HOUSE OF REPRESENTATIVES—*Thursday, February 13, 1997*

The House met at 10 a.m.

The Reverend Michael E. Osborne, Grace Presbyterian Church, Ocala, FL, offered the following prayer:

Let us pray. Almighty God, You tell us in Your Word that You live in a high and holy place; that You are the King of all the Earth, before whom the nations tremble, and who will one day judge every person in righteousness.

Yet O Lord, You have also said You dwell with the one who is contrite and lowly in spirit and that You came to seek and to save that which was lost.

So we come before You, Lord, as very needy people, asking You to forgive our sins. We pray for mercy upon this land and these leaders; for peace among the nations; for wisdom as we carry on our work this day; and for humility, that we might grow in our commitment to You and to one another.

We pray this in Your matchless name. 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 Georgia [Mr. BARR] come forward and lead the House in the Pledge of Allegiance.

Mr. BARR of Georgia 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.

APPOINTMENT AS MEMBERS OF HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER. Pursuant to section 127 of Public Law 97–377 (2 U.S.C. 88b–3), the Chair appoints as members of the House of Representatives Page Board the following Members of the House: Mrs. FOWLER of Florida and Mr. KOLBE of Arizona.

APPOINTMENT AS MEMBERS OF BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Chair appoints as members of the Board of Trustees of the John F. Kennedy Center for the Performing Arts the following Members of the House: Mr. GINGRICH of Georgia and Mr. MCDADE of Pennsylvania.

APPOINTMENT AS MEMBERS OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

The SPEAKER. Pursuant to the provisions of sections 5580 and 5581 of the revised statutes (20 U.S.C. 42–43) the Chair appoints as members of the Board of Regents of the Smithsonian Institution the following Members of the House: Mr. LIVINGSTON of Louisiana and Mr. SAM JOHNSON of Texas.

APPOINTMENT AS MEMBERS OF U.S. HOLOCAUST MEMORIAL COUNCIL

The SPEAKER. Pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Chair appoints the following Members of the House to the U.S. Holocaust Memorial Council: Mr. GILMAN of New York, Mr. REGULA of Ohio, Mr. LATOURETTE of Ohio and Mr. FOX of Pennsylvania.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. AIR FORCE ACADEMY

The SPEAKER. Pursuant to the provisions of section 9355(a) of title 10, U.S. Code, the Chair appoints as members of the Board of Visitors to the U.S. Air Force Academy the following Members of the House: Mr. HEFLEY of Colorado and Mr. YOUNG of Florida.

APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER. Pursuant to the provisions of section 194(a) of title 14, United States Code, the Chair appoints as a member of the Board of Visitors to the U.S. Coast Guard Academy the following Member of the House: Mrs. JOHNSON of Connecticut.

APPOINTMENT AS MEMBER OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER. Pursuant to the provisions of section 1295 b(h) of title 46, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Member of the House: Mr. KING of New York.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of section 4355(a) of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Military Academy the following Members of the House: Mrs. KELLY of New York and Mr. TAYLOR of North Carolina.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER. Pursuant to the provisions of section 6968(a) of title 10, United States Code, the Chair appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members of the House: Mr. GILCHREST of Maryland and Mr. SKEEN of New Mexico.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER. Pursuant to the provisions of section 1505 of Public Law 99–498 (20 U.S.C. 4412), the Chair appoints to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the following Member of the House: Mr. YOUNG of Alaska.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize five Members on each side for 1 minute.

WELCOMING REV. MICHAEL OSBORNE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, let me thank you for the opportunity to welcome my pastor from Ocala, FL. He is a minister and pastor from Grace Presbyterian Church. He comes by way of

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Covenant Presbyterian Church in South Carolina and knows the gentleman from South Carolina [Mr. INGLIS] and the gentleman from Missouri [Mr. TALENT] well.

I want to welcome him, and of course I also want to tell him how important it is to have him here today. He came up with part of the National Pastors Policy Group that Dr. Jerry Falwell has brought here to Washington as an attempt to establish the restoration of the Judeo-Christian ethic here in America. They are looking for spiritual revival.

Last night we learned from Dr. Falwell and Mike Osborne had the opportunity to listen to him and meet him. I wanted to welcome him here and particularly tell him and Members of this House, this great body, that we can pass all the laws we want here in Washington. Of course, we have a crime bill almost every year, but the real hard work is back in each of our congressional districts by pastors such as Mike Osborne.

If he will preach the gospel and talk about the Judeo-Christian ethic, we will restore what is right to this country and we will not need to pass more and more laws. I request that all of us will pray for him and pray for our pastors back in the district that they might have the ability to transform all this in our values because the legislation we pass will not do it as quickly and as mightily as he does in the pulpit every Sunday.

So, Mike Osborne, I welcome you to this great body. And I thank the Chair for this opportunity.

BALANCED BUDGET AMENDMENT

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, a tremendous amount of energy has been put into the balanced budget amendment movement. The whole debate has perversely served to distract from the important key issue of the level of government expenditures. A balanced budget achieved at $1.7 trillion offers no benefit whatsoever and a great deal of harm compared to a $1 trillion budget out of balance. This whole debate over the balanced budget amendment has coopted the important issue of the proper size of government.

If Social Security funds are used to balance the budget, the support for this project will quickly fade. What is generally forgotten in this debate is that the national debt last year rose $261 billion, a far cry from the much talked about $107 billion deficit. The math is less clear than alleged.

The deficit problem is a lot more than an accounting problem. Balancing the books or pretending to do so will not solve the problem inherent in a welfare state manipulated by a majority vote for the benefit of the special interests.

NEIGHBORHOOD PROSECUTION

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute.)

Mr. BLAGOJEVICH. Mr. Speaker, there is no doubt that community policing works. That is why I am here today to recommend the next logical step in grassroots law enforcement: Neighborhood prosecution.

As a former prosecutor, I am proud to introduce a bill that would create a $10 million pilot program to put prosecutors on the streets of America. These new prosecutors would expand their duties beyond the courtroom and work with residents to spot the causes of crime and aggressively root them out.

One might ask, why should prosecutors care about broken windows, graffiti, dark alleys, and abandoned buildings? Simply put, these conditions breed crime. Studies have shown that a broken window is the first step toward graffiti, which is the first step toward loitering, which is the first step toward gang activity. My plan says, fix the broken window; stop the cycle of crime.

THE 100th ANNIVERSARY OF THE PTA

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, our Nation continues to benefit from one of the greatest educational systems on the face of the earth due largely to the efforts of two groups of very special people. I speak not of Washington bureaucrats but rather of the parents and teachers in our local communities who work together tirelessly on behalf of our children.

I proudly commend Parent and Teacher Assoc. across America for their efforts to fight for schools that are safe and in which our children are taught values and knowledge that we hope will last them a lifetime.

I am also proud because Cobb County, GA, in the seventh District of Georgia is the birthplace of Alice McClellan Birney, the original founder of the PTA, which on February 17 celebrates its 100th anniversary. A special service will be held next Monday at Marietta High School in Marietta, GA, commemorating Alice McClellan Birney, and the millions of parents, teachers, and students whose lives she has touched.

On this 100th anniversary of the PTA, I urge my colleagues to join me in honoring Alice McClellan Birney and the millions of men and women of today's PTA's for the commitment and foresight they have exhibited to launch and continue this vital institution, an enduring living legacy to better education in America.

TUITION CREDITS

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Mr. Speaker, we have a golden opportunity to pass a measure that will help working families and their children secure the education and job training they need to get ahead. In the next few months we will debate a proposal that will provide up to $10,000 a year in tax deductions to working families so they can send their children to college or vocational school.

Under the plan, parents could also improve their lives through career training. As a former teacher, I know that education is the best way for people to help themselves and for families to improve their lives. Global marketplaces and rapidly developing technologies make it hard to compete with just a high school diploma. In fact, the Census Bureau reports that college graduates earn an average of $17,000 more than high school graduates every year. Figures like these show what we already know: Educational opportunities translate directly into economic security.

That is why I promised the working families and young people of my district that I would fight to get this tuition deduction passed through this Congress. Please join me in supporting this important initiative.

THE TRUTH ABOUT A TYRANT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, President Clinton recently rolled out the red carpet for one of the most repugnant figures of our time, Chinese Defense Minister Chi Haotian, better known as the butcher of Tiananmen Square. General Chi ordered the slaughter of hundreds, perhaps thousands of brave Chinese students who were demonstrating for freedom.

The picture of General Chi's tanks rolling in to crush the democracy movement remains etched in our minds forever. It was almost incomprehensible, then, to learn that our President would honor Chi at the White House. I am not sure whether coffee was served but sickeningly our military was ordered to give the butcher a 19-gun salute. Meanwhile Chi denied that the Tiananmen Square massacre ever occurred.

I do believe that we can improve human rights in China by increasing our presence there and promoting

American values. Increased contacts with China can help but only if we follow the course set by President Ronald Reagan in speaking the truth about evil. We must not shrink from calling evil by its name, and we must not paper over truth about tyrants such as Chi, no matter what positions they occupy or what ties we are seeking.

LUCASVILLE PRISON

(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, after a 1993 riot at Lucasville Prison, Ohio taxpayers spent $353 million to straighten it out. If that is not enough to bust your parakeet, check this out:

To settle a lawsuit filed by the prisoners, the inmates in this prison, Ohio taxpayers must now pay another $4 million for punitive damages and property damages of these prisoners. Unbelievable, $4 million to rapists, armed robbers, and murderers.

This Lucasville ordeal is a classic example of how we treat crime in America. The law turns its back on the victims of rapists and murderers, then turns around and compensates rapists and murderers in prison who burned the place down and destroyed it. Beam me up. If there is any sense left, someone explain it to me in writing.

I yield back the balance of any more punitive or property damages.

□ 1015

REINTRODUCING THE RICKY RAY HEMOPHILIA RELIEF ACT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, shortly I will reintroduce the Ricky Ray Hemophilia Relief Fund Act, which gained 249 cosponsors in the last Congress. This bill responds to the tragedy of hemophilia-associated AIDS. In the 1980's nearly half of the hemophilia community became infected with the AIDS virus through the use of tainted blood products. About half of those, approximately 7,200 people, many of whom were children, have already died.

As they did last Congress, students from Robinson Secondary School in Fairfax, VA, have visited Members' offices to lobby for this bill. These bright and articulate students belong to the Distributive Education Clubs of America, an association of high school students enrolled in marketing education courses and committed to the free enterprise system.

Their efforts on behalf of the Ricky Ray bill have been impressive. I hope my colleagues will lend them an ear, cosponsor this bill, and help bring compassionate assistance to hurting victims of the hemophilia community.

HOW BEST TO HONOR OUR FLAG

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, respect and honor for the flag is a subject again before this House. How best do we do it?

As a Marine veteran, I cherish the symbol of our country's freedoms to which we pledged allegiance just a few minutes ago. But should we amend the Bill of Rights for the first time in our Nation's history? Should we eat into the guarantee of free speech that is the essence of this country in order to protect the flag? The answer is no.

Let us not fall into the mistake of elevating the symbol of our freedoms above our freedoms themselves. This country is strong enough to withstand dissent, even dissent expressed so offensively that it involves the desecration of the flag.

For those who want to reaffirm their love of country and flag, the gentleman from Arizona [Mr. KOLBE] and I are introducing a resolution today that does that but does not amend the Constitution.

Honor the flag? Absolutely. We honor it best by keeping the Constitution as it is. Honoring the freedom that we stand for best honors our flag.

TRIBUTE TO STEVE KORPF

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to pay tribute to a very special man, a man who loves his family and loves his country, my friend Steve Korpf.

Steve Korpf and I have been friends for about 10 years. He exemplifies what all of us cherish: faith, character, and courage. During our 10-year friendship Steve has been battling various forms of cancer. He is now in a fight that the doctors tell him he is not going to win.

His friends in Mankato, MN, are organizing a tribute and benefit on February 22 to help defray the cost of his long battle. I am pleased to support their efforts and will hopefully be able to be present that evening to honor a truly special American.

My prayers are with Steve and his wife Dorothy as well as his family. I know that my life has been enriched for having known him. Thank you, Steve, for being one of my heroes.

IN REMEMBRANCE OF THE LATE HONORABLE PAMELA HARRIMAN, UNITED STATES AMBASSADOR TO FRANCE

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as Congress convenes this morning, official and diplomatic Washington is gathering at the National Cathedral to honor and give thanks for the life of our Ambassador to France, Pamela Harriman. Many of us would like to be there but our official duties prevent us from doing so.

As is demonstrated by this portrait of Lafayette in our gallery, along with the only other portrait, that of George Washington, our relationship with France is a very special one, and indeed we sent as our Ambassador our very best.

I know it is a source of great pride to Pamela's family that the President of France eulogized her as well as bestowed upon her France's highest honor. I know it is also a source of pride that the President of the United States and the First Lady will eulogize her today and mourn her passing. I hope it is a comfort to Ambassador Harriman's family that so many people in this House, and indeed so many Americans, join our First Family in mourning this great loss.

Pamela's last weekend, before she took ill and then died during the week, was spent attending the christening of her great-grandchild, her Churchill great-grandchild. What a perfect end to a great life.

I know I speak for many here when I say to Pamela, adieu, and thank you.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. KINGSTON) laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 1997.

Hon. NEWT GINGRICH,
Capitol, Washington, DC.

DEAR SPEAKER GINGRICH: I hereby resign my congressional seat effective immediately so that I can assume my post in the President's Cabinet as Ambassador to the United Nations.

It has been an honor to serve in the United States Congress as New Mexico's third district representative for the past 14 years. I have been especially proud to represent the people of New Mexico whose kindnesses towards me and my family have been equalled only by the unmatched beauty of the state itself.

Sincerely,

BILL RICHARDSON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 1997.

Hon. STEPHANIE GONZALES,
Secretary of State, State Capitol, Santa Fe, NM.

DEAR STEPHANIE: I hereby resign my congressional seat effective immediately so that I can assume my post in the President's Cabinet as Ambassador to the United Nations.

It has been an honor to serve in the United States Congress as New Mexico's third district representative for the past 14 years. I have been especially proud to represent the people of New Mexico whose kindnesses towards me and my family have been equalled only by the unmatched beauty of the state itself.

Sincerely,

BILL RICHARDSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, a copy of the official letter of resignation from the gentleman of New Mexico, Mr. RICHARDSON, will be submitted to the Secretary of State of New Mexico on this date and will be inserted into the RECORD and the Journal at this point.

There was no objection.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 36 and that I may be allowed to include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPROVING THE PRESIDENTIAL FINDING REGARDING THE POPULATION PLANNING PROGRAM

Mr. LIVINGSTON. Mr. Speaker, pursuant to the provisions of section 518(A)(e) of an act making appropriations for foreign operations, export financing, and related programs for fiscal year 1997 (Public Law 104-208), I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 36) approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The motion was agreed to.

□ 1022

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 House Joint Resolution 36 with Mr. DREIER in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the joint resolution was considered as having been read the first time.

The text of House Joint Resolution 36 is as follows:

H.J. RES. 36

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the House of Representatives and Senate approve the Presidential finding, submitted to the Congress on January 31, 1997, that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

The CHAIRMAN. Pursuant to section 518A(e) of the Foreign Operations Appropriations Act for 1997, the gentleman from Louisiana [Mr. LIVINGSTON] will control 1 hour in opposition to the joint resolution, and the gentlewoman from California [Ms. PELOSI] will control 1 hour in favor of the joint resolution.

Ms. PELOSI. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD] and I ask unanimous consent that he be allowed to yield to other Members.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering a resolution which would endorse a finding by the President that the delay until July 1, 1997, in the obligation of funds for international family planning "is having a negative impact on the proper functioning" of the program. This resolution is being considered under expedited procedures as called for in section 518A of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997.

The decision to delay obligations for international family planning funds until July 1, but to require a vote to release the funds by March 1 of this year pursuant to a finding by the President, is the result of a compromise struck by the House leadership and the White House during negotiations on the Omnibus Consolidated Appropriations Act of 1997. The agreement also calls for a total funding level of $385 million for international family planning, instead of $356 million as provided in fiscal year 1996. In addition, funds are apportioned on a monthly basis of not more than 8 percent.

We are not dealing directly in this resolution with the so-called Mexico City policy, because the House has been unable to get the Senate and the White House to agree to it for the past 2 years. The Senate only voted once directly on the policy in the past Congress. On November 1, 1995, by a vote of 53 to 44, it rejected the Mexico City provisions included in the House version of the fiscal year 1996 Foreign Operations Appropriations Act. In addition, the White House threatened to veto such appropriations acts if Mexico City language was included.

The chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentleman from Alabama [Mr. CALLAHAN], offered a compromise last year which would have allowed organizations that refused to agree to abide by the Mexico City policy to receive family planning funds, but at a level not to exceed 50 percent of the total provided to each such organization in 1995. Organizations that agreed to abide by the Mexico City policy would not have been capped.

That compromise was endorsed by the House but rejected by the administration. Had it been accepted, we would not be here today and international family planning funds would be flowing without delay in obligations.

This is the second year that the obligation of funds for international family planning has been delayed. As I stated earlier, the House could not reach a compromise with the administration or the Senate on the Mexico City policy as part of the fiscal year 1996 appropriations act and, as a result, delayed obligations until July 1 of that year as well.

However, the obligation delay was explicitly intended to encourage the authorizing committee to address this issue as part of the pending authorization bill for foreign affairs. As passed by the House, the 1995 foreign aid authorization bill included Mexico City policy language. Unable to work out a compromise with the Senate and the administration, all language was dropped in the final conference report on the bill.

Mr. Chairman, I hope that this changes this year. I hope that we do not have to debate this anymore. Policy issues surrounding international family planning should be addressed by the Committee on International Relations, not the Committee on Appropriations. I urge the authorization committee to resolve this issue so that legislative language on the Mexico City policy does not continue to have a negative impact on the proper functioning of the appropriations process.

Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of House Joint Resolution 36, the Presidential finding on international

family planning funds. As I call on my colleagues to vote for this resolution, I want to remind us all why this vote is occurring.

Our distinguished chairman of the Committee on Appropriations, Mr. LIVINGSTON, has presented a long version of it and I will do a brief one. But, first, I want to commend him for the spirit of fairness in which he has enabled this resolution to come to the floor, which is in keeping with his great leadership as chair of our committee.

I also want to recognize the gentleman from New Jersey [Mr. SMITH], who is in opposition to this resolution, has his own resolution on the floor today. I do not think I have ever served with a finer Member of Congress. He is a great champion for child survival issues and human rights issues throughout the world. I have great respect for him. Unfortunately, I disagree with him on this issue, but I want to pay homage to his commitment to child survival issues.

Mr. Chairman, we are here today because of an agreement, as our chairman mentioned, that was entered into in the fall. In order to break an impasse, President Clinton and the House of Representatives, the Republican leadership, entered into an agreement on the foreign aid bill and, indeed, the entire and continuing resolution for fiscal year 1997.

Under the agreement President Clinton agreed to a reduced level of funding for population of $38.5 million and to a 4-month delay in any obligation to have the funds. The funds would go forward now or March 1 if the President certified to Congress that the delay is having an adverse impact on international family planning programs and the House and Senate vote to approve the President's finding.

Indeed, the President's certification states that further delay will cause serious, irreversible and avoidable harm to the lives and well-being of many thousands of poor women and children throughout the world.

□ 1030

Indeed, the delay undermines U.S. efforts to promote child survival and actually increases the number of abortions worldwide. Evidence from all regions of the world show increased contraceptive use by reducing unintended pregnancies plays a major role in reducing abortions.

I join with many well-known development organizations, such as CARE, World Vision, Save the Children, and some church-related groups such as Church World Service, Lutheran World Relief, and the National Council of Churches, to name a few, in urging my colleagues to vote yes in accepting the presidential finding.

Mr. Chairman, I want to take the balance of my time to make three points. What do the population funds do, how are they used; second, what they do not do, they do not promote abortions, and how do we monitor that.

U.S. support for international family planning programs emphasizes voluntary family planning as a part of an integrated approach to population and development that includes complementary activities to promote health, the status of women, child survival, and strong families.

The goals of U.S. leadership in global population are: To promote the rights of couples to determine freely and responsibly the number and spacing of their children, improving individual reproductive health, and reducing population growth rates to the levels consistent with sustainable development.

I will put more in the RECORD about the work of our international family planning efforts. Time does not permit me to go into more detail here. However, I will say that gains made from the delivery of services such as immunization, diarrheal control, and nutrition programs for children are most effective and sustainable when combined with programs for women on child spacing, maternal health services, and access to contraceptives.

In fact, in most instances throughout the developing world by sheer necessity the delivery of these programs takes place simultaneously. Inaction today not to accept the President's finding would disrupt child survival and family planning services and will end up costing us dearly both in human and financial terms.

What the population funds do not do: AID's funds are not used for abortion. As this chart indicates very clearly, since 1973, with the enactment of the Helms amendment, AID's population program has been legally prohibited from supporting or encouraging abortion as a method of family planning. I will state these prohibitions specifically, and I have the actual statutes with me at the desk if any one of our colleagues wishes to inspect them.

No USAID funds can be used to pay for the performance of abortions as a method of family planning or to motivate a person to have an abortion. No funds can be used to lobby for or against abortion. No funds can be used to purchase or distribute commodities or equipment for the purpose of inducing abortions as a method of family planning, and no funds can be used to support any biomedical research which relates in whole or in part to methods of or the performance of abortions as methods of family planning.

Strict procedures assure that no AID funds are used by contractors for abortions, and these procedures in place to ensure that no funds are used include, and I have another chart on that, legally binding contracts that include standard clauses specifically listing prohibited activities. Violators are subject to heavy fines and loss of future funding.

It also includes close technical monitoring for requiring detailed annual work plans, regular independent audits according to Federal acquisition regulations of both contractors and subcontractors.

There have been claims that all population funds will be dispersed without pro-life safeguards if this resolution passes. This is simply not so. It is essential to restart funding for these international family planning programs to promote the health and well-being of millions of families throughout the world.

Mr. Chairman, I do not hesitate to characterize this vote, based on the exploding population growth we are experiencing, as vital to the future of our planet, and one that is first and foremost about providing families with the real means to lift themselves from poverty, provide for their children and live with dignity. We must not hold the poor children of the world hostage to congressional politics. Let us take a step forward today, not backward. Vote "yes" on the resolution.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the very distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. I thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding me this time.

Mr. Chairman, the debate really is not about family planning, although we will hear that term a lot. This is about abortion. Family planning, properly defined, is the matter of getting pregnant or not getting pregnant. It has nothing to do with abortion. True, abortion will hold down the population gain because you are eliminating people, you are killing them, you are exterminating them. But that has not been the policy of our Government and our country. And even now we give lip service to the fact that none of these funds can be used to pay for abortions. But what happens is the money goes to an organization, or organizations, that perform abortions, that counsel for abortions, that lobby for abortions in countries as a means of family planning.

Now, that wall between abortion and family planning should remain in place. Under the legislation of the gentleman from New Jersey [Mr. SMITH] every penny of family planning money goes to organizations engaged in family planning, properly defined. It will only be withheld from those organizations that counsel, perform, and promote abortions.

Now, the idea that none of this money can be spent for abortions, I just wish frankly people would understand that we understand money is fungible. And if you provide money for purposes A and B, you are freeing up

other money for C and D. So that really is not an argument.

The Mexico City policy, which was the policy until this President assumed office—and 2 days after he was in office, he reversed it—provides that we will support lavishly and generously family planning. I am not objecting to that. But not subsidize—indirectly, or directly, in any way—abortions, and not subsidize organizations that perform abortions. That was the policy. Three hundred fifty foreign organizations agreed to its terms, including the International Planned Parenthood Federation. And they have affiliates in 57 countries. The only one that did not agree, and that is what we are fighting about here, is International Planned Parenthood Federation of London.

So I just suggest, if you think abortions are a good idea, and I do not know anybody that will admit to that, but I do know a lot of policymaking activities that amount to supporting abortion. I hope Members will vote "no" on the President's finding.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY], a member of the Foreign Operations Subcommittee of the Committee on Appropriations and, more importantly, a leader in our country on international family planning issues.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the privileged resolution to release the funds for international family planning programs on March 1. I have personally visited clinics supported by this aid, and I have seen firsthand the very critical work they are doing for our families, for women, for children, for infants.

Each year approximately 600,000 women worldwide die of pregnancy-related causes, leaving 1 million children without mothers. These are unnecessary, tragic deaths that could be avoided through access to family planning services.

Recently several of my colleagues on the Subcommittee on Foreign Operations and I visited Misr El Kadima, a maternal and child health center in Cairo, Egypt. This center is a success story and is one of the many successful facilities supported by USAID worldwide.

Family planning is just one of the basic health care services provided at the center. The doctors, nurses, laboratory technicians who spoke with us provide immunizations for children, routine prenatal care, treatment for common diseases, general outpatient care, not abortion.

Some of these clinics in Egypt are 5 miles from the nearest city. If these clinics are shut down, as would happen if these funds do not go forth, what are these women going to do for these vital services? In Cairo and in the rest of the developing world, family planning services are literally a matter of life and death.

In Egypt, largely due to USAID support, contraceptive use has doubled in the last 15 years and the increase has been directly linked to decreases in infant mortality and maternal death. Over the last decade, as the rate of contraceptive use in Egypt rose, the infant mortality rate dropped 42 percent. As the doctors explained, family planning services allow families to plan and space the birth of their children.

If the funds at issue are withheld until July 1, USAID's main contract in Egypt will be suspended. This disruption would force clinics like the one that I visited to stop providing these life-savings services, and would have a devastating impact on thousands of men, women and children. So let's be clear—a "no" vote closes clinics that save lives.

I urge you to remember what this vote is really about. This vote isn't about abortion—the clinic that I visited in Egypt does not provide abortions nor do any United States funds go to abortion services. This vote is about releasing funds for medical services that save the lives of mothers and babies worldwide. Vote for these families. Vote for the resolution.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, family planning has clearly proven to save the lives of women and infants. Sadly, 1,600 women die every day, 1 woman every minute, of pregnancy-related causes because they do not have access to reproductive health services, including family planning. Nearly half of the women today who die from maternity-related causes would still be alive today if they could have prevented unwanted pregnancy in the first place. Nearly all would be saved if they had access to reproductive health care. By giving women the access to health services they so desperately need during their childbearing years, we will help prevent thousands of maternal deaths. The World Bank estimates improved access to family planning can reduce the number of maternal deaths that occur annually by 20 percent. In addition to that, family planning programs have also helped stop the spread of sexually transmitted diseases, including HIV. Access to contraception is not only crucial in avoiding unwanted pregnancies but in fighting the spread of the ever-growing HIV virus, and we all know these sexually transmitted diseases do not stay within borders and impose immense risk to the overall population. To delay the release of funds until July will result in increased abortions, unintended pregnancies, the further spread of AIDS, and the deaths of thousands of women. Seventeen of the 95 programs will have to be shut down, denying millions of women access to effective contraceptive services. Doctors and nurses will lose access to obstetrical care, and the treatment of sexually transmitted diseases and community health workers who teach important health intervention, including immunizations and pre- and postnatal care, will be eliminated.

Mr. Chairman, let us give women and their children more control over their childbearing and health-related decisions and families the self-sufficiency they want, the health and the hope that they deserve.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. I thank the gentleman for yielding me this time.

Mr. Chairman, the question before us today is not whether we should support international family planning and educational programs. The question today is whether or not this Nation or this body supports the use of abortion as a means of family planning.

As far as I am concerned, the terms "family" and "abortion" are totally incompatible. This Nation and this Congress cannot and should not subsidize an organization which advocates abortion or which lobbies for the legalization or expansion of abortion as a means of limiting population growth. We should not allow abortion to become our next major export.

It is true that the Helms amendment prevents the direct use of U.S. funds to pay for abortion procedures. But it does not prevent indirect funds of programs that promote the legalization or expansion of access to abortion as a means of birth control in developing nations. To do that, we must defeat this resolution and reinstate the Mexico City policy.

Mr. Chairman, I urge my colleagues to defeat this resolution. Help us reinstate the Mexico City policy and show the world that we are willing to support education and other family practices, but not at the expense of the innocent unborn. Vote "no" on this resolution and vote "yes" on the Smith-Hyde-Oberstar substitute.

□ 1045

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. TORRES], a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs and a leader on this issue.

Mr. TORRES. Mr. Chairman, I rise today in support of this resolution to release on March 1 the funds that we have already agreed to provide for international planning programs.

This is not a vote on abortion. No U.S. funds can be used to lobby or perform abortions; that is already prohibited by law as so well explained by the gentlewoman from California [Ms. PELOSI].

This is not a vote to increase funding for family planning programs. The fiscal year 1997 funding level is already set. We did that last year as part of the foreign operations appropriations bill. This vote is merely to decide when to release the funds. We are already 5

months in arrears in providing for this money. Not a single dime has been appropriated.

Mr. Chairman, I say to my colleagues that this is a pro-family vote, a vote for women's health and survival. To continue to delay in funding will cost, simply, many, many lives. A UNICEF report has found that just meeting the existing demand for family planning in the developing world would reduce unintended pregnancies by one-fifth, thus reducing the 600,000 annual maternal deaths at least by the same amount.

The counterproductive effects of the delay on international family planning programs are detailed in the President's finding. There are country programs here in this hemisphere for which the funding delay would be especially harmful.

In Mexico some nongovernmental organization clinics will potentially close including those in Chiapas, one of the states in Mexico which has tremendous unmet needs for family planning services. Currently, USAID is supporting programs that serve 70,000 people there annually.

In Haiti this May, there will be staff layoffs of thousands of staff people that would help to service men and women who without family planning would have devastating effects.

I urge, I urge a yes vote on this resolution.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, the question before us today deals with a just and absolutely essential need in the world. I think my colleagues have made this clear. But one colleague in particular, my dear friend and a man for whom I have a great deal of respect, the gentleman from Illinois, said that abortion and family planning are not related; and of course that is right. Nobody wants abortion as a means of family planning. But that ignores one very important point, and it is true from anybody who has visited family planning centers in the United States.

Many, many women come to a family planning center because they think they are pregnant, and their first exposure to family planning is because they think they are pregnant. That is the truth in the United States; it is demonstrably even more so in the Third World. USAID has done studies on this.

In particular, in Tanzania they found that, when women came in for a legal abortion, only 19 percent had had any education exposure to, or experience with, family planning. And USAID found in Egypt that, when women came in, if they had an abortion, they left, 98 percent of them, aware of family planning. The other study is in Turkey where the realization of family planning doubled.

So if we say family planning and abortion are not related, we are really missing an important point: the woman who comes to seek assistance most often is going to a place where she believes that she can get an abortion, if that is what she needs, if that is what is legal in her country, but leaves, God willing, never to have another abortion. And that is just blocked with the Mexico City policy because the place where she would go to get the abortion counseling or the abortion services would no longer be there to offer the family planning assistance either.

So that point, I think, has been missed in the debate.

I conclude simply by saying this. My wife and I traveled to India within the last couple of months at our own expense. And we just saw a country, with 40 percent of the world's poor, 17 percent of the world's population. We are our brother's keeper, we are our sister's keeper.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN], a member of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition of H.J. Res. 36, for this is a thinly veiled attempt to manipulate the Members of this Chamber into releasing population control funding 4 months prior to the date stipulated in the appropriations bill. The Clinton administration seems to be under the impression that it can invoke waivers on any law or make findings such as these with no concrete evidence to support its contentions, just rhetoric. It is simply an attempt to justify breaking the compromise reached during last year's debate.

Supporters of these programs would have us believe that their objective is to save lives, that these programs are needed because the countries in Latin America and other regions are unable to sustain population growth. However, if they are truly concerned about the well-being of the people of these countries, then why do not they take the $385 million they want released and apply them toward vaccination programs or better medication to improve child survival rates or better nutrition programs?

The future of all nations is in the hands of today's children who, if given an opportunity, will become the leaders of tomorrow. Yet these population programs are directly and purposefully advocating abortion as a form of birth control, and by doing so they are helping to deprive these countries of their potential.

Abortion should never be promoted as family planning.

The United States commits a grave mistake in always assuming that it knows what is best for others. Are we to be so patronizing of our neighbors in the hemisphere and other regions to think that we know what their society needs better than they do?

It seems that the Clinton administration is not content with increasing government intervention in the affairs of U.S. citizens. Apparently, it now feels the need to run the lives of individuals in other countries, dictating what is best for women whose social, cultural, and religious backgrounds differ greatly from those of the United States.

But the problem goes beyond this argument and the promotion of abortion. These population control programs are also being interpreted as licenses to conduct widespread sterilization of women in Latin America, in the Caribbean, and in other regions. We have received numerous accounts from Central America, for example, of women who have been asked general questions about their families, their economic situation, and then about whether or not they want more children. This then is translated by those involved with the population control programs as a request for sterilization without the express consent or full knowledge of the women, and these procedures are performed. By the time these women realize what has taken place, it is far too late.

How can we possibly release the funds for such activities?

In summary: This bill is unjust, offensive, and should not be passed. I urge my colleagues to defeat this measure.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in support of the resolution.

I do so for one overriding reason: it will save lives. In fact, it's rare that we get to cast a vote that will result in such direct, immediate, tangible and unarguable benefits.

International family planning agencies depend on this money—money which, remember, we have already appropriated.

The work of these agencies saves the lives of women not only by enabling them to prevent life-threatening pregnancies, but by providing basic health care services. Their work also helps save the lives of children who are born into such grinding poverty that they literally cannot survive. And their work helps eliminate misery by stemming the over-population that makes life unbearable in so many parts of the world.

Indeed, UNICEF has noted that "family planning could bring more benefits to more people at less cost than any other single technology now available to the human race." That's an extraordinary statement, and it is no exaggeration.

Family planning also prevents abortions. The World Health Organization estimates that 40 percent of unintended pregnancies end in abortion—40 percent.

Anyone who wants to prevent abortions—and I think that includes those of us who are pro-choice—should vote for this resolution. None of the funds being released can be used to perform abortions, and the services provided with these funds eliminate the demand

for abortions. In no way can a "yes" vote be reasonably characterized as a pro-abortion or anti-life vote.

Indeed, we in Congress are given few such clear opportunities to be so affirmatively and truly pro-life. Vote for this resolution and give the gift of life.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO] a member of the Committee on Appropriations and another champion for international family planning.

Ms. DELAURO. Mr. Chairman, today I am asking my colleagues to support House Joint Resolution 36, which releases funds which support family planning programs all around the world.

This vote is not about supporting abortion. Not $1 of our family planning funds can be used to perform abortions anywhere in the world. This vote is about preventing abortion. This vote is about improving the health of women and children. This vote is about saving lives. U.S. family planning aid saves the lives of women, and each year around the world 600,000 women die in childbirth.

If we fail to pass this resolution today, family planning and health clinics across the developing world will close. That means that a CARE program giving rural Bolivian women their first-ever pap smears will have to shut its doors. Cervical cancer is curable, but it must be caught early. I am a cancer survivor. I understand the importance of this kind of preventive health care. Women in this region of Bolivia do not have any other health care options. If the family planning clinic closes, more mothers will die from curable diseases such as cervical cancer.

For 30 years the United States has been an international leader in reducing the number of maternal and child deaths through its support for family planning. Today we must renew our commitment to these important priorities. We must keep the promise that was made to the President and release the funds without any qualifications or alterations.

Today's vote does not add more dollars to our family planning budget, but by voting yes to this resolution, we vote to add more days to the life of a poor mother in the Philippines, we vote for fewer unwanted pregnancies in Tajakistan. We vote for fewer abortions across the world.

Support women's health, support children's health, support family health by voting "yes" on this resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. DICKEY], a member of the Committee on Appropriations.

Mr. DICKEY. Mr. Chairman, I rise in opposition to the President's resolution on international population control funding, House Joint Resolution 36.

Federal funds, except to save the life of the mother, are prohibited to be used to kill unborn children in our country. We do this because of the millions of children who are killed each year attacks our consciences. It is an attack on our morality. Such killings increase infant mortality. We need to stop this form of infant mortality.

I have had a colleague who stated that we are our brother's keeper. From the same source that he brought that to us it says that how we treat the least of God's creations we treat him. And that is what I am standing here for, is to defend those infants, the defenseless, unprotected infants in that respect and for that reason.

Now, if we do this in our country, we should have no difficulty in doing this for the rest of the globe. Even though they are not American children, unborn children, who are being killed by abortion, they still are children, they are still creations of God. The sanctity of life is what needs protecting.

