace Docket No. 97-ACE-15] (RIN: 2120-AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5749. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pella, IA (Federal Aviation Administration) [Docket No. 97-ACE-25] (RIN: 2120-AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5750. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Anniston, AL (Federal Aviation Administration) [Airspace Docket No. 97-ASO-10] (RIN: 2120-AA66) received November 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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:

[Submitted November 3, 1997]

Mr. BLILEY: Committee on Commerce. H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; with an amendment (Rept. 105-164, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

[Submitted November 4, 1997]

Mr. BURTON: Committee on Government Reform and Oversight. 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; with an amendment (Rept. 105—373). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. H.R. 1836. A bill to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes, with an amendment (Rept. 105–374). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 2709. A bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles; with an amendment (Rept. 105–375). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 2534. A bill to reform, extend, and repeal certain agricultural research, extension, and education programs, and for other purposes; with an amendment (Rept. 105–376). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 799. A bill to require the Secretary of Agriculture to make a minor adjustment in the exterior boundary of the Hells Canyon Wilderness in the States of Oregon and Idaho to Exclude an established Forest Service road inadvertently included in the wilderness (Rept. 105–377). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 838. A bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes (Rept. 105–378). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 302. Resolution providing for consideration of nine measures relating to the policy of the United States with respect to the People's Republic of China (Rept. 105–379). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 303. Resolution providing for consideration of the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes (Rept. 105–380). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Rules discharged from further consideration. H.R. 2621 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARRETT of Nebraska (for himself, Mrs. CUBIN, and Mr. CHRISTENSEN):

H.R. 2795. A bill to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir; to the Committee on Resources.

By Mrs. CLAYTON (for herself, Mr. DELLUMS, Mr. SKELTON, Mr. BATEMAN, Mr. SPRATT, Mr. HANSEN, Mr. ORTIZ, Mr. BUYER, Mr. ABERCROMBIE, Mrs. FOWLER, Mr. MCHALE, Mr. GIBBONS, Mr. HEFNER, Mr. BALLENGER, Mr. COBLE, Mr. BILBRAY, Mr. BLILEY, Mr. GOODE, Mrs. MEEK of Florida, Mr. FROST, Mr. PALLONE, Mr. MCGOVERN, Mr. STENHOLM, Mr. CLAY, Ms. FURSE, and Mr. PRICE of North Carolina):

H.R. 2796. A bill to authorize the reimbursement of members of the Army deployed to Europe in support of operations in Bosnia for certain out-of-pocket expenses incurred by the members during the period beginning on October 1, 1996, and ending on May 31, 1997; to the Committee on National Security.

By Mr. COOK:

H.R. 2797. A bill to require air carriers to charge a reduced fare for air transportation to and from certain clinical health trials; to the Committee on Transportation and Infrastructure.

By Mr. DAVIS of Illinois:

H.R. 2798. A bill to redesignate the building of the United States Postal Service located at 2419 West Monroe Street, in Chicago, Illinois, as the "Nancy B. Jefferson Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. DAVIS of Illinois:

H.R. 2799. A bill to redesignate the building of the United States Postal Service located at 324 South Laramie Street, in Chicago, Illinois, as the "Reverend Milton R. Brunson Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. DUNCAN:

H.R. 2800. A bill to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes; to the Committee on Resources.

By Mr. FAZIO of California (for himself, Ms. KAPTUR, Mr. SERRANO, Ms. DELAURO, Mr. PALLONE, and Mrs. LOWEY):

H.R. 2801. A bill to consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies; to the Committee on Agriculture, 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. FRANK of Massachusetts (for himself, Mr. DELAHUNT, Ms. CARSON, and Mr. FROST):

H.R. 2802. A bill to amend the Internal Revenue Code of 1986 to restore the exclusion from gross income for damage awards for emotional distress; to the Committee on Ways and Means.

By Mr. GRAHAM:

H.R. 2803. A bill to amend the Internal Revenue Code of 1986 to reduce the noncorporate capital gains tax rate; to the Committee on Ways and Means.

By Ms. KILPATRICK (for herself, Mr. DAVIS of Illinois, Ms. HOOLEY of Oregon, Mr. JACKSON, Mr. MCINTYRE, Ms. MILLENDER-MCDONALD, Mr. PAUL, Mr. SANDLIN, and Mr. TOWNS):

H.R. 2804. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to primary health providers who establish practices in health professional shortage areas; to the Committee on Ways and Means.

By Ms. LOFGREN (for herself, Mr. LANTOS, Mr. MCGOVERN, Mrs. MINK of Hawaii, and Mr. MILLER of California):

H.R. 2805. A bill to prohibit a State official from releasing the results of a Presidential election in the State prior to the closing of the polls for such election in all States within the continental United States; to the Committee on House Oversight.

By Mr. PASCRELL:

H.R. 2806. A bill to amend title 49, United States Code, to provide that motor carriers safety permits for the transportation of hazardous material be subject to annual renewal; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself and Mr. MILLER of California):

H.R. 2807. A bill to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger; to the Committee on Resources.

By Mr. SKEEN:

H.R. 2808. A bill to designate a commercial zone within which the transportation of certain passengers or property in commerce is exempt from certain provisions of chapter 135 of title 49, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H.R. 2809. A bill to provide for the declassification of the journal kept by GLENN T. Seaborg while serving as Chairman of the Atomic Energy Commission; to the Committee on Commerce.

By Mr. TAYLOR of North Carolina:

H.R. 2810. A bill to direct the Secretary of the Interior to conduct a study to determine the best uses for the property on which the Lorton Correctional Complex is located to obtain the maximum economic benefit from the closure of the Complex under the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Government Reform and Oversight, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. THURMAN:

H.R. 2811. A bill to amend the Trade Act of 1974 and the Tariff Act of 1930 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 2812. A bill to provide for the recognition of certain Native communities under the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Resources.

By Mr. SOLOMON:

H. Res. 301. A resolution amending the Rules of the House of Representatives to repeal the exception to the requirement that public committee proceedings be open to all media; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mrs. FOWLER introduced A bill (H.R. 2813) to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict; which was referred to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. SOUDER, Mrs. MYRICK, and Mr. HOLDEN.

H.R. 59: Mr. EVERETT, Mr. CALLAHAN, Mr. MCINNIS, Mr. BOEHNER, and Mr. MORAN of Kansas.

H.R. 80: Mr. SALMON.

H.R. 135: Mr. BERRY.

H.R. 306: Mr. ROMERO-BARCELÓ, Mr. MOLLOHAN, and Mr. BORSKI.

H.R. 314: Mr. BILIRAKIS.

H.R. 383: Mr. LANTOS.

H.R. 591: Mrs. MALONEY of New York.

H.R. 619: Mr. PALLONE, Mr. FRELINGHUYSEN, Mr. KENNEDY of Rhode Island, Mr. ENGLE, Mr. MARTINEZ, Mr. LAZIO of New York, Mr. PAPPAS, Mr. WEYGAND.

H.R. 622: Mr. COOKSEY and Mr. COMBEST.

H.R. 716: Mr. SALMON.

H.R. 721: Mr. MINGE.

H.R. 746: Mr. CALVERT and Mr. SAM JOHNSON.

H.R. 754: Ms. STABENOW.

H.R. 815: Mr. BAESLER and Mrs. FOWLER.

H.R. 971: Mr. PAPPAS.

H.R. 979: Mr. LANTOS, Mr. KIM, Mr. NETHERCUTT, and Mr. TAYLOR of North Carolina.

H.R. 991: Mr. WYNN.

H.R. 1009: Mr. BATEMAN.

H.R. 1115: Mr. BROWN of California.

H.R. 1126: Mr. HORN.

H.R. 1165: Mr. LANTOS.

H.R. 1232: Ms. DEGETTE.

H.R. 1241: Mr. TORRES.

H.R. 1301: Mr. LUTHER.

H.R. 1334: Mr. BERMAN.

H.R. 1356: Mr. LEWIS of California.

H.R. 1415: Mr. ORTIZ, Mr. MORAN of Virginia, and Mr. BARTLETT of Maryland.

H.R. 1432: Mr. CLEMENT.

H.R. 1500: Mr. FRANKS of New Jersey.

H.R. 1544: Mr. BENTSEN.

H.R. 1595: Mr. DUNCAN and Mr. REDMOND.

H.R. 1625: Mr. DREIER, Mr. BASS, Mr. CRANE, Mr. BONILLA, Mr. BARTON of Texas, and Mrs. CHENOWETH.

H.R. 1719: Mr. MORAN of Kansas.

H.R. 1861: Mr. FRANKS of New Jersey.

H.R. 1872: Mr. DEAL of Georgia, Mr. ENGEL, and Mr. HASTINGS of Washington.

H.R. 1995: Mr. WALSH, Mr. BOEHLERT, Ms. CHRISTIAN-GREEN, Mr. MCHALE, and Mr. ROMERO-BARCELO.

H.R. 2023: Ms. RIVERS.

H.R. 2029: Mr. BURTON of Indiana.

H.R. 2040: Mr. GOSS.

H.R. 2139: Mr. SOLOMON.

H.R. 2212: Mr. LANTOS.

H.R. 2228: Ms. CHRISTIAN-GREEN, Mr. FILNER, Mr. DELLUMS, and Ms. PELOSI.

H.R. 2292: Mr. DEAL of Georgia and Ms. MCCARTHY of Missouri.

H.R. 2320: Mr. ABERCROMBIE, Mr. FROST, Mr. MCGOVERN, Ms. STABENOW, and Mr. THOMPSON.

H.R. 2321: Mr. BACHUS and Mr. MCCRERY.

H.R. 2327: Mr. STUMP.

H.R. 2351: Mr. BROWN of California, Ms. VELÁZQUEZ, and Ms. ROYBAL-ALLARD.

H.R. 2377: Mr. BOSWELL, Mr. SUNUNU, Mr. BASS, Mr. CAMP, and Ms. DUNN of Washington.

H.R. 2408: Mrs. CLAYTON, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. ALLEN, and Mr. ACKERMAN.

H.R. 2442: Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. BONOIR, and Mr. GEPHARDT.

H.R. 2449: Mr. RYUN.

H.R. 2450: Ms. KAPTUR and Mr. MARKEY.

H.R. 2468: Mr. MCGOVERN.

H.R. 2495: Mr. YATES, Mr. FROST, and Mr. OLVER.

H.R. 2503: Mr. MCGOVERN, Mrs. KELLY, Mr. HASTINGS of Florida, and Ms. MCCARTHY of Missouri.

H.R. 2509: Mr. KLINK, Mrs. MYRICK, Mr. CLYBURN, and Mr. COBLE.

H.R. 2523: Mr. DICKS.

H.R. 2549: Ms. KAPTUR.

H.R. 2570: Mr. BOB SCHAFFER, Mr. WATTS of Oklahoma, Mr. GREENWOOD, Mr. CHRISTENSEN, and Mr. BURTON of Indiana.

H.R. 2596: Mr. BARRETT of Nebraska, Mr. MCINTOSH, Mrs. EMERSON, Mr. HILL, Mr. NUSSLE, Mr. KLUG, and Mr. COMBEST.

H.R. 2604: Mr. TAYLOR of North Carolina, Mr. WELLER, and Mr. TORRES.

H.R. 2609: Mr. BOEHNER, Mr. PICKERING, Mr. TIAHRT, and Mr. MARTINEZ.

H.R. 2612: Mr. TRAFICANT.

H.R. 2625: Mr. WELLER, Mr. GOODLING, Mrs. KELLY, Mr. DAN SCHAEFER of Colorado, and Mr. THORNBERRY.

H.R. 2631: Mr. PACKARD, Mr. ROGAN, and Mr. Quinn.

H.R. 2647: Mr. BOB SCHAFFER, Mr. WATTS of Oklahoma, and Mr. BURTON of Indiana.

H.R. 2649: Mr. TORRES.

H.R. 2650: Mr. TORRES and Mr. BORSKI.

H.R. 2681: Mr. BOUCHER, Mr. RAHALL, Mr. BONIOR, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2695: Mr. GREEN, Mr. PAYNE, Mr. FORD, Mr. TORRES, Mr. LANTOS, and Mr. ACKERMAN.

H.R. 2697: Mr. FROST, Mr. GUTIERREZ, Mr. RUSH, and Mr. SHERMAN.

H.R. 2708: Mr. GIBBONS, Mr. JEFFERSON, and Mr. SNYDER.

H.R. 2713: Mr. ALLEN and Mr. LANTOS.

H.R. 2746: Mr. WELDON of Florida, Mr. KING of New York, Mr. PETERSON of Pennsylvania, Mr. LARGENT, Mr. MCINTOSH, and Mr. NORWOOD.

H.R. 2757: Mr. LIPINSKI, Mr. WEYGAND, and Mrs. THURMAN.

H.R. 2760: Mr. SKELTON and Mr. BENTSEN.

H.R. 2779: Mrs. KELLY and Mr. BISHOP.

H. Con. Res. 52: Mr. FATTAH.

H. Con. Res. 152: Mr. QUINN and Mr. PASCRELL.

H. Con. Res. 182: Mrs. KELLY.

H. Res. 135: Mr. WATT of North Carolina.

H. Res. 279: Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. LANTOS, Mr. ABERCROMBIE, Mr. HEFNER, Ms. KILPATRICK, Ms. SANCHEZ, Mr. SANDLIN, and Ms. VELÁZQUEZ.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2616

OFFERED BY: MR. WEYGAND

AMENDMENT NO. 4: Page 15, line 17, strike ", to the extent possible,".