Americans should not be deceived. This vote on this resolution is not about family planning. This resolution is a manipulative maneuver to try and overturn the 1973 Helms amendment which prohibits the use of foreign aid funds to pay directly for abortions. House Joint Resolution 36 will make an additional $123 million available for organizations that perform and promote abortions.

Opponents of this resolution, of which I am included, are not against foreign aid to developing countries. We will have a chance to vote on that later. The United States should not be in the business of handing out cash to foreign countries to kill babies to get their population numbers in line.

This is not altruism; this is genocide.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 2\1/4\ minutes to the gentleman from Michigan [Mr. LEVIN], who probably knows more about this issue than any of us in the Congress.

Mr. LEVIN. Mr. Chairman, the vote is not about whether we are pro-choice or pro-life on abortion. This vote is whether life for hundreds of thousands of families who choose to plan their families will include a real chance to do so, not whether or not abortion will be available to that family.

Some today will vote for both the privileged resolution and for the Smith resolution. What Mr. SMITH is saying to them is that, without the Smith resolution being part of the law, a vote for the privileged resolution is a vote for spending U.S. dollars on abortion-related activities. That is not—not—correct.

□ 1100

Since 1973, the Helms amendment has prohibited the use of U.S. dollars to perform, support, or encourage abortions overseas, and that mandate has been followed in good faith by the U.S. Government. Indeed, in order to ensure its implementation, and sensitive to the argument about the fungibility of moneys, when I was assistant administrator of AID, we instituted in the late 1970's a rigorous system to separate out U.S. moneys from other funds spent by organizations receiving American funds.

This practice has been followed assiduously by every administration of AID, as indicated by audits certifying that not $1 of American funds is being used for abortion-related activities overseas.

Further, the organizations which have received American funds and have been the subject of most controversy, in practice use either no funds from any source or in any case a negligible amount for any programs related to abortion.

So this is the question, really: When the United States is fully abiding by the Helms amendment, when the Government has taken every possible step to separate American funds so no American money is being used for abortion-related activities, and when there is no real fungibility as to U.S. dollars, do we want to stop the availability of critical funds for family planning, for voluntary family planning programs desired by millions of families in fast-growing developing countries?

Mr. Chairman, I urge that the answer for each of us is to vote for the privileged resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong support of the resolution.

Mr. Chairman, I rise in strong support of the release of international family planning funds on March 1, 1997.

We need to clear up the confusion on this issue and focus on the importance of family planning programs. International family planning programs save the lives of thousands of women and children across the world, prevent unwanted and dangerous pregnancies and reduce the number of abortions worldwide.

Representatives from the Russian Family Planning Association recently shared information on the successes of their program. In this developing country, they are using these valuable dollars to increase access to quality family planning information and services. As a result of this program, contraceptive use has risen from 19 to 24 percent among women in just 4 years. And, between 1990 and 1994, total abortions fell from 3.6 million to 2.8 million.

Yesterday, Secretary Albright testified before our Appropriations Subcommittee. She stated:

> Our voluntary family planning programs serve our broader interests by elevating the status of women, reducing the flow of refugees, protecting the environment, and promoting economic growth. As the President has determined, a further delay will cause a tragic rise in unintended pregnancies, abortions, and maternal and child deaths."

And, let us be clear—support for family planning programs has, to this day, been bipartisan. This program was created in 1969 by President Richard Nixon.

Let me also address some concerns that have been raised by individuals who do not want their tax dollars being used for family planning overseas. Of the two resolutions that we will vote on today, this resolution actually provides less money than does an alternative proposal that will be offered later today.

Finally, let me again reiterate that this is not an abortion issue. Current law prohibits any of these funds from being used for abortion.

I hope that today the House will continue its longstanding and bipartisan support of family planning.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. CHABOT], a distinguished member of the Committee on International Relations.

Mr. CHABOT. Mr. Chairman, the Clinton administration has embarked on what is no less than a worldwide crusade promoting abortion on demand at any time for any reason anywhere. I cannot condemn that policy in words strong enough.

So let me just make a quick point in the short time that I have to speak here this morning. Contrary to what some of those on the other side have said, this vote is indeed about abortion. It has always been about abortion. We simply say to foreign nongovernmental organizations, unless you agree not to perform abortions and not to violate the laws or lobby to change the laws of other countries with respect to abortion, then do not come to this country asking for tax dollars. That is what we are all saying. That is what it is all about.

I have only been in Congress for a little over 2 years now, yet I am voting today for the eighth time on the restoration of the Mexico City policy. A simple, straightforward pro-life policy initiated by President Reagan, carried on by President Bush and eagerly decimated by President Clinton in his first days in office.

Mr. Chairman, I hope that this year the Congress will finally do the right thing and stop the international abortion.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this vote is so important, and it is about family planning and it is against abortion. I would say to my colleagues, to reduce abortions we must increase access to family planning. I hear that this is an abortion vote. There is no logic to it. So let me just try to set the Record straight by quoting some statistics.

We know from UNICEF that almost 600,000 women die annually during pregnancy and childbirth, including 75,000 due to unsafe abortions. We know that family planning services will improve the health and the status of women and it will help children.

We know that population experts estimate that the 35-percent cut in our family planning programs has led to an additional 4 million unintended pregnancies and 2 million additional abortions, 2 million additional abortions, as well as 134,000 more infant deaths.

The World Health Organization estimates that 40 percent of unintended pregnancies end in abortion. The World Bank estimates that improved access to family planning can reduce the number of maternal deaths annually by 20 percent. What statistics, and that is only part of it.

We had a group here from Russia, and the testimony we had was that, with United States help in Russia, contraceptive use has increased from 19 to 24 percent between 1990 and 1994, and the abortion rate has dropped 25 percent. That means the number of abortions annually has dropped by 800,000.

So I would submit that if you want to reduce abortions and you want to help children and you want to help families that you vote for this resolution.

Mr. Chairman, I also want to say, we must keep the promise that we made. So I hope that this body will vote for the resolution.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, many of my colleagues know of Oregon's Republican Senator Mark Hatfield. He was known and is always known as a man of integrity. He never said anything he did not believe in and he always researched his information, and that is why it is important for Members to hear his words, particularly those who oppose abortion.

In a letter to Representative SMITH, Senator Hatfield said,

> I have reviewed the materials you have sent to my office in response to my request that you provide proof that U.S. funds are being spent on abortion. I do not see anything in these materials to back up your assertion.

Senator Hatfield goes on in the letter to say,

> Chris, you are contributing to an increase of abortions worldwide because of the funding restrictions you have placed. It is a proven fact that when contraceptive services are not available to women throughout the world, abortion rates increase.

He says, "This is unacceptable to me as one who strongly opposes abortion."

Mr. Chairman, I ask my colleagues to vote for the resolution.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I would say to the gentlewoman that the materials that we provided to Senator Hatfield clearly showed that the organizations were promoting, performing abortions on demand in these developing countries. No one is suggesting that they were doing it with U.S. tax dollars.

The issue here is fungibility. The money that we give to an organization frees up other money that then can be used to lobby for abortion in the developing world. Let me remind everybody in this Chamber that approximately 100 countries around the world protect the lives of their unborn children.

The International Planned Parenthood Federation has made it their mission, their goal explicitly to bring down every one of those pro-life laws. When we give to these organizations, we then empower them to be the super lobby to bring down the laws in Brazil, Peru. Poland recently flip-flopped and went from a pro-life country to a pro-abortion country.

In early February, a new law went into effect in South Africa, again a flip-flop from pro-life to pro-abortion. It is the organizations that are mounting this offensive against the unborn child. When we contribute to them, we are facilitating abortion overseas.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the Appropriations Subcommittee on Health, Human Services and Labor.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding.

First, let me say that there is absolutely no abortion issue or no abortion money involved in this debate. I have always been a supporter of the Hyde amendment. I have never supported public funding of abortion in any way. Abortion is not a legitimate family planning method. We outlawed that in 1973. In audit after audit, it has been certified that not one U.S. dollar has gone to fund abortions. Some people believe that there is fungibility, of these funds. The same argument could be used for any health services funded by U.S. money, such as child immunization or family check-up programs. Do we want to end those? Of course not. Continuing a delay in funding will effectively cut U.S. support for voluntary family planning and contraception.

Now, the Smith bill, if it is passed here, in the House is going nowhere in the Senate. Some may feel that by supporting this bill, they are simply saying that they are against abortion for organizations who use their own money for that purpose in countries where it is legal. But, in actual fact, are these people saying no to voluntary family planning, no to maternal and child health in countries that are the poorest on Earth, no to contraceptives and preventing unwanted pregnancies. The truth, unfortunately, Mr. Chairman, is that they will be saying yes, to more abortions, because the voluntary family planning services will not be there

that these countries so desperately need.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Maine [Mr. ALLEN], a Member of the freshman class.

Mr. ALLEN. Mr. Chairman, I rise today in support of House Resolution 36 in the hope that this House will recognize that international family planning funds are a good investment for America. These funds reduce unintended pregnancies, they reduce the number of maternal and infant deaths, they reduce the number of abortions.

All we are asking is that much-needed funds be released on March 1 instead of July 1. Three months. It seems like a small matter, but it is not. It is not to the women and children around the globe whose lives will be changed by our vote today.

Opponents say this is a vote to fund abortions. That is not true. This resolution preserves the existing ban on the use of Federal funds for abortions overseas. These funds have already been appropriated by this Congress. We seek no additional funds. We ask only that the gap in services not be extended.

As David Broder wrote recently, "The women and children around the world who have the most at stake will not have a vote." We do. We should use it wisely.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. LEWIS], a member of the Committee on Agriculture.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to speak in opposition to President Clinton's request for the early release of family planning funds, and I urge my colleagues to instead support H.R. 581.

Let me begin by noting that H.R. 581, the proposal by the gentleman from New Jersey [Mr. SMITH], the gentleman from Minnesota [Mr. OBERSTAR], and the gentleman from Illinois [Mr. HYDE], would still allow early release of these funds, but in a much better way. For more than a decade, we had a system regarding family planning funds that worked. H.R. 581 would restore that system.

Under H.R. 581, the organizations receiving these grants must again agree to not perform abortions or undermine the laws of their host countries. I will remind my colleagues that these grants are tax dollars taken from the pockets of hard-working American families. Known as the Mexico City policy, these short set of conditions worked for a decade and was agreed to by all but 2 of the more than 300 agencies which received family planning grants. There were two exceptions: Planned Parenthood Federation of America and the International Planned Parenthood Federation.

Mr. Chairman, the International Planned Parenthood Foundation's official policy statement includes these goals: Advocate for changes in restrictive national laws, policies, practices and traditions, and campaign for policy and legislative changes to remove restrictions against safe abortions. The IPPF even advises its affiliates to operate right up to the edge of what is legal and sometimes even beyond.

So today's vote is also a test of whether we respect the sovereignty and customs of these nations. Using American tax dollars to fund organizations overseas that in some manner promote abortions not only horrifies those of us who are pro-life, it should also concern every American taxpayer and those of us in this body who believe we should respect our friends in other nations.

Sending tax dollars taken from our hard-working citizens to groups that promote abortions in foreign nations is wrong in all of these ways. President Clinton dropped the Mexico City policy 4 years ago. I believe it was a mistake, and I urge my colleagues on both sides of the aisle to oppose the President's resolution and support H.R. 581.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I rise in strong support of House Joint Resolution 36.

Mr. Chairman, I rise in support of House Joint Resolution 36 to approve the Presidential finding regarding international population planning programs. At issue is whether the money will be released on March 1, or whether it will be further delayed by 4 months, until July.

It is my determination that a delay will cause serious irreversible and unavoidable harm. In balance are the lives and the well-being of many thousands of women and children, and American credibility as the leader in family planning programs around the world.

The logic behind delaying the release of the funds as agreed to last year is convoluted to me and many of my colleagues. Wouldn't the delay in support for family planning, even by 4 months, deny safe and effective contraception to couples who depend on these programs? Has it not been documented that we will surely see a rise in unintended pregnancies and maternal deaths, and could we see a return to unsafe and unsanitary methods to terminate those pregnancies?

It seems illogical that those groups and members who oppose the proper release of these funds would indeed believe that we are actually promoting or funding abortion. We are not, and have been prohibited by law since 1973 from doing so. The fact is that a delay in funding will have the exact opposite effect of what those who would restrict these funds would have you believe. The delay in releasing these funds will result in increased abortions, increased overpopulation, and an adverse impact on the environment and our resources.

I urge this body to go about our business of releasing these important family planning funds now, as agreed to in last year's legislation.

□ 1115

Mr. GREENWOOD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise in support of House Joint Resolution 36.

Mr. Chairman, I rise today in support of the privileged resolution, House Joint Resolution 36 and I ask that all Members do the same. Why? Because the health of women and children worldwide depends on this vote.

At issue here is maternal and infant mortality. International family planning promotes preventive health care, such as prenatal care. It is easy for us to take the availability of health care in the United States for granted, but for sake of this argument we must remember that women and children in developing countries are not so fortunate.

Furthermore, international family planning educates women and their families about sexually transmitted diseases, as well as about the dangers of HIV/AIDS. It is our obligation to humanity to use our financial support and medical knowledge to prevent the spread of these deadly diseases—diseases that often are brought into our own country and threaten our own children.

Some members of Congress will have you believe that international family planning results in abortions, but the truth is that only a lack of family planning can result in such an unfortunate conclusion. Without family planning, we abandon the world's poorest women and force them to rely on abortion as their primary method of birth control.

Let's be clear—current law prohibits the use of any U.S. foreign aid funds for abortion services, including lobbying efforts for abortion, abortion counseling, and the purchase or distribution of commodities for the purpose of inducing abortions as a method of family planning.

Obviously, this vote is not about abortion. It is about health, plain and simple—not misguided and erroneous political statements. Please support this resolution and release the already appropriated international family planning funds on March 1.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased to rise in strong support for the international family planning resolution, House Joint Resolution 36.

Mr. Chairman, at the current rate, the world's population will double from 5.8 to 11 billion people during our lifetime. Excluding China, 21 million of childbearing age in the developing world are added each year, equal to the total number of women of childbearing age in California, Texas, New York, and Florida combined.

President Nixon launched our international family planning program in 1969. That program improves the health of mothers and their children by increasing the time between births while

reducing unintended pregnancies and abortion. After 30 years, this program helped reduce the average number of children in families in the developing world from 6 to 4.

Contraceptive use has climbed from 10 percent to 35 percent, and family planning helps reduce abortion. As contraceptive use in countries such as Russia rose from 19 to 24 percent, abortion rates fell from 109 per thousand women to 76. The population council estimates that without family planning programs, there would have been 500 million more people in the world today, almost twice the population of our own Nation.

If the resolution required by the law is not passed, the Agency for International Development will have to cut vital programs in Mexico, in Haiti, Guatemala, El Salvador, the Dominican Republic, Egypt, Russia, the Ukraine, Jordan, the Philippines, Turkey, Mozambique, Uganda, and Zimbabwe. AID would also have to cut jobs with its contractors in Alabama, Michigan, New Jersey, New York, and Pennsylvania.

Accordingly, I urge my colleagues to support this resolution.

While another bill, H.R. 581, will be offered, House Joint Resolution 36 is the only measure that will be given expedited consideration in the Senate, requiring and ensuring that this vital program can continue to operate.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1\1/2\ minutes to the gentleman from California [Mr. SAM FARR], a great environmentalist.

Mr. FARR of California. Mr. Chairman, I rise in these hallowed Halls to remind us that the debate about this money really does not affect us, but it does affect the developing countries of this world.

I have lived in one of those countries. I lived in one of the poorest barrios on earth, without any running water, without any electricity, where the birth rate was an average of 15 children per household. I was a Peace Corps volunteer in Latin America, in one of the most Catholic countries on the earth.

The women in that barrio, I was working with CARE as a Peace Corps volunteer, were requesting every day for information about family planning. They wanted to know about how to raise children and how to have a proper number of children.

I also rise today as a father. I think the learned gentleman from New York [Mr. GILMAN] just pointed out that we are as parents whose children will be growing up in a population that will double in our lifetime, reaching the world's maximum carrying capacity, maximum carrying capacity of this globe.

If we do not provide information, just information to people about how they can properly have children, not too many, we are putting our children into a situation in a globe that is unbearable. We will not be here arguing about family planning money, we will be here arguing about Fortress America, how we will wall ourselves off from the rest of the world as supplies diminish.

Please support this resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the very distinguished ranking minority member of the Committee on Transportation.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding time to me.

Proponents of this resolution have framed the issue as simply a vote on family planning, or a vote about closing family planning clinics overseas. That is not the case. It is a vote on using one-half billion dollars of U.S. taxpayer money to subsidize and to promote abortions, and to promote efforts to overturn legal and cultural barriers in countries overseas and to promote abortion in foreign countries.

The position of this House historically has been a position out of respect to the millions of women and men who in conscience are opposed to abortion, to ensure that our tax dollars do not subsidize or promote abortion.

We have repeatedly demonstrated a willingness to approve funds for family planning, but we have also ensured safeguards against the use of those family planning dollars to promote or encourage in any way or advocate abortion.

In international affairs from 1984 to 1993, 350 foreign organizations signed contracts for U.S. family planning funds, which included restrictions on the use of those funds, against using them for abortion. Only two turned down the funds, because they would not accept the House restrictions on abortion subsidy and abortion promotion.

We should not approve this resolution which will open the door once again for use of U.S. taxpayer dollars to promote abortions overseas.

I have heard the arguments. I have lived in Haiti. I have seen the face of poverty. I have seen the pain in those poor households, if you can call them households; little huts.

I think family planning advice is fair. We should support such activities. But we should not allow U.S. taxpayer dollars to be used to promote abortion, to change the laws of countries that are against abortion. We should be neutral on that issue. That is what the resolution of the gentleman from New Jersey [Mr. SMITH] and I will offer subsequent to this action does, is to provide $713 million, $170 million more than the bill before us, for international family planning, with the historic House pro-life language.

If all these groups are so committed to instructing women on reproductive freedom, control of futures, control of their family life, then they should be willing to agree that they will not promote abortion.

Ms. PELOSI. Mr. Chairman, I yield 1\1/2\ minutes to the gentleman from North Carolina (Mr. [PRICE]), a member of the Committee on Appropriations.

Mr. PRICE of North Carolina. Mr. Chairman, this vote presents us with three choices: We can choose between improving and worsening women's health; we can choose between increasing and decreasing child mortality; and we can choose between preventing and causing more abortions.

International family planning programs provide the only medical care many women around the world ever receive. This year those services will help prevent the deaths of as many as 8,000 mothers who die because of the complications in their pregnancies or in childbirth. Family planning services provide health care for children which dramatically increases the chances children will grow up healthy. Having children about 2 years apart in birth date can increase the survival rate by nearly 30 percent.

Finally, preventing abortions. With U.S. funding, family planning programs could prevent as many as 4 million unplanned pregnancies this year, which could prevent up to 1.6 million abortions resulting from those pregnancies. Recent studies clearly link providing family planning services and declining abortion rates in Mexico, Colombia, Hungary, Russia, the Central Asian republics.

Our job today is to sort through the information and the misinformation and all the ideological pressures surrounding this issue, and to do what we were elected to do, to do the right thing. With this vote we can improve women's health, we can improve children's lives, and we can reduce the number of abortions.

Mr. Chairman, there are not too many votes of which we can say that. This is clearly a vote of principle. We must do the right thing. Vote to release the family planning funds.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Indiana (Mr. HOSTETTLER), a member of the Committee on National Security.

Mr. HOSTETTLER. Mr. Chairman, I rise in strong opposition to this resolution. The Supreme Court has opined in Roe versus Wade, and its erroneous prodigy, that we have to allow the killing of preborn children. Clearly, this was a misread of the Constitution by the Court. I think this is a good example of a Court more bent on legislating than on adjudicating; that is, the Court, in Roe, was more concerned with setting public policy than in construing the Constitution.

In any event, even the Supreme Court has not opined that our Government has an obligation to provide for

or encourage abortion here in America or in any other land. We should not take to this course by our own will. Mr. Chairman, can we really call abortion family planning? Can we really say that terminating life creates strong families? Can we say that by using taxpayer dollars to finance abortion we are contributing to American interests abroad?

This is not a vote about family planning. This resolution would obligate the U.S. taxpayer to promote abortion services and facilities in foreign lands. It is this obligation that I believe the House should soundly reject. If this resolution passes, there is no question about the President's actions. He will sign it into law.

Before we release any more funds to him for so-called family planning, we must see to it that we do not do so without restrictions at least as solidly respectful of human life as those enjoyed between 1984 and 1993. The sanctity of life transcends international boundaries. It is time to say no to a careless export; that is, the notion that abortion is acceptable as a means of family planning. I urge a "no" vote on this resolution.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Colorado [Mr. SKAGGS], a member of the Committee on Appropriations.

Mr. SKAGGS. Mr. Chairman, we have to pass this resolution. I do not care how many times it is repeated, the assertion that this is about making the U.S. taxpayer money available for abortion, to promote abortion, or anything close to it, is simply not true. That is against the law, a law that is strenuously enforced.

Does anyone really believe that the way to have fewer abortions is to have more unwanted pregnancies? All evidence, all logic, is to the contrary. Let us just look at what we have been able to get done in Russia over the last several years, in which there has been roughly a one-quarter decrease in the incidence of abortion, as there has been a one-quarter increase in the availability of funds for contraception and family planning. Does anybody think there is not a connection between the two? The connection between the two has come because of our American family planning assistance program.

Mr. Chairman, fewer pregnancies come from considered family planning decisions made available with these funds and with contraception, fewer pregnancies and fewer abortions. Let us get the logic straight.

Mr. LIVINGSTON. Mr. Chairman, I am happy to yield 3 minutes to the distinguished gentleman from Texas [Mr. SAM JOHNSON], a member of the Committee on Ways and Means.

□ 1130

Mr. SAM JOHNSON of Texas. Mr. Chairman, I am strongly opposed to the President's resolution to make millions of taxpayer dollars available for international organizations to promote abortion, in spite of what they are saying.

Frankly, I am disappointed that we are taking the vote on the resolution because of a last-minute compromise in the omnibus appropriations bill. Do you know what, it was a last minute sellout at the expense of the values of the American people. But I am further outraged that the Clinton administration has been doing everything in its power to make sure that the American taxpayer dollars are made available on the international arena for abortions.

There are no monetary differences in these two measures. Both bills release funds earlier than previous. The difference is that one prohibits funding to organizations that perform or promote abortions. The other does not.

The funds are supposed to be spent on international family planning. I cannot believe that anyone in the administration or any Member of this House, for that matter, would list abortion as a method of family planning. We should know that in 1996 the White House administration rejected a compromise which would have provided even more money for international family planning. Why did they reject it? Because it included pro-life language.

I urge this body to stand firm against the funding of abortions overseas and to vote no on this resolution.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY], who has worked very hard on this issue.

Mrs. MALONEY of New York. Mr. Chairman, everyone knows that family planning is about saving lives, not ending them. Almost 600,000 women die every year because they are having too many children too close together. Not only are women dying, the world population is exploding. By the year 2000, there will be 800 million teenagers on this planet, one-seventh of the entire current world population. That is 800 million people who need family planning information, or the world's population growth will literally affect the survival of the planet.

Again, let me be clear, any family planning is about saving lives. This is not a vote for abortion. It is a means of preventing abortion. While family planning sounds like a domestic issue, its impact is as far-reaching as world peace. Overpopulation leads to unrest.

Recently I met with Ambassador Wisner to India, and I asked him what is the single most important thing we could do to improve relations between our two countries. He said release this family planning money. Women are lined up for days just to receive information. It is an important vote. Vote for family planning.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kansas [Mr. TIAHRT], a great member of the Committee on Appropriations.

Mr. TIAHRT. Mr. Chairman, I rise in opposition to this legislation, House Joint Resolution 36. I rise for a couple of reasons. First, I think it is morally wrong for us to export abortion under the guise of family planning. We have an option that will come up later, the Smith–Oberstar-Hyde amendment, that will allow us to have actual family planning without exporting abortions. Occasionally the Federal Government is wrong. I think it is wrong to do that.

Second, I think it is improper for us to take tax dollars from Americans, borrowed money. We are still running a deficit, so it is borrowing money from future taxpayers to send overseas to fund abortions. Again, I think the Federal Government is wrong.

If we go back in history and look at the past when we have had incorrect decisions, such as the Dred Scott decision, who of my colleagues in this Chamber would say that that was a correct decision, that African-Americans are not created equal by our Creator. No one. That was an incorrect decision by those representing our Federal Government.

In reading the history of the English-speaking peoples by Winston Churchill, I came across an incident that occurred in Boston about the same time, not long after the Dred Scott decision, where it said a Boston mob attempted to rescue a fugitive slave whose name was Anthony Burns. It took the Federal Government and a battalion of artillery, four platoons of marines, a sheriff's posse and 22 companies of the militia to line the streets so that our Government could return Anthony Burns, a slave, to the South. Who of you here agrees with that Federal decision that we made at that time? It was morally wrong. It was incorrect to take American tax dollars to support the institution of slavery.

Once again, we have a situation where the Federal Government is morally wrong, exporting abortion under the guise of family planning. I think it is very important that we vote against House Joint Resolution 36 because of the morality, because of misusing taxpayer dollars, borrowed dollars that our children will have to pay back. When you borrow a dollar today to export abortion, it takes at least $3 to pay that dollar back, 3 future dollars that our children have to use to pay back just the interest, let alone the usage and the loss because of inflation. Every dollar. That is also wrong.

So I want to encourage my colleagues to vote against this resolution and to support Smith–Oberstar-Hyde.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN], a member of the Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Chairman, I cannot understand how we as

the leaders of the most powerful, prosperous Nation on Earth can vote to deny the poorest people on Earth their ability to control their own lives, to have some hope of one day rising out of the poverty that destroys their dreams and severely limits the lives of their children.

We will leave today for home or for travel, comfortable in the fact that we have control over our lives. We can express our love for our spouses without the fear that it might cause even more suffering and deprivation of our families and their future. Surely we all understand that overpopulation is the most serious crisis facing the 21st century, that it is the principal cause of child labor, of the sexual exploitation of young girls in Third World countries around the world, of the cheapening of human lives. We can empower these lives, give those destitute mothers reason to dream that there may one day be hope for their children, especially for their daughters.

Not to release these funds is unconscionable when we have the ability to relieve suffering by providing voluntary information, information that will substantially reduce the number of abortions performed and will reduce the exploitation of powerless people. It is our responsibility to know the cause of poverty, to care, and, when we have the ability, to do something responsible about it. This is the right thing to do. Vote to release these funds today.

Mr. Chairman, the question before us today is not whether we should act today to release family planning funds, but whether or not we can conscientiously fail to do so.

I rise today in strong support of the President's resolution to release funds to USAID for international family planning programs. Time and time again, research shows that family planning programs work. The bottom line is that they decrease poverty and improve quality of life for families in developing countries.

We all agree that there should be fewer abortions. This is exactly what the President's proposal accomplishes. Not surprisingly, delaying the release of this money has resulted in an increase in the number of unplanned pregnancies. This will lead to an increase in the number of abortions.

Of the 585,000 maternal deaths which occur each year, 13 percent are attributed to unwanted pregnancy and illegal and unsafe abortions. According to the Population Institution, of the 22,000 children who die every day, many are the result of inadequate family planning, and insufficient time between pregnancies. The tragedy in these deaths is that they can so easily be prevented with the adequate resources to teach men and women how to prevent unwanted and unhealthy pregnancies.

A poignant example of the impacts this delay in funds has had, is seen in Haiti. Haiti is currently in the process of integrating its family planning programs into the CARE, the child health and maternal care program. If we continue to deny release of these funds this program integration will cease. By May of this year, just 3 months away, the nongovernment organizations funded by USAID will be forced to begin laying off workers leaving thousands of Haitian men and women without access to family planning, threatening their health and the health of their children.

Mr. Chairman, let's vote in the only responsible manner we can to release funds for international family planning funds, and against any attempts to apply unnecessary restrictions on their use.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. WELDON], a very distinguished doctor and a member of the Committee on Banking and Financial Services.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in opposition to House Resolution 36, which is the resolution supported by the President, and urge my colleagues to vote "no" on that and to vote "yes" on House Resolution 581, the resolution introduced by the distinguished gentleman from New Jersey [Mr. SMITH].

Both of these bills, the bill supported by the gentleman from New Jersey [Mr. SMITH] and the one supported by the President, will release funds for family planning. So what is the debate about? It is about one simple issue. Will U.S. tax dollars go to organizations that encourage or provide abortions as a means of birth control? In spite of the rhetoric, this is the issue before us.

To those who support the President's plan, I would ask, why are you against language that says that none of these funds can be used to perform abortions as a means of birth control; do you find abortion an acceptable means of birth control? Why do you oppose language that would stipulate that these funds cannot be used to violate the laws of any foreign country with respect to abortion? Do you support using tax dollars, U.S. tax dollars to subvert the abortion laws of foreign countries?

Those who vote "yes" on President Clinton's bill are voting to give tax dollars to organizations that promote or provide abortion as a means of birth control. Those who vote "no" on President Clinton's bill and "yes" on Mr. SMITH's bill are saying, U.S. tax dollars can go for family planning but they cannot go to organizations that promote abortion as an acceptable means of birth control.

To spend tax dollars on international family planning is an issue for debate. However, taking money out of the pockets of hard-working Americans to pay for abortions overseas is totally unacceptable. Again, I urge my colleagues to vote "no" on the President's plan and vote "yes" on the plan of [Mr. SMITH].

Mr. GREENWOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, as a member of the Committee on the Budget, I know we are trying to get our country's financial house in order and balance the country's budget. We are also trying to save our trust funds for future and present generations and we are looking to transform the social and corporate and agricultural welfare state into a truly caring opportunity society. I can get really immersed in those issues, but as big as those issues are, they pale in comparison to the fact that one mouth can eat, two mouths can share, four mouths will sometimes go hungry, and eight mouths starve.

In the Book of Psalms, it said I had fainted unless I believed to see the goodness of the Lord in the land of the living. What kind of world are we seeing; what kind of world is truly living? We have too many people, too many children born into abject poverty, young children living on the streets begging, robbing, stealing, killing, being killed. Young girls and boys sold into sex slavery rings because their parents cannot keep them, they cannot care for them. The rich are getting richer and richer, and the poor are getting poorer and poorer and poorer and poorer and sicker and sicker.

As a Peace Corps volunteer, I know that some countries have grown. Their economies grow but their population outstrips their economies and they are truly becoming poorer. Indigenous Indians in this country said when they looked at the beautiful lake, it was a smile of the Great Spirit. We are losing that smile. I hope and pray we wake up. Release family planning funds now. Allow kids to have a future.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. EDWARDS], a member of the Committee on Appropriations.

Mr. EDWARDS. Mr. Chairman, I oppose public funding of abortion, but I strongly support House Joint Resolution 36 because this is not about funding abortions. That is prohibited, clearly, in the law. This issue is about saving children. Sadly, there are millions of children across the world that wake up hungry every morning. There are millions more that live at the very edge of survival.

For one moment, just one moment, I wish every parent in this House would imagine how you would feel if you awoke this morning not knowing whether you could feed your child or children. Imagine you lived in a country that had no welfare and there were more people than jobs. For one moment imagine the emotional agony of watching your children crying from hunger or malnutrition. Imagine yourself with just enough money or resources to barely feed the children you love and that you have already brought into this world.

For millions of parents around the world, Mr. Chairman, they do not have to imagine this scenario. It is an everyday reality.

□ 1145

Regardless of the intentions, I think it would be unfair and inhumane to deny family planning services now to those parents who desperately want to feed and nurture the children that they love, just as you and I love our children.

For millions of parents, family planning is the difference between providing adequate care and food for the children they have and facing the desperation of watching all their children go hungry. Today we can make a difference for millions of children.

This issue is about protecting children, children that are struggling to survive and parents that are struggling to support and nurture those special children. I urge support of the President's resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas, [Mr. PAUL], a distinguished physician and a member of the Committee on Banking and Financial Services.

Mr. PAUL. Mr. Chairman, I rise today in opposition to H.R. 36. It is very clear to me that we should be doing nothing in the way of funding international birth control and family planning. If one were to look for the authority for this, it would be very difficult to find it written in the Constitution that that would be a proper function for U.S. taxpayers to be obligated to participate in such a program. So, very clearly, a "no" vote on H.R. 36 would be a correct and proper vote.

I have more problems with the second vote on H.R. 581 because if one is concerned about being a fiscal conservative and following the rules of the Constitution, one might ask how many more dollars of taxpayers' money will be used if H.R. 581 passes? The best answer I can come up with is that instead of the $215 million that the President would get if he has his way, we would add that and have $385 million. In contrast, if we did nothing, if we voted down both of these proposals, it is my opinion that then the spending would be limited to $92 million.

The question arises here, well, what is a couple of dollars doing in some program that is unconstitutional if we can get some language in there that might do some good? Being a strong right-to-life Member, member of the right-to-life caucus, I am very much aware of that and very concerned about it.

Quite frankly, if we did not spend the money we would not be arguing over whether or not the prohibition will do any good. Quite frankly, I do not believe the prohibition language accomplishes what it really intends to accomplish.

For instance, in the wording of this message it is in there that if those who receive the funds do not spend it until the next fiscal year, they would not have the restraints on it. Besides, these organizations so often are international, they are huge in scope, and if they do not use the funds for abortion these funds get shifted around.

Basically, it is very clear to me that the program should not exist. We should vote down the appropriation or keep the appropriation as low as possible. And quadrupling it, from where we are today, if we do nothing, we spend $92 million; if we pass H.R. 581, with the attempt to try to curtail the abortions, we actually quadruple it.

Quite frankly, I do not believe the language is strong enough to really prevent any of this money getting into the hands of the abortionists.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey, [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong support of the release of international family planning funds on March 1 of this year. We need to clear up the confusion on this issue and focus on the importance of family planning programs.

International family planning programs save the lives of thousands of women and children across the world, prevent unwanted and dangerous pregnancies, and reduce the number of abortions worldwide.

Representatives from the Russian family planning association recently shared information on the successes of their program. In Russia they are using these valuable dollars to increase access to quality family planning information and services. As a result of this program, contraceptive use has risen from 19 to 24 percent among women in just 4 years. And between 1990 and 1994, total abortions fell from 3.6 to 2.8 million.

Yesterday Secretary of State Madeleine Albright testified before our appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs. She stated:

> Our voluntary family planning programs serve our broader interests by elevating the status of women, reducing the flow of refugees, protecting the environment, and promoting economic growth. As the President has determined, a further delay will cause a tragic rise in unintended pregnancies, abortions and maternal and child deaths.

Let us be clear: Support for family planning programs has, to this day, been bipartisan. This program was created in 1969 by President Richard Nixon.

Let me also address some concerns that have been raised by individuals who do not want their tax dollars being used for family planning services overseas. Of the two resolutions that we will vote on today, this resolution actually provides less money than does the alternative proposal that will be offered later.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from Wyoming, Mrs. CUBIN, a member of the Committee on Commerce.

Mrs. CUBIN. Mr. Chairman, I rise in opposition to the resolution on the President's findings on family planning and I ask that my colleagues support the Smith-Hyde bill.

It was stated earlier, and I completely agree, that in the past international family planning has been a bipartisan issue. I suggest to my colleagues that it absolutely remains that way today.

I am pro-life but I am also very much in favor of sex education and birth control and family planning. In my opinion, it is a contradiction to be opposed to abortions and yet be opposed to birth control and family planning, and that is why I support the Smith-Hyde bill. The Smith-Hyde bill supports international family planning programs in foreign countries, but not like the President's proposal to promote abortions.

I do not believe abortion is nor should it ever be promoted as a method of family planning or for birth control. The Smith-Hyde bill is a bipartisan bill, an alternative approach to the President's shortsighted and irresponsible plan, and it actually increases funding for international family planning even beyond the President's resolution.

Now, let me repeat that. The Smith-Hyde bill will spend more money for international family planning than the President's proposal, and the Smith-Hyde bill will not allow any public money to be spent for abortions.

There are many in this Chamber like me who support family planning programs. This debate is simply not about family planning, but it is a debate about abortion being used as a method of family planning or birth control.

As I said, I am strongly pro-life and I believe that abortion is not acceptable for purposes of sex selection, birth control, or convenience. Frankly, people must begin accepting responsibility for their actions, both domestically and overseas. That is why we must have an honest debate about the use of contraceptives and sex education as responsible methods of family planning. It is time to take the issue of abortion out of the family planning debate.

The resolution on the President's finding ignores this Congress' desire to keep pro-life safeguards in place when providing international family planning funds. Let us send a clear message to the President that we do not want to send taxpayers' money to foreign countries to fund abortions.

I urge my colleagues to vote to permit a rule on a Smith-Oberstar vote and against the resolution supporting the President's finding.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Chairman, I wanted to take this moment to thank the gentlewoman from

California [Ms. PELOSI], for her leadership on this issue, and note that she had to forego going to her dear friend Ambassador Pamela Harriman's funeral, so she could carry out her duties in relation to this program this morning, and I thank the gentlewoman.

Mr. Chairman, I also rise in strong support for this resolution for release of funds for the Nation's international family planning programs.

Make no mistake about it, no matter what we hear on this floor, despite attempts by opponents to say differently, today's vote is about international family planning. More than that, it is a vote to release funds that have already been appropriated to a program that has already been authorized. It is also an agreement we are talking about today that has already been approved by the majority and the minority.

International family planning programs work. They work to promote sustainable development. As Secretary of State Madeleine Albright said just this week, and as the gentleman from New Jersey [Mr. FRELINGHUYSEN] just mentioned, I too was struck by Secretary Albright's words when she noted that these efforts concerning family planning further promote U.S. foreign policy objectives by improving the status of women, reducing the flow of immigration, protecting our environment and, finally, promoting economic growth, which this is very much about.

I would add, too, that these family planning efforts truly do save lives, lives that otherwise might be lost to infection and to starvation, and we have to say it, yes, to abortion. To pretend otherwise is to ignore reality.

I urge my colleagues today, whatever thoughts on other debates where we do disagree, to vote today for the President's resolution.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF], the very distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. WOLF. Mr. Chairman, I rise in very strong opposition to the first resolution and in strong support of the Smith-Oberstar-Hyde resolution.

Second, I want to make clear to people who are listening, I strongly support family planning. I am not one, there may be some who are opposed to family planning, I strongly support family planning and think it is very important.

Third, the Smith-Hyde resolution moves the money out faster and, in some respects, actually more, because by moving it out faster the level is actually higher.

Fourth, I will tell the people that are undecided on this issue there are more than enough groups in this country and in this world who are strong proponents and supporters of family planning who can use not only the money in this bill but double or triple the amount. So there are enough family planning groups that can take the money that are not connected with abortion and are not involved in controversial activities.

We went through the same thing in Romania several years ago when this battle came and the House then sided for family planning but not for family planning groups that are involved in abortion. So I will say that the Smith resolution puts more money out faster, and there are more than enough family planning groups that are strong proponents of family planning who are not involved in abortion, to use the money under Smith-Hyde but to use double that money.

Had my will been done, I would have increased the amount of money for family planning in the Smith-Hyde thing, although we were prohibited from doing that because family planning is important but not family planning to groups who are connected with abortion, which in many respects in China is one of the most criminal violations of human rights.

□ 1200

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise today in support of releasing the already appropriated funds for family planning on March 1.

With the growing program of overpopulation around the world, access to international family planning is crucial. About 1.3 billion people subsist on $1 a day, 1.5 billion people lack access to clean drinking water, 120 million people are actively looking for work, and 700 million people are classified as underemployed, working long hours in jobs that often fail to come close to supporting their basic needs. For many of these people, health care is neither affordable nor even available.

It is clearly in our national interest to address these changes and to contribute to international stability and economic growth. It is a more cost effective investment to address these problems proactively rather than later when they erupt into an international crisis.

For health reasons alone, quality family planning deserves our full support. Only through the use of family planning funds have women and couples in poor countries had access to contraceptives, prenatal care, and a link to modern health care services. International family planning has improved women's health and allowed generations of children to grow in safer, more suitable environments.

Mr. Chairman, I insert for the RECORD two articles which appeared in the Houston Chronicle in support of this motion.

[From the Houston (TX) Chronicle, Feb. 7, 1997]

CONGRESS SHOULD RELEASE WORLD FAMILY PLANNING FUNDS

Most American couples take for granted their ability to delay starting their families after marriage. They decide when or whether to have more children after a baby's arrival. Or a couple may choose to have no children at all. These are choices that many parents in the developing world do not have.

The link between access to contraception and healthier babies, better educated children, wealthier families, and population control is a solid one. Recognizing this connection, the United States has a long tradition of providing poor people the world over with the means of controlling the size of their families and appropriately spacing their children. American family planning aid is credited with reducing birth rates in 60 countries and lowering the average number of children per family from six to three.

Now, conservative legislators, persuaded by anti-abortion lobbyists, have tied these highly successful programs to the abortion debate. Charging—mistakenly—during last year's budget debate that U.S. family planning aid helps support abortion services abroad, abortion opponents cut the programs' funding by 35 percent and mandated that 1997 funds could not be spent until July, nine months into the fiscal year. After that, spending is restricted to only 8 percent per month of the remaining $385 million allocation.

These funds, by law, cannot be used to provide or promote abortions, and they should be released immediately. Abortion opponents are working at cross purposes here since a lack of contraception undoubtedly will increase unintended pregnancies, which logically could result in an increase in abortions.

Furthermore, the action has hurt family planning programs without regard to a country's position on abortion.

For example, in Trinidad and Tobago, where abortion is illegal, U.S. planning funding has dried up.

Access to reliable contraception and family counseling services act as deterrents to abortion. Meanwhile, poor parents who can direct the destinies of their families have the ability to improve the quality of life for the children they do have. Congress should act now to mitigate the damage that this funding disruption has already caused.

[From the Houston (TX) Chronicle, Jan. 31, 1997]

CONGRESS IGNORING SERIOUS POPULATION PROBLEM

(By Werner Fornos)

For those who question that the world has an overpopulation problem—and yes, there are a few—here are a few facts to keep in mind.

1.3 billion people subsist on about one dollar a day. 1.5 billion people lack access to clean drinking water. 120 million people are actively looking for work. 700 million people are classified as underemployed, working long hours, often at back breaking jobs that fail to even come close to meeting their most basic needs.

These facts are just the beginning.

In 1993, some 16.5 million people died from infectious diseases. That was one-third of all deaths worldwide that year, or slightly more than all deaths from cancer and heart disease combined.

A recent report concluded that a resurgence of diseases once thought to have been

eradicated stems from a deadly mix of exploding populations, rampant poverty, severe environmental degradation, inadequate health care and misuse of antibiotics.

And still there are skeptics, people who insist that there's no world population problem. Unfortunately, some of those skeptics are in the U.S. Congress, and they have more than little influence. Not enough influence to terminate the U.S. international family planning program, or at least not yet. But, enough to place that program in serious jeopardy.

The 104th Congress last year appropriated $385 million for population assistance, but the skeptics added a few bizarre twists: None of it can be spent until July 1—nine months into the fiscal year that began last Oct. 1—and then at a rate of 8 percent of the total per month. For the 1997 fiscal year, which ends Sept. 30, this would result in a 76 percent reduction.

That's not exactly the way appropriations are made in Washington. But it clearly indicates that some of our lawmakers with sufficient clout have made up their minds to do away with U.S. population spending overseas.

And that is just about the most untimely notion the national legislature of the last remaining superpower could possibly have. World population is closing in on 5.9 billion and it is growing at nearly 90 million a year. Virtually all of that growth is in the poorest countries of the world, and it is seriously hampering any reasonable chance many of them will have for emerging from a cycle of poverty, malnutrition, unemployment and social discrimination.

An escape hatch was built into the 1997 international population budget. The President will submit findings to Congress to show that the nine-month moratorium will be harmful to family planning efforts for developing countries. If his findings are accepted by both houses of Congress, the appropriation will be released as early as March 1, rather than July 1.

As this century draws to a close, there is sufficient technology to vastly reduce world population growth. It is possible to insure that world population stabilizes at 8 billion or even less, rather than 12 billion and possibly more.

Virtually every developing country with a problem of rapid population growth recognizes that fact and wants to reduce it. Virtually every industrialized country is trying to do its part to help. But the Congress of the United States, the last remaining superpower has enough recalcitrants to place its present and future overseas population efforts in doubt.

It is a situation the new 105th Congress can correct by voting in February to disperse international family planning funds by March 1. Then the United States can take its rightful place in the forefront of stabilizing world population in helping to lead our global neighbors toward a 21st century of progress, peace and prosperity.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. SOUDER], a member of the Committee on Education and the Workforce.

Mr. SOUDER. Mr. Chairman, I want to first say, as the gentleman from Virginia [Mr. WOLF] said, that I believe there is a role for international family planning, and as we look around the world we can see that need.

I strongly have concerns about the fungibility and the maneuverability of funds not only directly but indirectly from fund-raising concerns on abortion, and I have a deep heartfelt concern that American dollars should not be used to kill innocent little children around the world. But also this bill is based on a false premise, and those Members and the general public who are still trying to make up their minds on this bill should realize that Congress has been very generous to international population programs.

Let us get some of the facts straight. The amount the administration already has to spend in fiscal year 1997 in international population programs, even if this resolution does not pass, is over $400 million. Not $1 million, not $10 million, not $100 million, not $200 million, over $400 million.

This is about 25 percent of the entire U.S. budget for developmental assistance to poor countries around the world. It is substantially more than the $300 million we spend on child survival programs which pay for vaccinations and medicines and save hundreds of thousands of children from dying from easily treatable diseases.

The money we spend on international population control is about twice as much as the $200 million we spend on assistance for narcotics control. It is about 4 times the amount we spend for microcredit programs, which empower poor people, mostly women, by allowing them to start small businesses.

In this $400 million for population control is literally hundreds of times more than we contribute to other urgent needs such as the U.N. Fund for Torture Victims. Yet the administration still tries to make us think that population programs are underfunded.

They do this by constantly pointing to the fact that under the funding compromise adopted last year, only about $92 million of the fiscal year 1997 population funding can be spent in this fiscal year beginning in July. But they refuse to talk about the additional $284 million in the carryover funds from fiscal year 1996 which is still available in fiscal year 1997, and they somehow forget to mention the additional $43 million Congress has appropriated for contributions to the U.N. Population Fund.

Mr. Chairman, this is a total of $420 million. If we reject this resolution, the total stays at $420 million. Population programs will still have one of their best years in history. Not only is a no vote on the Clinton resolution the right vote for those who respect life, it is also the only vote consistent with fiscal responsibility and a balance of priorities and how we approach international funding.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MCGOVERN], a member of the freshman class.

Mr. MCGOVERN. Mr. Chairman, throughout my district in Massachusetts, I have spoken out quite clearly that one of my top priorities is protecting the health and the lives of children, mothers, and pregnant women. But, Mr. Chairman, my concern for the health of women and children does not stop at the borders of my district. It extends to all women and all children around the globe.

Over the past 30 years, U.S. support for international family planning has been one of the great success stories of our development programs. What do U.S. international family planning programs do? They protect the health, welfare, and survival of women and children. They reduce the spread of sexually transmitted diseases like HIV/AIDS. They reduce poverty. They reduce the pressure of human population on the environment. And they dramatically reduce the rate of abortion worldwide.

Mr. Chairman, the cuts and delays in releasing current U.S. funds have already caused harm to many of these programs. I urge all my colleagues to support the President's finding and to release these desperately needed funds now.

Mr. Chairman, USAID international family planning programs have earned the support and respect from a broad spectrum of U.S. and international nongovernmental organizations [NGOs], along with such international agencies as UNICEF.

The NGOs represent a diverse array of interests, such as religious institutions, environmental groups, population and development organizations, legal and educational associations, and women's and children's advocates. From the National Audubon Society to the Religious Action Center on Reformed Judaism, from CARE to the Emory University School of Public Health, all have urged the release of these already appropriated USAID funds for international family planning.

The issues that bring together such an annual coalition of interests reflect how successful U.S. international family planning programs have been over the past three decades. It also reflects how very real is the harm to women's and children's lives that has already been caused by recent cuts in funding levels and the current delay in releasing appropriated moneys for these programs.

For example, in Bolivia, a CARE program designed to give rural Bolivian women access to pap smears for the first time ever will be terminated if funding is delayed any further. When diagnosed early, cervical cancer can usually be treated effectively. Bolivia is plagued with the highest maternal mortality rate of any country in Latin America. Without the benefits of early detection through pap smears, rates of women's deaths in Bolivia will likely remain high.

In the Philippines, the USAID program in natural family planning, which is carried out by the Georgetown University Institute for Reproductive Health, would come to an abrupt halt in the Philippines. Because the contract is up for renewal in June 1997, the funding delay would close this project down completely.

In Zambia, more than 100,000 women in Lusaka, Zambia's capital, receive family planning support through USAID. Should funding be delayed to this project, key reproductive health care training will be scaled back dramatically, meaning that condom distribution in this country will be reduced significantly. As a result, hundreds of new HIV cases will occur in this urban capital that already suffers from a high HIV infection rate. The cutbacks in service training will also cause thousands of couples to lose family planning information services. This in turn will increase the incidence of unwanted pregnancies and ultimately abortions in Zambia. Sadly, unsafe abortion has been among the top causes of hospital admission in Lusaka.

As these cases only begin to illustrate, family planning programs are truly development success stories. And by making widespread the use of contraceptives, they are also one of the most successful means of reducing abortion rates worldwide. Indeed, making family services available to all who want them should be the common ground on which both sides of the abortion debate can agree.

Mr. Chairman, I include for the RECORD the following two attachments from the U.S. Agency for International Development, dated January 31, 1997, which outline some of the impacts of the fiscal year 1997 funding delay on specific country programs.

THE IMPACT OF THE FISCAL YEAR 1997 FUNDING DELAY ON COUNTRY PROGRAMS

The following country programs are among those that would be most severely affected by not being able to receive FY97 population funds until July 1 or later:

Bolivia—Defer ongoing population assistance to the National Social Security Medical System, jeopardizing services to 20 percent of Bolivia's population. Reduce support to local organizations providing family planning services to 30 percent of Bolivia's rural population.

Haiti—Layoff staff of NGOs serving thousands of poor Haitian couples. Delay and possibly cancel integration of family planning into CARE's maternal and child health care program.

Mexico—Curtail USAID-funded training of family planning service providers in the public sector and potentially close some NGO clinics, including in Chiapas, one of Mexico's poorest states.

Guatemala—Reduce services of largest private family planning provider and close rural health promoter program.

El Salvador—Continue cutbacks and downgrading of services of the leading NGO family planning provider.

Dominican Republic—Reduce services of leading NGO family planning providers and lose opportunities for initiatives to increase male involvement in family planning.

Russia—Suspend funding for two of the largest organizations providing assistance, jeopardizing programs to train family planning service providers and provide 1.7 million couples with access to modern family planning services as an alternative to abortion.

Ukraine—Suspend planned extension to major cities of training for service providers in clinical reproductive health, contraceptive counseling and prevention of sexually transmitted diseases.

The Philippines—Defer a number of programs to train health personnel in natural family planning, introduce voluntary surgical contraception at 200 sites, and work with the commercial sector on provision of oral contraceptives.

Egypt—Suspend USAID's principal mechanism to provide technical and financial support for the national family planning program, a disruption that would affect thousands of clients now served.

Jordan—Suspend establishment of model family planning centers and information campaigns on availability of family planning, affecting 500,000 couples who are current and expected users.

Turkey—Suspend training of nurses and midwives, increasing the shortage of trained providers of family planning and related health services.

Mozambique—Reduce training and other family planning service delivery activities in four focus provinces with a combined population of over 6 million.

Uganda—Suspend or curtail a number of training and family planning service delivery programs.

Zimbabwe—Suspend deliveries of USAID-funded contraceptives, resulting in stockouts for clinics and community-based distributors.

THE IMPACT OF THE FISCAL YEAR 1997 FUNDING DELAY ON USAID TECHNICAL LEADERSHIP THROUGH WORLDWIDE PROGRAMS

The following worldwide programs are among those that would be most severely affected if FY97 population funding is not available until July 1 or later:

Service delivery—Critical service delivery programs supported through US-based private voluntary organizations (PVOs), including CARE, Pathfinder International, and AVSC, would have to suspend or even shut down key activities. AVSC, for example, would shut 70 percent of the family planning service sites it supports in Nepal

Natural family planning—USAID's planned new agreement with Georgetown University could not begin soon enough to prevent suspension of programs serving over 700,000 annually, including in Bolivia, the Philippines, and Ecuador.

Contraceptive supplies—There could be serious contraceptive shortages in a number of countries in FY98—Up to 50 million condom, 4.8 million cycles of oral pills, and 500,000 intra-uterine devices (IUDs)—as well as loss of U.S. jobs.

Training—Training of over 4,500 family planning service providers in 10 or more countries would be deferred indefinitely.

Information and communications—Information campaigns on family planning and maternal and child health designed to reach millions of couples in Bolivia, Ukraine, the Philippines, Kenya, and other countries would be slowed.

Research—Initiation of a large-scale clinical trial for a new female-controlled barrier method would be deferred, and work on other current contraceptive leads would be slowed, delaying introduction of new and improved methods.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Rockefeller Foundation recently published this report. It is called High Stakes: The United States Global Population and Our Common Future. It is important that we consider what the stakes are in this debate because the stakes are indeed high.

Mr. Chairman, the stakes are about women dying. They are about mothers dying. Every day 1,600 women die of pregnancy-related causes because they do not have access to reproductive health services, including family planning. Around the world, 250 women will die for lack of family planning services during the course of this debate; 585,000 women die for these reasons every year around the world.

What they die of is called most frequently postpartum hemorrhage. It happens most frequently when poor women have undergone many closely spaced births, and when these women die, they die because when they have their pregnancies they are too young, they are too old, their children come too closely together or they have too many children, and when they die they leave behind vulnerable orphans. It is indeed a tragedy.

The stakes are about children dying. Every year 7 million infants die on this planet because their mothers were not healthy enough for their pregnancies, or they lacked obstetric care. The children most likely to die are those children who are born too closely spaced together, into families that are too poor and to women who lack access to family planning services.

We have heard a lot of talk this morning in this debate about abortion, and speaker after speaker on the other side of this debate has walked to the podium and talked about this program as if it enhances the number of abortions in the world. Nothing, nothing, could be further from the truth. Each year in this world 50 million women have abortions performed; 20 million of those abortions are in unsafe conditions. It is for the lack of family planning services—not because of them—that this figure is so high.

Mr. Chairman, when I decided to speak out on this issue, I felt I needed to understand how this program works and to see it operating on the ground. A few weeks ago I traveled to La Paz, Bolivia, a country in which abortion has never been legal and a country until just recently, because of this program, family planning services were not available at all. I went into the Andean Mountains and I met with the Aymara Indians. I met with them in little clinics and hospitals around the country, and I spoke to them about their efforts to go out and talk to their neighbors, door to door, using these funds, meager funds, to promote family planning services.

What I found out is that just 8 years ago, the health ministry of Bolivia did a survey for health planning purposes. They did not have in mind a study about abortion or family planning services. They just wanted to know how their hospitals were being utilized. What they discovered, to everyone's amazement, is that 50 percent, half, of the beds in the country—the poorest

country in the Western Hemisphere next to Haiti, in Bolivia, 50 percent of the beds were occupied by women who were suffering the results of botched and illegal abortions.

Abortion is not legal there. What has changed that, what has reduced the number of abortions in poor countries like Bolivia and in poor countries all over the world has been this program. This family planning program is what reduces abortions. And not one penny, let us say this over and over again, not one penny, not one dime of these funds are used to perform abortions, to counsel that abortion is an option, to promote abortion, not one penny of this money is used for that.

In those few instances where these funds are provided to an organization, a hospital, a government organization, a nongovernment organization that does exist and operate in a country where abortion is legal, these funds are strictly segregated. These organizations sign contracts that they will use none of this money for abortion-related services, and, in fact, they do not. We are here to prevent abortions.

We can define our interest in this issue in terms of the humanitarian issues I have just talked about: Women dying and children dying and preventing abortion, or we can think of our more narrow national interest, the interest of the United States.

It took 10,000 generations for the world's population to reach 2 billion, and that happened just about when I was born, in 1950. Yet in the second half of this century, the population has increased from 2 billion to 5.5 billion. Look where it is headed. It is headed above 10 billion world population by midway through the next century.

The population in the industrialized countries has stabilized. But in countries that are underdeveloped, and the poorest nations, India, Bangladesh, sub-Saharan Africa, the Middle East, Mexico, the population is exploding and it is exploding out of control.

Unsustainable population growth leads to increased demands for energy. In the Third World that energy is produced by burning coal, dirty coal. Our scientists are clear about the fact that world population explosion means much more greenhouse gases being distributed to the atmosphere, it means global warming. Unchecked population growth in the Third World means depletion of water resources. It means famine, it means suffering. It pushes populations to clear rain forests. It pushes populations to go out and graze on land that cannot sustain cattle, and that leads to expansion of the deserts worldwide.

We all have a stake in the global environment.

When population explosion results in crushing poverty, people will work for next to nothing. What this chart illustrates is the growth in job seekers, the labor force in the industrialized countries, which is relatively stable, versus developing countries. What you see is an exponential growth rate in countries that are undeveloped and nonindustrialized. And so what happens?

What happens is what we have seen happen in the last decade or two. American workers are competing to produce products that are made overseas by people who will work for 25 cents a day or a dollar a day, and we cannot compete for those jobs. So in our very narrow self-interest, for the workers of this country, for the future workers of this country, it is our job to prevent this great economic leveler, population explosion, from making us economically uncompetitive.

When the local economies cannot provide jobs, poor people migrate. They migrate to the industrial nations. Legal and illegal migration to this country is coming from Latin America, Asia, and Africa. Whether we define our interests as humanitarians committed to saving women and children from dying, or whether we define them more narrowly as protecting our Nation from global environmental degradation and job loss, or from a wave of migration, legal and illegal, this resolution is the right thing to do.

Mr. Chairman, I urge my colleagues to support it.

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Ms. PELOSI. Mr. Chairman, I yield myself 30 seconds in order to commend the gentleman from Pennsylvania [Mr. GREENWOOD] for his very comprehensive statement, indeed a definitive statement, on what is at stake here on the floor today. It is about family planning, it is about the individual lives of poor women and children and families throughout the world, it is about population and our environment, it is about the economies of the world, and I commend the gentleman for his courageous leadership and on his clear presentation for us.

I wanted to make a couple comments about what I have heard—is my time up?

Mr. Chairman, I will have to seek more time, but first I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER], a member of the Committee on Appropriations.

Mr. OLVER. Mr. Chairman, I thank the gentlewoman from California [Ms. PELOSI] for yielding this time to me.

Mr. Chairman, I rise in strong support of the President's recommendation to release the already appropriated international family planning funds. Mr. Chairman, America's family planning program reduces unintended pregnancies in developing countries; 40 percent of those unintended pregnancies end in abortion. So, crippling our family planning program clearly leads to more abortions.

America's family planning dollars help poor women to protect themselves from deadly disease, to regulate childbearing when they want to do so. So indeed the release of these funds saves the lives of women and children. But this decision is about more, because unchecked global population growth affects all us in many ways.

Population pressures cause irreparable environmental degradation in fragile areas, and the growing numbers of the unemployed in developing nations threaten the economic and political stability of the entire globe.

So I urge my colleagues in the House to vote for the President's resolution to release the funds on March 1.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON] who is co-chair of the Congressional Caucus on Women's Issues.

Ms. NORTON. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, progress in family planning is one of the great success stories of the world. It is where we are making progress throughout the developing world. I am proud of the role my country has played in this progress. This is one of the bright stars of American foreign policy.

I respect the conscientious and religious objections of those who oppose abortion, but I cannot imagine what the world thinks of this debate that drags abortion into a family planning matter. We must not see abortion in issues that allow us to cut off our noses to spite our faces. Family planning and contraception in the developing world impact three issues of awesome importance: maternal health, children's health and AIDS.

In the early century, graveyards showed more women dying at an earlier age than men. We have turned that around almost exclusively because of family planning. Let us do for the world what we have done for our country. Let this money go.

Mr. LIVINGSTON. Mr. Chairman, I yield 4 minutes to the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the very distinguished gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding this time to me.

I had decided that I would not come to the microphone today to speak on this issue. This is an issue that has been cast upon my subcommittee, that is not an entitlement of ours. It is the responsibility of the Committee on International Relations to handle this issue. But in the absence of a bill being passed through the House and through the Senate and signed by the President, it has become the responsibility of my subcommittee to handle it.

Last year during the process, we went to great lengths to try to compromise, which is what this body is all

about, a body of compromise. I am pro-life, and I do not apologize for that. But at the same time I recognized what the pro-choice people were talking about.

In an attempt to make this issue go away, to make it fair, to give both sides a half-full glass, we adopted what was perceived as the Callahan amendment, and I spoke to many of my colleagues about this, and I even took the liberty of calling to my office with the assistance of a former Member of ours, Charlie Wilson, the leaders of the family planning community.

Mr. Chairman, they could not find one thing wrong with the Callahan amendment and they would not accept it because the right-to-life side had accepted it. Had they accepted it, they would have more money available, not for abortions, but for family planning. But they did not want to accept it because of the fact that the other side did accept it. That is the only reason they ever gave, the only logical explanation.

So in a desperate attempt, I talked with Secretary of State Christopher, and he agreed that it sounded fair to him. But nevertheless, the President sent messages that he was going to veto the entire foreign operations bill if the language we had proposed was in there.

So I put in a call to the President of the United States to ask for the opportunity to come to him and ask him to find one thing that was wrong with it. And the President, whereas in the past when he needed me, on situations like Bosnia, on situations like Haiti, when he summoned me to the White House and begged for my support and I ultimately gave it to him, refused to return my call.

And as a result of my inability to explain to the President to remove his veto threat and solve this issue for a long period of time, and to provide funding for family planning and at the same time to recognize the rights of the unborn, we are here today.

So we reconstructed the language at the insistence of Mr. Panetta, even though Mr. Panetta agreed that maybe I was right. But in order to allow the government to continue to operate in order to get the Government running and pass the bill that we had to pass, we agreed to this, knowing it would come back.

So as a result of that, I intend to vote "no" on the request of the President, and I intend to vote "yes" on the Chris Smith amendment.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in strong support of the measure before us.

Rapid population growth and movement are the primary causes of worldwide environmental degradation, dwindling natural resources, urban poverty, malnutrition, and social unrest that in too many cases leads directly to conflict approaching the level of war. At the same time, more than 90 percent of the annual population increase of 100 million people is in the developing world.

This debate is really about giving the people of the world the information and resources that Americans take for granted. As the Houston Chronicle has pointed out, most Americans make responsible and informed choices about when and whether to have children. These are choices that many parents in the developing world do not realize they have.

The number of people added to the world's population each year is increasing, especially in the world's poorest countries that are least equipped to deal with this growth. It is in our national interest and in the global interest to support voluntary international family planning. Efforts to slow population growth, elevate the status of women, reduce poverty, and promote sustainable development will lead to a more stable world.

Ms. PELOSI. Mr. Chairman I yield myself 1½ minutes.

Mr. Chairman, I would just like to make some points of clarification because I think there is some confusion among Members about certain points.

Let me make it clear the President's resolution does not subsidize, promote, allow, perform, or in any way condone abortion.

Second of all, there is no more money in the Smith resolution. The money is the same in the Smith resolution as it is in the President's proposal. The money is the same.

Third of all, I once again want to call to our colleagues' attention that all I have said first about this resolution not promoting or having anything to do with abortion is a matter of U.S. law according to the Helms amendment.

I have the provisions for our colleagues to see, blown up on a bulletin board or in handouts, on the very statutes; and also I have for them the safeguards to prove and demonstrate how this law is implemented.

In closing I want to say one thing, and I say this with the greatest respect for the gentleman from Alabama [Mr. CALLAHAN], the chair of our subcommittee on which I am ranking. The President has acted in good faith on this issue. He entered into an agreement, he entered into an agreement which called for less money, delayed the funding, in order to be able to have this House vote at this time up or down, to accept his certification that this delay in funding, et cetera, was a hindrance to promoting our international family planning goals.

In further proof of the President's good faith, I call to our attention a statement by the President in May 1996 where he accepted the Congress' request to strike from legislation, provisions that would have allowed the President to go forth with this spending with his own certification and without a vote of Congress. Congress said, we put that in by mistake; the President said, okay, I will take it out and then we will proceed.

So I urge our colleagues to look carefully at these provisions which safeguard any ideals that they have about abortion, but also uphold our principle of promoting family planning internationally.

Mr. Chairman, I yield the remainder of our time to the gentleman from Ohio [Mr. HALL], whose credentials are unsurpassed in the area of child survival. He truly lives and acts by the words of the gospel of Matthew, rendering to the least of our brethren as if he were rendering to God.

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentlewoman from California [Ms. PELOSI] for yielding this time to me and for her very kind remarks.

There is probably nobody more pro-life in the Democratic Party than I am. If my voting record is not 100 percent, then it has got to be pretty close. I was the author of the conscience clause on abortion which was included in the Democratic platform, and I spoke of that issue at the convention.

I feel myself in a position today that is unusual for me, for I find myself opposing the views of the pro-life position. I support Mexico City policy, but I believe that the pro-life forces have gone too far in their effort to make the release of funds a pro-life issue, and this vote would hurt millions of women and children. Because of massive cuts to international family planning and very restrictive language that has held up other funds related to it, the pro-life forces have caused great damage, in my opinion, to poor communities all over the world.

I am for family planning, which is prenatal care and education to women, and breast-feeding and proper nutrition, and spacing of children and other child survival activities. I am against abortion. And there is a difference between family planning and abortion, but sometimes around here we do not separate the two of them from the discussion.

In quoting a letter from CARE and Save the Children, they have again stated current law, and I quote: "In keeping with the Helms amendment, no U.S. funds are used to pay for abortion, nor do our organizations use private money to pay for abortions." That is the law and has been for some time.

World Vision, an organization that I have great respect for, is for releasing these funds. World Vision is a Christian organization, and they are pro-life.

□ 1230

I have traveled with them in many parts of the world to visit the poor, I

have seen their work, and I have always been very inspired. When they speak on this issue, I listen.

Along with CARE, Save the Children, World Vision, they wrote to many of us, and I am quoting from a letter that they wrote to me:

> Based upon our knowledge and operational experience, we can assure you that this is not an ideological or partisan issue, but a serious health concern for women, children and families. In addition to more maternal and child deaths, reduced access to family planning services will result in more unintended pregnancies, leading to more, rather than fewer, abortions. By voting to release already limited family planning funds, you will be voting to prevent more of these tragedies from happening.

I agree with them. In our effort to legislate around here, sometimes we become extreme and we become purists, and we hurt the people we are trying to help. This should not be an issue between pro-choice and pro-life forces. Rather, this is an issue of justice and fairness, in my opinion. Vote "yes" on this resolution.

Mr. LIVINGSTON. Mr. Chairman, if I could inquire, am I correct that there is no more time other than the time that remains to my side?

The CHAIRMAN. The gentleman from Louisiana has 12 minutes remaining; the gentlewoman from California has yielded the balance of her time to the gentleman from Ohio, and that time has expired, so the gentleman from Louisiana has 12 minutes remaining.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, could I inquire, do we have any more time left?

The CHAIRMAN. The Chair was in error. The gentlewoman from California has 30 seconds remaining and the gentleman from Louisiana has 12 minutes remaining.

Mr. LIVINGSTON. Mr. Chairman, I reserve the right to close and would certainly ask the gentlewoman to expend her time.

Ms. PELOSI. Mr. Chairman, I want to thank the gentleman from Ohio [Mr. HALL] for his leadership and for his fine statement from the heart and from the head to our colleagues. I want to thank Members on both sides of the aisle for what I believe is the fine tenor of the debate today.

International family planning is an issue of grave importance, and once again I appeal to our colleagues not to hold the poor children of the world hostage to the politics of the House of Representatives. Let us take a step forward and vote "yes" on the privileged resolution and approve the President's findings regarding international family planning.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume. In sharing the expression by the gentlewoman from California about the tenor of the debate, I think it has been a fine debate.

Mr. Chairman, I am happy to yield the balance of my time to the distinguished gentleman from New Jersey [Mr. SMITH], a member of the Committee on International Relations and an outstanding expert on this issue.

Mr. SMITH of New Jersey. I thank my very good friend [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, for yielding.

Mr. Chairman, just to respond briefly, nobody is holding any funds or money hostage. This is all about fundamental human rights and protecting the precious unborn children while simultaneously providing family planning.

Mr. Chairman, I want to make it very clear that the House will today consider two diametrically opposed pieces of legislation on family planning. While each is designed to release fiscal year 1997 family planning funds by March 1, that is where the similarity ends.

The Clinton resolution, introduced by request by the gentleman from Texas [Mr. ARMEY]—and I would note for the RECORD that Mr. ARMEY does not support the resolution—is strongly pro-abortion in its effect. Make no mistake about it, the consequence of approving the Clinton resolution is a fat payday for abortion providers. So please be fully aware of the unavoidable fact that if you vote for House Joint Resolution 36, you further empower, strengthen, and tangibly aid and abet the abortion industry overseas.

Know that a "yes" vote on House Joint Resolution 36 pours hundreds of millions of U.S. taxpayer dollars into organizations that have made the toppling of pro-life laws and policies in the developing countries their mission and their explicit goal. And know that once that they have succeeded in overturning those laws that protect the unborn child, once they have eviscerated the constitutional protections that are currently in place, these are the same folks who jump in with both feet to set up the abortion mills.

Who we subsidize, Mr. Chairman, not just what we subsidize, but who we subsidize does matter. It should matter greatly to each of us not just what an organization does with our specific donation, but the rest of their agenda as well. It is a package deal. This is especially important because money is fungible. What we give to a group immediately frees up other non-U.S. funds that can be used and in this case are used for performing and aggressively promoting abortion.

In recent months the Clinton administration has said that it does not promote abortion overseas. Oh, if that were only true. During Mr. Clinton's first term, my colleagues know and I know that his office pushed hard for an international right to abortion. At the 1994 U.N. Population Conference in Cairo, and especially at the preparatory meetings, known as PrepComs, leading up to the conference, the administration mounted a full court press for an international right to abortion.

A State Department March 1994 action cable sent to every U.S. ambassador and mission abroad prior to that meeting instructed our envoys to lobby their host governments with these instructions:

> The United States believes that access to abortion is a fundamental right. The United States delegation will be working for stronger language on the importance of access to abortion services overseas.

In a speech at the second PrepCom for the Cairo Conference, Tim Wirth said much the same thing, how they were going to be pushing abortion. And in a keynote address at the 1994 meeting of the Population Cooperating Agencies, Brian Atwood, the administrator of AID, said, and I quote,

> While obstacles cannot be removed overnight, this administration will continue to stand for the principle of reproductive choice, including access to abortion.

I say to my colleagues of the House, those so-called obstacles that Mr. Atwood was referring to are right-to-life laws and constitutional provisions that protect unborn children in approximately 100 countries in the developing world. Virtually all of Central and South America protect their kids from abortion. These are construed by the administration to be obstacles.

These abortion power plays, these overt pro-abortion initiatives, so far have been largely repudiated by the developing world, but they have had some successes. Poland and South Africa recently flip-flopped and went from pro-life to pro-abortion. So there is now a dual strategy: When the overt strategy failed, another strategy was employed.

For the last 4 years the administration has relied on a parallel track, a more sophisticated covert means designed to accomplish that end. They have used surrogates, nongovernmental organizations like the International Planned Parenthood Federation based in London, and the Pathfinder Fund and others to do the lion's share of the dirty work to nullify pro-life laws and to set up abortion mills the world over.

This past Tuesday I asked our very distinguished Secretary of State, Madeleine Albright, an official for whom I have great respect, whether she was aware of the 1992 International Planned Parenthood Federation abortion manifesto called Vision 2000, a global strategic plan that Planned Parenthood adopted and have been implementing ever since to promote abortion in every corner of the world. The Secretary, known for her candor, admitted she never heard of it.

IPPF, by the way, has received more than $70 million from the U.S. taxpayers, courtesy of this administration, so it seems to me that the Secretary of State and all of us should know what IPPF is all about. Again, it is not just what they do with "our" money, it is what their agenda is all about.

I urge Members to look at this document. This is their marching orders in the developing world. Do not just say our money is not going to be used. Other money then gets used to bring down these right-to-life laws. Let me just quote briefly from it.

The Vision 2000 strategic plan says, and I quote, that they will "bring pressure on governments and campaign for policy and legislative change to remove restrictions against abortion." Can anything be more clear? Pressure governments. Campaign for abortion on demand. And we are providing many, many millions of dollars to this group.