Page 15, line 20, insert "to" before "each".

Page 15, line 20, insert "which has applied for a grant in accordance with the requirements of subsections (a) and (b) of section 10303" after "State".

EXTENSIONS OF REMARKS

HONORING OUR VETERANS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. HOYER. Mr. Speaker, I rise today not to praise the men and women who have served our Nation's Armed Forces, nor enumerate the deeds and sacrifices they have made for this country. I stand today to offer my most sincere gratitude and thanks to these ordinary citizens who have been called to do extraordinary things. As Veterans Day nears, we must ask ourselves what meaning this day has for us all.

This day, formerly known as Armistice Day, was conceived to honor those brave Americans who fought and died in the First World War. In 1938, the Congress passed a law officially making November 11th a national holiday. President Dwight D. Eisenhower, 16 years later in 1954, would sign legislation stating, "to honor Veterans on the 11th day of November each year . . . a day dedicated to world peace," formally recognizing this day as a time to honor those who have served this country.

The 11th hour, of the 11th day, of the 11th month, was the precise time which ended the First World War in 1918. That time marked the sacrifice of over 116,000 Americans who lost their lives on the battlefields of Northern France. This global war amassed more than 37 million military casualties, in addition to 10 million deaths among the civilian population. Although the horrors of war had been demonstrated to the world, an ill conceived peace from the Versailles conference, provided the impetus for a repeat of this madness with even deadlier consequences.

This day however, directly challenges those forces in the world that would break the fragile peace we now hold. And as each Veterans Day is celebrated, the fragility of that peace is strengthened and nurtured and allowed to grow; to grow with the hope that the flower it bears is not a poppy of sorrow, but rather a brilliant white rose celebrating peace.

Mr. Speaker, this day causes us all to think and reflect on the reasons why so many of our young men and women have served in our Armed Forces. For me, that answer is simple, to ensure the peace and domestic tranquility of this country. Though these words ring within the Constitution, it is that cause and that sentiment which these dedicated men and women have sworn to uphold. It is for that reason why this Nation in its vigil to maintain the peace, has helped to ensure the peace for the world and for generations of Americans to come.

War may glorify those human qualities which we hold high and dear but how much braver is the soldier standing on guard in 10 degree weather along the DMZ in Korea? How much more courageous is that maintenance personnel servicing vehicles in a lonely, isolated desert depot, or how dedicated is that medical assistant, routinely tending patients at the base health center, than their predecessors who served during wartime conditions. The sacrifices of our service members today cannot be divorced from those men and women who served in the past.

It is this common thread which holds the very fabric of the peace which shrouds our democracy and our way of life. To forget these links is to weaken the purpose and meaning of this auspicious day. The bright torch of freedom has been handed from our combat veterans to our present day service members. That torch burns brightly as a beacon to the rest of the world that we as a Nation stand ready to defend our hard earned peace.

No Nation can survive alone on the assurances of its technology or economic prowess. The willingness of our common citizenry to commit themselves to the causes of freedom and democracy are the assurances that have ensured the survival and existence of this country.

And so I ask you, Mr. Speaker, and my fellow colleagues, to join with me in not just recognizing but thanking those who have served this Nation. Our gratitude for those servicemen and women of yesterday and today is immeasurable. My simple thanks, is the sincerest form I have, to offer a group of Americans whose service has yielded us the full fruits of freedom. God bless our veterans.

HONORING THE LIFE OF NORMA JEAN CHURNOCK

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. ROGAN. Mr. Speaker, I rise today to pay tribute to a loving mother, a compassionate friend, and a dedicated woman of faith—Norma Jean Churnock. While her passing reminds us of our frailty, her persistence, love and devotion remind us of what life really means.

Norma was born in August 1931, and lived her entire life near her hometown of West Covina, CA. Norma was often a quiet woman, but to know her was to have learned volumes about strength from gentleness.

Too often, we find our lives unfocused and off center. We are distracted by the unimportant and we lose sight of what truly matters. This was not so with Norma. The pride of her life was her dedication to ministry and to her extended family at Calvary Bible Church in Glendale, CA.

For over 30 years, Norma served not just the members of our church and her community, but she dedicated her time—quietly and unselfishly—to the people of Los Angeles and the surrounding communities. Her years of service with the Haven of Rest sent a message of hope, proving that one person can make a difference.

Norma led an exemplary life and brought joy as a mother, a volunteer, and an active member of our church family. As members of Calvary Church we looked to Norma as a dedicated matriarch of our faith. Her dedication carried beyond her love of music shown as a member of our choir. No job was too small; no task too great. Norma lived the exemplary Christian life by dedicating herself to serving those around her, and often those less fortunate than herself.

Mr. Speaker, we have lost a dear friend and a dedicated servant. Our solace comes from knowing we are not alone in remembering her and her dedication to all. In recognizing the memory of a true saint, I ask my colleagues to join me here today in saluting her life, and remembering in our prayers the family of Norma Jean Churnock.

IN HONOR OF MATTHEW S. FINLAY ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Matthew Finlay of Bay Village, OH, who will be honored for his attainment of Eagle Scout on November 23, 1997.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and praise Matthew for his achievement.

HONORING MAJ. GEN. ENOCH H. WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievements of Councilman Enoch Williams.

While attending the needs of a racially and ethnically diverse constituency, Mr. Williams has been a member of the New York City Council, representing the 41st Councilmanic District, since 1978. Prior to entering elective office, Mr. Williams served as the executive director of the Housing Development Corp. of the Council of Churches of New York City. He was also a community-organization specialist in the now-famous Youth-in-Action, Inc. antipoverty agency, where he developed the skill of working with community groups, guiding them to create housing and employment in the innercity.

While making important strides in his role as a councilman, Enoch has managed to contribute to his community in other meaningful ways. Currently, he is the civilian director of the New York City region of the Selective Service System. He is a member of the American Institute of Housing Consultants, the Community Service Society, the National Association for the Advancement of Colored People, the National Urban League, and the Unity Democratic Club. In addition, the councilman served as an elected delegate to the 1992 Democratic National Convention, having served in the same capacity in 1968 and 1972. He also served as Democratic district leader from 1986 to 1994.

As a veteran, Major General Williams has again proven his commitment to his country. He was appointed commander of the New York Guard in 1990. After serving as an enlisted member during World War II, General Williams earned his commission in 1950, and has enjoyed over 30 years of active service. His military decorations include the Legion of Merit, Army Commendation Medal, both the Bronze and Silver, and Silver Selective Service System Meritorious Service Medals. He retired in June 1995 as commander of the New York Guard, with the rank of major general.

Mr. Speaker, please join me in congratulating Councilman Enoch Williams for all of his years of faithful service to his country and to the 41st Councilmanic District of Brooklyn, NY.

TRIBUTE TO HELEN VINCENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to extend sincere congratulations to Mrs. Helen Vincent on her retirement from Teamsters Union Local 142 next month. Helen will be honored for her 38 years of dedicated service to the Teamsters at a dinner to be held this Friday, November 7, at the Patio restaurant in Merrillville, IN. Helen's family and colleagues will be attending this special event, where Rick Kenney, secretary-treasurer of Teamsters Local 142, will speak in recognition of her outstanding service.

Helen began working as a secretary for Teamsters Local 142 in 1959. Founded in 1941 in Gary, IN, Teamsters Local 142 represents approximately 5,500 laborers in the trucking, warehousing, commercial services, municipalities, and manufacturing industries. Helen's responsibilities at Local 142 have included the preparation of contracts, personal secretarial work for the secretary-treasurer, bookkeeping, and related duties. Throughout her career, Helen's coworkers have regarded her as a very reliable and efficient worker, who always goes above and beyond the call of duty. In addition to her outstanding career with the Teamsters, Helen and her husband of 39 years, Bob, successfully raised two fine sons, Robert and Mark.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Helen Vincent on her imminent retirement from Teamsters Local 142. In all aspects of her life, Helen has managed to put forth her best effort for a job well done. Helen's husband, children, and four wonderful grandchildren, Bobby, Megan, Sam, and Teresa, should be proud of her accomplishments, as she has been an invaluable source of guidance and support for both the Teamsters and her family.

COLOMBIAN NATIONAL POLICE 106TH ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to inform my colleagues that the 6th of November is the 106th anniversary of the Colombian National Police [CNP]. The CNP has been our longstanding partner in the war on drugs. The CNP's success has been orchestrated by its director general, Gen. Rosso Jose Serrano, and the fearless leader of the DANTI, their antinarcotics unit. Col. Leonardo Gallego.

Under the leadership of these two outstanding officers, the CNP has received worldwide recognition from the law enforcement community including FBI Director Freeh at a recent International Relations Committee hearing. Under their leadership, the CNP has broken the backs of the world's largest drug cartels in both Medellin and Cali. Their efforts should be duly recognized here today by Congress.

Regrettably, their success has had a price, the lives of more than 4,000 brave young CNP officers over the last 9 years. Their sacrifice cannot be underestimated, or go unnoticed. Their deaths were not in vain. Today, we honor their memories here in the House. Despite the tragedies of their deaths fighting drugs, the DANTI is world renowned for its record on human rights. This is a credit to their dedication to their mission, and a credit to their leaders, General Serrano and Colonel Gallego.

Mr. Speaker, I would like to include, at the conclusion of my remarks, a copy of the letter from myself, Mr. BURTON, Mr. HASTERT, and Mr. BALLENGER to General Serrano congratulating him on this occasion of the 106th anniversary of the CNP.

I know I echo the words of many of my colleagues here today. We thank the Colombian National Police for their outstanding, courageous efforts in the harshest of circumstances. We extend our heartfelt congratulations on their 106th anniversary and wish their continued success in all of their endeavors.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 5, 1997.

Gen. ROSSO JOSE SERRANO,
Director General, Colombian National Police.

DEAR GENERAL SERRANO: It is with great respect and admiration that we salute the Colombian National Police on this, the 106th anniversary of its inception. The professionalism of your police force has been proven repeatedly under the most adverse challenges imaginable.

The sterling reputation of the Colombian National Police is one that is the envy of law enforcement organizations world-wide. The sacrifices of your policemen have made that reputation what it is today.

We applaud the Colombian National Police's loyalty and your dedication to the principles of law enforcement. We also encourage your adherence to human rights, and salute the DANTI's world-renowned human rights reputation. We salute your continued sacrifices for law and order in a democratic republic.

Finally, please tell your policemen that they are not forgotten.

With best wishes,

DAN BURTON,
Chairman, Government Reform and Oversight Committee.

BEN GILMAN,
Chairman, International Relations Committee.

J. DENNIS HASTERT
Chairman, National Security Subcommittee.

CASS BALLENGER
Vice Chairman, Western Hemisphere Subcommittee.

CONFERENCE REPORT ON H.R 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

SPEECH OF

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 1997

Mr. SPRATT. Mr. Speaker, I rise to express my concerns about two provisions in the conference report on H.R. 1119, the Defense Authorization Act for Fiscal Year 1998. Although I was a member of the conference, I was not a conferee for these provisions and was not aware of their final resolution until the completion of the conference report.

Sections 522 and 523 of H.R. 1119 mandates that the Secretary of Defense submit a

plan to eliminate 4,350 nondual status military technicians. These are Federal civilian employees working for the National Guard and the Army Reserve, often in administrative and administrative support positions, who would not be required to report with their reserve units during a deployment. The bill directs the Secretary to recommend ways to convert the status of these employees if it is determined that their positions can not be eliminated or filled by dual status technicians.

In many cases, these employees fill support positions which would be subject to high turnover if filled by dual status employees. Current nondual status employees have provided stability to these positions, often at low rates of pay. This provision appears to prejudge the need to eliminate these employees before it has been established whether such a move will provide a savings to the Government, or will improve national security. Further, I am troubled that this provision gives the Secretary of Defense no direction on the need to provide for the protection of pension and other employee benefits in the conversion process, especially for those employees whose length of service would reasonably entitle them to expect such benefits.

Second, I am sorely disappointed in the conference reports resolution in regards to a Senate amendment which would have elevated the Chief of the National Guard Bureau to a four-star ranking and made the Chief a member of the Joint Chiefs of Staff [JCS]. Although I did not support putting the Guard chief of the JCS, I do believe that there is currently a serious problem in resourcing for the Guard which can be improved by elevating the Chief of the Guard. I supported giving the Chief a fourth star and appointing him to the Joint Requirements Oversight Committee [JROC]. Sec. 901, H.R. 1119 instead creates two new assistants to the Chairman of the JCS: one for National Guard Matters and one for Reserve Matters.

Two 2-stars do not make a four star, nor does it solve the real budget problem within the Army. When I and several of my colleagues wrote the Chairman of the National Security Committee to urge the inclusion of legislation that would elevate the Chief of the National Guard Bureau from 3-star to 4-star general and place him on the Joint Requirements Oversight Committee, I believe then, as I believe now, that this is the right thing to do.