Fred Sai, who is the former chairman of International Planned Parenthood, put it very succinctly when they passed this IPPF strategic plan. He said,

> Now, for the first time, the IPPF strategic plan, Vision 2000, which was unanimously adopted at the Members' Assembly in Delhi, outlines activities at both the Secretariat and FPA level to further IPPF's explicit goal of increasing the right of access to abortion.

Who we support and subsidize does matter.

IPPF has an elaborate plan and plans of action, as they call them, to promote abortion in every country of the world, including Central and South America where, again, they protect their unborn children. They have plans to decimate the pro-life laws in Africa, the Muslim countries in the Middle East, and several Asian countries who also legally protect their children from the abortionist's knife.

A vote for the Clinton resolution empowers the abortion industry to continue and expand these efforts to eradicate pro-life laws. Eliminate a law in Poland and a whole generation of kids are put at risk. Eliminate a law that protects them in South Africa or any other country, and an entire generation of kids are put at risk of abortion on demand.

I would respectfully submit that the only responsible pro-life action today is a "no" vote on the Clinton resolution and a "yes" vote on H.R. 581, the Smith–Oberstar–Hyde bill.

I truly believe that if we stand on the human rights principle of safeguarding human life today, the administration will ultimately do the right thing, provide family planning money, but do so with pro-life safeguards.

I was very encouraged by the statement made this past December by Phyllis Oakley, assistant secretary for population, when she appeared before my subcommittee. I chair the International Operations and Human Rights Subcommittee. Secretary Oakley, who is the point person for population for the administration said, and I quote:

> The United States does not promote abortion and does not support the performance of abortion. She said, That is clear. We have stated it over and over again. I can assure you that remains our fundamental policy.

I therefore respectfully submit that the competing resolutions before the House today put Secretary Oakley's statement concerning this fundamental policy to the test. If the administration persists in promoting abortion by way of surrogates, the Clinton denials of promoting abortion will be exposed as wholly disingenuous and untrue.

Mr. Chairman, I urge a "yes" vote on H.R. 581 as introduced by the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Illinois [Mr. HYDE] and myself. This pro-life, pro-family planning bill releases the entire $385 million appropriated for fiscal year 1997 on March 1 for family planning, but, again, it does it with the pro-life safeguards.

As a matter of fact, in fiscal year 1997 the administration will have significantly more to spend on family planning with our bill, not with the bill before you or the resolution, but with our bill.

Total cash on hand for population in fiscal year 1997, as this chart shows you, with carryover funds from 1996, will be $713 million with our bill. It will be only $543 million with the Clinton resolution. That is clear; that is undeniable. Yes, the money will be spent eventually, but the issue that the Clinton administration is making is that money delayed is money denied. We will frontload the whole thing, giving you the entire pot of money for family planning, but do so with pro-life safeguards.

I think it is very, very significant for Members to know that these safeguards are nothing new; they were in effect. People have talked about the Helms amendment today. The Helms amendment in the 1980's was found to be infirm. Yes, it stopped direct funding, but there were loopholes. The pro-abortion groups simply took their own money, which was freed up by our contributions, and used it for abortion promotion.

Let me just again say that the pro-life safeguards of the Mexico City policy were in effect during the Reagan and Bush years as a way to fully fund family planning without promoting abortion. The Mexico City policy is both pro-family planning—and we make it clear in our bill—and pro-life.

Specifically, the safeguards say this: We will condition funds only to those organizations that will not perform abortions except in the cases of rape, incest, and life of the mother. We restrict funds to those organizations that will not lobby, that will not become the network in Peru or Brazil or any of these other countries bringing down their pro-life laws.

□ 1245

Mr. Chairman, they are extensions of U.S. foreign policy. We give money to them. When they are talking to a legislator in one of these countries they do not say, "Are you doing that with U.S. money or are you doing that with your own money?" They are an extension of our policy. Since we are the megacontributors and donators to them, what they do reflects directly upon us here in the United States.

If Members want to promote abortions, say it. This Mexico City policy makes it very clear that there ought to be a wall of separation between the two.

Let me also point out that during the years that the policy was in place, in excess of 350 family planning organizations, including Planned Parenthood affiliates in 57 States or countries, accepted the conditions. Some of the more extreme pro-abortionists in IPPF went ballistic over that, and even censured IPPF Western Hemisphere for doing that. But I believe they showed that they wanted to do family planning. They did not want to be part of this big push for abortion. Vote "no" on the Clinton resolution, and please vote "yes" on H.R. 581.

Ms. PELOSI. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, the world's population is growing by 90 million every year—that is the equivalent of adding the entire population of Mexico every year. Family planning is critical for the survival of the planet and the people on it. Overpopulation leads to the suffering of women and innocent children, poverty, and war.

There is an unfortunate tendency in this country to reduce important debates concerning reproductive issues to the labels "pro-choice" and "pro-life." We will ill serve the citizens of this country and the world if we allow this vote today to fall victim to these labels.

First, there is evidence that without family planning, the number of abortions increases.

And second, today what we are really doing is voting to ensure that there will continue to be humane and responsible efforts through voluntary family planning services so that the people who live on this planet can live with decency and dignity.

The United States has a moral obligation to lead the effort to control population responsibly. And I believe, therefore, that the moral vote today is a vote for the President's resolution.

Ms. PELOSI. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I want to add my voice to those that have spoken today in support of international family planning.

Mr. Chairman, there is no question that funding for family planning has promoted the health and survival of women and children in developing nations. The United States has taken a leading role in promoting child survival in the world, decreasing maternal and infant mortality, and ending the spread of deadly disease, including the AIDS virus. And, yes, Mr. Speaker, we have helped reduce the practice of abortion through this program. Today, abortion is widespread in many nations—Russian women have on average 7 to 8 abortions in a lifetime. Family planning is helping to reverse this epidemic—to end the trend, not to begin it.

We have heard it said on this floor today, and I will say it again: not one penny of family planning aid goes to support abortions. Not one penny. This vote is not about supporting abortions abroad—it is about ending them. It is about about saving the lives of women and children. It is about saving the lives of women who, in many cases, are children.

Family planning is helping to end the spread of the AIDS disease—a disease who knows no borders. It is helping couples in developing nations reduce the size of their families so they can stay out of poverty, become educated, survive, and thrive. Family planning has limited the number of births in the developing world on average from 6 to 3.

And to my colleagues who suggest that family planning funds will support abortions, let me say, and let me beg of you—there is enough misinformation about family planning in the world today. There is enough disease. Enough people have died. Enough women and children have suffered. Family planning from the United States is provided for one purpose and one purpose only: to end the spread of misinformation about family planning—to end the death, poverty, and disease that comes from the spread of myths and lies.

Family planning does not support abortions, It saves lives. I urge my colleagues to support the release of family planning funds—funding which has already been appropriated and approved. Do it now. Do it today. The lives of women and children depend upon it.

Ms. DUNN. Mr. Chairman, I thank you for the opportunity to reiterate my position on what has been referred to as the Mexico City policy—a policy regarding the appropriation of taxpayer funds for the population assistance activities of any foreign private, nongovernmental, or multilateral organization.

My position on taxpayer-financed family planning has been well established over the course of the previous two Congresses. I believe in family planning programs. I believe they help women and children. I also believe, however, in placing restrictions on how taxpayer dollars are used in pursuit of family planning. Simply put, I believe that the use of taxpayer dollars to pay for or promote abortion is inappropriate, except under circumstances of rape or incest, or to protect the life of the mother.

The Mexico City policy—that taxpayer funds intended for international family planning should not be directed to organizations that perform or promote abortion, except in the instances of rape, incest, or to protect the life of the mother—has been raised several times in recent years. I continue to support the main thrust of that policy, and I continue to hold to the view that our government ought to be neutral on the difficult question of abortion. I take the libertarian view that government ought not to be involved in this most difficult and personal of decisions, and will continue to support legislation which is consistent with that view.

Mr. CHABOT. Mr. Chairman, the Clinton administration has embarked on what is no less than a worldwide crusade promoting abortion on demand at any time for any reason anywhere. I cannot condemn that policy in words strong enough.

So let me just make a quick point in the short time that I have to speak this morning. Contrary to what some of those on the other side have said, this vote is indeed about abortion. It has always been about abortion. We simply say to foreign nongovernmental organizations: Unless you agree not to perform abortions, and not to violate the laws, and lobby to change the laws, of other countries with respect to abortion, then don't come to this country asking for tax dollars. That is all we are saying.

I have only been in Congress for a little more than two years yet I am voting today for the eighth time on the restoration of the Mexico City policy—a simple, straight-forward pro-life policy initiated by President Reagan carried on by President Bush and eagerly decimated by President Clinton in his first days in office. I hope that this year, the Congress will finally bring this debate to an end and do the right thing Let's stop the international abortion crusade today.

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of the Gephardt-Armey resolution and support the administration in releasing family planning funds immediately.

Family planning works, it is a proven policy that has helped to stabilize the world's population.

There are only two ways to reduce unwanted pregnancies: sexual abstinence and safe and effective contraception.

By not releasing these funds now and by continuing to keep delaying the funds, which the administration has already certified is causing irreparable harm to family planning efforts around the world, we are harming efforts to get that message out and are, in turn, contributing to the increase of unsafe abortions rather than reducing them.

In fact, the former chairman of the Senate Appropriations Committee, Senator Hatfield, a strong pro-life advocate, unequivocally disagreed with the proponents of the Smith resolution and said that there was no evidence to support the claim that U.S. funding was being used to provide or promote abortion. The distinguished Senator went on to say that efforts to impede the release of family planning funds was not reducing abortions, rather it would increase and contribute to unsafe abortions.

This vote is not about abortion, U.S. law already prohibits the funding of and promotion of abortion.

We have already accepted a 35-percent cut in family planning funding which in of itself is a significant hit. But it was a bipartisan agreement and now we must all honor that agreement.

By releasing the family planning funds now, millions of women and family will have access to family planning counseling prenatal care and preventative health care.

Mr. Speaker, I call on my colleagues to support the Armey-Gephardt resolution and vote to immediately release these critical funds.

Mr. BUNNING. Mr. Chairman, I rise in strong opposition to the President's request to release $123 million in foreign aid to support an international pro-abortion agenda.

I have one question for my colleagues today. Why in the world should we ask the American taxpayer to provide funding for abortions administered overseas when we don't provide Federal funding for abortions in the United States? It makes no sense at all.

We know that in many areas of the world, the population is growing out of control and that something must be done to control this massive problem. However, a "no" vote on the Presidents resolution will not jeopardize our status as a world leader in this area. It will simply confirm that abortion is not an acceptable form of birth control.

This body has made it clear on several occasions that we are willing to provide funds for international family planning programs if the participants will simply promise not to use abortion or lobby for the use of abortion.

Many of the international organizations that benefit from this funding are taking part in highly questionable practices.

We know that the International Planned Parenthood Federation in London has a history of cooperating with the one-child abortion policies in China. This organization has also been involved in active lobbying to convince developing nations in Africa, Asia and the Americas to overturn their abortion laws. Is this something we need to pay for? I don't think so.

The question before us today is not whether we should support international family planning and education programs.

The question today is whether or not this nation, and this body, supports the use of abortion as a means of family planning.

As far as I am concerned, the term "family" and "abortion" are totally incompatible.

This Nation and this Congress cannot and should not subsidize programs and organizations which advocate abortion or which lobby for the legalization or expansion of abortion as a means of limiting population growth.

We should not allow abortion to become the next major U.S. export.

It is true that the Helms amendment prevents the direct use of U.S. funds to pay for abortion procedures, but it does not prevent indirect funding of programs that promote the legalization or expansion of access to abortion as a means of birth control in developing nations. To do that we must defeat the resolution and reinstate the Mexico City policy.

I urge my colleagues to defeat this resolution; help us reinstate the Mexico City policy and show the world that we are willing to support education and other family planning practices but not at the expense of the innocent unborn.

Vote "no" on this resolution and vote "yes" on Smith-Hyde-Oberstar.

Mr. SMITH of Washington. Mr. Chairman, I strongly support House Joint Resolution 36 to endorse the Presidential finding and release international family planning funds on March 1.

Family planning programs are common sense. Democrats and Republicans ought to

put partisan differences aside and come together to support population assistance. Mr. GEPHARDT and Mr. ARMEY have set an excellent example of bipartisanship by cosponsoring this important bill.

U.S. population assistance aid is critical to our world's future. The high rates of population growth in developing countries affect Americans through its impact on the environment, immigration, and the economy. Unintended pregnancies threaten the society of developing countries as well: it can put economic development at risk, it damages the health and economic status of families, and increases the abortion rate.

Mr. Chairman, I urge this Congress to support family planning services. It is not a pro-choice or pro-life issue; it is a pro-family issue. This vote today is very important. If we don't vote to release the funds on March 1, we will reduce this year's total population assistance program funding by $123 million. At least 17 worldwide programs will need to defer, suspend, or terminate family planning health care services. The consequences of the delay would be enormous; there would be more unintended pregnancies, more abortions, and more maternal and infant deaths, and more economic and environmental strain on families and societies.

Opponents of this legislation argue that we should place extreme restrictions on health care providers who receive U.S. aid. I oppose this draconian policy: denying families the right to plan their childbearing is wrong. Access to birth control is good for children, good for families, good for the environment, and good for the society. I urge my colleagues to vote to support House Joint Resolution 36 and release the previously appropriated family planning assistance funds on March 1.

Mrs. EMERSON. Mr. Chairman, I rise today to state my absolute opposition to the President's proposal to send taxpayer dollars overseas to promote abortions. We simply cannot allow the administration to continue its policy of ignoring the fundamental rights of the unborn.

The argument has been made that family planning funds serve to decrease the number of abortions performed in developing countries. If this is the case and if we are to ensure that family planning programs respect the basic right to life, then the President should not object to the pro-life safeguards on four separate occasions in the last Congress, standing up emphatically for the rights of the unborn. The President's refusal to accept these reasonable safeguards is proof of the underlying abortion agenda of this administration and the international groups which support a similar position.

I urge this body to say no to a plan that exports abortion policies to developing countries. The right thing to do is to support the alternative resolution, offered by Representative CHRIS SMITH, which reinstates the Reagan-Bush Mexico City policy protecting the unborn.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of House Joint Resolution 36, which approves the President's finding that withholding family planning funds has a negative impact on international population programs.

These funds are crucial to the health of women worldwide, and represent the single most effective means our country uses to reduce the worldwide rate of abortion.

A recent Rockefeller Foundation report amply demonstrates the importance and success of America's three-decade commitment to family planning programs: in countries where such programs are active, contraceptive usage rates among women have increased from 10 to 50 percent. This has resulted in lowering the average number of children borne by women in these nations from six to three, helping millions of women evade poverty and maintain their health. According to a UNICEF report, family planning programs, by helping women avoid risky pregnancies, can prevent up to 100,000 of the 600,000 annual maternal deaths. It's no wonder organizations like CARE and Save the Children strongly support this resolution.

I also stand in firm opposition to the Smith-Oberstar alternative resolution, which would reinstate the Mexico City gag order and delay the release of already appropriated family planning funds 4 additional months. I hope my colleagues will not be fooled by this antifamily planning resolution. Under current law, no U.S. funds can be used to perform or lobby for abortions. For the past 24 years, no one has produced any evidence that one penny of this funding has ever been used for abortion. In fact, the Smith bill will, in the words of passionate abortion opponent Senator Mark Hatfield, "contribute to an increase of abortions worldwide." By some estimates, the Smith bill could result in an additional 1.6 million abortions worldwide.

Furthermore, this resolution, if approved, will merely release funds which have already been appropriated—it will not, as opponents of family planning have suggested, add a single penny to our foreign aid spending.

Mr. Speaker, this bill doesn't provide any new spending. It will help save the lives and health of millions of women and keep many more children from becoming orphans. And it will decrease the number of abortions performed worldwide. I strongly urge my colleagues to pass this pro-family, pro-woman resolution.

Mrs. SMITH of Washington. Mr. Chairman, I rise today in opposition to House Joint Resolution 36, approving President Clinton's findings regarding international population planning programs and instead urge my colleagues to join me in supporting House Resolution 581, the Family Planning Facilitation and Abortion Funding Restriction Act. House Joint Resolution 36 would not just allow for the early release of an additional $123 million in fiscal year 1997 for international family planning organizations. It would also allow these groups to perform abortions and promote and lobby for abortion as a family planning option within their home country.

As an alternative, I join Congressmen SMITH, HYDE, and OBERSTAR in supporting international family planning while also ensuring that organizations that use Americans' tax dollars agree not to either promote or perform abortions overseas. Simply put, abortion is not a method of family planning.

Behind the smoke and mirrors of today's debate is the fact that supporting the President's resolution (H.J. Res. 36) will result in the promotion and performance of abortions overseas. As an alternative, I ask my colleagues to join me instead in supporting a bipartisan alternative, the Smith-Oberstar-Hyde bill (H.R. 581) that will release an additional $292.6 million in U.S. funds for international family planning programs in fiscal year 1997—bringing the total fiscal year 1997 spending on these programs to $713 million. But more important, the bill will ensure that foreign nongovernmental organizations receiving U.S. funds are not performing or promoting abortions in developing countries except in the cases of rape, incest, or when the life of the mother is in danger.

The restrictions on abortion in the Smith-Hyde-Oberstar alternative are not without precedent. The 1994 International Conference on Population and Development held in Cairo reiterated that "in no case should abortion be promoted as a method of family planning." Furthermore, from 1984 to 1993, the United States Government supported international family planning programs with these pro-life measures known as the Mexico City policy. Under this policy, over 350 family-planning groups received funding. We should renew our commitment by voting for House Resolution 581.

I urge my colleagues to join with me in supporting true family planning and not abortion. Vote for the Family Planning Facilitation and Abortion Funding Restriction Act. Voting for the President's resolution is not just agreeing with his finding that delaying family planning dollars has had a negative effect. It also gives the green light to the promotion and performance of abortions overseas.

Mr. ABERCROMBIE. Mr. Chairman, today I rise to speak in support of House Joint Resolution 36 which allows for the early release of international family assistance funding. As my colleagues know, the administration and the Republican leadership made an agreement last September to allow the funding for international family assistance to go forward in July, with the possibility of release of the funds in March if the President certifies to Congress that the delay is having an adverse impact on the family planning program and both Chambers pass legislation to approve the early release. Last week, the President sent his certification to us.

According to the President's report, delaying the release of funds undermines U.S. efforts to promote child survival and actually increases the number of abortions worldwide. Evidence from all regions of the world shows that increased contraceptive use, by reducing unintended pregnancies, plays a major role in reducing abortions. Reductions in the rate of abortion as a result of increased contraceptive use have been documented in countries such as Russia, the central Asian republics, Mexico, and Colombia. In Russia alone, an increase of only 5 percent in contraceptive use over 4 years led to a decrease of 30 percent in the annual abortion rate. Why turn back this progress?

One would think that abortion opponents would rush to support family planning assistance since it reduces the number of abortions. Unfortunately, this is not the case, considering the permission by the Rules Committee to include consideration of House Resolution 581 which would allow early release of funds with

unnecessary and onerous restrictions on the assistance. Contrary to what the supporters of House Resolution 581 claim, current law prohibits the use of any foreign aid funds for abortion or for motivating anyone to seek an abortion. The U.S. agency for international development has followed this policy for years and has strict procedures in place to ensure compliance.

Family planning has proven effective in preventing abortions, maternal and child deaths. If we delay support for family planning by even 4 months, denying safe and effective contraception to couples who depend on these programs, we will see a rise in unintended pregnancies and maternal deaths and a tragic recourse to unsafe and unsanitary methods to terminate those pregnancies.

This vote is about family planning and releasing delayed fiscal year 1997 funds; no new or additional funds are involved. This vote directly affects the life prospects of countless women and children in developing nations. I strongly urge my colleagues to support House Joint Resolution 36 and vote "no" on House Resolution 581.

Mr. NADLER. Mr. Chairman. I rise to support the release of family planning funds, that have been held hostage to unwarranted anti-choice forces in the Congress for more than 4 months now.

We here today are on a rescue mission. For if we fail to pass this resolution, the funds will be held hostage until July 1, 9 months into the fiscal year. This is unacceptable.

This is not about spending more money or new money. It is about the previously allocated international family planning funds that have not been released. The President has certified that this delay is harming our efforts to reduce unintended pregnancies abroad. These funds must be released now.

Releasing these funds will improve women's health, reduce poverty, and protect our global environment.

International family planning promotes preventive health care such as prenatal care, helps women to plan and space their pregnancies farther apart, and prevents unintended pregnancies that may threaten women's health and the health of their babies.

Do our programs work? As David Broder commented in the Washington Post, "the success of the program is undeniable." Studies have shown for the past three decades the percentage of women using contraception in foreign countries that receive this type of assistance has risen from 10 percent to 50 percent, and the average number of children they have borne has been reduced from six to three.

Some say that our international family planning efforts increase abortion. This is absolutely false. No U.S. dollars are used to provide abortion services either in the United States or abroad. In fact, it has been illegal to use U.S. funds to provide abortion services abroad since 1973. I happen to disagree with this policy, but it is the policy nonetheless.

Family planning does not increase abortions, it reduces them. Senator Mark Hatfield recognizes this, World Vision recognizes this, and I believe that even most people in this Chamber recognize this. But you cannot claim to support family planning and vote against this resolution. Only passage of this resolution will lead to release of the international family planning funds.

Let there be no mistake about it, this is a vote about choice, but it is not a vote about abortion.

It is about a choice between supporting family planning or opposing it.

It is about a choice between protecting women's lives or harming them.

In fact, this is about a choice between right and wrong, and quite seriously about a choice between life and death.

I urge my colleagues to choose wisely, to protect women's lives, and to support this resolution.

Mr. BEREUTER. Mr. Chairman, today I voted in support of House Joint Resolution 36, a resolution to release funds for international family planning on March 1, 1997, which passed the House of Representatives by a vote of 220–209 on February 13, 1997. I made this decision after careful consideration and deliberation. Former U.S. Senator Mark Hatfield of Oregon, who is pro-life, sent a letter last fall to Representative CHRIS SMITH expressing his concern about the detrimental effect of the delay in funding for these programs.

> * * * Chris [Smith (R–NJ), author of H.R. 581], you are contributing to an increase of abortions worldwide because of the funding restrictions on which you insisted in last year's funding bill. It is a proven fact that when contraceptive services are not available to women throughout the world, abortion rates increase. We have seen it in the former Soviet Union where women had no access to family planning and relied on abortion as their primary birth control method. Some women had between eight and twelve abortions during their lifetimes. This is unacceptable to me as someone who is strongly opposed to abortion.

Based on this statement and other information from pro-life Members of Congress, including Representative TONY HALL, I voted in support of House Joint Resolution 36, a resolution to release international family planning funds on March 1, 1997. Since it is my objective to decrease the number of abortions, this pro-life vote is the only vote I could conscientiously cast. Those Agency for International Development [AID] international family planning funds are prohibited by law from being used for abortion services. This prohibition is carefully monitored by AID and by independent audits.

In closing, Mr. Chairman, I also voted in support of H.R. 581, the CHRIS SMITH resolution, which would release funds as early as March 1 as long as recipients abide by the Mexico City policy, which prohibits these funds from going to organizations that also provide abortion services. I have been a long time supporter of the Mexico City policy. I also support family planning which reduces abortion—and oppose the use of Federal funds for abortion except to save the life of an indigent mother. However, since President Clinton waits for H.R. 581 with his veto pen thus giving the legislation virtually no chance of becoming law, I had to support House Joint Resolution 36 in order to provide funding for family planning services that are proven to prevent abortion.

Mr. KLECZKA. Mr. Chairman, I rise today in support of the resolution, House Joint Resolution 36, to release international family planning funds beginning March 1, as recommended by the President, and to oppose H.R. 581, which would place restrictions on international family programs that already exist in Federal law.

The release of funds contained in House Joint Resolution 36 has been delayed 5 months, and a report by the administration states that further delay will cause serious, irreversible, and avoidable harm to family planning programs. The report further indicates that a delay of 4 months will increase the incidence of unintended pregnancies, maternal and child deaths, and abortions.

Those who oppose this family planning program assert that U.S. funds are being used for abortions. Nothing could be further from the truth. Current Federal law prohibits the use of U.S. funds for abortions or abortion counseling. The Agency for International Development, which administers these funds, has strict procedures to assure no U.S. funds are used for abortion. These procedures include legally binding contract provisions forbidding such activity, staff monitoring, and regular audits by nationally recognized accounting firms.

Even a highly respected pro-life advocate, former Senator Mark Hatfield, has found no evidence to suggest U.S. family planning funds are used to fund abortions in other countries. In a September 24, 1996, letter to Representative CHRIS SMITH, who is offering H.R. 581, Senator Hatfield said:

> I have reviewed the materials you recently sent to my office in response to my request that you provide proof that U.S. funds are being spent on abortion through AID's voluntary international family planning program. Unfortunately, I do not see anything in these materials to back up your assertion.

I have received no evidence to contradict Senator Hatfield's belief.

Those who say providing funds to family planning agencies increases abortions need to review the evidence to the contrary. Here are some examples:

Russia: From 1990 to 1994, contraceptive use increased by 5 percent, and the total number of abortions fell by 800,000.

Hungary: A dramatic increase in contraceptive use from the late 1960's to 1986 resulted in a drop in abortion rates from 80 per 1,000 women to about 30 per 1,000 women.

Chile: From 1960 to 1990, an increase in contraceptive use resulted in a drop in abortion rates from 77 per 1,000 women to 45 per 1,000.

By supporting the expedited release of these family planning funds, we in fact will decrease the incidence of abortions internationally. In a letter to congressional leadership, Reverend Leo O'Donovan, president of Georgetown University, said,

> Your vote to release these funds on March 1, 1997 rather than delaying until July 1, 1997 will make a tremendous difference to countless families. Our program and international efforts in natural family planning are dependent on these federal resources.

The Smith bill, H.R. 581, would unnecessarily restate the existing abortion prohibition and would restrict the expenditure of family planning organizations' own funds. We have

the right and the responsibility to place conditions on U.S. taxpayer moneys, but not on all the resources of these groups.

I urge my colleagues to vote in favor of House Joint Resolution 36 and to oppose the Smith bill at this time. We will have numerous opportunities in this 105th Congress to cast votes on real abortion issues. Although H.R. 581 is cast as one, it fails the test.

Ms. LOFGREN. Mr. Chairman, I encourage my colleagues to support the Presidential finding that family planning appropriations should be released on March 1 because any further delay would seriously impact this very important program.

Congress should support family planning programs because they are a crucial tool in international efforts to curb global overpopulation. At current growth rates, we will add more humans in the next 50 years than in all previous 500,000 years of human history. In the next decade alone, world population will increase by 1 billion people. This growth means more than longer lines at Safeway or at the local drug store. Unrestrained population growth devastates environmental resources, exacerbates immigration pressures, and raises the specter of worldwide malnutrition and the spread of infectious diseases.

I also support family planning funds because I support healthy families. Numerous studies have documented that mortality rates for women and children are highest when births are too close together, when women have many children, and when women give birth at very young and old ages. These family planning funds will enable mothers and fathers around the world to raise the healthiest children they can.

In addition, U.S. family planning aid often goes to families that have no other recourse. It is estimated that 77 percent of the couples using contraceptives in developing countries, excluding China, depend on publicly financed family planning programs.

We only need to look to Mexico for indices of the success of family planning. Due in part to foreign family planning assistance, the average Mexican woman now has 2.7 children, a dramatic reduction from the average of 6.7 children in 1970. Family planning is about thinking ahead. It's about giving families, especially poor families, the chance to make choices for their future. Let's not make the choice for them.

Ms. ESHOO. Mr. Chairman, I rise today in strong support of House Joint Resolution 36, which provides for the release of U.S. contributions to international family planning programs.

For over 30 years America has been a supporter of international family planning. These programs have improved the health of millions of women and children, eased the environmental impact of rapid population growth, and prevented millions of unwanted pregnancies.

But in the past 2 years, Congress has withheld, cut or placed arbitrary restrictions on these programs.

Approximately 4 million women, who do not have access to modern contraception, medical advice or prenatal care, will have an unwanted or dangerous pregnancy, resulting in nearly 2 million more abortions or miscarriages. Funding restrictions only add to these numbers.

Unless we vote today to release the funds already appropriated, we will create even greater obstacles to common sense family planning. If this resolution is defeated there will be an increase in maternal death, there will be an increase in abortions, and there will be an increase in malnutrition.

The support of the United States for international family planning has helped families space out the birth of their children and has increased the odds that there will be enough food and other essentials to be shared among all family members. We've enabled women to bear children when they are physically strong and can breast-feed normally—increasing child survival by as much as 20 percent.

These funds have not sponsored or supported abortion. For 20 years, the U.S. Agency for International Development has prevented any money distributed by the Federal Government from being used to perform abortions or motivate anyone to have one. This is current law, and nothing in this resolution will change it.

Mr. Speaker, for three decades Republications and Democrats, pro-life and pro-choice, have supported a significant American role in international family planning. I urge my colleagues to reaffirm that support today by voting in favor of House Joint Resolution 36.

The CHAIRMAN. All time for debate has expired. Pursuant to section 581A(e) of the Foreign Operations Appropriations Act for 1997, no amendment is in order and the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. SENSENBRENNER] having assumed the chair, Mr. INGLIS of South Carolina, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 36) approving the Presidential finding that the limitation on obligations imposed by section 581A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program, he reported the bill back to the House.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The CHAIRMAN. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LIVINGSTON. 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 220, nays 209, not voting 4, as follows:

[Roll No. 22]

YEAS—220

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (VA)
Morella
Murtha
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reyes
Rivers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NAYS—209

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart

Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Forbes
Gallegly
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kildee
Kim
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—4

Carson
Clay
Obey
Young (AK)

□ 1303

Mr. JEFFERSON, and Mr. OWENS changed their vote from "nay" to "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SENSENBRENNER). The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval is in violation of the rules of the House.

So the joint resolution was passed.

The result of the vote was announced as above recorded.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM FEBRUARY 13, 1997, TO FEBRUARY 25, 1997, AND FOR AN ADJOURNMENT OR RECESS OF THE SENATE FROM FEBRUARY 13, 1997, TO FEBRUARY 24, 1997

Mr. GOSS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 21) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 21

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 1997, it stand adjourned until 12:30 p.m. on Tuesday, February 25, 1997, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on Thursday, February 13, 1997, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until 11:30 a.m. on Monday, February 24, 1997, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FAMILY PLANNING FACILITATION AND ABORTION FUNDING RESTRICTION ACT OF 1997

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 46 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 46

Resolved, That upon the adoption of this resolution, it shall be in order to consider in the House the bill (H.R. 581) to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions. The bill shall be debatable for one hour equally divided and controlled by Representative Smith of New Jersey or his designee and a Member opposed to the bill. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, as we know from the previous debate, we are here today as a result of an agreement reached last year between the Congress and the White House concerning international family planning assistance. The agreement signed into law stated that no family planning funds would be released until July 1997 unless the President determined that the delay was having a negative impact on the program.

We have now debated and voted on a privileged resolution to release those funds as the law calls for. Having considered the Armey-Gephardt resolution, we have another option to expedite this funding. That is H.R. 5881, the Smith resolution, as it is called. The rule for the Smith bill is very straightforward. It is a closed rule with 1 hour of debate equally divided between proponents and opponents of the bill. The rule also provides for one motion to recommit with or without instructions.

While the rule is closed, it was the opinion of the Committee on Rules that a closed rule was appropriate for this alternative to the Armey-Gephardt resolution, which was completely unamendable. I think we all agree on the need for a U.S. role in promoting legitimate family planning services. There are strong humanitarian, economic, and environmental reasons for this. How taxpayer dollars will be utilized to support these programs, however, is where the controversy lies.

I tend to agree with many Members who feel that it makes sense regardless of your view on the issue of abortion, to ensure that precious U.S. taxpayer dollars are not used either directly or indirectly to promote or perform abortions. The Smith resolution would expedite the release of the family planning funds, just like the Armey-Gephardt resolution. In addition, it would reinstate the Mexico City policy, as we call it, which worked honorably for 12 years during the Reagan and Bush administrations.

This policy, as my colleagues will recall, simply states that U.S. funds will not, repeat, not go to nongovernmental organizations that either promote or perform abortions. That is the issue. I would urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to the rule. The legislation that is made in order by this rule is just another transparent attempt to tack abortion restrictions onto legislation which is peripheral at best to the issue of abortion. We are talking today about family planning programs, family planning, not abortion. This is a critical distinction because effective family planning greatly reduces or even eliminates the demand for abortion.

Anyone who opposes abortion should be an ardent supporter of family planning. The bill we will consider on this rule proposes to reinstate the Mexico City policy and deny critical family planning funding to international organizations that reserve the right to provide abortions or abortion counseling with their own funds.

□ 1315

No one is suggesting that U.S. funding will go toward abortions in other nations. We have had these prohibitions against such use of U.S. funds in place since 1973.

The bill proposes to restrict access to family planning in order to reduce abortions. If reduction is the goal, this bill will be an utter failure because studies have proved, time and time again, that access to family planning reduces abortion.

In Russia, where for decades abortion was the primary form of birth control, contraception first became widely available in 1991. Between 1989 and 1995, abortions in Russia dropped from 4.43 million a year to 2.7 million a year, a 60 percent decrease. That should be compelling to anyone.

Why would anyone who wants to decrease abortions want to restrict access to family planning? How can they justify probably defunding organizations like the one in Russia? These statistics are repeated all over the world, in South Korea, Chile, and Hungary.

Family planning has a wide range of other benefits as well. By spacing births, women and families can improve infant survival and ensure that they have the resources to support their children. Spacing births at least 2 years apart could prevent an average of one in four infant deaths.

Finally, someone must speak for the millions of women around the world who desperately want access to family planning. Pregnancy and childbirth are still a very risky proposition for women in many parts of the globe that often lack electricity, hot running water, medical equipment, or trained personnel.

In Africa, women have a 1-in-16 chance of death from pregnancy and childbirth during their lifetime, and over 585,000 women in this world die every year from complications of pregnancy and birth. For each woman who dies, 100 others suffer from associated illnesses and permanent disabilities, including sterility.

If we could meet just the existing demands for family planning services, we could reduce the number of maternal deaths and injuries in the world by up to 20 percent. Many of these are women with families, who leave their children motherless. We cannot, in conscience, abandon them by cutting off what may be their only access to birth control information.

This bill would impose personal beliefs on family planning organizations throughout the world. How dare we, blessed as we are with practically information overload, the best health care system in the world, attempt to deny the only source of information services to families in the developing world?

Who are we to dictate the terms under which these groups provide essential services across the globe? We would be outraged, and rightly so, if the legislative body of any nation had the audacity to impose its will over organizations operating legally in our country by dictating the terms under which they would continue to receive the financial support they need to operate.

It is inhumane to restrict access to family planning in areas where it is desperately needed. We must not expose more women and families to the risks associated with unintended pregnancies. I urge my colleagues to vote against the rule and against the Smith bill.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for her kindness and her leadership and the gentlewoman from California.

Although I did not want to rise to the floor of the House today to say that this is one more vote on abortion, I simply have to say that, because for 30 years the United States led an international effort to reduce the toll of maternal deaths and unwanted pregnancies by providing money and pregnancy assistance for family planning throughout the international arena. It did it quietly and effectively. This was a vote for poor women across the Nation.

Now we come to legislation and the closed rule, which I rise to oppose, as well as the actual resolution, that would interfere with that quiet diplomacy helping women internationally have the safety and security of being able to protect themselves and their children.

The National Council for International Health estimates that cuts in 1996 family planning funds will result in approximately 8,000 women dying during pregnancy and childbirth and 134,000 infants dying from an increased number of high-risk births.

Do my colleagues realize in this coming year there will be an estimated 4 million unwanted pregnancies without family planning that will result in 1.6 million abortions?

This is not a discussion or a vote on abortion for those of us who believe in family planning. It is for those who constantly want to remind us that this is a decisive issue. I ask them to consider the poor women of this world, those women who, unlike those in America who also suffer sometimes from lack of good services, cannot even access the information to understand how to protect their children that are there with them and yet their unborn children.

I would ask that we understand that what we did just prior to this particular rule is the right way to go, to vote for family planning, unscrambled, unattacked, and ready to be presented, as America has always done, in a kind and loving way. Let us stand up for the women across the world. Let us oppose this rule and oppose the resolution.

Mr. Speaker, I am providing for the RECORD a copy of my complete statement.