There are those critics that argue that making the Chief of the National Guard a four-star would be disruptive to the total force policy or is not justified. I disagree, because there is precedence, just look at the Marine Corps, the commandant of the Marine Corps at one point in time was a three-star general and did not have a seat on the Joint Chiefs of Staff. The Marine Corps to my knowledge are to this day part of the Navy. The Marine Corps to this day is a shining example of the total force concept, fully integrated across the spectrum and fully funded. Another example is the Coast Guard, while not part of the Department of Defense in peacetime, they support the Navy in times of war. Currently, the Coast Guard has a four-star admiral and four three-star vice admirals, for a $3.8 billion force of more than 75,000 active and reserve Coast Guard members across the country. The Coast Guard does a tremendous job of supporting maritime law and drug enforcement, maritime transportation support and disaster assistance in their domestic role. Now let's compare this to the National Guard. The National Guard has a three-star lieutenant general for $10 billion force of more than 466,000 full-time and part-time members in the Army and Air National Guard who are performing vital missions throughout the country and the world right this minute. This in itself is justification for the National Guard to have a four-star, not to mention that the National Guard has 54 percent of the Army's combat force structure and is located in over 2,700 communities in all States and territories.

Finally, concerning sec. 411, end strengths for Selected Reserve, where the Army National Guard was reduced in endstrength by 5,000 spaces. I do not support reducing the Army National Guard endstrength. The bottomline here is that the Army National Guard is the only service component, active or reserve, to be reduced below the President's budget request. The conference report cites the Army off-site of June 5, 1997 as the reason for reducing the endstrength of the Army National Guard. As I understand the results of the off-site, the active Army should have been reduced by 5,000 spaces as well, but that was not included in this bill. In fact the Army is not able to meet its endstrength. In fact the Army National Guard is currently meeting its endstrength goals. It makes it very difficult to justify reducing the Army National Guard, in essence punishing them for meeting their strength.

In conclusion, I believe that the provisions I have mentioned do nothing to enhance the resourcing and readiness issues faced by the National Guard and Reserve. I do believe that we should revisit these provisions next year as we prepare the fiscal year 1999 Defense authorization bill.

HONORING HERRICKS MIDDLE SCHOOL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. ACKERMAN. Mr. Speaker, I rise to honor Herricks Middle School in Albertson, NY, which has recently received a Blue Ribbon Award for academic excellence by the Department of Education. The school will be honored in a ceremony with Education Secretary, Richard Riley on November 6.

Herricks Middle School strives to give every student the most well rounded education possible by fostering each child's cognitive, social, and physical development. Students are required to take a seventh grade guidance class, where they can initiate a positive relationship with a guidance counselor, early on in their academic careers. The school's academic teams, which consist of teachers, guidance counselors, administrators, and parents, focus upon each individual student, in order to provide critical support during difficult times. Herricks Middle School also has a diverse and innovative extracurricular program.

The school has also placed an important focus upon computer literacy programs. The administration has recognized that a computer in a classroom may not necessarily foster a student's education unless a teacher is fully versed in the proper technology. Thus, a part time staff member has been hired to train teachers in computer technology and help them apply it in a classroom setting. Since this training program was implemented, computer use by teachers has tripled.

The school's innovative curriculum also includes interdisciplinary units on the Holocaust and immigration. All of these factors have combined to create an extraordinary learning environment. The average daily attendance rate at Herricks Middle School exceeds an astounding 96 percent. The school's average standardized test scores in reading and math fall between the 82d and 92d percentiles nationwide. Much of this success can also be attributed to the leadership and commitment of the school's principal, Dr. Seth Weitzman.

Herricks Middle School is working to build tomorrow's leaders through innovative academic and guidance programs, constant teacher training, and diversified extracurricular activities. I ask all of my colleagues to join me in honoring this school for their extraordinary work and congratulating them on receiving the prestigious Blue Ribbon Award.

HONORING THE SUNY/BROOKLYN EDUCATIONAL OPPORTUNITY CENTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. TOWNS. Mr. Speaker, I am proud to acknowledge that on November 7, 1997, the SUNY/Brooklyn Educational Opportunity Center will celebrate 30 years of service to the borough of Brooklyn and the city of New York.

The center was established in 1996 by Governor Nelson Rockefeller, the New York State Legislature, and State University of New York. Throughout the years, the Brooklyn Center has served over 200,000 residents, enrolled 50,000 students and graduated approximately 28,000 adults and young adults. These graduates have become high school principals, corporate executives, college professors, city and State employees, secretaries, computer technicians, and mechanical drafters. Over the past 5 years the Brooklyn Educational Opportunity Center's alumni have contributed $7 million to the city and State treasuries. This program has also made it possible for 800 former welfare recipients to become gainfully employed.

Mr. Speaker, it is an honor and a privilege for me to congratulate SUNY/Brooklyn Educational Opportunity Center, and to wish them many more productive and prosperous years.

HONORING GREG LAIS, EXECUTIVE DIRECTOR OF WILDERNESS INQUIRY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. VENTO. Mr. Speaker, on October 22 I had the pleasure of hosting the signing event that celebrated the establishment of a general framework of cooperation—a memorandum of understanding—between the Federal land management agencies and a private entity; Wilderness Inquiry. These agreements have a positive goal of increasing opportunities for people of all abilities to get out and enjoy America's public lands. I was joined by Chairman Jim Hansen and a number of representatives of Federal agencies who have dedicated their work to increasing access to our Nation's special places for all Americans. None of this would have been possible without the extraordinary efforts of a extraordinary Minnesotan, Greg Lais.

Since 1978, Wilderness Inquiry has served 30,000 people of all abilities on trips throughout North America, Europe and Australia. Greg Lais observes, "Meeting new friends, exploring wilderness areas, and participating in exciting outdoor activities is what Wilderness Inquiry is all about. Be prepared to step out of your normal routine and enter a world where time is measured by the sun and movement governed by wind and weather."

"In addition to having fun," Lais continues, "you'll have the opportunity to learn about a variety of topics, including the history and ecology of the areas you travel. And, since Wilderness Inquiry strives to include a diverse group of participants—including persons with disabilities—it's likely that you'll learn a bit about other people—and yourself—in the process."

With the signing of a memorandum of understanding [MOU] between Wilderness Inquiry and the Bureau of Land Management, the National Park Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service, the Bureau of Reclamation, and the U.S. Army Corps of Engineers, more people will have the wealth of opportunities observed as our American experience and legacy. Wilderness Inquiry's expertise in service delivery will surely help the agencies achieve the goal of providing outdoor recreation programs and services that are accessible to all Americans. And Wilderness Inquiry's expertise is readily apparent: more than half of the people Wilderness Inquiry serve have physical, cognitive or emotional disabilities. Indeed, when a person with a disability calls Wilderness Inquiry and expresses a desire to experience the outdoors, Greg Lais and his talented staff figure out how to do it—not why it can't and shouldn't be done.

Wilderness Inquiry's program focus of integrating people from diverse backgrounds and ability levels has proven effective at fostering dignity, independence, and social integration. A lot of positive steps have already been taken. In 1991 Wilderness Inquiry completed a study on behalf of the National Council on Disability to determine the ability of people with disabilities to enjoy wilderness. That study came forward with a number of recommendations, many of which are currently being implemented. These includes suggestions and programs for training Federal employees, guidelines for policy implementation, and recommendations for service providers.

But much more remains to be done, and that is what this special agreement between Wilderness Inquiry and the Federal land managers is focused upon. It signals a Federal agency commitment to making our public lands accessible so that all Americans appreciate our rich natural and cultural heritage. The benefits to all Americans will be great. Customers will be better served and more satisfied, awareness of our great outdoors will be enhanced, and we will be on the road to achieving equal access to the comprehensive civil rights for persons with disabilities included in the Americans With Disabilities Act.

That is why I rise today to pay tribute to Greg Lais, a person who embodies the spirit of serving the public that makes this Minnesotans such a special person. His organization is doing good work, and for that I believe he deserves the respect and thanks of this House, this Congress, and the American people.

IN HONOR OF GRANT A. KNISELY ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Grant Knisely of Bay Village, OH, who will be honored for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work, and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life, environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and praise Grant for his achievement.

A TRIBUTE TO THOMAS J. MURRAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. GILMAN. Mr. Speaker, one of my more remarkable constituents, Thomas J. Murray of Walden, NY, is going to be honored by the Walden Rotary Club in a few weeks for a lifetime of devotion to his community and his family. I would like to take this opportunity to share his life story with our colleagues so that they can join us in saluting an outstanding American citizen.

Tom Murray was born on August 3, 1914, in the town of Newburgh on a family homestead populated not only by his parents, but also by his three siblings, Dorothy, Anna, and Jack, by aunts, uncles, cousins, and other relatives. There were many adults interested in the future of young Tom who made certain the young man was raised on the straight and narrow. Tom was a student in the Newburgh school system and a graduate of Newburgh Free Academy.

In World War II, Tom was drafted into the service, and served in the 20th Air Force 58th Bomb Group as an engineer and a rear gunner on a B–29 aircraft. The 58th Bomb Group was one of the outstanding combat groups of the Second World War, and Tom was instrumental as an executive board member in keeping their annual reunion running smoothly for over 40 years. To honor those who served in the Army Air Corp, the group commissioned an original oil painting of the B–29 which now is on display at the U.S. Military Academy at West Point, the Naval Academy at Annapolis, the Air Force Academy in Colorado, and at the Air and Space Museum right down the street from the Capitol.

In 1942, Tom married the former Helen Alice Romash, now deceased. Helen was from Walden, NY, about 7 miles west of Tom's home in the town of Newburgh. The young couple settled in Walden where Tom remains until this day, even after the passing of Helen a few years ago. Tom and Helen had two lovely children, Patricia and Dennis.

When World War II ended, Tom went to work for the DuPont Chemical Co. in Newburgh. In the mid-1960's, when DuPont moved their plant to South Carolina, Tom went along to help set up the new plant down south. However, he refused to give up his Walden home and returned to check his home and to visit family and friends quite often during his 1 year in South Carolina. Tom finally decided to come back home to Walden once and for all.

Tom is the personification of the community activist. A long time parishioner at Most Precious Blood Catholic Church, he served for many years as an usher and was an important component in the successful efforts to raise building funds for the parochial school.

Tom also served as chairman of the March of Dimes for the town of Montgomery, of which Walden is a part, and was in charge of the food distribution program for seniors and low-income families.

Tom has also been a mainstay in the Walden Volunteer Fire Department for many

years. He has served as an on-the-line fireman and as a fire policeman.

He has served as a member of the planning committee, and thus played a major role in the planned growth of the village of Walden, a concept he has always supported.

Tom is known in his home community and throughout his home County of Orange as "Mr. Republican." He has never wavered in his support of Republican causes, and is known for his outspoken honesty. He recently celebrated his 30th anniversary as a Republican committeeman representing Election District No. 8, and from 1982 until he voluntarily stepped down in September of this year having served as chairman of the Republican Committee of the Town of Montgomery.

Mr. Speaker, I have always considered it an honor to consider Tom Murray as a friend. Throughout his remarkable career, he is an individual who can always be counted upon for honest answers, penetrating questions, and genuine loyalty. The Walden Rotary Club tribute to Tom is in long overdue.

Mr. Speaker, I invite my colleagues to join in applauding an outstanding human being, Tom Murray of Walden, NY.

CONGRATULATIONS TO JAMES AND ANNA MAE GAMBLE ON THEIR 50TH ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to congratulate Mr. and Mrs. Gamble on their 50th wedding anniversary. While raising their six children, Mr. Gamble worked as a printer and Mrs. Gamble worked as a supervisor with the Home Energy Assistant Program. Currently, they are proud parents of 6 children and grandparents to 13 grandchildren.

Over the years, Mr. and Mrs. Gamble have been strong supporters of their community. Because of his solid presence in their neighborhood, Mr. Gamble is often spoken of as the "Mayor" of Jefferson Avenue. As a past president of the Sand T Block Association, Mrs. Gamble has spent inexhaustible hours contributing to efforts which have made that community close knit.

Mr. Speaker, please join me in congratulating them in passing this milestone in their lives.

UNRECOGNIZED SOUTHEAST ALASKA NATIVE COMMUNITIES RECOGNITION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing the Unrecognized Southeast Alaska Native Communities Recognition Act. This legislation provides long overdue recognition of five Native communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, which were wrongly denied the opportunity to establish and enroll in a Native corporation under the terms of the Alaska Native Claims Settlement Act [ANCSA]. The act also provides for a process to determine the lands or other appropriate compensation for the communities.

This legislation is intended to rectify an injustice that is over 25 years old. In 1971, ANCSA was enacted as the means to settle the aboriginal claims of Alaska Natives to their traditional homelands. The law provided for the establishment of Native Corporations, which were awarded land and compensation. Natives could enroll to 1 of 13 regional corporations and, within the geographic area of their regional corporation, to the village where they lived or had historic, culture, or familial ties.

However, Natives in the five southeast Alaska villages of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell, were not recognized in ANCSA, and therefore were denied the ability to form Native corporations. The legislative and historical record of ANCSA does not clearly provide a reason for leaving these villages out of the process of forming Native corporations.

A study ordered by Congress in 1993 examined why the five unrecognized communities were denied eligibility to form Native corporations. The study found that there was no meaningful distinction between the five communities and other communities in southeast Alaska recognized in ANCSA, and thus no justification for omission of the Native communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell from eligibility to form urban or group corporations under ANCSA.