Mr. Speaker, I rise in opposition to the rule and to H.R. 581. I support release of the already appropriated international family planning funds at the earliest possible date.

Family planning helps to improve the health and increase the survival rate of women and children during pregnancy, in childbirth, and in the years after. The National Council for International Health estimates that cuts in 1996 family planning funds will result in approximately 8,000 women dying during pregnancy and childbirth and 134,000 infants dying from an increased number of high risk births.

Family planning allows parents to control the number of children that they have and the timing of those births. And in so doing it allows women the opportunity to reach beyond the walls of their homes, to get an education, and to work outside of the family. A recent report of the Rockefeller Foundation argued that devoting less time to bearing children, reducing family size, and improving the health and survival of women and children results in better economic prospects in developing countries.

Representative SMITH and his supporters have attempted to mischaracterize this vote. They have misguidedly tried to recast a vote for international family planning as a vote for abortion.

What Representative SMITH neglects to consider is the fact that not a penny of these funds will be spent to either perform or promote abortion. That is against the law.

What Representative SMITH does not realize is that withholding these funds will reduce access to contraception and in so doing increase unintended and unwanted pregnancies. Experience demonstrates that as unintended pregnancies increase, so does the abortion rate.

The National Council for International Health estimates that the reduced funding will result in approximately 7 million couples in developing countries losing access to birth control methods. They estimate that 4 million unwanted pregnancies will result and that this could lead to as many as 1.6 million abortions.

What Representative SMITH does not discuss is the fact that withholding family planning funds, denies moneys to all countries even those such as Trinidad and Tobago where abortion is illegal.

My colleagues, this is not a vote on abortion. This is a vote to provide more options and opportunities for the people of developing nations around the world.

Representative SMITH's bill is not only ill advised, but it stands in violation of the spirit, if

not the letter, of the compromise on international family planning funds that my Republican colleagues made with President Clinton last year.

For these reasons, I call upon each Member to signal their support for the health and welfare of women, children, and families in voting for House Joint Resolution 36 and against H.R. 581.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from New York, [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong opposition to this rule and this bill for one basic reason: It is antiwoman and it is antifamily.

It is not enough for our women here in the United States to be harassed and intimidated and to have family clinics bombed and burned; now we are considering restricting the human rights of women in other countries to control their bodies.

International family planning assistance has been responsible for reducing maternal deaths and unwanted pregnancies. Contrary to what antiabortion forces tell you, these Federal funds cannot be used to pay for abortions. If we truly want to decrease abortions, then we should release this assistance now without restrictions.

Two hundred twenty-five million women worldwide need family planning services to allow them to make informed decisions. We should be striving to empower poor women around the world, not denying families living in poverty this survival assistance.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me this time.

This is a vote on the rule to allow H.R. 581 to be considered by the House. This is legislation that would provide additional monies beginning March 1 for family planning, and it would frontload $385 million, metering, which is an 8-percent-per-month payout that is in the current law, and would be continued even if the Clinton resolution is adopted by the Senate. This gets rid of metering completely. So all of the money would be available.

Importantly, this legislation will also provide important pro-life safeguards so that the entities and the organizations that we contribute to do not continue their crusade with our money in one pocket and their money in the other pocket to bring down the right-to-life laws in the various countries.

Let me again remind Members that almost 100 countries around the world protect their unborn babies from the cruelty of abortion on demand. And let me remind Members again, abortion takes the life of a baby, whether it be suction abortions or dismemberment, where the babies' arms and legs are torn off. These are unpleasant realities, but they are the reality of what abortion does to unborn babies.

We have to make the world abortion free, not provide free abortion. The pro-abortion organizations, like the International Planned Parenthood Federation, based in London, and others, are absolutely vociferously committed to providing abortion overseas on demand. It is against the cultural values and the moral values of these countries. That does not matter. Their own literature is replete with admonishments, and it pushes and promotes their organizations to try to bring down these laws regardless of what the local populace thinks.

It is the ugly American all over again when we are part of that, trying to impose our cultural values upon these particular people. Human rights ought to be for the unborn and for all people.

It seems to me that birth is an event that happens to all of us. It is not the beginning of life. Human rights are indivisible. Life is a continuum. To say that everyone after birth has human rights and those before do not is contrary to reality and science. And again, these organizations are trying to promote an antithetical view with regard to human rights.

Let me also remind my colleagues that the Organization of American States has a human rights document that recognizes the right to life from the moment of conception. These organizations are working against that basic human right, and I think we should be very careful about to whom we contribute.

This rule allows H.R. 581 to come up for a vote. It is fair. Then we can have our debate on the merits. I think that is as it should be. Vote for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to take a moment to respond to the gentleman from New Jersey.

Frankly, I think the cruelest form of birth control is the fact that 600,000 women die in the world every year from complications, not understanding how to space their families. And it does not happen to all of us, it happens to the women in the world.

It is very important, if we want the emerging world, the developing world, to have a chance to be able to feed, to take care, to provide health care for their population. Part of that equation, without any doubt, is the ability to space and plan one's family.

To take that essential right away from the women of the world because we may believe that some organizations do not always believe what we think is the proper thing, we nonetheless know in this House that those organizations are prohibited from using any of these funds for abortion information or abortions.

What more can we say? Nobody has accused them of going ahead and using it. The fact of the matter is, what we are trying to do is save lives. It is as important as that.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine, [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, I rise today in strong opposition to the closed rule we are considering that would provide for consideration of H.R. 581 introduced by the gentleman from New Jersey [Mr. SMITH].

I believe that consideration of this legislation breaks the agreement that was reached between the President and Congress last year with respect to international family planning.

That agreement provided for a clean up or down vote on release of funds beginning on March 1 if President Clinton notified Congress that the delay in releasing the funds was having a negative impact on international family planning funds.

The agreement has resulted in a nearly 5-month delay in the release of international family planning funds and, as President Clinton has determined, has had a detrimental effect around the world.

The legislation introduced by the gentleman from New Jersey [Mr. SMITH] continues to draw a mistaken connection between international family planning and abortion.

As we have already heard countless times on this floor today, current U.S. law prohibits use of any U.S. funds to pay for an abortion in international family planning. Regular independent audits of USAID have found absolutely no evidence that a single penny of U.S. money has ever been misused.

The only way to reduce the number of abortions around the world is to reduce the number of unintended and unwanted pregnancies. The best way to do that is to continue to fund voluntary family planning initiatives worldwide.

One study has shown that the reduction in funds for international family planning for fiscal year 1995 to fiscal year 1997 will deny 7 million couples in developing countries access to modern contraceptive methods. This will result in 4 million unintended pregnancies. Based on historic patterns, this will lead to almost 2 million more unplanned births and 1.6 million more abortions than would have occurred already.

Mr. Speaker, I urge my colleagues to oppose the rule and vote against H.R. 581.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume to say that certainly we do not want to get the rule mixed up with the controversy of the debate.

This is a good rule to bring the debate forward, and I would hope we would all support this rule.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. WELDON], my colleague and friend.

□ 1330

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in support of the rule and in support of the legislation introduced by the gentleman from New Jersey [Mr. SMITH].

Mr. Speaker, I think there has been a certain amount of confusion introduced regarding the real debate that we are discussing here. The legislation of the gentleman from New Jersey [Mr. SMITH] actually increases the amount of money for family planning and makes it available earlier. It simply places some restrictions in there that are consistent with the Mexico City restrictions, restrictions that do not allow organizations that actively promote abortion services to have access to the funds.

One of the organizations that the President of the United States would like to distribute this money to, the International Planned Parenthood Federation, has a Vision 2000 document that they have made available, and I do not know if my colleagues on the other side of the aisle have read this thing, but not only do they want to promote the availability of abortion services, they actually want to work to advocate the overturning of existing law in these countries that do not make abortion available.

I do not think it is wise use of the U.S. taxpayers' dollars to take taxpayers' money to go and give it to an organization that is going to essentially lobby to have abortion laws overturned in foreign countries. I have people in my district who have trouble making ends meet. I have people in my district who have no health insurance. We shouldn't be taking their tax dollars and giving it to an organization that is pursuing this kind of an agenda.

So we have a very reasonable rule here and a very reasonable bill that it supports, that says you can have even more family planning money but we are just not going to give it to these certain groups that pursue this certain radical, left-wing, pro-abortion agenda.

Mr. Speaker, I highly encourage all my colleagues on both sides of the aisle to support the rule and to support the legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today in strong opposition to this rule. The need for family planning services in developing countries is urgent and the aid we provide is both valuable and worthwhile.

Our international family planning programs promote economic and social development, improve basic standards of health and actually reduce the number of abortions worldwide. Nevertheless, securing funding for these critical programs continues to be a battle. In an effort to resolve this issue and pass the omnibus appropriations bill last year, the White House and the Republican leadership reached an agreement to hold a clean vote this month on the resolution that we just passed, fortunately.

We agreed to release these funds 5 months into the fiscal year instead of 9 months. Alternate legislation was never a part of this agreement. We never agreed to give opponents of family planning one last opportunity to gut these programs. But if H.R. 581 is considered by the House today, that is exactly what will happen. Allowing consideration of this bill will raise serious concerns about our ability to negotiate in good faith during this year's budget process.

That is really the key. An agreement was made. Promises made should be promises kept. In the spirit of bipartisanship, I urge Members to defeat this rule.

The restrictions on population funds in H.R. 581 are not new to us. We have faced these program gutting provisions several times before and we will undoubtedly face them again.

Today's vote should be the one vote we just took on the resolution and that one only. Anything else is a deal breaker. Again, promises made should be promises kept. In the spirit of bipartisanship, I urge Members to defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

I would like to take just a minute if I could to say that if I had my druthers, this bill would not go forward. This is an unreported bill and a closed rule, and I find that fairly egregious, particularly given the fact that we have just voted to support the President's privileged resolution.

However, we will not be calling for a vote. I simply want to voice my objection to the process by which this has happened. We are just beginning this process, and we hope we will not see it again.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to point out that the reason we are here is because of deliberative democracy, a representative form of government that we have. I think that indeed instead of breaking promises, we are living up to promises here, promises to all parties who are interested in the full measure of this debate.

It is remembered, of course, that the previous item that we dealt with, that was brought forward earlier today, was unamendable, it was closed, and to round out this issue it was necessary to come forward with a second piece of legislation. This rule I think does it in a way that is entirely fair, and I believe it is in the best interests of deliberative democracy that we do this. I would also point out that there is a motion to recommit attached to it, so we have given an extra measure of fairness, we believe.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SMITH of New Jersey. Mr. Speaker, pursuant to House Resolution 46, I call up the bill (H.R. 581) to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 581 is as follows:

H.R. 581

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

(a) SHORT TITLE.—This Act may be cited as the "Family Planning Facilitation and Abortion Funding Restriction Act of 1997".

(b) AMENDMENTS TO PUBLIC LAW 104–208.—Section 518A of subsection 101(c) of Public Law 104–208 is amended—

(1) in subsection (a), by deleting, "July 1, 1997" and inserting "March 1, 1997";

(2) in subsection (c), by deleting "Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8 percent of the total available for such activities." and inserting "Subjects to the provision of subsection (b), such funds may be made available in such amounts as the President shall determine to be most conducive to the proper functioning of the population planning program."; and

(3) by adding the following new subsection:

"(f) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(A) Notwithstanding any provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(B) Paragraph (a) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(A) Notwithstanding any provisions of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for

which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which is permitted, regulated, or prohibited.

"(B) Paragraph (a) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the required certifications apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.".

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to House Resolution 46, the gentleman from New Jersey [Mr. SMITH] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, during the last session of Congress, the House voted six times to restrict aid to foreign organizations that perform or promote abortions overseas. We also voted to restrict aid to the U.N. Population Fund unless the UNFPA, the U.N. Population Fund, ended its participation in the forced abortion program in the People's Republic of China.

Mr. Speaker, there is evidence, I think, looking at today's vote and talking to a large number of Members, that there still are a large number of Members who are still committed to the sanctity and preciousness of human life and said that they would vote yes—yes.

I happen to disagree that that was the way to go, but we now have H.R. 581 on the floor and there is an opportunity to manifest ourselves and put on the record very clearly and unambiguously that we want to release the funds for family planning, we want to release the $385 million that otherwise would wait until July 1, but we want to do it with principle. We want to make sure that the money only goes to those organizations that will erect a wall of separation between family planning, which is preventive, and abortion, which takes the life of a baby.

Mr. Speaker, I think more and more Members in the partial birth abortion debate that we had last year began what I truly believe to be an awakening about the gruesomeness of abortion. Abortion takes the life of a baby, whether it be dismemberment of an unborn child's body or chemical poisoning by way of injection or the suction machines which decimate the infant, abortion is violence. It kills babies. Whether it be illegal or legal abortions, the net effect on the child is always the same, one dead baby.

I think our aim in Congress and our aim in humanitarian efforts ought to be to eradicate abortion, to make the world abortion free. Family planning certainly plays a part in that. That is why my legislation and Mr. OBERSTAR's legislation and Mr. HYDE's legislation, H.R. 581, makes it very clear that we front-load the family planning money.

There is no waiting for it. The Clinton administration can have every dime, $385 million, and that is a lot of money, to be used for family planning on March 1. The President will actually get more in our legislation, not more in the cycle of the appropriations, but more quicker as a result of this legislation if he accepts this rather than the resolution just passed.

What is the Mexico City policy? Just let me remind my colleagues that yes, there is such an amendment known as the Helms amendment. It says that we will not directly fund abortion overseas. But we found in the early 1980's, and I have been here for 17 years, I would remind my colleagues, we found in the early 1980's that that law was not preventing the promotion and performance overseas of abortion by these international organizations. They very simply took our money which we were providing, put it in one pocket, provided an accounting saying that if they did not spend it, then it freed up megadollars in their other pocket to be used for the performance of abortion.

Paper and accounting tricks does not, if you are talking about human life being destroyed, really does not cut it. We are fooling ourselves if we think we are mitigating the promotion of abortion with this approach. It has not worked. It is only half a loaf. We need, if we are serious about making the world abortion free and not promoting abortion, take that other step and reestablish the Mexico City policy.

In sum, what the Mexico City policy will do is say we will not contribute to those organizations that perform abortion except in cases of rape, incest, and life of the mother. It also says that we will not provide moneys to those organizations that lobby for or against abortion. It is abortion neutral in that regard.

If you are doing family planning, you should not also be wearing that other hat of being the abortionist organization in that given country. This is very, very significant, Mr. Chairman, in light of what these groups are actually doing on the ground day in and day out.

In the last debate I pointed out that there is a document, and this is one of many, but this document in particular is the abortion manifesto of the family planning groups. It is called Vision 2000: A Strategic Plan. This Vision 2000, adopted in 1992 and agreed to by the 140 Planned Parenthood affiliates around the world, states, and I quote, and it says it throughout the document but this is one direct quote: The IPPF will "bring pressure on governments and campaign for policy and legislative change to remove restrictions against abortions."

This is the abortion lobby in the developing world. We ought to be very careful about to whom we contribute if that is what they are doing, if we care about abortion promotion. If we do not care about it, if we think that is fine and dandy, then you should not be for our bill but if you do care about abortion promotion, look at the consequences: giving money to these organizations means that, yes, they provide family planning, but they also promote abortion very, very aggressively.

Let me also point out that this particular policy, known as the Mexico City policy—where did it get its name, at a conference on population at Mexico City in 1984—has worked, and worked extremely well. During the 9 years that it was in operation, more than 350 family planning organizations and providers accepted the Mexico City clauses and said that they would divest themselves of abortion and be exclusively family planners.

That is what we are all about here: honesty, transparency, no hidden agendas. If family planning is your game, that is what you get the money for, that is what your organization should be all about. But these organizations like to fudge that line of demarcation and say that abortion is just family planning after a conception has occurred and they try again to make no distinction, or very little distinction, between the two.

I urge Members, because this will be the beginning of a long fight in the 105th Congress on this. Yes, the Clinton resolution passed today. That will not be the end of it, I can assure you. We will be back on the authorizing bills, we will be back on the appropriations bills when the fiscal 1998 and the 1999 funds come up, and again we are going to continue with this 1997 effort as well. I hope that by the end of this Congress, every Member of this Chamber, whether they are pro-abortion or pro-life, will be fully aware of what these organizations are doing.

The Trojan horse is this: They say they are all about family planning, they get into the country, they start networking, their real agenda is abortion. They say it in Vision 2000. I urge Members to become acquainted with it intimately so that they know to whom we are giving. They are acting as surrogates for the Clinton administration in bringing down the right-to-life laws.

We need to stand up for those innocent children in these developing countries, provide humanitarian aid. And I take a back seat to no one on providing child survival aid and all kinds of other aid. I offered the amendments in the mid-1980's to provide money for immunizations, oral dehydration, and other kinds of help. That is what it is all about. Family planning is a part of

that, but not when it is linked with abortion.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I rise in opposition to the bill.

The SPEAKER pro tempore. The gentlewoman from California [Ms. PELOSI] is recognized for 30 minutes.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the bill but with the highest respect for the maker of the legislation. I want to reiterate what I said earlier on the debate on the privileged resolution, that I have the highest regard for the gentleman from New Jersey [Mr. SMITH], and he is quite correct. He takes a back seat to no one on child survival issues in this Congress.

□ 1345

In fact he and the gentleman from Ohio [Mr. HALL] have been the champions for poor children throughout the world. On this issue, though, of whether the Mexico City language should apply to international family planning, I respectfully disagree with him, and I emphasize the word "respectfully."

With that, Mr. Speaker, I will take some time later to make my remarks.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. WATERS], the chair of the Congressional Black Caucus, and the fact is that Ms. MAXINE WATERS is a great leader on these international family planning issues.

Ms. WATERS. I thank the gentlewoman from California [Ms. PELOSI] for yielding time to me on this very important issue.

Mr. Speaker, today I rise in strong opposition to H.R. 581.

This bill would reinstate a gag rule on foreign organizations that receive U.S. family planning funds. It would forbid them from discussing abortion with women even if the procedure is legal in their own country and if the organization uses its own money, not U.S. funds, to provide counseling.

If this bill were to pass, countries which immensely benefit from U.S. planning aid, such as India, Bolivia, Jordan, and South Africa—where abortion is legal, by the way—could be disqualified from obtaining U.S. funds for contraceptives simply for complying with their own country's law on abortion.

Thus, an Indian or South African woman seeking advice on family planning would not be told of all of her options.

This is unacceptable.

Further, there is no evidence that the so-called Mexico City policy has decreased abortion at all.

The real issue at stake here is maternal and child health. If the United States continues to decrease international family planning funding, money which has been slashed and whose disbursement has been delayed, we will be hurting millions of men and women who seek or rely on modern contraception to delay or postpone childbirth. We are punishing responsible people.

In funding year 1996, funds were effectively cut by 85 percent, and this is at a time when, internationally, 1 in 6 women of reproductive age are still in need of contraception to postpone or avoid future childbearing. Almost 600,000 women die during pregnancy and childbirth each year; 75 percent of these women die from attempting to abort an unwanted pregnancy themselves.

That is why family planning is so crucial. It saves lives.

Mr. Speaker, it is time for us to stop pretending that restricting discussion on abortion will stop it altogether. We need to continue to work with people to prevent unwanted and unsafe pregnancies in the first place.

I ask my colleagues to please reject the Smith bill.

Ms. PELOSI. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to the Smith resolution.

The Mexico City restrictions which this bill would impose will have a devastating impact on international family planning services throughout the world.

Here we go again. Every time we discuss international family planning, Mr. SMITH offers these restrictions. I certainly respect his views, and we have worked on many other issues together; however, his insistence on imposing these restrictions held up the foreign operations appropriations bill last year and could derail our efforts to get lifesaving family planning money released this year.

The gentleman from New Jersey [Mr. SMITH] claims this resolution is not anti-family planning, just anti-abortion. That just does not make sense. Currently no U.S. dollars are spent on abortion services overseas. In fact it has been illegal since 1973. These restrictions are stringently enforced by USAID.

In addition, as has been stated today on this floor time and time again, family planning services reduce the number of abortions worldwide. The Smith resolution will not stop abortions. It will only increase them.

One of the most important forms of aid that we provide to other countries is family planning assistance. We have heard countless stories today about the critical work done throughout the world by international family planning programs. These programs improve the health and well-being of men, women, and children, they strengthen the economy, protect the environment, enhance the quality of life in developing nations, and most importantly, save lives.

The Smith resolution is dangerous and extreme. It would defund family planning organizations that perform legal abortions with their own money, not United States money. It would also impose a gag rule on U.S. based organizations and nongovernmental organizations that provide U.S. family planning overseas.

I would like to explain that to my colleagues. Doctors from USAID have told me personally about the horribly chilling effect of the gag rule. They have interviewed doctors in small villages who turned away women from botched illegal abortions bleeding to death, and they were afraid to refer this woman. They did so because they feared losing their U.S. funding if they helped the women or even gave her the name of another doctor.

I urge my colleagues to oppose the Smith resolution. It is an extreme piece of legislation that no matter how it is disguised, it is ultimately intended to end U.S. family planning overseas.

A vote for the Smith resolution is a vote against sensible, cost effective family planning programs. My colleagues, it is a vote against lifesaving services.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just let me remind Members that, when Mr. Clinton sent up his 1994 rewrite of the Foreign Assistance Act, he intended and it was in the bill to absolutely repeal the Helms amendment so that direct funding would be used to pay for abortions overseas. So the administration on numerous occasions has signaled that they are every bit in favor of promoting abortion overseas.

As I said earlier in debate when they failed in that effort, we did not do plan 2, and that was to enlist the support of surrogates, namely groups like International Planned Parenthood Federation, based in London, and others to promote abortion for that under this subterfuge of saying that it is not our money. Well, we are giving to a group that is again promoting aggressively the abortion on demand.

And just to show how far down it gets, we recently came across a manual that was put out in the Dominican Republic by the affiliate of the IPPF, which is based in London, and it said this. It is called the Sex Education Manual, and the chapter on abortion makes it clear to the teachers at the end of the lesson that the students should, quote, become aware of the need to change the Dominican Republic's legislation on abortion.

So not only do they lobby legislators and governments and health officials again, and we empowered this group to

be the bully on the block, but they also get into the schools and try to indoctrinate these children to bring down their right-to-life laws, and this is being replicated in every one of these countries.

Mr. Speaker, I have a copy of the manual if anybody wants to see it.

Let me also point out and use this chart to do so that the legislation that is pending before the House will provide more family planning money than the resolution just passed, not more over the cycle of an appropriations, but more up front. And that is very important. The Clinton finding earlier this month essentially said that, if the money does not come now, it is money denied, and that means terrible things will happen.

Mr. Speaker, if that be true, then the more up front the better. Our legislation, the Smith-Oberstar bill, provides $410 million in fiscal year 1997 for family planning. Three hundred and eighty-five is for the family planning account, 25 for the United Nations Population Fund. The administration's request, 240 in fiscal year 1997. So we push out the door with our legislation more money for family planning. It is in the bill.

Please, I urge Members and friends just to read it.

The previous speaker said that the intent of what we are trying to do is to defund family planning. Nothing could be further from the truth. The plain language of the bill makes it clear we are putting more money, not less.

The argument was made back in 1984; I will never forget it, when the Mexico City policy was first put into effect, that the nongovernmental organizations, the NGO's, would never accept it. Well, friends, 350 and upward of 380 family planning organizations signed on the dotted line and said they would divest themselves from abortion and just do family planning. Only the International Planned Parenthood Federation of London and only Planned Parenthood Federation of America stood out and said we are so committed, so obsessed with promotion abortion overseas that we would loose the money rather than take the money and divest themselves of abortion.

So this will be a vote on abortion today. It is pro-family planning, and it is indeed both pro-life and pro-family planning.

Mr. Speaker, I reserve the balance of my time.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise to oppose this bill, which would seriously harm our international family planning programs. I strongly support family planning. I voted for the previous resolution that will release the funds for family planning without condition because I believe that these funds will improve women's health, reduce poverty, and protect our global environment. But I will not vote for this bill.

The supporters of this bill claim that our family planning efforts increase the number of abortions. This is simply not true. By law and by practice, U.S. funds cannot be used to provide abortion services either in the United States or abroad. AID has implemented procedures that carefully monitor the spending of these funds, and independent audits confirm that not $1 of U.S. funds is used to perform abortions.

I disagree personally with this policy, but it is the policy and the law nonetheless.

The real problem with this bill is that, by saying to clinics that they may not use other funds to perform abortions, it will force many health clinics which will not accept such conditions to close for lack of funding. These closed clinics will no longer help women receive prenatal care, will no longer prevent more women from dying during childbirth, will no longer help prevent unintended pregnancies and therefore will no longer help reduce the number of abortions. The number of abortions will increase, not decrease, if this bill were to pass.

So if my colleagues support family planning and want these clinics to remain open, then they must oppose this completely unnecessary bill and vote against it.

This bill is really about family planning, about closing family planning clinics and not about preventing the use of Federal funds from being spent on abortions, which is already against the law, which does not happen. This is an unnecessary, pernicious, and harmful bill that will simply result in more unwanted pregnancies, more fatalities among women, and more abortions.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I come forward today to express my strong support for a bipartisan alternative to President Clinton's resolution. The President's resolution will release an additional $123 million for population control programs for fiscal year 1997 without any pro-life safeguards, and that is what our debate is all about. We need pro-life safeguards.

My colleagues, we object to giving the administration more money to spend this year unless the White House agrees to ensure that these family planning funds will not support organizations which perform or promote abortion.

Mr. Speaker, abortion should not and need not be interjected into the population assistance program as the Clinton administration has done. The President's resolution does not increase funding for international family planning. Rather, what it does is permit the U.S. Agency for International Development to begin spending certain appropriated funds for population control at a date earlier than was established by law last fall. This will result in the promotion and performance of abortion overseas.

□ 1400

I urge my colleagues to support the Smith bill, which will provide international family planning funds with pro-life safeguards. The Smith bill will increase U.S. spending for international family planning programs in 1997, which is what we all want, by nearly $300 million, bringing the total 1997 spending on these programs to $713 million. It will ensure that foreign nongovernmental organizations receiving U.S. funds are not performing or promoting abortions in developing countries, except in cases of rape, incest, or the eminent endangerment of the mother's life.

Mr. Speaker, I cannot be fooled, and none of us can be fooled, by the false claims of many international population groups who state that this is not an abortion issue. It is.

We must be firm and stipulate that no population funds will go to foreign, nongovernmental organizations that, No. 1, perform abortions except in the case of rape, incest, or the imminent endangerment of the mother's physical health; No. 2, violate the laws of any foreign country with respect to abortion; No. 3, engage in any activity or effort to alter the laws or governmental policies of any foreign country with respect to abortion.

My position on abortion has been clear and consistent. I oppose it, except in certain very specific cases. The White House privileged resolution will debase the whole medical profession, it debases our system of law, and indeed it debases our very notion of the concept of life.

Our system of laws, our American heritage, is based on the idea that people have certain God-given rights. Those rights are life, liberty, and the pursuit of happiness.

Those rights existed before laws were established. In fact, it is because those rights existed that laws were established in order to protect those rights.

First and foremost among those rights is the right to life.

As lawmakers we have a responsibility to protect the lives of our citizens, in this case, the very youngest, most vulnerable of American citizens. We must also protect those sacred lives in foreign countries where we are having a direct impact on their international family planning programs.

I urge my colleagues to do the right thing. I urge my colleagues to stand against this hideous, repugnant practice.

If President Clinton believes, as he says, that abortion should not be promoted as family planning and that international family planning programs need more funding this year, he should abandon the rigid stance he has taken in negotiations to date and accept the terms by Congress.

Let us stand up for a good principle and support additional international family planning dollars which will go to organizations which will not perform or promote abortion as a method of family planning.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CAPPS], a Member of the freshman class.

Mr. CAPPS. Mr. Speaker, I thank the gentlewoman from California [Ms. PELOSI] for yielding.

Mr. Speaker, I come to the United States as a former teacher of religion, and I want to speak plainly about H.R. 581. Religious people representing a variety of traditions and denominations have very strong feelings on this subject. They know that the number of unwanted pregnancies is too high. They also know that the estimated 25 billion unsafe and illegal abortions annually is a moral issue that must be addressed. Therefore, there is a strong consensus that there should be voluntary access to family planning services. The evidence confirms that family planning prevents unwanted pregnancies.

Mr. Speaker, people of faith affirm that human life, human reproduction are intended by God to be a blessing for the world. Responsible stewardship of human reproduction dictates that each child is a blessing for that child, his or her family and the world. Giving people the tools to take responsibility for their own reproductive health is vital to achieving this goal.

H.R. 581 will devastate these programs. This bill will severely inhibit comprehensive reproductive health services by shutting down many foreign NGO's that provide these services. Because of this the Mexico City-H.R. 581 restrictions will result in more abortions around the world, not fewer.

This bill also runs contrary to a fundamental sense of stewardship. As retired Senator Mark Hatfield from Oregon said, I quote, "Anti-abortion speech will not reduce the number of unintended pregnancies as swiftly or as surely as our support for voluntary family planning."

Fully supporting international family planning programs is one of the most humane, moral, and ethical positions that we as a Nation can take. I vote "no" on H.R. 581.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. ADERHOLT].

Mr. ADERHOLT. Mr. Speaker, I rise today in support of H.R. 581, a bill that would literally save the lives of countless children throughout the world. I commend my colleague from New Jersey [Mr. SMITH] for introducing this important bill which would prevent international family planning funds from being used for abortion.

I want to make this point very clear. Abortion is not family planning. I have heard many of my colleagues say that this debate is not about abortion, but rather about saving lives. How ironic. We have heard many say that this funding for family planning is essential. Congressman SMITH's bill allows even more funding for family planning, so long as the funds are not used to promote abortion.

The question we will vote on in a few minutes is quite simply whether you oppose taxpayers' funds being used to promote abortion in foreign countries or whether you oppose it, pure and simple. I am proud to stand today with those who oppose it and to support life.

Mr. Speaker, I urge my colleagues to support the Smith bill.

Ms. PELOSI. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from California [Mr. SHERMAN], also a Member of the freshman class.

Mr. SHERMAN. Mr. Speaker, my predecessor, Congressman Tony Beilenson, served here for 20 years, and was one of the leading advocates of international family planning. In recognition of his legacy, my first speech on this floor is again in favor of international family planning, and in opposition to unwarranted restrictions on family planning that would be imposed by this proposal.

International family planning brings together so many things that both I and many of my colleagues, and I think the vast majority of those in my district, care about. We care about the environment, and unless we do something to control the international population explosion, virtually all of our other environmental controls will simply be like taking a few buckets out of the ocean. We care about the dignity of women. Women in Third World countries acquire additional status, dignity and rights when they gain control of their own bodies and are afforded a full range of reproductive freedom.

The other side has made this a debate on the choice issue. I do not think that it is. But to the extent that a no vote is an opportunity to say that we believe in a woman's right to choose, we have another good reason to vote lgainst this proposal.

This vote is a chance for us to stand for peace and development in the Third World, which can occur only if we deal with the population explosion which so tragically affects so many underdeveloped countries. It is a chance for us to deal with the illegal immigration problem. With our support, Mexico has been able to cut its population growth rate by over one-third through effective international family planning assistance. We need to continue that effort.

Finally, it is important that this Government operate as efficiently as possible. We need to contract with the international family planning agencies that are most effected. We should not impose some sort of political correctness test and say that we will not contract with this agency or that agency, and end up instead going to a less effective family planning organization.

So whether it is control of illegal immigration, enhancing our environment, working toward government efficiency, defending a woman's right to choose, promoting the dignity of women, or seeking peace and prosperity for the underdeveloped portion of the world, a vote against this alternative is called for.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 581, and I congratulate the sponsors, and especially the gentleman from New Jersey [Mr. SMITH], for leading the effort on this bill, for presenting us with a responsible and viable alternative to House Joint Resolution 36.

H.R. 581 allows AID to begin spending international family planning funds on March 1, and the bill deletes the restriction which releases these funds only on a monthly basis. Proponents of the previous bill would certainly support those provisions.

So the debate is on the reinstatement of the Mexico City policy that this bill mandates. The Mexico City language is straightforward, and I quote: "No funds appropriated for population planning activities may be made available for any foreign, private, nongovernmental or multilateral organization until the organization certifies it will not perform abortions in any foreign country except where the life of the mother would be endangered or in cases of forcible rape or incest."

From 1985 to 1993, this language protected the American taxpayer from having their tax payments spent on abortion. For 8 years this language assured our great Nation would not directly or indirectly support or promote abortion as a method of family planning throughout the world. With all of the world's great crying needs, we should not be spending our scarce foreign aid dollars to subsidize and promote abortions.

The world looks to America for moral leadership. The world looks to America for justice for the weak and the disenfranchised. We should respond to this call for leadership, not by promoting abortion in the poorest nations of the world, but by helping them develop the economic and political infrastructure that encourages development and progress. Abortion does neither.

Mr. Speaker, I urge a "yes" vote on H.R. 581.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I urge my colleagues to vote against the Smith legislation. Since 1973, no U.S. dollars for international family planning programs have been

used for abortions. Not one. And it is not true that the Smith amendment will not impact women seeking family planning services, although the money provided is the same in both resolutions. Cutting off certain clinics because of how they use their own money does impact women.

In rural parts of the world it is not like Washington. There is only one health clinic. There is only one choice. Women there are lucky to have in fact one health clinic providing family planning services. They do not have a choice of clinics.

This vote is not about abortion, it is about family planning. By any measure, increased access to family planning decreases the number of abortions. The use of effective contraception has increased markedly throughout the world in the last 30 years. The percentage of couples in developing nations using family planning has increased from 10 to 50 percent, but we still have a long way to go. Nearly 230 million women worldwide, roughly one in six of reproductive age, are still in need of modern contraceptive methods in order to plan their families.

As the 20th century draws to a close, by the year 2000, some 800 million people, one-seventh of the world's population, will be teenagers in 4 years. While this reflects the incredible achievement of cutting down child mortality by half since 1950, it also has enormous implications for future population growth.

The U.N. predicts that in the next 50 years, world population, in just 50 years, will grow by 3.6 billion, the current population of Asia. Providing women with the power to control the number of children they have and to space them apart is good for women and children and for our world, and I urge opposition to the Smith amendment.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, I rise today in opposition to the Smith resolution, H.R. 581, which would reinstate the so-called Mexico City policy. I find the restrictive resolution to be superfluous.

We all know that in the 1973 Helms amendment, which prohibits any U.S. funds for abortion in international family planning, it is part of the permanent foreign aid statute. Furthermore, there is no evidence that any recipient of the U.S. funds has ever violated the terms of this Helms amendment.

This unnecessary layering of already restrictive law can only work to harm women and children worldwide by denying them the various health services provided by international family planning organizations.

The effects of the Mexico City policy are far-reaching and negative. According to UNICEF, every year 600,000 women die of pregnancy-related causes; 75,000 of these deaths are associated with self-induced, unsafe abortion. Is this the result we want?

In addition, the Mexico City policy serves as a threat, a gag order, that results in failure to assist women in need. For example, if a woman is suffering from a life threatening infection that is the consequence of a self-induced abortion, members of an international family planning organization might fear that treating such a woman would result in loss of funds. Is this the result we want?

To say that family planning is abortion is to trivialize a complex and critical issue. Family planning is prenatal care. Family planning is child nutrition. Family planning is followup and preventive care, and the education provided by family planning is often what enables children to survive their first year and what enables women to survive their pregnancy.

□ 1415

Do not impose this gag order. Provide the world with family planning education that works to eliminate the need for abortion. Let us defeat the Smith resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN], chairman of the Subcommittee on International Economic Policy and Trade of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Speaker, the Clinton administration keeps telling us that we do not need to worry about how many hundreds of millions of dollars go to organizations that perform abortion overseas or that lobby for pro-abortion laws, because we already have laws on the books that forbid these organizations from using the actual U.S. taxpayer dollars to pay for the abortions or for the pro-abortion lobbying.

But this simply ignores the fact that money is fungible. When we give these pro-abortion organizations $1 million, we instantly free up other money that they are free to use for whatever they want, including more abortions and more abortion lobbying. None of us would run our personal lives the way the Clinton administration wants us to run our government.

If one of us had a friend who was doing something of which we deeply disapproved, perhaps this friend had a drug habit, and asked us to give or lend him $100 a month to buy drugs, of course, we would have to refuse. But then suppose that friend said, all right, I understand that you disapprove of drugs, but suppose you give me $100 a month to help pay my rent. I promise not to use your $100 for the drugs. I will apply your $100 toward my rent, and that will free up my $100 to buy drugs. We would still have to refuse, of course, because we would know that by giving the $100 we would be enabling and empowering the friend to buy drugs.