The Natives and their heirs in these communities deserve the chance to enroll to Native corporations. The legislation I am introducing simply grants recognition to these communities and enables them to form Native corporations. The bill also directs the Secretaries of Interior and of Agriculture to submit a report to Congress regarding lands or other compensation that should be provided to the new urban and group corporations that are established.

This is the first, but most important step to bringing the struggle of the Natives of five southeast Alaska communities to a close.

INTRODUCTION OF THE RHINO AND TIGER PRODUCT LABELING ACT: NOVEMBER 4, 1997

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. SAXTON. Mr. Speaker, I am pleased to introduce today, along with my colleague, GEORGE MILLER, the Rhino and Tiger Product Labeling Act of 1997.

This legislation will amend the landmark Rhinoceros and Tiger Conservation Act of 1994, Public Law 103–391, to ensure that no person may import any product labeled or containing any species of rhinoceros or tiger into, or export any such product from, the United States.

Regrettably, all five species of both rhinoceros and tigers are critically endangered. For nearly 20 years they have been listed as endangered on both appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora [CITES] and our own Endangered Species Act.

In the case of tigers, their future is particularly bleak. In fact, it has been estimated that there are now less than 5,000 animals living in the wild, which is a 95-percent decline from the beginning of this century. There are fewer than 500 South China and Siberian tigers left in the world. Despite the enactment of Public Law 103–391 and the approval of several valuable tiger rescue grants financed by the Rhinoceros and Tiger Conservation Fund, these irreplaceable species continue to be killed by poachers for their fur, as well as for other body parts. Shamans and practitioners of traditional medicine, especially the Chinese, value almost every part of the cat.

Tiger bone powders and tablets have been used for generations to combat pain, kidney, and liver problems, rheumatism, convulsions, and heart conditions.

Mr. Speaker, the population estimates for the rhinoceros are slightly better than tigers with 11,000 animals living in the wild. Nevertheless, there are several rhino species that are teetering on extinction. For instance, there are only 100 Javan and fewer than 500 Sumatran rhinos left on this planet.

While human population growth and competition for land have contributed to the destruction of rhinoceros habitat, the major cause of this species' decline has been the insatiable demand for products made from rhino horn. In Asia, rhinoceros horn obtained almost exclusively from illegal sources has been used for generations to treat headaches and fever in children.

By killing these flagship species, poachers are reaping huge financial rewards. In fact, Asian rhino horn is selling for up to $60,000 per kilogram and tiger bones can sell for over $1,400 a pound.

In order to save these species, we must eliminate the market for these products and stop consumers from purchasing medicines made from endangered rhinos and tigers. While it may be difficult to change traditional healing practices in China, Taiwan, and Vietnam, we can stop their importation into the United States.

I am told that on any given day, a consumer can visit a drug store or pharmacy in such cities as Chicago, New York, Los Angeles, San Francisco, and Washington, DC, and purchase prepackaged medicines that clearly indicate they contain rhino and tiger parts. While some U.S. Customs agents will confiscate these products prior to importation, unfortunately it is virtually impossible to conclusively determine even in a laboratory that the active ingredients in the medicine originated from a rhinoceros or a tiger.

We can solve this problem by enacting the Rhino and Tiger Product Labeling Act. This legislation stipulates that if a label on a product says that it contains rhinoceros or tiger parts, then we can prevent it from coming into the United States by making the legal presumption, without any further scientific tests or

analysis, that it violates our trade laws. In essence, it is a Truth in Labeling for these endangered species and if manufacturers choose to try to sell their medicines without a reference to rhinos or tigers, then consumers are not likely to purchase them.

Mr. Speaker, if there is any hope of saving rhinoceros or tigers for future generations, then we must stop the sale of products containing these animals and 1998 is the year of the tiger according to the Chinese calendar, and passage of this bill would be an effective way to celebrate this occasion.

I would urge my colleagues to join with me in this vital effort by cosponsoring the Rhino and Tiger Product Labeling Act of 1997. I would also like to thank the World Wildlife Fund and Traffic U.S.A. for their outstanding leadership in this issue and for dramatizing the plight of rhinos and tigers. We must work to ensure that the last rhino and tiger is not killed on our watch.

A TRIBUTE TO THE CHRIST COMMUNITY CHURCH OF STONY BROOK, LONG ISLAND

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. FORBES. Mr. Speaker, I rise today to honor and congratulate the Christ Community Church of Stony Brook, Long Island, as the church's members and friends celebrate its 30th anniversary year.

For more than three decades, before Christ Community Church was built, the Reformed Church of America has served the spiritual needs of this bucolic North Shore community. Since the founding of the Christ Community Church in 1967, a myriad of forces have changed the cultural, commercial, and political face of America and Long Island. But the steadfast devotion of the Christ Community Church and its members has neither wavered nor waned.

The origin of the Christ Community Church followed the 1962 birth of the State University of New York at Stony Brook. The new college and research hospital brought new jobs, thousands of new residents, and a demand for new houses of worship in this sleepy hamlet. So on land donated by businessman and legendary Long Island philanthropist Ward Melville, the Reformed Church of America began plans for its newest congregation.

So hungry for Christ's words were the first congregants that during construction the first pastor, Rev. Howard Newton, would lead the 50 charter members in worship in the garage of a home on Stockton Lane, in Stony Brook. Though the building was not fully complete and congregants had to use wooden planks to navigate across a sea of mud and puddles, the first formal worship service was held there on Palm Sunday, 1967.

Since its inception, congregants of Christ Community Church has sought to discover and apply Christ's word by serving God and community. Whether hosting the first organizational meetings of the Three Village School District, donating food, clothes, and money to the ministries at Coram or opening their doors to the Beth Emeth Reformed Congregation so that they could hold Sabbath services while their synagogue in Mt. Sinai was being built, the members of Christ Community Church have worked to serve their neighbors.

That is why, Mr. Speaker, I ask my colleagues in this hallowed Chamber to join me in congratulating the members of the Christ Community Church, and all of its friends and neighbors, on this historic 30th anniversary year. I pray that the Stony Brook community and all Long Island will forever enjoy the spirit of the Christ Community Church and the good work of its members.

HONORING NANCY L. SCHUCKMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievements of Nancy L. Schuckman. Ms. Schuckman was born in the east New York section of Brooklyn and has dedicated her professional life to educating the children in that area.

Soon after Nancy graduated from Brooklyn College in 1961, she began her career teaching at P.S. 202. For over 30 years Nancy has managed to provide invaluable services to everyone at P.S. 202. While working at the school, Ms. Schuckman has served as, an innovative and dedicated classroom teacher, a coordinator of social studies, reading, and physical education, a teacher trainer, a UFT chapter chairperson, an acting assistant principal, and a principal. Rarely, do we see the type of commitment, to an area and school, like that shown by Nancy Schuckman to P.S. 202.

There is no doubt that she has left an indelible mark on all the teachers and students that she has come in contact with. Her professionalism and her dedication to education, and the style in which it is administered to students, is the benchmark for others who follow in her footsteps.

Mr. Speaker, please join me in honoring Ms. Schuckman and all her contributions in the field of education.

HONORING SEYMOUR AND LOTTE MEYERSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to commend two of northwest Indiana's outstanding citizens, Seymour and Lotte Meyerson. The Meyersons, who have lived in the Miller section of Gary for the last 45 years of their 54-year marriage, will be moving from northwest Indiana later this month. As they leave the region, the many accomplishments they have made in advocating individual human rights and liberties will be fondly remembered.

The Meyersons' long-time commitment to the ideals of dignity and rights for all human beings has brought positive change to the communities of northwest Indiana. Lotte Meyerson, a dedicated citizen activist, has made a campaign out of her devotion to human rights. Perhaps her most noteworthy contribution to the community was her leadership in forming the northwest Indiana Open Housing Center, of which she was president for 10 years. During her tenure with this organization, great strides were made in eliminating the institutional discrimination that prevents minorities from integrating into predominantly white neighborhoods. Lotte has further served her community by participating in activities with the Calumet Chapter of the Indiana Civil Liberties Union, the Gary League of Women Voters, and the Northwest Indiana Welfare Reform Coalition. Currently, she is serving as coordinator of the Northwest Indiana Coalition to Abolish Control Unit Prisons. This year, the coalition was successful in convincing the Indiana General Assembly to agree to study the advisability of limiting solitary confinement to 2 months or less and banning the practice for mentally ill prisoners.

A chemist specializing in mass spectrometry, Seymour Meyerson has made numerous professional contributions while maintaining his respect for nature and all of humanity. An Amoco employee for 37 years, Seymour advanced to the top of his field and , throughout his career, shared his technical findings in international science circles. Just recently, Seymour unselfishly donated his collection of mass spectrometry journals, which are worth $26,000, to Valparaiso University's chemistry department. Seymour shares his wife's deep-rooted convictions regarding the need to protect civil liberties.

The Meyersons will be moving to Asheville, N.C., where they will be living in a co-housing development community, which was founded on principles in keeping with their own. This unique living situation combines private homes with community living, and is modeled after a housing concept common in Denmark. Residents of the development, who are diverse in every respect, share a common house, where they can dine and share hobbies together, and common gardens, which are designed to foster a sense of community and belonging. Lotte and Seymour will be joining the family of their younger daughter, Elana Kohnle, as well as 24 other families in this community.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Seymour and Lotte Meyerson on the hard work and dedication they have put forth in achieving a better life for everyone in northwest Indiana. May their new life bring them much happiness and fulfillment.

CAPITAL GAINS TAX SIMPLIFICATION

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. GRAHAM. Mr. Speaker, today I am introducing legislation that removes the short-,

mid-, and long-term distinctions on capital gains tax which were part of previous law and included in the Taxpayer Relief Act of 1997. This change simplifies capital gains tax assessments by removing arbitrary time constraints and applying the rates now, instead of in 2006. Without this change, gains made within the short- and mid-term rates will receive no tax break at all unless they are held for excessive periods of time.

The very idea of the Federal Government dictating time constraints on the holding of investments runs counter to the fundamental concept of our market-driven economy. With present holding periods, how can we conclude that an 18-month investment is better than a 17.9-month investment? For example, if an investor reaped $1,000 in capital gains, they would receive a return of $602 after taxes if they held it for 17 months and 30 days. But, after holding it for 1 day more, their after-tax return would jump to $720. That is a ridiculous 20 percent difference in 1 day. This legislation removes these conditions.

As we discuss the modification and simplification of the present Tax Code, this bill demonstrates Congress' desire to bring about an immediate beneficial change. It is becoming more and more evident that the Tax Code is a growing impediment to families, small business, and investors. While we conduct hearings and debate on what changes are to be made, streamlining the capital gains tax regulations in the interim shows the American people we are making progress toward a simple and lasting solution.

No changes in the gains tax percentages are made in this measure. The rates, agreed to by the Clinton administration earlier this year, would simply be applied without the time constraints. It is not only bipartisan, but logical as well. No concessions are made to corporate or big business capital gains taxes, nor is this bill designed to aid the wealthy. It allows individuals the opportunity to make investment decisions based on the market, rather than by obtuse Government time constraints. The rates in the present law are fair, the holding periods are not.

Mr. Speaker, this is a tremendous opportunity to help American families invest for their future. This bill removes frustrating obstacles for small businesses and investors who are often stymied in their efforts to reinvest their gains immediately because of the excessive losses they would incur under current law.

I urge my colleagues to support this technical change to the Taxpayer Relief Act of 1997. Removing the time constraints on capital gains tax demonstrates our desire to simplify the Tax Code and help Americans invest without unnecessary restrictions.

PRESIDENT OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to the late John Sturdivant, President of the American Federation of Government Employees.

Mr. Sturdivant passed away on October 28, 1997, after a long, heroic fight against leukemia. I extend my most heartfelt condolences to Mr. Sturdivant's family. I hope it is of some comfort to the family to know that John greatly improved the lives of many through his work with the AFGE.

Through charismatic and innovative leadership, John Sturdivant brought the American Federation of Government Employees to prominence. He strived to increase wages and improve working conditions and benefits for Federal employees. Whether faced with government downsizing or budget cuts, John Sturdivant would face the situation with strength and determination. He consistently, and successfully, fought for Federal employees and the 600,000 workers he represented are sure to feel his loss.

John Sturdivant will be missed not only by his family, but by all the Federal employees he represented, as well as those with whom he bargained. It is a rare individual who possesses the talent and skills demonstrated by John Sturdivant in his many years of service to the labor movement.

Mr. Speaker, today I pay tribute to John Sturdivant for his achievements as the progressive leader of the American Federation of Government Employees.

BISHOP WILLIAM SWING OF THE EPISCOPAL DIOCESE OF CALIFORNIA DISCUSSES THE UNITED RELIGIOUS INITIATIVE, AN EFFORT TO ENCOURAGE PEACE AND RESPECT FOR HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. LANTOS. Mr. Speaker, the Right Reverend William Swing, Bishop of the Diocese of California of the Episcopal Church in the United States, is one of the outstanding religious leaders of our Nation. We in the bay area have the great blessing of having him in our city of San Francisco. Bishop Swing is an extraordinary man who is dedicated to promoting peace and respect for human rights around the globe. Throughout his life, he has also been sincerely dedicated to helping the homeless, the elderly, and the sick.

Recently, Bishop Swing has launched the United Religions Initiative which seeks to unite all religions in order to establish peace among them. In a world where blood is often shed in the name of religious belief, the United Religions Initiative is working toward the reconciliation of religious groups for the good of all nations.

Mr. Speaker, on October 29, Bishop Swing made a presentation at a briefing of the Congressional Human Rights Caucus to discuss the United Religions Initiative with Members of Congress and congressional staff. I had the pleasure of introducing Bishop Swing and spending time with him on that occasion as he presented his ideas for encouraging peace and respect for human rights.

I ask, Mr. Speaker, that Bishop Swing's remarks at this recent meeting of the Congressional Human Rights Caucus be placed in the CONGRESSIONAL RECORD, and I urge my colleagues to give thoughtful and serious considerations to the ideas of this dedicated man of God.

REMARKS OF BISHOP WILLIAM SWING TO THE CONGRESSIONAL HUMAN RIGHTS CAUCUS

I would like to call attention to an Initiative that could have a profound influence on global peacemaking. I am referring to the United Religions Initiative. This initiative seeks to create a new global forum where the world's faith communities, continuing to respect each others distinctness, would meet together on a daily and permanent basis to deepen mutual understanding, recognition and respect; to create an open dialogue for exchanging ideas and finding a common voice; and to cooperate in new ways to address urgent suffering. This effort would create for the world's religions a forum with the stature and visibility of the United Nations.

As the people of the world work together to shape a new world order following the end of the Cold War, we confront enormous questions. How can we ensure peace? How can the world's people live together as neighbors? What structures of cooperative effort can help us to secure a decent world for our grandchildren? And what visions can guide us as we consider these questions? Finding answers together will require not only new ways of thinking and new voices at the table, but also a firm foundation of shared spiritual values. In this conversation, the world's religions must necessarily be involved.

When we look to our religious traditions for guidance, however, we must first acknowledge a hard truth: while religions historically have been an immense source of good, they have also been the direct cause of much violent conflict. When not actually fighting themselves, they have all too often fanned the flames of hatred, or stood mute in the presence of injustice. Not one of the original founders of the world's religions taught murder, coercion or injustice as a way of propagating the faith; and yet religious violence continues to this day, deeply injuring the moral credibility of our religious institutions. Moreover, such violence is increasingly a major threat to world peace. Much of the large scale violence in the world today—in Bosnia, Chechnya, Palestine, Northern Ireland, Afghanistan, Sri Lanka, and East Timor, for example—is caused, encouraged or abetted by religion.

And yet the world's religions are also humanity's great treasure houses, where our deepest values, aspirations and wisdom have been sustained. It is religion that reminds us that life is ultimately larger than what we know; that life is sacred; that each of us is called to act responsibly in light of these truths; and that the deepest meanings of life are to be found beyond narrow self-interest. Religions are our window to a larger life, a life beyond ourselves. Drawing on their deepest sources, could they themselves now set an example of how we all might live with one another as neighbors? It is the conviction of the United Religions Initiative that this is indeed the challenge.

The Initiative owes much to previous interfaith efforts. Over the last 100 years, many have worked to begin dialogue and cooperation among people of different faiths. On the local level, interfaith cooperation is already rapidly emerging in hospital ministries, jail ministries, and university campus ministries. Cities around the world are

developing interfaith commissions. National interfaith coalitions are beginning to appear. And a few groups, such as the Council for a Parliament of the World's Religions, the Temple of Understanding, the International Association for Religious Freedom, and the World Conference on Religion and Peace, have undertaken significant international dialogues and action projects. All of these distinct efforts have begun to provide an infrastructure of interfaith work throughout the world; and all of this deserves to be acknowledged and genuinely celebrated.

Given this present level of interreligious activity, and the world's search for a new foundation of shared values, is there anything else that could happen among religions beyond what already exists? The answer is an emphatic yes. There is a vast untapped potential for partnership among the world's religions that could be an enormous resource for peace-making and community building. If religions themselves could move just one step beyond their ancient competitions and attempt a new dimension of religious cooperation, a great new focus for global hope would be forthcoming. And if religions, continuing to respect their differences, were then able to join their enormous resources in a serious, mutual effort of service to the world, a tremendous new force for global good would come into being.

The United Religions Initiative is an attempt to call together members of the world's religions and spiritual traditions to create a comprehensive global framework for just such an effort. With the help of an organizational development team from Case Western Reserve University, they are building a worldwide network of supporters at the grassroots level, while simultaneously overseeing a large scale collaborative process of writing an organizational charter for a United Religions Organization. This charter will be formally signed on June 26, 2000, the 55th anniversary of the founding of the United Nations. Currently, the Initiative has active, committed groups on six continents, and they will hold some 15 regional conferences during the coming 18 months. They are committed to the inclusion of youth, women and indigenous traditions as full partners in this effort.

One key initial project of the Initiative is a call for twenty-four hours of non-violence and making peace among faith communities on December 31st, 1999. Organized through a large partnership of supporting organizations, this call will invite people around the world to one day of individual and community reflection, repentance, and resolution to offer each faith's deepest values as a gift for the new millennium. The logistical challenges of such an immense project are daunting; on the other hand, the overriding vision is that for this one day, the global hope of a United Religions could actually become a lived reality.

A United Religions would have much to offer the world as we move into the next millennium. Where economic and political solutions by themselves have proved inadequate, it could offer deeper, value-based visions of global possibility. It could directly address many of those deeper problems which are beyond the capabilities of government. Most importantly, as we move into an uncertain future, a United Religions could offer the world a powerful new vision of hope—the vision that the deepest stories we know can now cease to be causes of separation between people, and become instead the foundation for a reunited humanity.

HONORING REGINALD B. ALLEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievement of Reginald B. Allen, Jr. His dedication to the city of New York, and the country has proven incomparable.

For 26 years, Mr. Allen served as a gunnery sergeant in the U.S. Marine Corps Reserve. Mr. Allen also served in the Korean and Vietnam conflicts before retiring from service in 1980. Mr. Allen has worked hard to improve the lives of fellow veterans, he was appointed by Mayor Edward I. Koch to the Veterans Advisory Board of New York City's Office of Veterans Affairs and the New York Korean Veterans Memorial Commission. Presently, he is a member of the New York State Senate's Veterans Advisory Council.

Mr. Allen has always been committed to bringing vital services to the people of New York City. After joining the Addiction Services Agency as a supervising addiction specialist, Mr. Allen has supervised the Court Referral Project to the Kings County Criminal Court and has supervised drug specialists who referred addicts and abusers to programs for treatment in place of incarceration. Currently, he is a supervisor for the Food Stamps Program of the Human Resources Agency. Clearly, our district has only benefited from his tireless efforts.

Mr. Speaker, the Council of the City of New York have honored Mr. Allen with a proclamation; I join them in congratulating Mr. Reginald Allen for all of his years of service.

"ROFEH INTERNATIONAL CONTINUES ITS EXCELLENT WORK"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, I am glad to continue what has become for me an important tradition—recognizing here the great work done by ROFEH International, a project sponsored by the New England Chassidic Center located in Brookline, MA. ROFEH International, like the New England Chassidic Center, is led by Grand Rabbi Levi Horowitz, known as the Bostoner Rebbe.

In addition to his religious leadership and scholarship, Rabbi Horowitz has become an expert in the field of medicine, and especially of medical ethics. His work on medical ethics is widely consulted, and as befits a religious leader who is dedicated to the welfare of others, Rabbi Horowitz has put the concept of medical ethics to work in a very important way through ROFEH International. ROFEH exists to help people from all over the world get access to first rate medical care which they would not otherwise have. Bringing people who could not otherwise afford it to Boston to be treated at the outstanding medical institutions which are so important in our metropolitan area is extraordinarily important work, and it is a concept which Rabbi Horowitz and his colleagues in ROFEH pioneered and have implemented brilliantly.

On November 23, 1997, a dinner will be held in Boston to celebrate the work of ROFEH, and this year, as in the past, the dinner will pay tribute to two particularly outstanding individuals. These two men are Dr. Benjamin Rabinovici and Dr. Andrew L. Warshaw.

The 1997 Man of the Year, Dr. Benjamin Rabinovici was born in Romania. He studied at the well known Vizhinitzer Yeshiva where he granted S'micha. Following his years at the Yeshiva he went to the Polytechnic University of Bucharest where he graduated with a B.S. degree in electrical engineering. When he immigrated to the United States in 1951, he continued his education at Columbia University where he received an M.S. degree in electrical engineering and the degree of Ph.D. in applied physics.

Dr. Rabinovici held senior scientific and managerial positions at CBS Laboratories, RCA, IBM and Honeywell. He left Honeywell for an academic appointment as professor of electrical engineering and computer science at Northeastern University. He published extensively in scientific and technical journals, holds numerous patents, and is a senior member of IEEE, American Physical Society, and New York Academy of Science.

Dr. Rabinovici is president and CEO of International Microwave Corp. and Tympanium Corp. He is founder and director of Parlex Corp. and is a trustee of Natick Village Investments. He is also in a number of Jewish organizations and is a trustee of Maimonides School.

Joining Dr. Rabinovici as an honoree is Dr. Andrew L. Warshaw who will receive the coveted Harry Andler Memorial Award.

Dr. Andrew L. Warshaw was born in New York. He received his A.B. from Harvard College, Cambridge, MA, (cum laude) and his M.D. from Harvard Medical School, Boston, MA, (magna cum laude). Dr. Warshaw fulfilled his surgical internships and residencies at Massachusetts General Hospital, Boston, MA.

Dr. Warshaw is the recipient of many awards including a Phi Beta Kappa, Alpha Omega Alpha and the Good Physician Award of the Massachusetts Medical Society.

Dr. Andrew L. Warshaw is one of the world's leading surgeons and is internationally renown for his care of patients and research in pancreatic disease. He is surgeon-in-chief and chairman of the Department of Surgery, Massachusetts General Hospital, Boston, MA.

Dr. Warshaw has served on many major committees. Amongst them are the Committee on Research, chairman of the Massachusetts General Staff Associates Executive Board, Operating Room Advisory Committee, chairman of the Committee on Future of Department of Surgery, Head, Pancreatic Cancer Study Group, Disease Focused Care Management Expert Team for Pancreatic Cancer, chairman of the Executive Committee for Operations Improvement Implementation (GI Surgery), Massachusetts General Hospital and director of the Massachusetts General Hospital Gastrointestinal Cancer Center.

Dr. Warshaw is a member of the Massachusetts Medical Society, American College of

Surgeons, chairman, Membership Committee, Halsted Society, president of the New England Surgical Society (1993–1994); co-president-elect, Society for Surgery of the Alimentary Tract (1996); president elect, International Association of Pancreatology (1996).

Dr. Warshaw has authored and co-authored many peer reviewed articles and books. Many of the doctor's articles have been published in leading medical books and journals.

Mr. Speaker, I am proud to share with my colleagues and the country the record of this excellent organization and the biographies of the two men they so justly honor.

HONORING CPL. HECTOR A. SOMOZA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to commend Corp. Hector A. Somoza, a U.S. Marine, who proudly serves and defends this great Nation. Following his family's distinguished patriotism, Corp. Hector A. Somoza has served in a honorable manner with the U.S. Marine Corps for 3 years, and most recently as a maintenance management clerk at the basic school, Quantico, VA.

Cpl. Hector A. Somoza, son of Jose D. Somoza a former sergeant in the armed forces of El Salvador, was born on July 25, 1974, in San Miguel, El Salvador. He immigrated into the United States in 1992 and attended Wakefield High School in Arlington, VA. In 1994 after graduating from high school, he enlisted in the U.S. Marine Corps. Upon his graduation from recruit training, at Parris Island SC, and after completing Marine combat training in the school of infantry, North Carolina, he was assigned to the 12th Marines. Third Marine Division, Okinawa, Japan as a basic electrician. During his tour in Okinawa he participated in the exercise, "Fire Dragon '95," which took place in Mount Fuji, mainland Japan. Next he was assigned to the Marine Corps Combat Development Command, Quantico.

After completing his third year of service in the military's most elite branch of service, and on behalf of a grateful Nation, we take this opportunity to award Cpl. Hector A. Somoza with the good conduct medal. It is an honor to pay tribute to a young man who continues to serve this Nation with distinction.

TRIBUTE IN MEMORY OF THE HONORABLE RALPH W. YARBOROUGH OF TEXAS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. GONZALEZ. Mr. Speaker, the recently concluded regular session of the 75th Texas Legislature adopted, and the Governor then signed, House Concurrent Resolution No. 318, in memory of the Honorable Ralph W. Yarborough, who represented the great State of Texas in the U.S. Senate from April 1957, when he was elected to fill an unexpired term, until he departed elective office in January of 1971.

I am the only remaining member of the Texas delegation who had the privilege of serving with the late Senator Yarborough in the U.S. Congress, an honor which I had for more than 9 full years.