Mr. Speaker, this is exactly the same way that the groups that perform and promote abortions go about their ways. If we give them an extra $123 million and they remain in the abortion business, it does not make any difference whether they give us a piece of paper that says "We used your money to buy contraceptives and our money to perform abortions." By subsidizing and enabling and empowering these groups, we subsidize, empower, and enable all of their activities, including abortions.

The Clinton administration is, in effect, urging Congress to spend U.S. taxpayers' money and not worry too much about the consequences. But we cannot ignore the way the world works. I urge my colleagues to support the Smith amendment.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I just want to make one point. In the earlier debate it was pointed out that World Vision wants to release these funds. I think it should be made very clear, World Vision is a group that I strongly support. They are into helping to alleviate suffering brought about by famine.

Let me read a letter dated February 7 from the president of World Vision, and it reads as follows: "Our organization supports the release of funds with the so-called Mexico City policy, which prevents U.S. Government funding from subsidizing foreign organizations which perform or promote abortion as a method of family planning, and lobbying to ease or diminish anti-abortion laws—either in the United States or in foreign countries."

"We believe," the World Vision letter goes on to say, and it is signed by Robert Seiple, "We believe these pro-life safeguards are important to protect the integrity of our efforts and those of many other humanitarian aid organizations."

Mr. Speaker, I ask that the full letter be made part of the RECORD, but I would point out that World Vision supports this legislation, they support the Mexico city policy.

The letter referred to is as follows:

WORLD VISION,
Washington, DC, February 7, 1997.

Hon. JOSEPH R. PITTS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE PITTS: World Vision has not changed its position on abortion. I am writing to reiterate our position to you and other members of Congress following a January 31 letter regarding the release of funding for international family planning services. I signed the letter, along with the presidents of CARE and Save the Children.

Since it was established in 1950, World Vision has always and will continue to oppose abortion as a means of birth control. Abortion runs contrary to our core beliefs as a

Christian organization. All of World Vision's efforts, both in the United States and in more than 100 countries around the world, seek to save, extend and enhance life. Toward our goals of enhancing and extending life, World Vision supports programs in developing nations to save children's lives. These programs include immunizations, disease prevention and treatment and efforts to improve nutrition. In addition, we encourage efforts to educate parents about maternal health, to avoid high-risk pregnancies and to advocate birth spacing.

These strategies help to avoid risky and unplanned pregnancies both to protect the life of the mother and to prevent women from resorting to abortion as a means of birth control. As President of World Vision, I have visited many of the programs in some of the most difficult places in the world. I have met with women in Africa, Asia and Latin America and other regions of the world who personally have benefited from these services.

We believe these pro-life safeguards are important to protect the integrity of our efforts and those of many other humanitarian aid organizations. Serious health concerns for women, children and families are at stake, including unintended pregnancies which will likely increase, not reduce, the number of abortions performed on women in developing nations.

Should you have any questions on this issue, or on World Vision's position on abortion, please contact Ken Casey, Senior Vice President, in Seattle at 206-815-1000.

Sincerely,

ROBERT A. SEIPLE,
President.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. OBERSTAR], a cosponsor of our legislation, H.R. 581.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is put-up-or-shut-up time for those who are advocating funding for family planning without abortions. This resolution reinstates a policy that has been in effect for the past nearly a decade. Three hundred fifty organizations worldwide have accepted funds from our Government with the restrictions on abortion that we have included, the gentleman from New Jersey [Mr. SMITH] and I have included in this language, which is the so-called Mexico City policy.

To be very clear and very simple in stating the case, in order to receive U.S. population control funds, foreign nongovernmental organizations must agree not to perform abortion, except in cases of rape, incest, or where the life of the mother is in danger; second, not to violate the laws of any foreign country with respect to abortion; or, third, not to engage in any activity or effort to alter the laws or governmental policies of any foreign country with respect to abortion.

If they really believe what they say, that they do not use abortion as a method of family planning, they do not advocate abortion, they do not perform abortions as a method of family planning, then why can they simply not agree to that language? It is straightforward, it is simple, very clear, makes a wall of separation between the reprehensible practice of abortion and, on the other hand, helping women who are in difficult circumstances in any part of the world, particularly in third world countries, to gain some measure of control over their lives.

Mr. Speaker, we have for years demonstrated the willingness of this Congress to approve funds for family planning, provided that none of those funds are used to perform abortion. In the international arena we have followed the same policy. This language that we include in our legislation, H.R. 581, makes it very clear that family planning funds may be available, but that they cannot be used to perform abortion.

There are organizations that are very intent on using abortion, counseling for abortion, working to change the laws of foreign countries on abortion. We should not use U.S. taxpayer dollars for that purpose.

I hear the arguments on the other side about the need for women to have access to family planning information, plan their lives and plan their pregnancies. That is fine. But it should not go hand in hand with abortion.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate very much my colleague yielding. I think, as he knows, I have long been a vote in this House interested in preserving life. I feel very strongly that we ought to do all that we can to see that abortion is not used as a tool.

But could either the gentleman or our chairman answer this question for me: We do provide, from Federal coffers, a sizeable number of dollars across the country to the several States in the United States that has to do with family planning. Does the gentleman know if we require similar language and limitation upon those funds that flow to the several States of the United States?

Mr. OBERSTAR. Mr. Speaker, I would say to the gentleman, yes.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, foreign nongovernmental organizations are not governed by the same laws that domestic nongovernmental organizations are.

Mr. LEWIS of California. I understand that.

Mr. SMITH of New Jersey. The Mexico City provisions were litigated. Planned Parenthood brought a suit, and they were found to be completely constitutional. Let me make a point.

Mr. LEWIS of California. Mr. Speaker, does that answer my question? Does it say that we do not allow—

Mr. SMITH of New Jersey. No, we do not, because it would be construed to be unconstitutional. Otherwise, we would like to do it.

Mr. LEWIS of California. So we are essentially saying to foreign countries, you will follow a line of logic that is unconstitutional?

Mr. SMITH of New Jersey. We are saying where we can protect an unborn child and a generation of unborn children from aggressive lobbying by a non-governmental organization, we are going to do it. If we cannot save all of the kids, we try to save some.

To say we have to have some kind of equal policy, just because we like to say everything is the same everywhere, that to me is not productive. When we can save a child in Kenya or we can save a child in Central or South America from an assault on the law that protects them, we ought to do it.

Let me also point out to the gentleman, if the gentleman from Minnesota will continue yielding, we are talking about discretionary funding. This is not entitlement funding. We in this Congress appropriate every year certain amounts of money to be used for this purpose. It should not be the NGOs to dictate to us that, we will not take your money unless we do this, that, and the other thing. We should put simple conditions and say, do family planning; do not permit abortions.

Mr. LEWIS of California. If the gentleman will continue to yield further, I would suggest for those who are concerned about life that we might very well consider similar limitations upon discretionary monies in this country that flow to States if they are not responding similarly, if we are serious about those limitations. I appreciate my colleague yielding to me.

Mr. OBERSTAR. As the gentleman well knows, under the Medicaid language for years that we have debated on this floor, we have had several dozen votes, maybe several hundred votes on this issue over the last 22 years that I have served here, we have imposed this restrictive language that none of the funds may be used to perform abortions.

Mr. LEWIS of California. The gentleman's last comment raises just one more point. I would certainly hope that those of us who are concerned about the life question would know that sometimes we defeat our purpose by having several hundred votes, it seems, a session, on this same issue. Many Members are reacting very strongly to that, including this Member.

Mr. SMITH of New Jersey. If the gentleman from Minnesota will continue to yield, the only way, because if language is silent on the Labor-HHS bill or the Federal employees health benefits program or any other program, it

pays for abortion. It is incumbent upon us, those of us who do not want our tax dollars being used to subsidize abortion or the performance of it, to offer amendments. Otherwise it is used to pay for it. There is no blanket prohibition.

Mr. LEWIS of California. As my colleague can see by the vote today, sometimes that is self-defeating.

Mr. SMITH of New Jersey. We will be back.

Mr. OBERSTAR. To further respond to my dear friend, the gentleman from California, we would not have dozens or hundreds of votes on this subject if, in initiating programs, those who advocate family planning would stick to their last, and stick to what they believe in, and say these funds are only used for counseling, they are not used for changing people's minds about abortion, performing abortion, or advocating abortion. That is all we are asking.

Mr. LEWIS of California. I appreciate my colleague.

Ms. PELOSI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California, [Mr. LEWIS] was quite correct in his line of questioning. Indeed, the Mexico City language, if it were applied in the United States, would be unconstitutional. What we are saying with this Mexico City language, otherwise known as the gag rule, is that we will apply unconstitutional prohibitions to organizations which receive international family planning funds from the United States.

Let me be clear: No funds, and I am going to read them, because this is the existing law, and for Members who voted for the President's finding in the previous resolution, I want them to understand very clearly why the Mexico City language indeed is a gag rule, indeed is unconstitutional, and as other Members of this body have said earlier, is unnecessary.

First of all, I direct the Members' attention to the chart. Current prohibitions on use of AID funds for abortion-related activities cannot be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any other person to have an abortion.

USAID funds cannot be used to lobby for or against abortion.

These funds cannot be used to purchase or distribute commodities or equipment for the purpose of inducing abortion as a method of family planning, and these funds cannot be used to support any biomedical research which relates, in whole or in part, to methods of or the performance of abortion as a method of family planning.

To make sure that this Helms language is enforced, there are very stringent safeguards in place which again I want to call to our colleagues' attention.

Strict procedures assure that no USAID funds are used for abortions, including legally binding contracts. USAID funds are provided in the context of legally binding contracts and grant agreements that include standard clauses, specifically listing prohibited activities. Violators are subject to heavy fines and loss of future AID funding.

USAID closely monitors how its funds are used through requiring detailed annual work plans, numerous detailed reports on all project activities, site visits, management reviews, and review and concurrence on project publications, and regular audits. Contracts and agreements with foreign or private organizations are subject to regular, independent audits, as defined by the Federal acquisition regulation system. USAID grantees are required to maintain extensive documentation of expenditures of foreign subcontractors who are subject to audit.

I go into this level of detail to emphasize once again that what we have proposed here today and what this House approved has nothing to do with abortion, and that the Mexico City language again would be unconstitutional in the United States. Why should we subject our grantees abroad to that gag rule, which as I say again, is unconstitutional in our country.

A couple of more points that I want to make, because comments that were made here on the floor beg for clarification.

□ 1430

It has been repeated over and over again, certain critics of the International Planned Parenthood Federation and of government funding of international family planning programs have recently, they are stepping up this campaign citing IPPF, International Planned Parenthood Federation, as promoting abortion around the world. Let me state, the International Planned Parenthood Federation does not accept or promote abortion as a method of family planning. IPPF believes that contraception is the first line of defense against unwanted pregnancy. Access to family planning service is the most effective way to reduce abortions and the mortality caused by them. I have more information on that if Members have questions about that.

Another point that I want to reference the Smith bill, again with the greatest respect for the gentleman, in his bill, the Mexico City language, the gag rule, states that, notwithstanding any provisions of the bill, no funds appropriated for population planning activities may be used by an organization to engage in any activity or effort to alter the laws or governmental policies of any foreign countries governing the circumstances under which is permitted, regulated or prohibited.

Among other things, that is what this language does, which would change current law if it were passed and signed into law, which the President will not sign. So we have an exercise in futility at this hour of the day, and I will try to be brief. But I believe that it is necessary to protect the vote of our Members who voted in favor of the President's finding earlier.

Why are we subjecting organizations engaged in family planning internationally to conditions and standards which first of all are unconstitutional in the United States but do not apply here either? Our colleagues used the termed fungibility. If you give your money for this, it frees up your other money to do that. That is exactly what happens every time we grant a contract or a grant.

Are we subjecting the defense community to the scrutiny of its spending on what it does with its own money because they receive defense contracts from the Federal Government? The list could go on and on. It just does not seem fair to me that we should gag organizations from using their own funds for their own purposes. And if that includes making information available to women, it has nothing to do with the Federal funds that we vote in this body, and it does nothing with the constitutional approach that we take to our grantees in the United States.

What is further at issue here is this subjects that same scrutiny to the subcontractors, to these international family planning organizations. So all of this presents a gag, a hindrance, an unnecessary encumbrance. I urge our colleagues to follow this issue closely and to reject it on this vote today, as I have said over and over again. The highest regard for the maker of the motion, this gag rule has no place in our country. It should not have any place in our funding for international family planning.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman from New Jersey [Mr. SMITH] has 2½ minutes remaining, and the gentlewoman from California [Ms. PELOSI] has 6 minutes remaining. The gentleman from New Jersey [Mr. SMITH] reserves the balance of his time and reserves the right to close.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise to oppose this legislation, which would kill American support for the international family planning programs.

I oppose this bill for several reasons. First, it is a bill to correct a problem which does not exist. Right now, no American aid, I repeat, no American aid pays for abortions overseas.

Since 1973, Mr. Speaker, it has been illegal for American aid dollars to support abortion services in any way.

I also oppose this bill because the attempt to reinstate the Mexico City policy will have a chilling effect on family

planning services. We know that the other body will not pass this legislation, and the President has vowed to veto it. This bill will only continue the current delay in services which will lead to real human misery and environmental degradation.

I want to make it clear, Mr. Speaker, that to delay is to devastate. Listen to what the National Council for International Health has had to say on this matter. They say: Last year's reduced aid for family planning is resulting in 7 million couples losing contraceptive services.

That is 7 million couples.

This will result in 4 million unwanted pregnancies. It could mean 1.6 million abortions and 8,000 maternal deaths. Passage of the Smith bill would make this worse.

Oppose this bill. Oppose further restrictions to family planning. Let us release urgently needed American aid.

Ms. PELOSI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I thank the gentlewoman for yielding me the time.

If the other Members of the body are like myself, they are receiving calls from their constituents who are, regrettably, very confused about this issue. They are calling and saying, do not vote for the President's resolution because it promotes abortion and vote for this Smith bill because it stops abortion.

And of course nothing could be further from the truth. What this is about is very simple. This is about the fact that somewhere in sub-Saharan Africa where the population rates are just crushingly explosive, there is a little clinic somewhere and that little clinic is attached to a hospital. And the clinic provides birth control so that women do not become pregnant and do not have to have abortions. But maybe 100 miles away from that hospital, where abortion is legal, a woman comes in with her own money—not with American taxpayers' money—and might avail herself, for whatever her reasons, of a legal abortion.

My friend, the gentleman from New Jersey [Mr. SMITH] wants to say, then let us not give that hospital any money even to run its family planning clinic. The result of that is very, very straightforward. That little clinic out in the hinterland somewhere will not have any IUDs, will not have any birth control pills. More women by the thousands will become pregnant. And where will they end up? They will end up back at that hospital, which will be doing more abortions there than ever before.

It is time we got logical about this issue. If you are against abortion, if you want to see the number of abortions on this planet decrease, then you have to be for family planning and you have to trust the women of the world to make the right decisions.

Ms. PELOSI. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, Mexico City is nothing more than an international form of gag rule on providers, severely restricting the way legitimate helpful organizations use their own funds. Restricting use of money will not decrease the number of abortions performed in developing countries. Rather, lack of access to family planning facilities will likely lead to an increase in unwanted pregnancies and therefore more abortions.

We have seen in our own country how simple family planning education can work to solve problems of overpopulation and reduce the number of unplanned pregnancies. Again, family planning means education. It is not a means of doling out abortion dollars across the globe.

This gag rule has no place in this debate, and I urge my colleagues not to give in to these tactics. I urge a vote against the Smith bill.

Ms. PELOSI. Mr. Speaker, I yield myself the balance of my time, to thank our colleagues on both sides of the aisle and both sides of the issue for this, I think, productive debate this afternoon. All of the participation, the full participation of Members, I think, has been very helpful to us. But I want to use my remaining moments to thank and acknowledge the staff for their hard work on this issue. From the staff of the gentlewoman from New York [Mrs. LOWEY], Matt Traub and Sharon Levin; Lissa Topel from the staff of the gentlewoman from Connecticut [Ms. DELAURO]; Kara Haas, Judy Borger, Mark Kirk, Terri McCullough, Leslie Patykewich, from my own staff, Carolyn Bartholomew; and from the subcommittee, Mark Murray, Scott Lilley. As always the staff is the great untold story of Congress. They are a tremendous resource to us. They work so hard, and I wanted to give them this recognition on a day when we are debating this very, very important legislation.

Mr. Speaker, I just say once again, let us not hold the children, the poor children of the world hostage to congressional politics. Vote "no" on the Smith amendment.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just say again, nobody is holding this policy or family planning hostage to congressional politics. This has everything to do with the deep-seated and very strongly held belief that every human life is precious, born and unborn. We cannot and should never facilitate a policy that puts the unborn at risk of being killed by abortion on demand.

Let me also make the point, a clarification: We have heard on the other side how this is somehow a gag rule. The gag rule is a word that was coined during the title X debate dealing with abortion counseling. Abortion counseling is not covered by the Mexico City policy. It was not during the years that it was in effect, and I am amazed how that disinformation continues to persist both in the media as well as by Members who have been offering up positions on the other side of this issue.

Let me also point out, we do not concede that Mexico City policy would be unconstitutional if applied to United States domestic organizations. But a decision was made in the Reagan administration years ago, and it was fully litigated, that foreign nongovernmental oganizations would be the ones that would be affected, and it was upheld by the U.S. Supreme Court.

Finally, let me say that H.R. 581 is pro-life but it is also pro-family planning. One of the speakers on the other side was bemoaning the delay. OK, let us end the delay. Let us get all $385 million plus the 25 million for the UNFPA out the door by March 1. Only the Smith-Oberstar-Hyde bill does that. So if money delayed is money denied, our bill gets the money there sooner rather than later. But it does so in a principled way. It says that we are for family planning but we are not for abortion.

Let me also point out again who we subsidize does matter. We should not compartmentalize our view and say if they do this with our money that is OK and who gives a darn what else they do with the rest of their money. Abortion is child abuse. It kills babies. It is a violent act. Let us face that reality.

The partial birth abortion ban fight last year at least began forcing all of us to look at abortion for what it truly is and at the methods of abortion for the cruelty that they represent toward children.

Who we subsidize does matter. The IPPF based in London, International Planned Parenthood Federation, has a strategic plan. They make no bones about it. It is right here in black and white. They want abortion on demand in every country of the world. They have action plans for every country of the world. Vote yes on H.R. 581.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of H.R. 581, a resolution which would prevent American international family planning funds from being used to actively support abortion as a preferred method of family planning.

The majority of my constituents and I believe that the taking of a life is totally unacceptable, and we do not support funding for organizations which support abortion services. Taking a life is a deplorable act, one which carries grave consequences in our justice system. How do we reconcile our system of punishing murderers with providing funding to foreign organizations which support abortion?

H.R. 581 also includes provisions which would ensure that American aid will not support organizations which work to modify existing policies regarding abortion in foreign nations, as well as organizations which disobey foreign nations' laws relating to abortion.

Family planning is the goal of these funds, and there are alternate methods of family planning which do not condemn a life. By supporting H.R. 581, the United States can still be at the vanguard of family planning programs without advocating abortion as an option.

I urge my colleagues to lend their support for H.R. 581. Everyone knows that the taking of a life is wrong, let us not show the world that the United States not only accepts murder as a form of family planning but actively funds organizations who support it.

Mr. PACKARD. Mr. Chairman, I rise today to support Congressman SMITH's bill to make sure that agencies receiving international family planning funds do not use these funds to promote abortion. Many Americans believe that their taxes do not support abortion overseas, but they have been terribly misled. Their money is distributed generously to groups who actively encourage abortion, seek to overturn foreign countries abortion laws, and support programs which are tainted by forced abortion and sterilization of women policies.

Although I do question the necessity of releasing these funds early, what is really at issue here is how the Clinton administration chooses to distribute these funds. In 1993, President Clinton overturned the Reagan-Bush era policy which prohibited U.S. financial support for international organizations that either promote or perform abortions as a means of birth control. I find it morally unjust to require U.S. taxpayers to support the global proliferation of abortion.

Instead of filling clinics overseas with abortion-related equipment, the United States should stock the shelves with lifesaving drugs which will help to save the 2.1 million children—according to UNICEF—who die each year from vaccine-preventable diseases.

The Smith legislation would allow the release of family planning funds early, as the administration has requested. However, it would stop rewarding international organizations that promote and perform abortions with American taxpayer dollars—which is exactly why the President has threatened to veto the Smith bill and thereby eliminate any possibility of an early release of these funds.

Yes, the administration has never hidden its support for both international family-planning services and abortion. The two are clearly not the same. I urge my colleagues to support the Smith bill and make that distinction absolutely clear.

Mr. ROEMER. Mr. Chairman, as a strong supporter of family planning initiatives, I would like to emphasize my support for the U.S. International Family Planning Program. This program has been extremely effective in protecting the health and lives of women and children in underdeveloped and developing countries throughout the world.

Today, I will be voting for H.R. 581 which was introduced by Representative CHRIS SMITH. For those who claim to be true supporters of our family planning efforts overseas, I believe this is the correct vote to cast. H.R. 581 will release the full $385 million in international family planning money on March 1, 1997—bringing the total fiscal year 1997 spending on these programs to $713 million. In other words, this bill will provide nearly $200 million more in funding than the resolution which was passed by the House earlier today (H.J. Res. 36). In addition, it will ensure that this Federal funding is used only for contraceptive family planning and health care services, not abortion.

As a supporter of family planning, whether it be international or national initiatives, I believe we need to examine how the United States can best support true family planning efforts. Clearly, if we are talking only about family planning and contraception, rather than abortion, then the Smith bill before us would provide substantially more funding for health care services and have a greater impact on low-income women and children abroad. Supporting H.R. 581 will ensure that we provide the maximum amount of international family planning money available, while at the same time ensuring that U.S. tax dollars are not used to provide or promote abortion.

I encourage my colleagues to join me in voting "yes" on this important legislation.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 46, 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.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SMITH of New Jersey. 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 231, nays 194, not voting 7, as follows:

[Roll No. 23]

YEAS—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Quinn
Radanovich
Rahall
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn

Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Molinari
Moran (VA)
Morella
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Carson
Clay
LaFalce
Mink
Nussle
Obey
Young (AK)

□ 1502

The Clerk announced the following pair:

Mr. LAFALCE for with Mrs. Carson against.

Mr. JACKSON of Illinois changed his vote from "yea" to "nay."

Messrs. BOB SCHAFFER of Colorado, HUNTER, McDADE and EHRLICH changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING APPRECIATION FOR THE LIFE AND SERVICE OF AMBASSADOR PAMELA C. HARRIMAN

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 49) expressing appreciation for the life and service of Ambassador Pamela C. Harriman, and I ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. McINNIS). Is there objection to the request of the gentleman from New York?

Mr. HAMILTON. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from New York [Mr. GILMAN] for an explanation of the resolution.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Indiana for yielding. I have just been informed by the leadership that there will be no further votes today.

Mr. Speaker, it is with both sadness and gratefulness that I ask the House to adopt this resolution concerning the recent passing away of a great American, Ambassador Pamela C. Harriman. Her sudden death last week left all Americans bereft of a truly dedicated public servant, a woman of wide learning and interest and a great patriot. It is only fitting that on this day that our Nation pays tribute to Ambassador Harriman, that we too mark her passing and remember her life.

Mr. Speaker, I hope that all of our Members will join with the gentleman from Indiana [Mr. HAMILTON], the gentleman from Illinois [Mr. MANZULLO] and myself, acting on behalf of our Committee on International Relations, in putting the House of Representatives on record in appreciation of Ambassador Pamela Harriman's life.

We should bear in mind that as a wife she provided her wisdom and solace during the last years of his life to one of the great statesmen of this century, New York's Governor Averell Harriman. We should also take note of her contribution to the Allied victory over Nazism in Europe through her earliest exploits in the field of diplomacy, helping to unite as allies the nations of France, Great Britain, and the United States. In her capacity as a United States Ambassador Extraordinary and Plenipotentiary to France, Pamela Harriman gave the last measure of her life to serving our Nation, her adopted country. She brought to this task all of her skills and experience in keeping the ties between our Nation and France strong despite many troublesome disagreements between our nations. She was very much a hands-on Ambassador, working long hours, devoting substantial energy to this task.

Although this resolution has not been formally considered in our Committee on International Relations, we did have a discussion on the matter on February 4 at our committee's organizational meeting which happened to occur on the day of Ambassador Harriman's passing away. At that meeting, our committee agreed to a unanimous consent request propounded by the gentleman from Illinois [Mr. MANZULLO] setting out essentially the wording and noting our support for moving a resolution noting such sentiments on the floor. I wish to commend the gentleman from Illinois for his strong interest in making certain that this matter was considered in a timely and an appropriate manner.

Mr. Speaker, for all of these reasons, I believe that support of this resolution is merited, and I hope that all of the Members will join with us in recognizing Pamela Harriman as a distinguished stateswoman and a great American.

Mr. HAMILTON. Mr. Speaker, further reserving the right to object, I want to join the distinguished chairman of the House International Relations Committee in expressing appreciation for the life of a great public servant, Ambassador Pamela C. Harriman.

She became an American by choice and devoted herself to the betterment of her adopted country. As the Ambassador of the United States to France, she worked tirelessly to build closer relations between the United States and its oldest ally. She was a renowned woman of grace, wit, charm, intellect, and boundless energy.

On this day of a memorial service at the National Cathedral for Ambassador Harriman, it is altogether fitting that the House of Representatives take up and pass this resolution commemorating a great American. I join the chairman in congratulating the distinguished gentleman from Illinois for sponsoring this resolution.

Mr. MANZULLO. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Further reserving the right to object, I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Speaker, I thank the gentleman from Indiana [Mr. HAMILTON] for yielding.

Mr. Speaker, I rise today to honor a great American Ambassador, Pamela C. Harriman. Sadly, Ambassador Harriman passed away earlier this month in Paris. Throughout her life she worked tirelessly in service to her adopted country, the United States. Most recently she served as U.S. Ambassador to France, from 1993 to early 1997, where she helped strengthen Franco-American ties while expertly handling such difficult and complex issues as NATO expansion, the Middle East peace process, the role of the U.N. and multilateral trade.

How appropriate for Ambassador Harriman's career to take her to Paris, for as a young woman she endeavored to strengthen ties between Great Britain, the United States and France in the Allies fight against Nazi aggression. Before assuming her diplomatic duties in Paris, Pamela Harriman sought to enrich the lives of all Americans through her many efforts in the fields of politics and arts. She was also the wife and friend of Governor Averell Harriman, one of our country's great statesmen.

Mr. Speaker, I urge all my colleagues to join with me in supporting House Resolution 49 to express our heartfelt thanks for the life and service of Pamela Harriman and to convey our condolences and deepest sympathies to the Harriman family.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Further reserving the right to object, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman for yielding. We all appreciate his leadership in the international role that this country plays.

To Ambassador Harriman, I am delighted to be able to say that she chose America. She chose America. She is certainly an international figure and a child of the world.

□ 1515

We are delighted in her multicultural background, that she chose to adopt this country as her native land. She had her own values, but I can believe that she truly is one that believed in democracy, for in all of her activities she was involved in creating greater opportunities for democracy. She believed in diversity. She helped all of those who wanted to have a piece of the pie, and certainly, as she rose to the Ambassadorship of France, appointed by President William Clinton, she made Americans proud. And not only did she make us proud, she provided us and encouraged us to engage in peace.

My hat is off, my heart goes out to the family of Ambassador Harriman, and what I will say is that we will truly miss her but she is a grand lady, and she is truly a great American.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding this time to me.

I too want to rise to pay tribute to Ambassador to France Pamela Harriman. As I said earlier today, many of us in this body would love to have been at her funeral service today to give thanksgiving and to celebrate her great life, but duty called and we had to be on the floor for our legislation. Pamela would have understood that, committed to duty as she was.

I said in my 1 minute this morning, and I will repeat now, that in this body we have only two portraits. One is of George Washington, the father of our country; the other is of the Marquis de Lafayette, a friend of our independence, demonstrating our closeness to France. It was fitting then that we sent France our finest in the person of Pamela Harriman as our Ambassador.

I know it is a source of great pride to her family that she was eulogized by the President of France and given by him the highest honor that country can bestow. I know it was a source of great pride that she was eulogized by the President of the United States and mourned by the First Family. I hope it is a comfort to Pamela's family that many in this body and in our great country mourn their loss, our loss.

To Pamela: Adieu, thank you and love.

Mr. HAMILTON. Mr. Speaker, I urge the adoption of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MCINNIS). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 49

Whereas Pamela C. Harriman served her country ably as United States Ambassador to France from 1993 to early 1997;

Whereas during her tenure as ambassador Pamela Harriman worked tirelessly to bring closer together as strong allies and friends the United States and France;

Whereas Pamela Harriman worked throughout her adult life in the fields of politics and the arts, enriching the lives of all who knew her and all Americans;

Whereas during the Second World War Pamela Harriman endeavored to solidify relations among Britain, the United States, and France, contributing her knowledge and her efforts to making the alliance against Nazism a success;

Whereas as a wife and friend she gave strength and wise counsel to one of the great United States statesmen of this century, Governor Averell Harriman; and

Whereas until the very end of her life she was renowned as a woman of grace, wit, and charm: Now, therefore, be it

Resolved, That the Members of the House of Representatives—

(1) are grateful for the life and service of this great American; and

(2) join in conveying their condolences and deepest sympathies to the members of the family of Ambassador Pamela C. Harriman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ELECTION AS MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution (H. Res. 58) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 58

Resolved, That the following-named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Commerce: Frank Pallone of New Jersey to rank directly above Sherrod Brown of Ohio.

To the Committee on Resources: Ron Kind of Wisconsin.

To the Committee on Science: Ralph Hall, Texas; Bart Gordon, Tennessee; James A. Traficant, Jr., Ohio; Tim Roemer, Indiana; Robert E. (Bud) Cramer, Jr., Alabama; James A. Barcia, Michigan; Paul McHale, Pennsylvania; Eddie Bernice Johnson, Texas; Alcee Hastings, Florida; Lynn Rivers, Michigan; Zoe Lofgren, California; Lloyd Doggett, Texas; Michael Doyle, Pennsylvania; Sheila Jackson-Lee, Texas; Bill Luther, Minnesota; Walter Capps, California; Debbie Stabenow, Michigan; Bob Etheridge, North Carolina; Nick Lampson, Texas; Darlene Hooley, Oregon.

Mr. FAZIO of California (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, FEBRUARY 27, 1997, TO RECEIVE HIS EXCELLENCY EDUARDO FREI, PRESIDENT OF THE REPUBLIC OF CHILE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that it may be in order anytime on Thursday, February 27, 1997, for the Speaker to declare a recess, subject to the call of the chair, for the purpose of receiving in joint meeting his Excellency, Eduardo Frei, President of the Republic of Chile.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HOUR OF MEETING ON THURSDAY, FEBRUARY 28, 1997

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, February 26, 1997, it adjourn to meet at 9 a.m. on Thursday, February 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND THEIR REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous material in the section of the RECORD entitled "Extension of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 25, 1997, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR SPEAKER TO APPOINT MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint 2 Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Thursday, February 20, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DESIGNATION OF THE HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 25, 1997.

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 13, 1997.

I hereby designate the Honorable Constance A. Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 25, 1997.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

TRIBUTE TO DR. TIMOTHY WINTERS

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

Mr. FILNER. Mr. Speaker, colleagues, I rise today in celebration of Black History Month and to recognize a truly remarkable leader from my 50th Congressional District in San Diego.

In the Rev. Dr. Timothy Winters, we find a man who has dedicated his life to the spiritual well-being of many of our neighborhoods in San Diego. In addition to being pastor of the Bayview Baptist Church, one of the largest churches in San Diego, he also holds the position as president of the Baptist Ministers Union. While in this position, Dr. Winters is shown to be a very capable leader in guiding his church and a ministerial organization to success and high achievement. He was instrumental in building of the Martin Luther King School, complete with meeting halls and banquet facilities.

Dr. Winters is also an accomplished speaker, often called to speak on various problems and concerns of the African-American community and the city at large. He lectures frequently on the matters of consumer awareness and debt-free living. His workshops and finance seminars, which he often conducts from various churches, have helped to improve the lives of literally thousands who have heeded his advice and counsel.

I am also proud of the many fair lending agreements that Dr. Winters assisted in forging with the many banks and financial institutions in our city.

The accolades for Dr. Winters go far beyond the African-American community. His writings and teachings are celebrated nationwide. And, at a gala evening of celebration, the city of San Diego will honor this individual of such energy. He has often been a great inspiration to me, and I look forward to working with Dr. Winters to raise the quality of life in our community.

Please join me in celebrating the great contributions and achievement made to the constituents of the 50th Congressional District by Dr. Timothy Winters.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, it was interesting in the Committee on the Budget this morning that Dr. June O'Neill, the Director of the Congressional Budget Office, came with their analysis of the President's budget. One of the conclusions of the CBO was that the President's budget is not going to be in the surplus by the year 2002, but under their projections will run a $50 billion deficit in the year 2002. So I would ask that we make a humble, respectful request to the President to resubmit a budget that balances by the Congressional Budget Office scoring.

Another thing that Dr. O'Neill said was that if we continue spending the way we are today, we need an immediate 50-percent increase in income tax rates to keep the budget in balance. If we put off any decision until the year 2017, we would have to have an 87-percent increase in the income tax. That means that families' take-home pay would be cut in half, and what they can spend on health care and on clothes and on food and on transportation would end up being cut in half.

I want to quickly give a presentation of what is happening in what has become the largest spending item, and that is Social Security. As you see by this chart, Social Security now takes up 22 percent of the Federal budget. And what has happened is Congress, I would suggest, made a mistake by requiring everybody to contribute to Social Security, and not putting any of that money in savings and investment. Instead, since it started in 1935, Social Security has been a pay-as-you-go program where existing workers pay in their taxes to support the benefits of existing retirees.

If I get my charts correct, this shows what is going to happen to Social Security if we make no changes, and that is that there is going to be less money coming in in this pay-as-you-go program. In 2011, Dorcas Hardy, a former commissioner, says there is going to be less tax money coming into Social Security than is required for the payouts as early as 2005. That's not very far in the future. So if we are going to preserve Social Security not only for future retirees but for existing retirees, we simply got to start taking our heads out of the sand and be willing to face this very tough question on what we're going to do to preserve Social Security, to preserve Medicare, to preserve some of the important programs that Government has developed to help

people, and not put the burden on future generations and ask them to pay an 87-percent increase in their taxes.

Here is the problem on Social Security. It was developed as a pay-as-you-go system where existing workers pay for existing retirees. But what has happened is there are fewer workers paying for the support of that retiree.

In 1950, we had 17 workers earning money, paying their taxes to support each retiree. Today, there are three workers. In another 35 years there are going to be only two workers working and paying the taxes to support each retiree.

Now here is what the average retired couple has already gotten back: Over four times what they and their employer put into the Social Security taxes, plus compound interest. This chart shows that if you happened to retire in 1940, it took just 2 months to get everything back that you and your employer put into Social Security taxes. If you retired in 1960, it took 2 years.

Look what is going to happen to the workers that are starting to retire today, to the workers that are 35 and 45 and 50 years old. They are going to have to work 26 years after retirement. They are going to have to live 26 years after retirement in order to collect the benefits that they and their employer put into Social Security. We have got to have a change.

I have developed a proposal that I think we should run up the flagpole in order to start coming up with solutions to save Social Security. My proposal allows some private investment, but at the same time does not take away benefits from anybody over 58 years old.

□ 1530

So I think we have to tell people ahead of time what is happening. Part of the solution is a private investment. Part of the solution is slowing down benefits for the higher income recipients.

Mr. Speaker, I ask that we deal with these serious problems as soon as possible and not put it off for another decade.

SPECIAL ATTENTION TO THE CAPITAL OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor today first and foremost to thank the leadership of this country for the priority they have placed upon the capital of the United States, to thank President Bill Clinton, majority leader of the Senate TRENT LOTT, and our own Speaker, NEWT GINGRICH, who have agreed that among the five priorities for this session of Congress should be special attention to the capital of the United States. There is there the kind of bipartisanship that one would expect from a great country for its great capital.