As the dean of my State's delegation, and as one who deeply admired and respected the Honorable Ralph W. Yarborough, I would like to take the opportunity to pay tribute to this champion of the common citizen and outstanding public servant by having placed in the RECORD the full text of the Texas Legislature's House Concurrent Resolution No. 318, which is here attached:

HOUSE CONCURRENT RESOLUTION NO. 318

Whereas, the passing of the Honorable Ralph Webster Yarborough on January 27, 1996, at the age of 92, brought a great loss to the family and many friends of this distinguished native Texan and former member of the United States Senate; and

Whereas, he was born in 1903 in Chandler and attended Sam Houston State College and the United States Military Academy at West Point, New York; after teaching school for three years, he enrolled in The University of Texas School of Law, graduating from that institution with honors in 1927; and

Whereas, a specialist in land law, he went on to become an assistant attorney general and, in a landmark case, helped to secure for the State's permanent school fund the interest money on nearly 4,000,000 acres of land; he was a respected jurist as well and served as a district judge in Austin before becoming a presiding judge over 30 counties in Central Texas; and

Whereas, like many of his generation, Senator Yarborough proudly served his country during World War II as a member of the United States Army, and he rose through the ranks of the military to become a lieutenant colonel; after the war ended, he was named military governor of Japan's Honshu Province, and his valor and meritorious service throughout his military career earned him both the Bronze Star and the Battle Star; and

Whereas, in addition to his remarkable contributions in these areas, Senator Yarborough will be well remembered for his outstanding career in the United States Senate; he first won election to that office in April of 1957 and went on to serve his State, and nation with the utmost integrity and distinction for 13 years; and

Whereas, Senator Yarborough was inspired by the goals advocated in President Franklin Delano Roosevelt's New Deal of the 1930's and 1940's; he truly envisioned himself as the people's servant and was dedicated to restoring fairness, justice, and economic opportunity for all Americans; indeed, shortly before the November 22, 1963, assassination in Dallas, President John Fitzgerald Kennedy said of the prolific federal legislator: "Ralph Yarborough speaks for Texas in the United States Senate, and he also speaks for our nation, and he speaks for progress for our people;" and

Whereas, a staunch advocate of equal rights, he earned further distinction as the only Southern senator to vote for the Civil Rights Act of 1964; he chaired the Labor and Public Welfare Committee and sponsored or actively supported nearly every piece of legislation in President Lyndon Johnson's Great Society programs of the 1960's; and

Whereas, Senator Yarborough's experience as a teacher fostered his abiding commitment to public education; he was instrumental in the creation of the country's first Bilingual Education Act, and as the sponsor of a Cold War GI Bill, he helped to extend education benefits to 5,000,000 veterans; and

Whereas, this illustrious statesman further enhanced the quality of life of his fellow citizens through his work on health care and social security legislation, and his involvement extended to the area of natural resources as well, for he helped to preserve the beauty of the South Texas coast by authoring legislation establishing the Padre Island National Seashore and many other national parks and preserves in the state; and

Whereas, firmly believing that every human being is best viewed as an asset, rather than as a liability, this renowned lawmaker's philosophy was quaintly summarized by his frequently-expressed hope that ". . . the jam be kept on the lower shelf so the little people can reach it . . ."; and

Whereas, Ralph Yarborough further contributed to the political culture of our country by inspiring those who have followed in his footsteps, and he has left behind a legacy of outstanding achievements that will endure in the hearts and minds of future generations for many years to come; Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas, Regular Session, 1997, hereby honor the memory of former United States Senator Ralph Webster Yarborough and extend sincere sympathy to the members of his family: to his beloved wife, Opal Warren Yarborough; to his brother, Donald V. Yarborough; to his sisters, Nell Yarborough Mallet and Margaret Yarborough Pickett; to his three grandchildren; and to the many other friends and relatives of this eminent public official; and, be it further

Resolved, That an official copy of this resolution be prepared for the members of his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of the Honorable Ralph Webster Yarborough.

HONORING COUNCILMAN ENOCH H. WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor the work and achievements of Councilman Enoch Williams.

While attending the needs of a racially and ethnically diverse constituency, Mr. Williams has been a member of the New York City Council, representing the 41st Councilmanic District, since 1978. Prior to entering elective office, Mr. Williams served as the executive director of the Housing Development Corporation of the Council of Churches of New York City. He was also a community-organization specialist in the now-famous Youth-in-Action, Inc. anti-poverty agency, where he developed the skill of working with community groups, guiding them to create housing and employment in the innercity.

While making important strides in his role as a councilman, Enoch has managed to contribute to his community in other meaningful

ways. Currently, he is the civilian director of the New York City region of the Selective Service System. He is a member of the American Institute of Housing Consultants, the Community Service Society, the National Association for the Advancement of Colored People, the National Urban League, and the Unity Democratic Club. In addition, the councilman served as an elected delegate to the 1992 Democratic National Convention, having served in the same capacity in 1968 and 1972. He also served as Democratic district leader from 1986 to 1994.

As a veteran, Major General Williams has again proven his commitment to his country. He was appointed Commander of the New York Guard in 1990. After serving as an enlisted member during World War II, General Williams earned his commission in 1950, and has enjoyed over 30 years of active service. His military decorations include the Legion of Merit, Army Commendation Medal, both the Bronze and Silver, and Silver Selective Service System Meritorious Service Medals. He retired in June 1995 as Commander of the New York Guard, with the rank of major general.

Mr. Speaker, please join me in congratulating Councilman Enoch Williams for all of his years of faithful service to his country and to the 41st Councilmanic District of Brooklyn, New York.

NATIONAL ELECTION FAIRNESS ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Ms. LOFGREN. Mr. Speaker, without question, a fundamental necessity of our republican form of government is the participation of citizens in the electoral process. Today, across America, millions of voters will go to the polls and select their Representatives in Congress, the Governor's mansion, or their city council. These choices are extremely important and should enjoy the benefit of the collective wisdom of all citizens.

Can you imagine if you were a voter today in Alexandria, VA, and, before you could reach your polling place, the media begins to report that, based on results in Richmond, Norfolk, Roanoke, and other areas, the Governor's race was over? Obviously, this might discourage you from making any extra effort in casting your vote. Although this is a preposterous example for Virginia or other individual States, this is exactly what happens every 4 years during most Presidential elections.

It is demoralizing to be a voter on the West Coast on the way to the polls and hear on the car radio that the Presidential election is over—without your vote. In America's West, reports of results from the East is one significant factor in depressing voter turnout in Presidential elections. Certainly, Congress cannot restrict the freedom of the press to report factual information. However, we can take steps to delay the release of election results until after they would impact voters in States where polls are still open.

Today I am introducing the National Election Fairness Act, which will restrict State and local election officials from releasing Presidential election results until after all polls have closed in the continental United States. This bill will not restrict the ability of news organizations to conduct exit polling or employ other methods to predict election outcomes, but will merely prevent official Presidential election results from being announced before western polling places have closed.

I believe this limited measure will help to increase voter turnout in Presidential elections in my home State of California and in other States in the Central, Mountain, and Pacific time zones. I hope my colleagues will join me in supporting this bill and taking steps to ensure a more equitable election process that values the votes of a voter in California or Washington as much as a voter in Florida or New York.

REPUBLICAN LEADERSHIP OPPOSES HEALTH REFORM—WORKS WITH FOR-PROFIT INSURERS TO DESTROY CONSUMER PROTECTIONS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. STARK. Mr. Speaker, following is a memo from a staffer at the for-profit insurance lobby demonstrating how the Republican leadership is soliciting money to defeat consumer protections designed to provide a minimal floor of quality and protection for America's families.

Once again, those who profit off of insuring only those who are healthy and who resist any effort to provide minimal consumer protections reveal their cynical hand. Undoubtedly we will be flooded with literature in the coming months trashing proposals to require insurers to comply with simple rules against gagging what doctors can tell their patients and others, minimal consumer protections.

HEALTH INSURANCE ASSOCIATION OF AMERICA

MEMO

Date: October 22, 1997.
To: Michael Fortier.
From: Melody Harned.
Subject: Government Run Healthcare.

The message we are getting from House and Senate Leadership is that we are in a war and need to start fighting like we're in a war.

Republican Leadership is now engaged on this issue and is issuing strong directives to all players in the insurance and employer community to get activated. Earlier this week, I met with Keith Hennessey (Sen. Lott) along with the NFIB coalition. Hennessey will be working with House and Senate leadership to coordinate the advocacy effort. Senator Lott is well aware of the issue of mandates, incremental health care reform, etc., and is very concerned. Lott told Senator Jeffords that he could not introduce his "Quality Bill" this session and was advised to work less with Sen. Kennedy and more with his fellow Republicans on the Senate Labor Committee. Sen. Lott has also spoken with all Republicans on the Senate Labor Committee and told them to get involved and express their concerns. Sen. Lott also said that Senate Republicans need a lot of help from their friends on the outside, "Get off your butts, get off your wallets". Keith Hennessey believes that it is critical that employer/insurer grassroots occur during recess (Nov & Dec) so that Members are prepared when they come back to town in January.

At the NFIB Coalition meeting today, Mark Isokowitz (NFIB) informed the group that he had been summoned to the Hill by Missy Jenkins (Rep. Gingrich), Dean Clancy (Rep. Armey), Stacey Hughes (Sen. Nickles) and Keith Hennessey (Sen. Lott). Staff gave him four directives to take back to the coalition: (1.) Hold a briefing for Republican health LAs in 2 weeks; (2.) Implement heavy grassroots during recess; (3.) Meet with groups of Senators (e.g., Sen. Coverdell health care coalition) to report on what each organization is doing to fight these bills; and (4.) Write the definitive piece of paper trashing all these bills. Mark Isokowitz's overall impression from the meeting was that the Leadership was looking for signs of serious commitment on our part before they go out on a limb.

HONORING UNIVERSOUL CIRCUS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the Universoul Circus as they bring their successful tour of the United States to the Power Center in Houston, in my district. Their production has entertained families across the country and is benefiting communities economically as well.

The Universoul Circus is the first touring African-American circus in the United States in more than 100 years. It follows in the footsteps of Ephraim Williams, who in 1885 began the first all-African-American traveling show. What began with a horse doing math tricks quickly grew into three touring circuses, leading Williams to be called the Black P.T. Barnum. With the creation of the Universoul Circus, Cedric Walker has built on that tradition and brought it to a new generation.

Since its humble beginning in 1994, in a rented tent in a parking lot in Atlanta, Universoul has grown in attendance and significance. Today, it performs to sold-out crowds across the country and has become a source of family entertainment and community pride that will last for decades to come. Mr. Walker is committed to bringing the circus to neighborhoods that have been traditionally underserved by the entertainment industry. The group bypasses suburban arenas for our Nation's poorer neighborhood, bringing over 100 jobs with it at each stop along its tour. By the end of their 18-city tour, the Universoul Circus will have given back more than $5 million to the communities they have visited.

Like other circuses, the Universoul Circus showcases attractions from aerial and equestrian acts to wild animals and clown skits. Universoul, however, is much, much more than an ordinary circus. It spotlights the largest number of African-American performers in circus history and features urban themes, state-of-the-art lighting, and high-energy music under its big top. Performers pay tribute to such heroes as the renowned Buffalo Soldier

cavalrymen, the Negro League ballplayers, and the famed Tuskeegee Airmen. For many of these performers, these acts are the first opportunity they have had to showcase their tremendous talents. Through their performances, they are honoring the struggles of the past while working to build a better future for our communities.

The Universoul Circus was developed to provide quality entertainment to all families, but also to give children examples of positive African-American role models. Walker and his performers include lessons in African-American history at each performance and encourage children to take the ringmaster's pledge to love their families and say no to drugs. Instead of avoiding difficult subjects such as slavery, stereotypes, and racism, the Universoul Circus uses these tragedies as tools, to show that, through strength of mind and spirit, we can overcome all obstacles.

Mr. Speaker, I congratulate the Universoul Circus for its success both in providing exciting, wholesome entertainment for our families and strong role models for our children.

TRIBUTE TO "WE WANT AMERICA BACK" RALLY

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. ADERHOLT. Mr. Speaker, I want to congratulate Pastor Billy Robinson and everyone involved with the "We Want America Back" rally on October 23, 1997. Over 700 people were there to stand up for the traditional values that made this country great. It is important to note that the mayor of Jasper, Don Goetz, remarked that it was the biggest crowd ever at the Sherer auditorium.

It is also noteworthy that this was not a political rally, or a denominational rally. It was an opportunity for people to stand up for what is right. In fact, it was the many people from different denominations and both political parties joining together that made this rally so successful.

Although I could not attend in person due to my official duties in Washington, I strongly support the efforts of those I represent to improve the moral climate in this country today, and reassert the vital importance of traditional values. I look forward to continuing to work in support of this cause.

TRIBUTE TO VERA PHANELSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Vera Phanelson, a tireless worker and member of my district. Because of her commitment to children with mental illnesses, Ms. Phanelson's career has centered on providing care and assistance to the children who are working to overcome the challenges of these illnesses.

As a counselor at Blueberry Day Care Center and an educational assistant for the board of education and the Madison Day Care Center, Ms. Phanelson has provided a great service to our community and I would like to extend my thanks for all of her efforts. Also, she has been a long-standing charter member of the East New York Club of the National Association of Negro Business and Professional Women's Clubs, Inc.; a member of good standing at Holy Sacred Baptist Church; and a worker at the Rosetta Gaston Democratic Club in Brooklyn. It is people like Ms. Phanelson, and thousands like her, that allow communities such as East New York to thrive and grow.

Mr. Speaker, it is an honor and a privilege for me to be able to pay tribute to Ms. Vera Phanelson. Although it pained me to hear that she will be moving out of my district to Maryland, I am sure, through her work in the district, she has sown the seeds for others in our community to follow in her footsteps and provide the needed services for those who live there.

A POINT-OF-LIGHT FOR ALL AMERICANS: THELMA MARTIN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. OWENS. Mr. Speaker, I rise to salute an individual who is a tireless advocate for her community—Mrs. Thelma Martin. At every critical juncture, she amasses the resources and summons the courage to challenge wrongdoings and embellish the lives of countless children, families, and citizens. She embarks on civic and community endeavors with the same fervor in which she attacks political and social ills. Upon any evaluation of her contributions, it is difficult to determine where her civic and professional responsibilities begin and end. Thelma Martin is a great POINT-OF-LIGHT whose work must be celebrated.

As a native New Yorker, Mrs. Martin's professional life has always been consumed by a relentless devotion to community. Currently, she is the executive director of the Renaissance Development Corp. In this capacity, Thelma Martin's accomplishments include development of various successful national-, state-, and local-sponsored programs including the Youth Development Delinquency and Recreation program, Commercial Revitalization program, Community Achievement project, Work Incentive program, and the Structured Educational Support program. Moreover, she is responsible for developing the first youth conference. Mrs. Martin also focuses her organization's endeavors on parental involvement projects, cultural trips, and practical workshops.

Thelma Martin's present record of public service is rivaled only by her past appointments. She has served as the executive director of the South Brooklyn Community Corp. Under her administration, Mrs. Martin sponsored and organized the First Annual South Brooklyn Summer Festival for area merchants and residents—now known as the "Atlantic Antic". She also supervised 19 delegate agencies and 254 employees and had the largest number of area residents enrolled in college out of the 26 other area poverty agencies.

Despite her professional demands, Mrs. Martin still finds time to excel in civic duties. She has served as the superintendent of the Cuyler Warren Street Church Sunday School, member of Community Board No. 16, member of the Brooklyn Chamber of Commerce, member of the New York State Association of Renewal and Housing Officials, member of the 76th Precinct Council, vice president of the New York City Association of Executive Directors, chairperson of the board of directors of the Jules Michael Day Care Center, council president of the Cuyler Warren Methodist Church and chairperson of the Pastor Public Relations Committee.

Unsurprisingly, Thelma Martin's work has not gone unacknowledged; she is the recipient of more than two dozen awards and commendations from many public officials and organizations. Among her honors are congressional awards from the 12th Congressional District and a senatorial award; an award from the New York State Democratic Party for her duties of community services; and awards from the Youth Committee Board No. 16, Ladies of Planning Board No. 16, and the African Methodist Episcopal Church. She was also recognized for helping to enrich the lives of more than 5 million children and their families.

A strong sense of family is another characteristic of Thelma Martin's life. She has been married to Woodrow Martin for 38 years and has two sons, Glen David and Mark Anthony; one grandson, Glen, Jr.; and one daughter-in-law, Ingrid.

Inarguably, Thelma Martin has conducted herself as a model citizen. She has accepted the rights, duties, and responsibilities of a democratic society with deliberation, fortitude, and compassion. She has chosen to exercise her inner power to the fullest possible extent, having utilized her actions to improve the lives of individuals, enhance her community, challenge institutions, and demand reform of adverse practices. She is a great POINT-OF-LIGHT for all of the people of America to appreciate and admire.

HMO DRUG RESTRICTIONS: LOOK OUT PATIENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. STARK. Mr. Speaker, following is an article from the October 16, 1997, Dallas Morning News regarding the Harris Methodist Health Plan's financial incentives restricting what doctors prescribe for their patients.

I'm glad I'm not in that plan—and if I were in it, I'd sure get out if I could. The plan's financial incentives on doctors not to prescribe violate the spirit, if not the letter, of the Medicare law limiting the type and amount of financial incentive that a plan can place on a doctor to withhold care.

This Texas example is a classic of why we need managed care consumer protection reforms—ASAP.

[From the Dallas Morning News, Oct. 16, 1997]

HMO FINES ANGERING PHYSICIANS; STATE REGULATORS EXAMINE HARRIS PRESCRIPTION POLICY

(By Charles Ornstein)

A growing number of Fort Worth- and Arlington-area doctors are accusing Harris Methodist Health Plan of penalizing them for writing too many prescriptions, and the controversy is drawing the attention of state insurance regulators.

The doctors say the health maintenance organization has fined them thousands of dollars this year because they exceeded a predetermined pharmacy budget, which is included in their contracts with Harris.

They contend that the company's policy, enforced for the first time this year, places the financial bottom line above the patients' best interest.

"My concern is that one day, I or another physician may withhold some care for financial reasons," said Dr. J. Mike White, a family practitioner in Joshua, south of Fort Worth, who had to repay Harris $28,000 this year. "That's inappropriate and that's unethical."

Harris officials defended their system Wednesday but said they will increase the allowable pharmacy expenses next year in response to the doctors' concerns. The officials said the network's 6,600 physicians should work harder to cut their costs.

"I think we are in a situation where we are not doing things as efficiently as possible and we need to change our practice patterns," said Dr. Ramiro Cavazos, chairman of Harris Methodist Select, the network's exclusive physician group. 'The problem is that we have a premium, and we have to live within that premium."

The Texas Department of Insurance said Wednesday that it has begun a review of Harris' incentive policies. Spokesman Jim Davis said he does not know how long the review will last but said it comes after a physician complained to the state.

"Whenever questions are raised about the operations of HMOs or insurance companies in Texas, it's our job to look into the situation," Mr. Davis said. "This is nothing really special."

The Texas Medical Association board has said that it has serious concerns about the effect of the prescription limits on patient care.

"Our concern is that the financial incentives and disincentives appear to be really too severe in the sense of encouraging doctors to provide necessary care," said Rocky Wilcox, general counsel of the state medical group.

"Nobody has really looked to see whether these patients were provided with unnecessary medication or whether they really needed it."

Last week, the 18-doctor Fort Worth Clinic joined a lawsuit against Harris that was filed in August by physician Richard Hubner. Dr. Hubner, who practices in Springtown, in Parker County, settled his claims against Harris last month after officials agreed to stop penalizing him for writing too many prescriptions.

The clinic's court petition alleges that the health network provides an incentive for doctors to deny care and reject sick patients, which would be a violation of state law.

"I don't think that you would want your doctor to think about whether it would cost him money personally if he prescribes medicine that you need," said David Humphrey, the clinic's administrator. "We think it's wrong, and we've been advised that it's illegal."

Under Harris' contracts with its physicians, the company pays doctors a set monthly fee to provide all necessary care to each Harris HMO patient. That fee, which is a percentage of each member's premium, ranges from $11.87 to $15.19 per month.

In addition, doctors are entitled to spend 9.6 percent of each premium dollar on prescriptions. If they exceed that budget, the contract requires them to pay Harris 35 percent of the additional cost. If they spend less than the budget allowed, they receive a bonus.

Harris has awarded $338,000 in bonuses during the last quarter, Dr. Cavazos said. He didn't disclose the amount of fines assessed to doctors..

According to a confidential memo obtained by The Dallas Morning News, Harris doctors exceeded their pharmacy budget by more than 26 percent last year. Internists, who generally treat sicker patient, surpassed their budget by 46 percent, the memo says.

"I've been amazed at the number of people who have been suffering and paying this in silence," said Robin Weinman, executive director of the Tarrant County Medical Society. "I don't know how they're surviving, quite frankly."

Internist Karen Spetman said she was billed $10,000 by Harris in July for exceeding her pharmacy budget during the first six months of the year. That accounts for about 15 percent of the fees she has received from Harris, she said.

"Nobody works for free," she said. "But right now, that is what I'm doing. I'm not even working for free—I'm working for a negative number. I am paying money for the privilege of practicing medicine."

Dr. Spetman, the only Harris internist in the Fort Worth suburb of Willow Park, said she has met repeatedly with Harris representatives to explain her problems. When she reviewed her patient charts and prescriptions with a Harris pharmacy director, she was told that she was making the correct medical decisions, she said.

Harris officials did not contest Dr. Spetman's claims. But they said doctors in the system need to realize that increased efficiency and short-term sacrifices will eventually lead to long-term savings.

"When you get a bill, you're hopping mad," said Harris spokeswoman Lisa O'Steen. "But if you look at it in the long term, because Harris has such a high retention of patients and doctors, this is a savings you see over a long period of time."

TRIBUTE TO SPECIAL AGENT VITO S. DeMARCO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Ms. DELAURO. Mr. Speaker, I rise today to recognize Special Agent Vito S. DeMarco of the U.S. Treasury Department, Bureau of Alcohol, Tobacco and Firearms, on the occasion of his retirement. After 30 years of diligent service in law enforcement, Special Agent DeMarco has built a distinguished reputation of protecting the United States and her citizens.

Special Agent DeMarco began his career with the Office of Naval Intelligence in 1967, after graduating from Fairfield University in Fairfield, CT. After his assignment to the Naval Investigative Service in New York City, Special Agent DeMarco spent the last 28 years of his tenure with the Boston Field Division of the Bureau of Alcohol, Tobacco, and Firearms.

During his tenure with BATF, Special Agent DeMarco distinguished himself by serving on several task forces, including the Sky Marshall Program during the 1970's. He has made his expertise available to the U.S. Secret Service, serving on protection details during the Presidential campaigns of Presidents Ford, Carter, Bush, and Clinton. In addition, he has contributed to the protection details of several foreign heads of state and conducted investigations into illicit firearms trafficking and numerous explosives and arson cases.

Special Agent DeMarco also served with distinction in the U.S. Navy Reserves, from which he retired in 1996 with the rank of commander. His 33 years of naval service included his activation for the Persian Gulf War, in which he commanded a special security division.

Special Agent DeMarco also demonstrated his steadfast commitment to his country and community by volunteering to work with the Marine Cadets of America. Mr. DeMarco has given a great deal of his time and energy to this organization, and has served on the board of its national office.

Law enforcement personnel serve our country by putting their lives on the line, ensuring the safety of our citizens. We owe them all a great debt of gratitude, so it is with the deepest appreciation and pride that I salute Special Agent DeMarco today.

U.S. EXTENDS ITS LEADING EFFORT TO REMOVE WORLD'S LAND MINES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the editorial which appeared in the Omaha World-Herald on November 4, 1997.

U.S. EXTENDS ITS LEADING EFFORT TO REMOVE WORLD'S LAND MINES

The U.S. government has made a considerable effort to prevent people around the world from being killed or injured by antipersonnel mines. To the credit of the Clinton administration, the United States is about to do more.

President Clinton has announced a U.S.-led campaign to rid the world of the devices in the next dozen years. Secretary of State Madeleine Albright said the United States will contribute $80 million this year to an international effort to clean up minefields, double the U.S. contribution the previous year.

Some people might think a contradiction exists. The U.S. government is the major holdout from a proposed treaty banning mines. Clinton has said that the United States won't sign unless the treaty is amended to allow continued use of the devices along the U.S.-guarded demilitarized zone

separating North and South Korea. A committee that won the Nobel Peace Prize for pushing for a global anti-mine treaty has treated the Clinton policy—and the president himself—with scorn and contempt.

The biggest problem with land mines has its roots in the past, however, not in the future behavior of the United States. An estimated 100 million of the explosive devices remain in the ground in more than 60 countries, from Bosnia to Angola and from El Salvador to Cambodia. Many of the mines were planted in haste by guerrilla forces—people who neither sign global treaties nor leave any record of where they lay their mines.

About 26,000 people are killed or injured by the devices every year, many of them children at play. This is the problem that the plan announced by Clinton and Ms. Albright is designed to solve by 2010.

American forces have already drastically curtailed their use of land mines. Part of the reason is that U.S. mines caused many U.S. casualties. The mines still in use are mostly manufactured to lose their explosive force after a few weeks. The locations are carefully recorded. The mines are removed when no longer needed.

As to U.S. reservations about the treaty: The situation on the Korean peninsula has few parallels anywhere in the world. A superpower that has been entrusted by peace-loving nations—and is expected by them—to prevent war in Korea is hardly going to add to the unmapped minefields that are causing the 26,000 casualties a year. The United States isn't out of line with its request to continue using land mines in Korea if it signs the treaty.

Indeed, treaties don't bind guerrilla forces. They are often ignored by aggressors. A land mine treaty, even if signed by the United States, would guarantee little in the long run.

On the other hand, an international cleanup of minefields could do a lot to reduce mine-related casualties. The campaign to find mined areas and remove the explosives safely is a noble humanitarian effort. U.S. participation is well worthwhile.

ACCOMPLISHMENT OF THE HEALTH CENTER PROGRAMS

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the gentleman from, Illinois, Congressman DANNY K. DAVIS, for sponsoring this special order this evening. I am very pleased to join him in this discussion on an issue of great importance to the Congress and this Nation—community health centers.

The recently enacted Balanced Budget Act of 1997 will make nearly $13 billion in Medicaid cuts from fiscal year 1998 through fiscal year 2002. This will severely impact the way in which health care is financed and delivered across the Nation. The numbers of uninsured Americans and the cost of health care services are continuing to rise. Yet, the availability of financial resources to address these concerns is diminishing. Thus, we must carefully consider community health centers as a model of community-directed health care for our changing health care system.