Why this priority for the capital of the United States? Well, I suppose its name tells it all. It is the capital of the United States, and there is in this body and this country a fiduciary obligation to its own capital. It is self-evident. The District of Columbia is a financial orphan under our Constitution. It is not a part of any State. It cannot even tax people who come here from other regions, use our services and go home without leaving any, not even one thin dime of tax money here.

Why has the city come to this state of affairs now? Well, all of the cities are in great trouble, but they have States. There is not a big city in the United States that would not be flat on its back if it were not for its State. Cities are increasingly clusters of the poor, with the middle class having fled.

This chart tells the story of the death-dealing crisis of your capital city. We are on line to lose three times as many people in the 1990's as we lost in the 1980's. If we mean to have a capital, now is the time to move in. This is the session of Congress to move in to help the city.

The reason this has not been as apparent as it should be is that the District Government has been historically poorly managed. That hides the poor performance of the Congress and of the country. The poor performance of the city should not give rise to the abandonment of the capital by our country.

And what about the performance of the Congress, which offloaded $5 billion in pension liability built up before home rule? What about a Congress that says to a city in this day and time, hey, you pay for State functions, prisons, Medicaid, courts, all by yourself with no help from anyone else? It cannot be done, my good colleagues. And yet there are no sure and fast answers to the problems of the District.

I went this week to the funeral of a brave young officer, Officer Brian Gibson, executed, and I come back the day of his funeral to find a Member of the other body wanting to put the death penalty on the District of Columbia. This is 4 years after the District faced this issue and voted that it would be among the jurisdictions not to have the death penalty.

The top killing States in the United States all have the death penalty. We do not see the death penalty as the answer to the crime problems of the District of Columbia. We do note that the American Bar Association says that the death penalty is so inequitably applied that there should be a moratorium on it.

We ask the help of our country. We are prepared to make, and are making, excruciating sacrifices that no city which has gotten into trouble has had to make, that New York and that Philadelphia, which all became insolvent years before the District, none had to make, because there was a State.

We are asking for the help of our country. We believe that the half-million people who live in the District deserve the help of our country. But please do not impose on us matters that we ourselves have not approved. This is yet a free country, and this is the Congress that boasts that it is devolving power back to the localities, not usurping power from the localities.

I welcome the help of my colleagues. I look forward to working with the President, with the majority leader of the Senate, with the Speaker of the House, and with my own leadership to make the capital of the Unites States a city that we truly can all be proud of.

THE COMMON SENSE CAMPAIGN FINANCE REFORM ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, the fundraising scandals of the 1996 Presidential election have moved campaign finance reform to the front burner of the agenda for the 105th Congress. Things like the ever-expanding influence of special and large contributions from non-U.S. citizens have eroded the public's confidence in our democratic process and left far too many Americans demoralized and in fact disenfranchised.

At the same time, while the level of attention has increased significantly in just the last few months, most observers agree that the chances of passing a comprehensive overhaul of our campaign finance system in this Congress remain very, very slim. I happen to agree with that assessment.

Currently, we have a Democrat in the White House, we have the Republicans in control of both Houses. Asking us to pass a comprehensive bill now would be like asking two football teams to overhaul the rules of the game while it is being played.

Instead, I believe that we should take a series of incremental steps toward reform and correcting the most glaring and immediate problems of the current system, while leaving the larger issues to a time when the chances of passing a comprehensive bill are more realistic.

I rise today to introduce what I believe should be the first step: the Common Sense Campaign Finance Reform Act of 1997. This bill is designed to remedy the most pressing problems, and I say again, the most pressing problems of our current system, namely, the influx of special interest and foreign money into the Nation's campaign coffers.

First, and this chart I think says it all very well, my bill would require that House and Senate candidates limit their PAC contributions to 35 percent, as represented by this graph.

Second, there is a limit on outside donors. Candidates can raise no more than 35 percent of their individual contributions, I am talking about individual contributions, from donors who live outside their districts for House Members or outside the State for Senators. Then finally, limit foreign money. Candidates may not accept contributions from people who are ineligible to vote. So one, two, three; it is very simple.

This would address the concerns raised by the amount of money that came from non-U.S. citizens during the 1996 election, and it would also, I think, crack down on efforts to circumvent individual contribution limits by funneling money through the children of rich donors.

Mr. Speaker, I firmly believe that if we try to swallow campaign finance reform whole instead of taking smaller bites, we ultimately choke. Instead, we should adopt what I believe this is, a more realistic and commonsense approach to focus on getting the job done. That is what I think the American people want, and that is what my bill offers. Again, three steps, if the camera can pick this up, one, two, and three, that is all there is to it, but it goes a long way, I believe, toward commonsense reform, reform we can do now. I urge my colleagues to become cosponsors.

THE HONG KONG REVERSION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, in less than 5 months nearly a century of British rule will end and Hong Kong will become a special administrative region of China. Nobody knows exactly what will happen in Hong Kong on that night or in ensuing months and years. This reversion is unprecedented in its complexity.

Hong Kong, one of the world's most efficient economies, will become part of an emerging giant that has yet to integrate itself fully into the world economy and the international community and which has only begun to experiment with democracy at the village level.

The United Kingdom and the People's Republic of China have largely agreed upon the basic rules for Hong Kong's reversion in the Sino-British Joint Declaration of 1984. For its part, China has agreed to grant Hong Kong more autonomy than international law requires.

In Hong Kong's Constitution, the basic law of 1989, the National People's Congress unveiled a one-country, two-system arrangement for 50 years. During that time, Hong Kong is supposed to enjoy a high degree of autonomy, except in the areas of foreign affairs and defense.

It is rumored that over 7,000 journalists from around the world will be on hand at midnight on June 30, 1997, to witness the official handover. Presumably those journalists will be there to observe whether the transition goes smoothly. Already the press coverage in Hong Kong has become intense.

In large part, the attention focused on Hong Kong by the international press has been fueled by misguided or heavy-handed efforts by the Chinese Government to disband the current legislative council and replace it with the provisional legislature, to alter civil rights protections in Hong Kong, and to improperly influence the extremely efficient and extraordinarily important civil service of Hong Kong.

Today, with a number of colleagues, I am introducing the Hong Kong Reversion Act that will aid Congress in wading through all of the important issues and this complex transition by building on the Hong Kong Policy Act of 1992. It will require assessments and reports by the Secretary of State in very specific areas so that the President can determine whether to maintain current United States law and policies involving Hong Kong.

In addition, I am especially pleased to report that a team of specialists from the Library of Congress, led by Kerry Dumbaugh, has, at my request, just completed an excellent comprehensive report entitled "Hong Kong's Reversion to China: Implications for the United States." This excellent report will also greatly assist the Congress in this important task, so I am allowing the Library of Congress to make this report publicly available today.

Mr. Speaker, this Member invites the cosponsorship and support of this legislation by any and all of my colleagues. Original cosponsors include the gentleman from New York [Mr. GILMAN], the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. BERMAN], the gentleman from New York [Mr. SOLOMON], the gentleman from Nebraska [Mr. BARRETT], the gentleman from California [Mr. DREIER], the gentleman from American Samoa [Mr. FALEOMAVAEGA], the gentleman from Illinois [Mr. CRANE], the gentleman from Arizona [Mr. KOLBE], and the gentleman from California [Mr. COX].

TRIBUTE TO THE PEOPLE OF LITHUANIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. SHIMKUS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the people of Lithuania, who, through tireless perseverance, are celebrating their independence on Sunday, February 16.

Referred to as the crossroads of Europe, with the geographical center of Europe just to the north of the capital of Vilnius, Lithuania is a fascinating and diverse country rich in history and tradition. I am proud to be a descendent of a Lithuanian immigrant to the United States. My great grandfather, Casper Shimkus, came to this country in hopes of finding the American Dream. It is my pleasure to carry on his name and his Lithuanian heritage, a heritage strong in work ethic, personal responsibility, and the ability to overcome adversity.

As Americans, there are certain rights we take for granted, all of which can be found in our Bill of Rights. Lithuanians have struggled for these rights, a struggle which has expanded the centuries.

Since the founding of the first Lithuanian state in 1236, Lithuania has been occupied by czarist Russia for a majority of the time, an occupation which lasted continuously from 1795 to 1915. During that time, the people of Lithuania were subjected to many hardships, including being unable to use the Latin alphabet, lack of religious freedom, and desecration of their cultural identity.

With the collapse of czarist Russia at the end of World War I, Lithuanians took advantage of the opportunity to regain their independence. On February 16, 1918, the Lithuanian National Council met and declared the restoration of Lithuania's independence. After defending itself against foreign armies traveling across the territory after the war, by the early 1920's Lithuania was a free nation rebuilding its own political culture and economic life.

This freedom was short-lived for the Lithuanian people. On August 23, 1939, the Soviet Union and Nazi Germany entered into a pact which placed Lithuania in the Soviets' sphere of influence. On June 15, 1940, in violation of international law, the Soviet Union invaded Lithuania. The occupation by the Soviet Union lasted for about 1 year until Nazi Germany forced the Soviets out and then occupied this country.

□ 1545

It was during the next 3 years of Nazi occupation that most of Lithuania's 200,000 Jewish citizens were murdered. After the fall of Nazi Germany, the Soviets stepped in and again occupied Lithuania. However, the idea of an independent Lithuania never died. In the late 1980's, as changes were taking place throughout the Soviet Union, Lithuanians organized a powerful independence movement.

After four decades of suppression of their culture and heritage, the Lithuanian people rose up in peaceful protest. The continued protest and push for independence finally culminated in 1990, with proindependence candidates winning a clear majority in elections to the Parliament of the Lithuanian Soviet Socialist Republic. On March 11, 1990, the reestablishment of an independent Lithuanian State was proclaimed. After a final, unsuccessful coup attempt by a few Soviet military units in 1991, Lithuania took its rightful place in the international community as a vibrant, independent country.

Now led by a parliamentary democracy, the determined Lithuanian people are beginning to feel the full benefits of freedom, religious freedom, a taste of democracy, and movement toward an effective free market economy. The United States must lend its full support to not only Lithuania, but to all the Baltic States now. This is not the time for our administration to waver on its position toward the Baltics.

With the instability of the political situation in Russia, it is in the long-term interest of the United States to promote democracy and free markets in the region, in hopes that it may counteract possible instability. It is now time for the United States to recognize the struggle the Lithuanians have had for freedom and democracy, and support these brave people for their determination and moral principles they exemplify, rather than sidestep the issue so that we do not jeopardize our relationship with Russia.

At this time, Lithuania is looking for an invitation for at least one Baltic country in the first round of NATO enlargement at the Madrid summit this July. This invitation would promote an alliance between Western ideas and the Baltic region, providing security so that the Baltic States may continue with their pro-Democratic reforms.

As Americans in the post-cold-war era, we all should be trying to promote peace, democracy, and free-market enterprise in the region, which could be achieved with the NATO expansion, including part of the Baltic States. It is for these reasons that I am a strong supporter of the concurrent resolution offered by the gentleman from New York [Mr. SOLOMON], recommending the integration of Estonia, Latvia, and Lithuania into NATO.

Most of all, Mr. Speaker, I would like to congratulate all Lithuanians on their independence, and ask that my colleagues join in supporting this proud Nation. The fate of their liberty now rests on the determination of the Lithuanian people to preserve and protect a democratic government. As Americans, we should not only congratulate this country for their newly emerging democracy, but support their efforts to become a member of NATO.

Mr. Speaker, I yield to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, I am proud to join with my colleague, the gentleman from Illinois, and with my other colleagues in the U.S. House of Representatives, in recognizing Lithuanian Independence Day this Sunday.

Lithuanian independence, of course, is not something that the people of Lithuania and the people of the free world won from the Soviet Union. It is something that Lithuania declared for itself 79 years ago, in 1918. What Lithuania did in my lifetime, and something in which I am proud to have participated, was to reassert successfully that independence, to do so at a time when the Soviet Union was not so vulnerable as looking back in history it might appear to us it was.

At the end of the 21st century, it now must appear obvious to everyone that the Soviet Union was inevitably going to collapse of its own weight. But the Red army was very strong in the 1980's, and the Black Berets were very strong and intimidating in the 1980's.

The truth is that even under those policies of glasnost and perestroika, that Mikhail Gorbachev advanced with such public relations flare throughout the rest of the world, the boot of the Red army was heavy and brutal indeed.

I traveled to Lithuania just after what now is known by history as Bloody Sunday, and the Black Berets murdered so many Lithuanians who were working toward reestablishment of their independence that we will celebrate once again on Sunday.

The truth is that the free people, now the free people of Lithuania—and Freedom House has just rated Lithuania as a free nation objectively, using the standards they used to measure relative freedom throughout the world—the free people of Lithuania did something far more than establish their own independence, their own civil rights, their own civil liberties, their own human rights and personal liberties.

They did something for all of us. They helped tip the balance at that very, very key moment in history against communism, against the Soviet Empire; and Lithuania, more than any other people, is responsible for helping topple the Soviet Empire. Lithuania was part of that empire, unwillingly, of course. It was a captive nation.

Lithuania, Latvia, and Estonia have enjoyed a special neighborly bond over a period of many, many years. This Sunday, on Lithuanian Independence Day, there will be hoisted in Vilnius not just the standard of the Lithuanian nation, but also its Baltic neighbors, Latvia and Estonia, to show Baltic solidarity. Lithuania wants very much to hasten its integration, its reintegration, into the community of Europe.

As my colleague, the gentleman from Illinois [Mr. SHIMKUS] has so properly pointed out, that should include Europe's security arrangements, and it should include NATO. He and I and many of our colleagues in this body, Democrats and Republicans, have been urging that this 1999 date be accelerated, that we not prolong a process that should be taking place much more quickly, and that Hungary and Poland and the Czech Republic, for starters, be admitted to NATO on a much more rapid timetable, and that the Baltics very soon afterward be admitted as well.

Thinking back to the key events that led to the reassertion of Lithuania's independence, it is remarkable more than anything else to me to think of who was the unlikely general that led that battle against the Red army.

The most inspiring image for me is that of a piano teacher, a piano teacher at the Conservatory of Music in Vilnius. His name is Doctor, because he is that, of course, by his educational training, Vytautus Landsbergis. Vytautus Landsbergis headed up Sajudis, fighting for human rights, fighting for freedom, fighting for democracy, well before the successful reestablishment of Lithuanian independence.

I had a chance early on, after I got elected to Congress in 1989, to work with him in that fight. I had a chance to be with him on election night when he was elected President of Lithuania. It was a very, very inspiring thing. But it was not very easy for me to get into Lithuania, because I and the handful of congressional colleagues, that attempted to travel to Lithuania with me as observers of this election, were kept out by the Soviet Union.

This was not some casual bureaucratic dismissal of the travel plans of some Members of Congress, this was a decision taken at the highest level by Edward Shevardnadze, who is the Foreign Minister of the Soviet Union, and by the Supreme Soviet, which voted to keep us out.

We were held in East Berlin for a prolonged period, until finally, around midnight on election night, we were able to get in, and President-elect Landsbergis and all of the Sajudis leaders who were with him met us on the tarmac in the middle of the night, and we embraced. It was very, very emotional. It was a thrill for the reason that I mentioned earlier, not just because there had been a free election in Lithuania, and because the people finally had spoken after so many years of being made slaves by their Communist overlords, but because here was the official commencement of the collapse of the Soviet Empire.

The rest of the world started to awaken to the fact that the Soviet Union was finished on that night. It has not been easy for Lithuania in the wake of that very emotional success.

Lithuania has had to work hard to reestablish the rule of law and the fundamentals of free enterprise that make human prosperity possible. They have been doing a good job of it, but they can do a better job, and in future elections I think we will see the forces of democracy and the forces of free enterprise doing even better.

Integration into NATO, in my view, is a way to institutionalize that movement. It is very important for us to keep raising that point, because in 1997, that is one of the significant ways that our foreign policy and the foreign policy of Europe and the foreign policy of the Baltics intersect.

I will just remark to my colleague, the gentleman from Illinois, how proud I am to be here with a member of Lithuanian ancestry, direct Lithuanian ancestry, because it has been my privilege to be made an honorary Lithuanian. I have not done this by birth. But I am so proud of the associations that I have with Lithuanian-Americans and the people in Lithuania that I have met on my multiple trips there. I want to thank the gentleman very much, and offer my good wishes to him as he continues to be a leader on this subject in the Congress.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INTRODUCING LEGISLATION TO RENAME THE SOUTHERN PIEDMONT CONSERVATION RESEARCH CENTER AS THE J. PHIL CAMPBELL SENIOR NATURAL RESOURCE CONSERVATION CENTER

The SPEAKER pro tempore [Mr. MCINNIS]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. NORWOOD] is recognized for the balance of the time as the designee of the majority leader.

Mr. NORWOOD. Today, Mr. Speaker, I again rise to introduce legislation to rename the Southern Piedmont Conservation Research Center in Watkinsville, GA, after a great pioneer in Georgia agriculture, J. Phil Campbell, Sr.

When I introduced this legislation in the 104th Congress, my good friend, the honorable gentleman from Georgia [JOHN LINDER] was the only cosponsor, but today I introduced this legislation with the support of eight of my Georgia colleagues, in hopes of recognizing Mr. Campbell for his many contributions to Georgia farmers.

I want to thank my colleagues, as well as Mr. COVERDELL and Mr. CLELAND in the Senate, for introducing this legislation in that body.

J. Phil Campbell, Sr. lived for only 66 years, but in that time he gave more to men and women of this country than can be measured. His contributions to agriculture, not only in the Southeast but throughout the Nation, are well known and widely recognized. James Philander Campbell was born in Dallas, GA, just northeast of Atlanta, on March 2, 1878.

He grew up on a farm, and at the age of 17, began teaching school. At a young age, J. Phil Campbell, Sr. fought for and helped to secure legislation to authorize agricultural instruction in Georgia's rural schools. In 1907 he spent 6 months traveling throughout our State, advocating for the creation of district agricultural schools and a State college of agriculture.

All of this was done before he turned 30. Between 1908 and 1910, Mr. Campbell served as the first farm extension supervisor to the Southeast region. This was done before the passage of the Smith-Lever Act in 1915, which created the Federal Extension Service.

In 1910, he began a career as the Georgia State agent for the U.S. Department of Agriculture. He also served on the staff of Georgia State University's College of Agriculture.

During his tenure, he organized nearly 13,000 children in corn and canning clubs, and 5,000 Georgia farmers into farming demonstration work. These efforts were done under the supervision of Dr. Seaman Knapp at the U.S. Department of Agriculture.

□ 1600

During this time, Mr. Campbell also served as the director of extension work in agriculture and home economics. In 1933, he took a leave of absence to assist the Agriculture Adjustment Administration in its cotton belt crop replenishment division. After 1935, he was elevated to a Federal position in the Roosevelt Administration as assistant chief of the Soil Conservation Service in USDA. He served in that capacity until he died in December, 1944.

In addition to his clear record of accomplishments in education, Mr. Campbell was also extremely interested in agricultural research and maintained close ties with the agriculture experiment stations in Georgia. He was integral in the creation of the Southern Piedmont Conservation Research Center and in choosing its site just outside of Athens and the University of Georgia.

When funding for the center was threatened in its first year, Phil Campbell fought to keep the center open and secure its line of funding. It exists to this day on Experimental Station Road in Watkinsville, GA.

I again introduce this legislation to recognize Mr. Campbell's contributions to agriculture and to the communities and the Nation he served so ably.

Fortunately, Mr. Campbell's contributions were also recognized during his lifetime. Mr. Campbell was recognized in the Who's Who in America collection in the 1940s. Likewise in the mid 1930s, Dean Paul Chapman, the first dean of the University of Georgia's College of Agriculture said and I quote, "J. Phil Campbell and I were pioneers in promoting professional agricultural work and in the establishing of agencies to carry on such work. With little professional training ourselves, we were plowing new ground to create such training."

Later in a ceremony honoring Mr. Campbell after he had departed Washington, Dean Chapman stated that "no one had as many friends in Georgia as did J. Phil Campbell."

Mr. Speaker, I am proud to again introduce this legislation. In a 1996 letter from the USDA, Secretary of Agriculture Dan Glickman stated that while the USDA generally discourages the naming of its laboratories after any one individual, given the department's admiration and appreciation of "the great service Mr. Campbell has rendered to agriculture and the Nation," the USDA has no objection to the enactment of this legislation.

I also received assurances from CBO that enactment of this bill will result in no significant cost to the Federal Government and does not include any intergovernmental or private sector mandates.

Given this, I again urge my colleagues to join with me this year to recognize Mr. Campbell's many contributions in supporting passage of this legislation.

I would like to say that my friend J. Campbell, III, we know that he is recuperating in the hospital and we wish him a hasty recovery. And we and all Georgians are very proud of his grandfather.

Mr. Speaker, I include a statement by the gentleman from Georgia [JOHN LINDER] in the RECORD:

Mr. LINDER. Mr. Speaker, as a Georgian, I am proud to cosponsor this bill to rename the Southern Piedmont Conservation Research Center in Watkinsville, GA as the J. Phil Campbell, Senior Natural Resource Conservation Center.

For those who may not be familiar with Mr. Campbell and his contributions to Georgia and the Nation, let me give you a brief history of this great man. Born in Dallas, GA in 1878, J. Phil Campbell became a teacher of men at the early age of 17. By age 26, he had worked his way up to assistant superintendent at the first demonstration school in Georgia.

In 1913, Mr. Campbell began working with the Department of Agriculture's Extension Service Demonstration Projects. Demonstrating his zeal for teaching and his enthusiasm for agriculture, J. Phil Campbell, in

1915, became Georgia's first Farm Extension Service Director, a position that he maintained until the 1930's.

He then gave his educational efforts a national focus. After serving as a consultant to President Roosevelt's Department of Agriculture, Mr. Campbell was appointed as the Assistant Chief of the Soil Conservation Service, a position in which he proudly served until his death in 1944.

Not only did J. Phil Campbell act as a catalyst to begin and sustain the farm education effort in Georgia, he focused the Nation's attention in this direction. Among other accomplishments, his efforts resulted in the establishment of the Southern Piedmont Conservation Center in Watkinsville. Though only a small gesture in comparison to Mr. Campbell's life work, renaming the Conservation Center to honor him is an act that I am proud to support.

Though his work ended just over 50 years ago, the impact that J. Phil Campbell had on Georgia and the Nation is everlasting. Let the J. Phil Campbell, Senior Natural Resource Conservation Center be a constant reminder of our gratitude.

RULES OF PROCEDURE FOR THE COMMITTEE ON NATIONAL SECURITY, 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes.

Mr. SPENCE. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on National Security for the 105th Congress and ask that they be printed in the RECORD at this point. The committee rules were agreed to by a unanimous voice vote of the committee on February 5, 1997, a quorum being present.

RULES OF THE COMMITTEE ON NATIONAL SECURITY—104TH CONGRESS

RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on National Security (hereafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Tuesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereafter referred to in these rules as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Tuesday meeting of the committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meeting dates after consultation with the Chairman and the other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

The Committee shall be organized to consist of five standing subcommittees with the following jurisdictions:

Subcommittee on Military Installations and Facilities: military construction; real estate acquisitions and disposals; housing and support; base closure; and related legislative oversight.

Subcommittee on Military Personnel: military forces and authorized strengths; integration of active and reserve components; military personnel policy; compensation and other benefits; and related legislative oversight.

Subcommittee on Military Procurement: the annual authorization for procurement of military weapon systems and components thereof, including full scale development and systems transition; military application of nuclear energy; and related legislative oversight.

Subcommittee on Military Readiness: the annual authorization for operation and maintenance; the readiness and preparedness requirements of the defense establishment; and related legislative oversight.

Subcommittee on Military Research and Development: the annual authorization for military research and development and related legislative oversight.

RULE 5. COMMITTEE PANELS

(a) The Chairman may designate a panel of the Committee drawn from members of the committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence for more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

RULE 6. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORTS

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall to taken up for hearing only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of those present and voting.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of 3 calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee or of any subcommittee or panel shall make public announcement of the date, place, and subject matter of any committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Chairman of the Committee or of any subcommittee or panel, with the concurrence of the ranking minority member of the Committee or of any subcommittee or panel, determines that there is good cause to begin the hearing sooner, or if the Committee subcommittee or panel so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Resources.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 3(f) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of that hearing or meeting on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to close, the vote must be by rollcall vote and in open session, there being a majority of the Committee or subcommittee present.

(b) Whenever it is asserted that the evidence or testimony at a hearing or meeting may tend to defame, degrade, or incriminate any person, and notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in closed session, if by a majority vote of those present, there being in attendance no less than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) which have been closed under

the provisions of rule 9(a) above for national security purposes for the taking of testimony: Provided, That such staff member's attendance at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at the time: Provided further, That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; and Provided further, That the attainment of any security clearances involved is the responsibility of individual members.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no member may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated in this rule for closing hearings to the public: Provided, however, That the Committee or the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

(b) One-third of the Members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum:

(1) Reporting a measure or recommendation;

(2) Closing committee or subcommittee meetings and hearings to the public; and

(3) Authorizing the issuance of subpoenas.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed 5 minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed 5 minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The 5 minute limitation shall not apply to the Chairman and ranking minority member of the committee or subcommittee.

(b) Members present at a hearing of the Committee or subcommittee when a hearing is originally convened will be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. 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.

(c) No person other than Members of Congress and committee staff may be seated in or behind the dais area during committee, subcommittee, or panel hearings or meetings.

RULE 12. SUBPOENA AUTHORITY

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold 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 to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) No witness served with a subpoena by the Committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at least 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the committee in electronic form contemporaneously with submission of the prepared written statement. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of presentation; however, no such statement shall be removed from the Committee officers. The requirement of this rule may be waived by a majority vote of a quorum of the Committee or subcommittee, as appropriate.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath:

Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when they have been recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed 5 minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional rounds for questioning witnesses by members are discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee which are decided by the Chairman to be officially published will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by rollcall vote, division vote, voice vote, or unanimous consent.

(b) A rollcall of the members may be had upon the request of one-fifth of those present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other Committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so recorded in the rollcall record, upon timely notification to the Chairman by that member.

RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than 2 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the Committee. All such views so filed by one or more members of the

Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each rollcall vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the committee report on the measure or matter.

RULE 19. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the Committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the rules of the Committee; except that a point of order on that ground may be made by any member of the Committee or subcommittee which reported the measure if, in the Committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 20. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each rollcall in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 21. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) Except as provided in clause 2(g) of Rule XI of the Rules of the House of Representatives, all national security information bearing a classification of secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

RULE 22. COMMITTEE STAFFING

The staffing of the Committee and the standing subcommittee shall be subject to the rules of the House of Representatives.

RULE 23. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule XXXVI, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 24. INVESTIGATIVE HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULES OF PROCEDURE FOR THE COMMITTEE ON SMALL BUSINESS 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 5 minutes.

Mr. TALENT. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Small Business for the 105th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee on February 13, 1997.

RULES AND PROCEDURES OF THE COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, 105TH CONGRESS

1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular the committee rules enumerated in rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated. Each subcommittee of the Committee on Small Business (hereinafter referred to as the "committee") is a part of the committee and is subject to the authority and direction of the committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIRMAN

Unless retained for consideration by the full committee, all legislation and other matters referred to the committee shall be referred by the Chairman to the subcommittee of appropriate jurisdiction within 2 weeks. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the Chairman shall refer the matter as he may deem advisable.

3. DATE OF MEETING

The regular meeting date of the committee shall be the *second Thursday* of every month when the House is in session. A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman, there is no need for the meeting. 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 rule XI of the House.

At least 3 days' notice of such an additional meeting shall be given unless the Chairman determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to clause 2(c) of rule XI of the House.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least 3 days' notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the Chairman, with the concurrence of the ranking minority member, or the committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place and subject matter of any hearing to be conducted by the committee at least 1 week before the commencement of that hearing.

5. MEETINGS AND HEARING OPEN TO THE PUBLIC

(A) MEETINGS

Each meeting of the committee or its subcommittees for the transaction of business, including the markup of legislation, shall be open to the public, including to radio, television and still photography coverage, except as provided by clause 3(f)(2) of rule XI of the House, except when the committee or subcommittee, in open session and with a majority present, determines by rollcall 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, or 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 members of the committee, and such congressional staff and such executive branch representatives as they may authorize, shall be present in any business meeting or markup session which has been closed to the public.

(B) HEARINGS

Each hearing conducted by the committee or its subcommittees shall be open to the public, including radio, television and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House: *Provided, however*, That the committee or subcommittee may be the same procedure vote to close one subsequent day of hearings. Notwithstanding the requirements of the preceding sentence a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, (i) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate clause 2(k)(5) of rule XI of the House; or (ii) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI of the House.

No member of the House may be excluded for nonparticipatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearing to members by the same procedures designated for closing hearings to the public.

6. WITNESSES

(A) STATEMENT OF WITNESSES

Each witness shall file with the committee, 48 hours in advance of his or her appearance, 50 copies of his or her written statement of proposed testimony, and shall limit the oral presentation at such appearance to a brief summary of his or her views.

The committee will provide public access to its printed materials, including the proposed testimony of witnesses, in electronic form.

(B) INTERROGATION OF WITNESSES

The right to interrogate witnesses before the committee or any of its subcommittees

shall alternate between the majority members and the minority members. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority and minority members present.

7. SUBPOENAS

A subpoena may be authorized and issued by the Chairman of the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witness and the production of such books, records, correspondence, memoranda, papers and documents as he deems necessary. The ranking minority member shall be promptly notified of the issuance of such a subpoena.

Such a subpoena may be authorized and issued by the chairman of a subcommittee with the approval of a majority of the members of the subcommittee and the approval of the Chairman of the committee.

8. QUORUM

No measure or recommendation shall be reported unless a majority of the committee was actually present. For purposes of taking testimony or receiving evidence, two members shall constitute a quorum. For all other purposes, one-third of the members shall constitute a quorum.

9. AMENDMENTS DURING MARKUP

Any amendment offered to any pending legislation 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 Chairman shall allow an appropriate period for the provision thereof.

10. PROXIES

No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

11. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There will be four subcommittees as follows:

Empowerment (six Republicans and five Democrats).

Government Programs and Oversight (six Republicans and five Democrats).

Regulatory Reform and Paperwork Reduction (six Republicans and five Democrats).

Tax, Finance and Exports (six Republicans and five Democrats).

During the 105th Congress, the Chairman and ranking minority member shall be *ex officio* members of all subcommittees, without vote, and the full committee shall have the authority to conduct oversight of all areas of the committee's jurisdiction:

In addition to conducting oversight in the area of their respective jurisdiction, each subcommittee shall have the following jurisdiction:

EMPOWERMENT

Promotion of business growth and opportunities in economically depressed areas.

Oversight and investigative authority over regulations and licensing policies that impact small businesses located in high risk communities.

General oversight of programs targeted toward urban relief.

General promotion of business opportunities.

GOVERNMENT PROGRAMS AND OVERSIGHT

Small Business Act, Small Business Investment Act, and related legislation.

Federal Government programs that are designed to assist business generally.

Small Business Innovation and Research Program.

Participation of small business in Federal procurement and Government contracts.

Opportunities for minority and women-owned businesses, including the SBA's 8(a) program.

Oversight and investigative authority generally.

REGULATORY REFORM AND PAPERWORK REDUCTION

Oversight and investigative authority over the regulatory and paperwork policies of all Federal departments and agencies.

Regulatory Flexibility Act.

Paperwork Reduction Act.

Competition policy generally.

TAX, FINANCE AND EXPORTS

Tax policy and its impact on small business.

Access to capital and finance issues generally.

Export opportunities and promotion.

12. COMMITTEE STAFF

(A) MAJORITY STAFF

The employees of the committee, except those assigned to the minority as provided below, shall be appointed and assigned, and may be removed by the Chairman. Their remuneration shall be fixed by the Chairman, and they shall be under the general supervision and direction of the Chairman.

(B) MINORITY STAFF

The employees of the committee assigned to the minority shall be appointed and assigned, and their remuneration determined, as the ranking minority member of the committee shall determine.

(C) SUBCOMMITTEE STAFF

The Chairman and ranking minority member of the full committee shall endeavor to ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee.

13. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the Chairman of the full committee. Meetings and hearings of subcommittees shall not be scheduled to occur simultaneously with meetings or hearings of the full committee.

14. SUBCOMMITTEE REPORTS

(A) INVESTIGATIVE HEARINGS

The report of any subcommittee on a matter which was the topic of a study or investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed reports shall first be approved by a majority of the subcommittee members. After such approval has been secured, the proposed report shall be sent to each member of the full committee for his or her supplemental, minority, or additional views.

Any such views shall be in writing and signed by the member and filed with the clerk of the full committee within 5 calendar days (excluding Saturdays, Sundays, and legal holidays) from the date of the transmittal of the proposed report to the members. Transmittal of the proposed report to members shall be by hand delivery to the members' offices.

After the expiration of such 5 calendar days, the report may be filed as a House report.

(B) END OF CONGRESS

Each subcommittee shall submit to the full committee, not later than November 15 of each even-numbered year, a report on the activities of the subcommittee during the Congress.

15. RECORDS

The committee shall keep a complete record of all actions which shall include a record of the votes of any question on which a rollcall vote is demanded. The result of each subcommittee rollcall vote, together with a description of the matter voted upon, shall promptly be made available to the full committee. A record of such votes shall be made available for inspection by the public at reasonable times in the offices of the committee.

The committee shall keep a complete record of all committee and subcommittee activity which, in the case of any meeting or hearing transcript, shall include a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule XXXVI of the Rules of the House. The Chairman of the full committee shall notify the ranking minority member of the full committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule XXXVI of the House, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination of the written request of any member of the committee.

16. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified or sensitive information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to members and necessary committee staff and stenographic reporters who have appropriate security clearance when the Chairman determines that such access or attendance is essential to the functioning of the committee.

The procedures to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified information or information deemed to be sensitive shall be as follows:

(a) Only Members of the House of Representatives and specifically designated committee staff of the Committee on Small Business may have access to such information.

(b) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee or the subcommittee possessing the materials.

(c) The clerk will maintain an accurate access log which identifies the circumstances surrounding access to the information, without revealing the material examined.

(d) If the material desired to be reviewed is material which the committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, individuals will be required to sign an access information sheet acknowledging such access and that the individual has read and understands the procedures under which access is being granted.

(e) Material provided for review under this rule shall not be removed from a specified room within the committee offices.

(f) Individuals reviewing materials under this rule shall make certain that the materials are returned to the proper custodian.

(g) No reproductions or recordings may be made of any portion of such materials.

(h) The contents of such information shall not be divulged to any person in any way, form, shape or manner, and shall not be discussed with any person who has not received the information in an authorized manner.

(i) When not being examined in the manner described herein, such information will be kept in secure safes or locked file cabinets in the committee offices.

(j) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(k) If a Member of the House of Representatives believes that certain sensitive information should not be restricted as to dissemination or use, the Member may petition the committee or subcommittee to so rule. With respect to information and materials provided to the committee by the executive branch, the classification of information and materials as determined by the executive branch shall prevail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(l) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee.

17. OTHER PROCEDURES

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.

The committee may not be committed to any expense whatever without the prior approval of the Chairman of the full committee.

18. AMENDMENTS TO COMMITTEE RULES

The rules of the committee may be modified, amended or repealed by a majority of the members, at a meeting specifically called for such purpose, but only if written notice of the proposed change has been provided to each such member at least 3 days before the time of the meeting.

RULES OF PROCEDURE FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to the requirement of clause 2(a) or rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Government Reform and Oversight for the 105th Congress and ask that they be printed in the RECORD at this point. These rules were adopted by the committee on February 12, 1997.

I. RULES OF THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

RULE 1. APPLICATION OF RULES

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Reform and Oversight and its subcommittees as well as to the respective chairmen. [See House Rule XI, 1.]

RULE 2. MEETINGS

The regular meetings of the full Committee shall be held on the second Tuesday of each month at 10:00 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, 2(c)2. Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request. [See House Rule XI, 2(b).]

RULE 3. QUORUMS

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting. [See House Rule XI, 2(h).]

RULE 4. COMMITTEE REPORTS

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XI, 2(l).

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed following House Rule XI, 2(l)(5). The time allowed for filing such views shall be three calendar days, beginning on the day of notice but excluding Saturday, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) before consideration of such proposed report in subcommittee or full committee. An investigative report or oversight report will be considered as read if available, to the members, at least 24 hours before consideration, excluding Saturdays, Sundays and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. An investigative or oversight report may be filed after sine die adjournment of the last regular session of the Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

RULE 5. PROXY VOTES

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee. [See House Rule XI, 2(f).]