Community health centers are unique public/private partnerships which were created to provide increased access to health care services for the Nation's poor and underserved. Located in isolated rural and inner city areas, with few or no physicians, that suffer with high levels of poverty, infant mortality, elderly and poor health, they hold the distinction of being locally-owned and operated by the very communities that they serve.

Our health care system relies heavily on charitable care to meet the growing health needs of the Nation's 37 million uninsured—as well as the million individuals with insufficient coverage. Community health centers provide invaluable health care services to more than 10 million of the Nation's most vulnerable and underserved individuals. These patients include minorities, women of childbearing age, infants, persons infected with HIV, substance abusers and/or the homeless and their families. In fact, according to the Bureau of Primary Health Care, of the 33 million patient encounters at community health centers in 1996, 65 percent of the persons served were African-American and other minorities, 85 percent were poor, and 41 percent were uninsured.

Community health centers are the true safety-net providers of this Nation. As such, they obligated to provide health care services to all patients without regard to their ability to pay. Patients are billed for health services on a sliding fee scale in order to ensure that neither income nor lack of insurance serves as a barrier to care. And, Federal grants received by the centers are used to subsidize the cost of health care that is provided to uninsured patients as well as those services which are not covered by Medicare, Medicaid, or private insurance.

Community health care centers also provide high quality cost-effective care. In fact, studies show that the average total health care costs to patients are 40 percent lower than for other providers that serve the same population. Significant savings are also achieved by reducing the need for hospital admissions and emergency care.

Mr. Speaker, as a member of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, as a health advocate, and as chairman of the Congressional Black Caucus Health Braintrust, I am concerned about the toll that the changing health care market is taking on many families across this Nation. Congress must recognize that community health centers play a critical role in filling health care service gaps. Therefore, I join my colleague, Congressman DAVIS, in urging our colleagues to ensure that this unique provider of health care services is preserved and strengthened to accommodate the growing health needs of the most vulnerable among us, the poor and the underserved.

CBO ANALYSIS OF KYL-ARCHER AMENDMENT: BAD NEWS FOR SENIORS AND DISABLED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. STARK. Mr. Speaker, last week, the Congressional Budget Office made public its analysis of the budget impact of the Kyl-Archer amendment which will make it much easier for doctors to charge Medicare beneficiaries anything they want, anytime they want.

The Kyl-Archer amendment effectively ends Medicare insurance. There is no insurance if you never know whether the doctor is going to reject your Medicare card and ask you to pay the whole bill out of your pocket.

CBO describes a scary Halloween trick for the Nation's seniors and disabled. Doctors will be able to hold sick patients hostage for higher payments, fraud will increase, total national health care spending—already by far the highest in the world—will increase. It will be a treat for doctors, but the end of insurance peace of mind for seniors.

The full CBO letter analysis follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 30, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At your request, the Congressional Budget Office (CBO) has reviewed H.R. 2497, the Medicare Beneficiary Freedom to Contract Act of 1997, as introduced on September 18, 1997. (S. 1194, an identical bill, was introduced in the Senate on the same day.)

Direct contracting allows beneficiaries to make financial arrangements with health providers outside of the established Medicare payment rules. The direct contracting provision in current Medicare law, enacted in the Balanced Budget Act of 1997 (P.L. 105–33), requires providers contracting directly with patients to forgo any Medicare reimbursement for two years. Under that condition, CBO expects that direct contracting will almost never be used.

H.R. 2497 would eliminate the two-year exclusion period, allowing health providers to contract directly with their Medicare patients on a claim-by-claim basis. For example, a physician could bill Medicare for an office visit while directly contracting with the patient for an associated test or procedure.

Enactment of H.R. 2497 would affect Medicare outlays. Because of uncertainties about the number of claims that would be separately contracted and about the effectiveness of the regulatory oversight of those contracts by the Health Care Financing Administration (HCFA), however, CBO cannot estimate either the magnitude or the direction of the change in Medicare outlays that would ensue.

With Medicare's restrictions on balance billing—which limit the amount beneficiaries must pay for services covered by Medicare—providers may in some cases receive lower payments than what their patients would have been willing to pay out of pocket. The bill would allow physicians and other health care providers to increase their incomes by negotiating direct contracts that

included prices in excess of Medicare's fees, effectively bypassing the limits on balance billing. For some services, CBO believes that such contracting would not be very widespread because few beneficiaries would be willing to pay the entire fee (not just the difference between the provider's charge and what Medicare would have paid). For other services—such as those where the need for timely medical treatment might increase patients' willingness to pay—direct contracting could become much more common.

If direct contracting continued to be rarely used, there would be no changes in benefit payments, no additional difficulties in combating fraud and abuse, and no major new administrative burdens placed on HCFA.

If direct contracting were extensively used, however, Medicare claims could be significantly reduced. At the same time, HCFA's efforts to screen inappropriate or fraudulent claims could be significantly compromised because it would be difficult to evaluate episodes of care with gaps where services were directly contracted. Furthermore, HCFA would be unlikely to devote significant administrative resources to the regulation of direct contracting. HCFA's efforts to administer other areas of Medicare law, including many of the new payment systems envisioned in the Balanced Budget Act, will continue to strain the agency's resources. Without adequate regulatory oversight, unethical providers could bill Medicare while also collecting from directly-contracted patients.

Although the impact of H.R. 2497 on the federal budget is uncertain, the bill would almost certainly raise national health spending. Even if direct contracts were rarely used, payments made under those contracts would probably be higher than what Medicare would have paid, and Medicare's efforts to combat fraud and abuse would probably be hampered to some extent.

If you have any questions about this analysis, we will be pleased to answer them. The CBO staff contact is Jeff Lemieux.

Sincerely,

JUNE E. O'NEILL,
Director.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. KIND. Mr. Speaker, we are starting another week of legislative session, possibly the last week this year, and still no campaign finance reform. The news over the weekend was encouraging for supporters of reform. Speaker GINGRICH announced that the House will schedule debate on campaign finance reform no later than March 6 next year.

This is another positive step on the road to reform, but it is not the answer. As I and many of my colleagues have warned, a vote next year, during an election year, is not satisfactory. By March of next year we will all be involved in our reelection campaigns, and any change will be too late to take effect in the 1998 elections. Mr. Speaker, rather than wait until March of next year to consider this issue, the House should take up campaign finance reform this week. There are a wide variety of bills currently introduced that could be considered. The House Committee on Government Reform and Oversight has been holding hearings on these bills. We have the time to consider campaign reform legislation this week and have a bill passed before we adjourn for the year.

The voters of this Nation want us to clean up our house. The leadership in the Senate and the House have agreed to allow a vote on this issue. The time to act is now. I refuse to take "no" for an answer.

INTRODUCING THE HEALTH CARE ACCESS IMPROVEMENT ACT

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Ms. KILPATRICK. Mr. Speaker, I rise today to proudly introduce the Health Care Access Improvement Act, legislation that will provide a $1,000 per month tax credit over 5 years for primary health care providers who are located or will establish practices in health professional shortage areas. These urban and rural underserved areas are designated by the Health Resources and Services Administration [HRSA]. In our Nation, there are 2,686 primary medical care, 960 dental and 518 mental health areas that are underserved, according to the latest list of designated sites issued by the Department of Health and Human Services. This list was published in the Friday, May 30, 1997 edition of the Federal Register at page 29396. This information is also available via the Internet at http://www.bphc.hrsa.dhhs.gov. While we do not have a shortage of doctors in our country, Mr. Speaker, we do have a shortage of doctors who are either willing or can afford to locate in certain areas. I want to tkank my colleagues, Representatives DANNY DAVIS of Illinois, DARLENE HOOLEY, JESSE L. JACKSON, JR., MIKE MCINTYRE, JUANITA MILLENDER-MCDONALD, RON PAUL, MAX SANDLIN, and EDOLPHUS TOWNS, who are original cosponsors of this bill and who recognize the need for Congress to provide an incentive for doctors to locate in these underserved areas.

In short, this bill will:

Provide current and future health care providers with a tax credit.—Those few doctors who are currently established in underserved areas, as well as those who relocate to these areas, would receive a tax credit of $1,000 per month over 5 years. The Health Care Access Improvement Act would help current and future primary health care providers.

Help doctors establish long-term relationships with the community.—This tax credit provides a long-term solution by enabling doctors to establish health care practices in poor areas. Unlike Public Health Service doctors, who rotate through community facilities, private doctors invest their own time, energy and money to open a practice in a community. Such an investment means that these doctors become an integral part of the community, and highly unlikely to leave. The Health Care Access Improvement Act gives primary health care providers an incentive to stay in the community.

Expand access to health care to more people.—This tax credit would be the most cost-effective way to establish health care practitioners in those areas where people do not have access to health care. More people would be able to go to their neighborhood doctors or dentist. The Health Care Access Improvement Act gives more urban and rural people choice in health care.

Preventive health care has been proven to save lives and money. The very first bill that I cosponsored as a Member of Congress related to improving health care, and I have sponsored several health care seminars and forums in the 15th Congressional District of Michigan. Access to more doctors will go a long way toward ensuring that all of our constituents have high quality health care. The Health Care Access Improvement Act is but a small step in the direction of health care equality and improved access for all. While no cost has been determined for this bill as of today's date, I will ensure that it will meet the requirements of offsetting cuts to provide for its implementation.

A TRIBUTE TO HER HONOR DEBORAH STEVENS MODICA

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to congratulate Deborah Stevens Modica, who was sworn in as a judge on October 17, 1997. Mrs. Stevens Modica has represented the people as a prosecutor in the offices of the district attorney in New York for nearly 20 years, and, in light of the recent implementation of the death penalty in my State, has become the expert in New York and one of the top experts across the country on this issue.

A graduate of Fordham University and Fordham Law School, Mrs. Stevens Modica was admitted to the bar in 1978 and has since worked diligently to rise through the ranks in the district attorney's office. Starting in Queens, she moved from a researcher in appeals bureau to trial lawyer on the supreme court, major offense and homicide bureaus to chief of the appeals bureau from 1978 to 1989.

In 1990, she moved on to the district attorney's office of Kings County, where she started as the chief of the supreme court bureau. Her work there earned her a promotion to executive assistant district attorney in 1991. In 1995, she was promoted yet again to deputy district attorney. Her extensive knowledge of the justice legal system continued to grow, gradually catching the eye and gaining the respect of experts in the law profession across the country.

In addition to her mastery of law, she is a generous woman, devoting hours of time each month to the Adopt-A-School program which teaches fifth grade students how the legal system works. She was instrumental in successfully implementing this program in the schools in Brooklyn after a study proved that children 10 years old are at the most impressionable age in making decisions about the law.

Most amazingly, Mrs. Stevens Modica raised five daughters ranging in age 5 to 27.

Her perseverance in work, the community, and family has undoubtedly paid off, as evidenced by her appointment as judge to the criminal court in the city of New York. My warmest regards to Her Honor, Judge Deborah Stevens Modica.

CONCERN OVER THE FUTURE OF COLORADO FORESTS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to share with my colleagues some thoughts expressed by Mr. Rob Nanfelt of Colorado. There is a growing concern over the future of our forests in Colorado. These are the views expressed by Mr. Nanfelt:

Our Colorado forests are in dismal shape. Scientists predict that a series of catastrophic wildfires will sweep through the state if something is not done. Dangerously high volumes of dead and decaying timber fuels have accumulated over the past 80 years and continued lack of action to deplete these fuels puts our families and homes at risk. As well as constituting a major threat to standing structures, these fires will have a significantly adverse impact on air quality for many towns, especially those in eastern Colorado.

It has been reported in recent months that the U.S. Forest Service will be taking a more active role in attempting to prevent these fires by setting fires of their own. This process of setting controlled fires is known as "prescribed burning" and is used to eliminate the overstocking of forest fuels. Earlier this year, in an address at Boise State University, Interior Secretary Bruce Babbitt said that he would endorse an increase in the frequency of these planned burns. "Fight fire with fire," he said. In fact, the Forest Service wants up to $50 million for the burning program in fiscal year 1998. The program would allow the Forest Service to set fire to nearly 1.5 million acres.

Prescribed burns are not an exact science. While there are certain benefits of a well-executed controlled burn, there are numerous risks. If not carried out precisely to plan, these fires can very easily spread out of control and cause property damage, less than desirable air quality, and in the most extreme cases, death.

Instead of focusing on such riskly methods, the Forest Service should consider other forest restoration options such as mechanical removal. While those in the environmental community may cringe at such a thought, mechanical removal is a more precise tool than prescribed burns. And in many cases, it can be every bit as environmentally friendly.

Sometimes the forest fuels have little or no commercial value. In these instances prescribed burns are probably prudent. However, the Forest Service should coordinate any of these planned burns with the Environmental Protection Agency (EPA). This will ensure that local communities are protected against any punitive measures handed down by the EPA. The risk of non-attainment in these communities as a result of these fires is a real concern. State and local officials should also be included in the process.

Local economies, the Forest Service, and the forests would all benefit if the Forest Service focused on using mechanical removal as its primary option for forest restoration. Local timber companies would have more work to do and as a result more jobs would be available. The Forest Service could concentrate on other management goals and have a little extra money to achieve these goals. The forests would be healthier and the threat of catastrophic wildfire greatly reduced. The Forest Service should not once again bow to the wishes of the extremists in the environmental community, and should instead base its decision on the elements of sound science and economic benefit.

It is up to each of us to pay attention to the issues that face us and make the right decisions for our future.