RULE 6. ROLL CALLS

A roll call of the members may be had upon the request of any member upon approval of a one-fifth vote. [See House Rule XI, 2(e).]

RULE 7. RECORD OF COMMITTEE ACTIONS

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement. [See House Rule XI, 2(e).]

RULE 8. SUBCOMMITTEES; REFERRALS

There shall be seven subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgement, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee. [See House Rule XI, 1(a)(2).]

RULE 9. EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

RULE 10. STAFF

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

RULE 11. STAFF DIRECTION

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 12. HEARING DATES AND WITNESSES

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearings plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year. [See House Rules XI, 2(g)(3), (g)(4), (j), and (k).]

RULE 13. OPEN MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives. [See House Rules XI, 2 (g) and (k).]

RULE 14. FIVE-MINUTE RULE

(1) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(2) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the Chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The Chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

RULE 15. INVESTIGATIVE HEARINGS; PROCEDURE

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

RULE 16. STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17. TV, RADIO, AND PHOTOGRAPHS

An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, unless closed subject to the provisions of House Rule XI, 3.

RULE 18. ADDITIONAL DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, 4(g), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Will designate a Vice Chairman from the majority party.

RULE 19. COMMEMORATIVE STAMPS

The committee has adopted the policy that the determination of the subject matter of commemorative stamps properly is for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals for the issuance of commemorative stamps. It is suggested that recommendations for the issuance of commemorative stamps be submitted to the Postmaster General.

AFRICAN-AMERICAN HISTORY MONTH AND RACE ENTERTAINMENT

The SPEAKER pro tempore (Mr. McINNIS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. JACKSON] is recognized for 60 minutes as the designee of the minority leader.

Mr. JACKSON of Illinois. Mr. Speaker, I am particularly honored on this occasion to welcome the distinguished gentleman from Illinois [Mr. SHIMKUS] to the 105th Congress. I know he gave his first special order just a few moments ago. He, like I, when I first became a Member of this institution, was quite nervous, and we talked about it just before he began. But I wanted to take this opportunity to welcome him to the 105th Congress and indicate to him how much I look forward to serving with him in this institution.

Today for the better part of this special order I want to talk about a subject that is near and dear to my heart, that is near and dear to 39 Members of this institution, the Congressional Black Caucus. This is African-American History Month. We find ourselves this February confronting some challenges as a nation.

We have heard our Speaker talk about racial reconciliation. We have heard our President address the issue of racial reconciliation. And I thought what a better start we could have if we could just begin an honest dialogue about racial reconciliation in the context of Black History Month.

Carter G. Woodson is known as the father of black history. Originally it was designated to be just one week long, and then it eventually became a month. He knew that the African-American experience was unique and that the chronologizing of the African-American history and the chronologists of American history did not, would not and could not acknowledge the contributions that African-Americans have made.

Recently racial reconciliation has become a widely talked about issue. The O.J. case has forced us to face the wide gap separating white and black Americans in their views of our criminal justice system. How can people have such different perspectives of the same case according to the color of their skin? It becomes obvious that blacks and whites are not speaking from the same page because both groups are looking at the case through the lens of their own experiences, in this case, the experiences of whites versus the experiences of people of color with the criminal justice system.

The first step in a process of racial reconciliation is to build understanding between the races. We cannot have an effective conversation about racial reconciliation, which is one of the Speaker's goals, which is certainly one of the President's goals, if we do not try to understand the other group and their experiences. This is what Carter G. Woodson was thinking about and reflecting about when he wanted us as a Nation to pause during the month of February to acknowledge the contribution of African-Americans.

The purpose of this special order today is to take that first step, a serious dialogue about race issues, by beginning to explain the historical experience of African-Americans and by explaining the history of obstacles and advances which have allowed me to stand in this room and speak to you today as the 91st African-American Member of Congress.

To talk about the history of blacks in America, one cannot avoid the story of the struggle against discrimination in America. The two are intertwined. It is hard for many people to sit down and listen to a history full of discrimination. Many people do not want to relive it. Others do not feel like, they feel more like they are being blamed, but the history has to be told because many people are not aware of the full history, Mr. Speaker.

To build bridges, we have to build awareness. One of the greatest problems in race relations is the lack of awareness about discrimination. The discrimination that many blacks experience every day as common knowledge is the same discrimination that many whites do not experience and do not realize even exists. As a Member of this institution, I found myself in the 104th Congress, since I do not wear the identification pin that most Members of Congress tend to wear, late at night standing out in front of the Capitol of the United States trying to catch a taxi.

Why can I not catch a taxi late at night in Washington, DC? I do not know. But I have some assumptions. That young African-American males in America trying to catch a cab late at night, where the cab driver is white or black, brings certain prejudices to the whole notion of catching a cab. For example, they may think that I am going to rob them. They may think that I am going to take something from them when the reality is nothing could be further from the truth. Discrimination exists even for Members of this institution as Members of Congress whether we talk about it in our daily lives on the floor of this Congress or not.

The purpose of this speech today is not to blame or create guilt over black history. It is to build an understanding, to begin to explain the experiences of African-Americans. A better understanding, I genuinely believe, will help us move past the guilt to create positive change.

So I must ask each and every one, particularly the Members who are in their offices today to do just one thing: Put aside your opinions for now and try to imagine with me for a moment what it is like to be an African-American. I ask those of you who are not African-Americans to imagine that you are experiencing the history as being an African-American, that is the history of your people in this country, the history of your sisters, your brothers, your parents and your grandparents. I ask you to imagine what it would feel like had you had to have that certain outlook on the world.

I ask if you are an African-American to listen to this story as if you were white, as if this was the first time you heard some of these accounts. How would you react?

My first special order, one of five special orders I plan to have this month, is entitled, "O.J. and Race Entertainment." The noted historian John Hope Franklin in his book, "The Color Line," 1993, said perhaps the very first thing we need to do as a nation and as individual members of society is to confront our past and to see it for what it is. If we do that, he says, whites will discover that African-Americans possess the same human qualities that other Americans possess, and African-Americans will discover that white Americans are capable of the most sublime expressions of human conduct of which all human beings are capable.

Then he suggests we need to do everything possible to emphasize the positive qualities that all of us have, qualities that we have never had to utilize to the fullest but which remain, but which we must utilize if we are to solve the problem of the color line in the 21st century.

America is a Nation that is in dire need of entertainment. And the media, Mr. Speaker, knows how to provide it. You want movie entertainment, go see Independence Day. You go see a movie that does what no Democrats or Republicans could ever do, watch the aliens blow up Capitol Hill, not the deficit or the debt, but aliens. Watch them blow up the White House, watch them destroy Wall Street. If you want good movie entertainment, go see Independence Day.

If you want sports entertainment, you have the best, Michael Jordan, and, some could arguably say, the worst, Dennis Rodman on the same team. Why is that? Because Dennis Rodman—multicolored hair, many tatoos, more earrings on his body than a fishing lure—he understands entertainment. You want race entertainment and you do not want to have a serious dialog about race, about injustice in America. Here is O.J.

In fact, race entertainment is becoming increasingly popular. Name another subject that could give Geraldo Rivera the same television viewer ratings or Rush Limbaugh the same radio listenership. O.J. Simpson has given virtual rise to a new entertainment network, race entertainment television.

It is not substantive discussion about understandings from African-Americans, Asian-Americans, native Americans, women in our society or people who are working upward in the society to make a difference for their families. No, that is not O.J. entertainment or race entertainment. You want race entertainment, nonsensical dialog about moving the society forward, engage in it.

Talking about race and racial reconciliation is clearly becoming the in thing. It is the politically acceptable thing. The Nation responded positively to President Clinton's discussion of racial diversity in his inaugural address on Martin Luther King, Jr.'s holiday and again in his State of the Union Address. Speaker GINGRICH followed with a call on race ignorance and drugs.

Nobody in the media wants to just talk about the O.J. Simpson verdict. They wanted to talk about the O.J. Simpson verdict and what it is revealing about the current state of race relations in America. The fact that the O.J. Simpson trial is being viewed and used as a news hook to talk about race in this country is a sign of just how far off the point the media truly is. If we are going to have an honest conversation about this, we have to ask ourselves the question, why do African-Americans and white Americans see the justice system so differently?

□ 1615

Let us look at some of the historical chronology, and then we will come back to O.J.

In 1705, a Massachusetts law provided that any African-American or mulatto who struck a white person be severely whipped, at the discretion of the justices before whom the offender was convicted.

In 1708, a Connecticut law imposed a penalty riot exceeding lashes for any African-American who disturbed the peace or attempted to strike a white person.

In 1718, a Rhode Island law was enacted that said to the States if a slave is found in a free black's home, both should be whipped.

In 1730, a Connecticut law provided for penalty of 40 lashes for any black, native American, or mulatto who attempted to defame a white person.

Of particular importance to O.J., and I have not heard this in any of the analysis, in 1816 a Louisiana State law prohibited slaves from testifying against whites and free blacks except in cases where free blacks were allegedly involved in slave uprisings.

In 1827, from my State, the State of Illinois, a law decreed that blacks and native Americans and mulattos were incompetent to testify in court against whites.

In 1831, here is a real case study, Ohio said that African-Americans were prohibited from serving on juries as a matter of law.

In 1848, Ohio's black laws were then reversed, giving blacks legal standing in the courts.

In 1849, Ohio lifted its ban on testimony by blacks in courts.

In 1855, black Bostonians protested the absence of black jurors and called for equal judicial rights.

In 1860, two blacks in Worcester, MA, were named jurors, the first black jurors in Massachusetts's history.

In 1862, California African-Americans were granted the right to testify in cases for the first time where white men were defendants.

In 1865, the first interracial jury in the United States indicted Jefferson Davis for treason. The case was set for trial in 1868.

In 1880, in Stauder versus West Virginia, the U.S. Supreme Court ruled that the exclusion of blacks from the jury was unconstitutional. And the way around the Stauder case, many prosecutors have now used preemptory strikes to accomplish what the Constitution has already eliminated as unconstitutional.

In 1919, in State versus Young, the West Virginia Supreme Court ruled that a black man sentenced to life in prison was denied equal protection under the law because his jury had no black members. The State subsequently admitted black jury members.

In 1926, Violette N. Anderson was the first black woman attorney to present a case before the U.S. Supreme Court.

In 1930, President Hoover nominated Judge John J. Parker of North Carolina, a known Klansman, to the U.S. Supreme Court. The NAACP led a successful campaign against Mr. Parker's confirmation.

In 1947, be patient with me, I am coming up to 1997, Rosa Lee Ingram, a Georgia tenant farmer, and two of her husbands were convicted and sentenced to death for the murder of a white man whom Ingram alleged assaulted her. The case spurred a national defense and an amnesty program that resulted in her pardon in 1959.

On the mind of every African-American still living today, 1955, Emmett Till, a 14-year-old black youth, was murdered in Mississippi by white men. The murder was so brutal and the child's body was beaten so badly that at first he could only be identified by the ring that he was wearing.

The reason for his murder: A Chicago native, on a dare from his friends, on a dare from his friends, whistled at a white woman. The two white men arrested for the crime were acquitted by an all-white jury.

The particularly graphic picture of Emmett Till's body appeared in Jet magazine and is freshly etched in the minds of every African-American.

In 1959, Mack Charles Parker was lynched in Poplarville, MS. A grand jury received evidence in the case but refused to acknowledge that a lynching had even occurred.

In 1961, on an integrated bus in Alabama, there were routinely arrests in Mississippi, and, as they routinely arrested people in Mississippi, a Federal judge had to issue an injunction against the police to get them to protect the Freedom Riders.

Later, evidence surfaces that local police in Birmingham and Montgomery were involved in the violence and that an FBI employee participated in the Ku Klux Klan's strategy sessions. The FBI did nothing to stop the violence it knew was planned.

These are accounts that my grandmother, who is still living, and my great-grandmother, God rest her soul, she is still living and in a coma, often used to tell us about. She used to tell us in 1963 about Medgar Evers, the civil rights activist and field secretary for the NAACP. He was shot in the back.

The rifle bore the fingerprints of Byron de la Beckwith, a vocal member of a local white supremacist group. Despite overwhelming evidence against Mr. Beckwith, including an earlier statement that he wanted to kill Mr. Evers, Beckwith was set free after two trials with all-white juries.

In 1989, evidence surfaced suggesting that juries had been tampered with. Beckwith was not convicted for the murder until over 26 years after he had committed the crime.

Just 2 years ago this case was resolved, and there is presently a movie at the theater starring Whoopi Goldberg to illustrate how recent and current the history is that many African-Americans have with juries.

The FBI files referred to Dr. King as the most dangerous Negro leader in the Nation from the standpoint of communism, the Negro, and the national security. The FBI began high surveillance of this civil rights leader and those close to him in an attempt to expose, disrupt, discredit, and otherwise neutralize them. Attorney General Robert F. Kennedy authorized the FBI to tap Dr. King's phones.

An FBI letter referring to Dr. King and other civil rights leaders that it would "be unrealistic to limit ourselves, as we have been doing, to legalistic proofs or definitely conclusive evidence that would stand up in the court or before congressional committees."

In an attempt to replace King with a manageable black leader, the FBI, under the direction of J. Edgar Hoover, began an extended character assault against Dr. King, labeling him a Communist sympathizer and an adulterer.

The O.J. Simpson verdicts themselves are really, Mr. Speaker, not that complicated. Assuming the rules of the judicial system in Los Angeles and Santa Monica were fair and followed, and only the appellate process will determine that, we must accept both verdicts if we are to live in a nation of laws and not men and women. Personal views are just that, personal views, to which everyone is entitled. They are irrelevant, however, with respect to being in a nation of laws.

The principle should not be difficult to accept. All of us want to live and work in a nation of laws, in a society where equal protection of the laws is respected and accepted. This really, Mr. Speaker, should be all there is to O.J. Simpson. Guilty, not guilty, and guilty. That is over and done with.

But how do we get from O.J. Simpson's verdicts to race relations and to race entertainment? I would suggest, Mr. Speaker, we arrive at this conclusion by dealing with symbols over substance and talk over action.

President Clinton stood on the steps of the Capitol, looking west toward the Lincoln Memorial, the spot where Dr. King gave his famous 1963 speech. When he gave his Inaugural speech and paid tribute to Dr. King's dream, President Clinton spoke to the poetic symbolism of Dr. King's dream but not to its economic substance.

Dr. King stood on the steps of the Lincoln Memorial, looking east toward the Capitol and the Congress, and he spoke to them about our Nation's budget priorities, about economic justice as the path to racial justice as the substance of his speech. He talked about a promissory note, about a check that had bounced, that had been returned, that had been marked "Insufficient funds."

But Dr. King refused to believe that the bank of justice was bankrupt, and he said that there would neither be rest nor tranquility in America until the promissory note was made good.

Today, the White House and both Democrats and Republicans discussed that same promissory note, that same bounced check, and that same bank of justice, using different terms. Now the false bankruptcy is called a balanced budget or balanced budget amendment.

Assessing the state of the Union depends on one's vantage point. You see one thing if you are on the top looking down. It was a great speech for those of us who were on the top looking down. You see quite another thing if you are a worker or you are poor or you are economically insecure and you are looking up.

If you are well educated, if you are employed full time at basically a job of your choosing, if you are making a decent salary, if you and your family have good health and an insurance plan, if you are living in a relatively safe and affordable house, then the state of the Union is pretty much what President Clinton said it was in his State of the Union Address. Then we, as a nation, have a decent shot clearly, at that level, at making racial progress.

But you may be 1 of the 15 to 20 million Americans who are unemployed, underemployed, working part time when you want to be working full time, have never had a job, gave up looking for a job so that you are not even counted among the unemployed, or with corporate or government downsizing you are worried that you may be soon in one of these categories.

In that economic climate, does anyone think that the American people can really hear and really understand a conversation about race and racial reconciliation?

If you are 1 of the 40 million Americans without health insurance, another 40 million with inadequate health insurance, a worker who is being asked to pay more for less medical care, is anyone who is ill-insured or has no insurance, is anyone really convinced that racial reconciliation is high atop that individual's priorities and agenda?

If you are not living in safe, sanitary, and affordable housing, then you have a personal housing crisis. But much of the country lives that way, so America has a housing crisis.

In the late sixties, a White House Conference on Housing called for 26 million housing starts over the next 10 years, with 6 million federally subsidized. That translates into 2,600,000 each year, 600,000 federally subsidized housing over 10 years.

The Nation has never approximated that goal, and currently we are over 1.5 million in new housing starts. And the population has grown, so the crisis is worse today than it was three decades ago. Thus, we now need more housing than ever, for America is ill-housed. How can we expect people to be sensitive about race and about racial reconciliation when there is a housing crisis?

Our education system is in crisis. Not all of our children are being educated for work and life in the 21st century. Certainly, one can say that the President made a huge effort in his State of the Union Address to improve our educational system and make it more accessible to more people through the various initiatives he spelled out in his speech in the form of tax breaks, tuition grants, and scholarships. For that, he is to be commended.

While the effort was there, and I agreed with that, for quality of education is an entitlement of every American, one cannot be as sure about the effectiveness of these programs for the students who have the greatest need, those who are the least well off. While many will benefit from the President's plan, it appears that most of the money will go to students who plan to attend college anyway.

It is a kind of "Democrats for the leisure class" approach of giving tax relief to the middle class in the guise of education reform; a tinkering, top-down, talented, and technocratic approach to solving a very real problem.

In my district, I have cities that do not have tax bases at all, not one job in the town, not enough money, Mr. Speaker, to raise revenue to pay their firemen, to pay their police officers. In this particular context, high school students are in school districts where there are no resources on a regular basis, a consistent basis, to pay teachers what they deserve. Can we really move systematically toward solving our race problem when we cannot provide a quality education for all of America's children?

On the watch of a current Democrat President and a Republican Congress, the United States has become the most economically unequal industrialized democracy in the world in terms of wealth and income. While taxes have probably never been totally fair for the average American, tax unfairness was dramatically escalated under the Reagan tax program of 1981. Thus, we do not need a more benevolent and less extreme tax plan than Ronald Reagan's, we need a reversal of that plan.

We do not need tax cuts for the middle class as much as we need fair taxes for everybody. Inherent in fair taxes for all is a reduction in taxes for the middle class, the working class, and the poor. How does one get racial justice in America in the context of economic injustice?

□ 1630

The reality is you cannot. The more likely outcome and one which we are currently witnessing is the dynamic scapegoating of people of color and the poor in a mean spirit. The logical result of this current economic climate is the passage of proposition 187, immigrant bashing in California and other xenophobic measures.

The current racial climate engenders scapegoating by blaming the lack of jobs on affirmative action for women and people of color. In this current climate it is the politically weakest and most vulnerable among us who are being economically assaulted in the name of welfare reform.

The reality is, Mr. Speaker, there can only be anecdotal racial reconciliation under the present circumstances of economic inequality and insecurity. Thus, to talk about race and racial reconciliation without acting to bring about a full employment peacetime economy, without universal and comprehensive health care system, without adequate, safe and affordable housing for every American, without quality education for every American child, without economic fairness in wealth and income, is talk that can only lead to more hostility, frustration and racial animosity. To deal with the American people on the matter of race in such a manner is to play games with them. It is engaging in race entertainment.

Frustration at the inability to make racial progress will lead to increased racial tensions, witnessed daily on television or experienced every day by average black, white, red, yellow, brown people. Or in the extreme, it can even lead to a racial explosion, as we witnessed in the aftermath of the Rodney King trial.

The other alternative, Mr. Speaker, is to think that you are contributing to racial progress merely by talking about it privately. I am reminded about former Senator Bill Bradley's poignant statement, "When is the last time you sat down with a person of another race and had a frank discussion about race?"

Yes, dialog undoubtedly helps break down barriers and contributes to understanding, but enhanced personal interactions, without economic progress, will never achieve the goal of racial reconciliation. One might wonder why I appear to be downplaying the importance of educating the American people about race through public dialog.

My point is that merely talking about or reporting on race relations through the media, especially television, is subject to the same limitations as in the case of individual dialog. Ted Koppel and Nightline have done some wonderful and important shows on race, but unless in the long term it is reported in the context of a comprehensive economic approach, it will not markedly improve race relations in America. In fact, in an unintended way, it may even add to the frustrations and to the tensions by reflecting a lack of progress on the racial front.

The problem is that we cannot make real progress on the race question in economic isolation. The race problem must be solved in the context of providing employment, health care, housing, education, and a fair share of wealth and income to all of America's people.

If we attempt to deal with the race question outside of the economic context, we are engaging in entertainment, because we cannot make systematic progress in race relations under these conditions. What often happens is that television ends up, since the networks must be concerned with ratings, not educating people about race but using race to entertain them instead, and unfortunately this is often done in the most sensational manner.

That is why I say that the O.J. Simpson trials have basically been about race entertainment, not about racial education or racial reconciliation. What could be more sensational and off the point than substantively dealing with the state of current race relations in America than the O.J. Simpson trials? Star black male athlete alleged to have murdered his beautiful blonde white wife.

There is more racial understanding and racial reconciliation possible in 1 year, Mr. Speaker, of full employment than there is in three decades of talking about race on television, no matter how well-intentioned, how well done or how well researched.

Sensationalizing race in the current economic climate can only increase tension, add to frustration, increase cynicism, and eventually contribute to

drug use and scapegoating, where people implode and turn on each other rather than to each other.

Racial justice is not the same as economic justice. There would still be racism in a full employment economy. But systematic and steady racial progress can only be achieved in the context of a full employment economy, and it would only be achieved to the degree that we as a nation make progress on economic issues.

Thus, Mr. Speaker, that is why I always say the Federal Reserve Board and the Federal Reserve System must become part of the racial justice dialog. Every time unemployment dips below 5 percent, Chairman Greenspan uses employment growth to say that the economy is overheating and as a rationale to raise interest rates, slow the economy and raise unemployment.

I oppose the Democratic welfare reform bill. I oppose the Republican welfare reform bill. I thought it was horrible when the President of the United States said that he was going to support the welfare reform bill and 98 Democrats voted for it and 98 Democrats voted against it. But let us assume, since it is a matter of law now, and it is a horrible bill that still needs correction by this body, let us assume for a moment that we are going to move people genuinely from welfare to work.

Who is on welfare? People who are unemployed or people who are underemployed? Let us assume that they are part of the 5 percent, the very bottom of our Nation's economy, those with whom the social safety net of this country was designed to protect. Two years and you are off, we say in the bill. But let us say for the very first time because the Dow Jones industrial average is now above the 6,000 mark, that the economy is now beginning to reach the unemployed and the underemployed for the very first time. Let us say that the opportunities that the President talks about in his State of the Union Address, 10 million new jobs, now at 11 million new jobs, let us say that those jobs are finally beginning to reach the unemployed and the underemployed for the first time. As soon as unemployment in our Nation dips beneath 5 percent, the Federal Reserve and its chairman has a press conference, and the very first thing they say is, "The economy is overheating, we've got to slow the economy down, we've got to jack up interest rates, we've got to slow the economy down," and, therefore, this institution, along with the Federal Reserve, creates a permanent class of poverty in our Nation without any more government assistance.

Shame on us, Mr. Speaker. Shame on Democrats and Republicans who do not recognize and will not acknowledge that the Federal Reserve Board has a unique and an integral role to play in racial reconciliation, because jobs that have never been and have been eliminated from a generation of people are not reaching them.

Even definitions must become part of the racial justice dialog. That is why we need Presidential leadership. The politically motivated movement to redefine the Consumer Price Index, lowering the Consumer Price Index in order to reduce the budget deficit, will have a negative effect on the lives of real Americans, but disproportionately on the lives of people of color. It will impact race relations. It is not a conversation for just Wall Street or a bunch of economists. This is serious business.

Similarly, Mr. Speaker, even the way we define full employment affects race relations. "Oh, Jesse," Members on the other side walk up to me all the time, Democrats walk up to me all the time, shake my hand, "Hey, Jesse, I marched with your dad"; "Hey, Jesse, been there with you"; "You're so right, friend," but constantly vote against everything I am for.

It does not make sense, Mr. Speaker. It sure feels good, but we are not making any progress. In 1971, when Richard Nixon was President, unemployment had risen to just over 5 percent. At that time, our Nation defined 3 percent as full employment. He thought, Mr. Nixon, that 5 percent might cost him the election in 1972, so what did he do in August of 1971? He took an action traditionally attributed to Democratic officials and imposed wage-and-price controls. He jawboned the Federal Reserve to lower interest rates, and it worked. By November of 1972, the economy was booming, employment had dramatically risen, and he was overwhelmingly reelected.

They accused George McGovern of losing the election because he was too liberal. The fact of the matter is Richard Nixon won reelection because he was the liberal. He challenged the Federal Reserve, and he moved unemployment back to a number that was more acceptable by the American people.

In 1997, however, we are no longer at 3 percent. We are at 5 percent. And every time finally the underemployed get an opportunity, they jawbone the economy and start moving the economy in an opposite direction.

We must challenge, Mr. Speaker, the media, political, labor, and other leaders to transform the national discussion and debate from mere racial justice for minorities to greater racial justice for minorities in the context of greater economic justice for all Americans.

Dr. King's dream was poetic and it was symbolic. Dr. King's substance was a nonviolent, activist, economic strategy to combat racism and bring about racial reconciliation. That is why he moved from just talking about racial justice to talking about racial reconciliation in the context of an economic justice movement.

In 1968 when he was killed, he was not fighting for civil rights. That bill was passed in 1964, and he was not sleeping for 4 years. What was he doing in 1968? He was leading a poor people's campaign that paralleled the national Presidential campaign because he wanted the Nation's priorities to reflect raising boats that were stuck at the bottom.

In a nation with the economic ability and the technological capability of providing every American with a decent life, it is an outrage and it is a scandal that there should be such social misery in our country.

What do we say to the American poor and to the victims of racism and sexism and classism in America? Do we tell them, Mr. Speaker, that you are better off than the Russian poor? You are better off than the Bosnian poor? You are better off than the Asian poor, the African poor, the Latin poor? This, Mr. Speaker, has got to be close to cruel and insensitive and immoral.

No, we must tell them that such injustice is intolerable. That no American should be institutionally and systematically maimed in body and in spirit when our country has the means of doing better. The standard is not a comparison of how much worse things could be, but how much better things should be if we had only the political leadership and the development of the political will to change.

We are a nation, Mr. Speaker, of enormous national wealth that is tragically suffering from an anemia of national will to do what we know is just. It is time to end race entertainment, and it is time to start down the sure path of economic and racial justice.

RECESS

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DICKEY) at 5 p.m.

COMMEMORATING BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from California [Ms. MILLENDER-MCDONALD] is recognized for 60 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank our chairwoman, Congressman MAXINE WATERS,

the gentlewoman from California, for her leadership and tenacity in moving forthwith on critical issues of importance, not only to African-Americans, but to all Americans, and to our revered and preeminent leader, the gentleman from Ohio, Congressman LOUIS STOKES, for the guidance in advising those of us who have come recently to this House to do the people's business. My thanks to both of my colleagues for allowing me these moments to reflect.

Mr. Speaker, I rise today as a proud African American to acknowledge this month as African American History Month and to recognize the vast contributions made by distinguished citizens of this Nation who are of African descent.

As we hold our forbearers to high esteem for their courage, perseverance, morality and faith, we salute them for their relentless efforts in fighting to remove the legal and political disabilities that were imposed upon us.

While I represent California's 37th Congressional District with pride, my birth State is Alabama, and I am reminded of the first African American from Alabama who was elected to the 42d Congress and who advocated even then the importance of education, Benjamin Sterling Turner.

Education has been the cornerstone in the African American community. My father, Rev. Shelley Millender, Sr., knew the importance of education. He and my mother, Mrs. Evelena Deutsche Millender advocated a quality education and gave us a value system that is part and parcel of the true spirit of African American families. We recognize that a good education is the key to success and should open the door of opportunity.

I am further reminded of my father's teachings when he said, never subordinate to race-bashing; respect yourself and others, even though you have differences of opinion, but hold firm to your convictions.

Let us not forget one who had strong convictions in the name of Wiley Branton, now deceased, but who was a great American and a great leader in the early civil rights movements. He was born and reared in Pine Bluff, AR, became a lawyer, and began practicing law in his hometown. His earliest achievements, however, was of national interest, as he represented the Little Rock Nine in 1958. He later became the Assistant Attorney General for Civil Rights, being appointed by the President, then Lyndon Johnson. He served as the dean of Howard University School of Law until his death. Convictions like that and convictions like Branton is but one of the various teachings of commitment and dedication that the African American family instills in their children.

As I listened very closely to the President's State of the Union Address, as he spoke of education as a No. 1 priority, building strong families and communities, and humanitarian efforts in the assistance of the underprivileged through volunteerism, I stand tonight to lift up some of my constituents who are role models and great citizens that the President talked about. Their names will never be in lights nor on billboards, but they are the unsung heroes of my community. They helped in the education of our children, they built strong families and engaging communities, and they taught us to have a strong value system. Let me share with you these outstanding African American individuals.

Theresa LaVerne Harris who passed away in November 1996 was a dedicated educator. Throughout her life Theresa LaVerne touched all of us who had the pleasure of knowing her with her humor, her strength and, perhaps most importantly, her dignity. But she never forgot that education was the key, and therefore she became an educator and an administrator with the Los Angeles Unified School District. She spent her early youth in Louisiana and Mississippi until her family moved to California in 1943. She attended the Los Angeles unified schools and graduated from John Francis Polytechnic High School with honors. But it was during her college days at UCLA that she decided to become this educator.

Theresa LaVerne began a long distinguished life educating the young kids from the inner city. She excelled in her career as an educator. Though she raised three outstanding children, she was a loving and supportive wife, and in spite of all of this, she went on to earn a master's degree in personnel administration from Pepperdine University.

But both as an educator and an administrator within a public school system, Theresa LaVerne worked hard to ensure that students under her charge had the very best of education available to them. While she was deservedly proud of her mark as a personal and academic woman of achievements, she was more interested in using her talents and her strength to help children to become better educated and to ensure their mark in the future in mainstreaming them into the world of work.

Those of us who worked around her saw that she was a very strong disciplinarian in her efforts to make sure that education stayed the primary responsibility of those teachers and administrators who worked under her watch.

Mr. Speaker, I worked with Theresa LaVerne Harris and had the privilege of knowing her and her family for decades. She was a devoted wife, a wonderful and nurturing mother, a role model not only for our children, but for all of us who had the opportunity to know her. She will be sorely missed, and as I said a moment ago, she was one who was a person who did extraordinary work in the field of education and educating our children.

The next person I will speak of is Carolyn Ann Richardson Cheney, a woman of immense talents. Carolyn passed away in December 1996, and she too was a devoted family and community leader. She had a generosity of spirit in giving all that she could to the community and to inspire those who worked around her. Those of us who knew her knew that she spent her early days as a youth in El Paso, TX, before moving to California. After graduating from high school she obtained a dental assistance credential and began working in Los Angeles. Her further thirst for education prompted her to go on to Compton College, where she earned her associate arts degree and on to California State University, Dominquez Hills where she finished her bachelor's degree with honors.

What do these two people have in common? In spite of being mothers and in spite of being wives, they obtained their education and went on to help others outside of their children. Carolyn's ambition, strength, and motivation found expressions in her entrepreneurial and managerial talents. For 13 years she worked in Sears & Roebuck during off times to help with the family finances.

In 1980, she opened her own insurance agency, and it became one of the top agencies in southern California, and despite all of this she found time to serve her community and her church, reaching out to teenage mothers, reaching out to the desolate, reaching out to those who were the homeless. She volunteered in the Los Angeles probation department in the chaplain's office. Carolyn received the Paul Harris Fellowship by the Rotary International in appreciation for her efforts and assistance in the furtherance of better understanding and friendly relationships among peoples throughout the world.

Though she was a loving and devoted mother of 4 children, through words and deeds, she instilled in them the principle of honesty, integrity, hard work, perseverance, and self-sacrifice. And these are the values that help to make our Nation great and our people strong. Her attributes are a testament to the unending strength of motherhood. Carolyn will be sorely missed by all of those and all of us who knew her for her nurturing, her leadership, and her strength. She indeed was an inspiration to all of us throughout the community.

I pay homage to Mr. Sam Littleton, who passed away January 31 of this year. Mr. Littleton went to work early as a mail carrier in the cities of Los Angeles and Compton until he was stricken with disability. But his disability did not dissuade him to go on in his middle age to college, having received an AA degree from Compton College and a bachelor's degree from

Los Angeles University of Los Angeles. But he was still motivated for higher education and he applied and was accepted to the graduate program of social work at UCLA.

When he became a social worker, he started work at the new then-Martin Luther King, Jr., Medical Center. He elected to not work as a social worker in the daytime, but he elected to work as a social worker at night so that those who worked during the day, parents, single parents, and those who could not get off at work could come and talk with him, and he counseled them. He was the only social worker in the State of California who took an evening shift. He was a positive and unique role model for the community. He served and assisted with the bereaved and grieving families; he assisted many homeless persons in finding shelter; he counseled many with abuse problems and substance abuse as well, and he even counseled women who were victims of rape. The elderly grew to know him as a person whom they could depend upon because he would make home visits to make sure that they felt safe in their homes and that their needs were met even though they could not come out from their homes.

Yes, his 18 years of service as an evening social worker endeared him to not only his family, but to employees and coworkers and the community around him. He will be sorely missed, but his legacy remains.

I salute Mr. Sam Littleton for an outstanding record of public and community service, a record that has touched so many lives throughout the community. He was truly an inspiration to all of us. His community commitment, his dedication to human services, his social services and service to the community through volunteerism were indeed the life and the high regard that was given to him at the time of his funeral on January 31.

Another person who is not deceased yet, of course, is Maxie Filer, who has given 45 years of public service to the community. Mr. Filer is in the Guiness Book of Records because he took the law exam 45 times before he passed. Perseverance. He was indeed a role model and is a role model to the community.

While he has 7 children, 3 of whom are attorneys and one is a judge, Mr. Filer knew the importance of public service. He was a resident of Compton for over 40-some years. He served in presidential campaigns; he was the president of the Compton Democratic Club in 1952. He was labor and industry community chairman. He was even with Martin King on the march on Washington in 1963, and he became the president of the Compton NAACP from 1964 to 1970. Mr. Filer served as a Compton city council member from 1976 through 1989.

His commitment, though, to the youth, the African-American males, is one indication of a man who knew outside of being a father to his 7 children, along with his wife, Glendell, that he had to help young African-American males to see the right way, to move into a mainstream of life and to divert from gangs and drugs.

He is still serving in the community as an attorney and does a lot of pro bono work for those in the community who are unable to pay for legal service. Maxie Filer is one who now recognizes volunteerism is an important component. He will serve as my chairperson for my volunteerism task force that I am convening.

□ 1715

Mr. Speaker, as new trailblazers emerge to chart new paths, and they commence agendas to promote African-Americans and invest in future generations, let us never forget the spirit of those who I have mentioned, and our forebears.

Let us also recognize the ones whose names do not ripple in neon lights, whose distinctiveness has yet to be embedded on printed pages. Because for all that we are and hope to be, it is because of them. For all of the songs that they sang over stovetops and beside washtubs that went unscored, for all the poems that they scribbled on matchboxes and matchbox covers and on dinner napkins that went unpublished and unnoticed, for the many discovered roles that they played in unrecorded and then unforgotten movies, and for all that they did for us, we are all the better because of them.

We want them to know that they will not go unnoticed, because each time we sign our names, we know that it is for the thousand like them who cannot hold a pen, but instead, held us, and tucked us in gently, as they sang the many rhythms and rhymes of the old African spirituals.

Mr. Speaker, I have come tonight because I wanted to recognize not just those of us who perhaps in the eyes of others have succeeded, but for the many who perhaps will not ever work in this Chamber, will not ever have an opportunity to run campaigns, but they, too, have given so much to this Nation and to this world.

As we celebrate African-American History Month, let us not forget those who toiled in order that we would have a place in this House.

RECESS

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 19 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1806

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 6 o'clock and 6 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 21. Concurrent Resolution providing for an adjournment of both Houses.

The message also announced that the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: JOHN WARNER; THAD COCHRAN; MITCH MCCONNELL; WENDELL H. FORD; and DANIEL L. INOUYE.

Joint Committee on the Library of Congress: TED STEVENS; JOHN WARNER; THAD COCHRAN; DANIEL PATRICK MOYNIHAN; and DIANNE FEINSTEIN.

The message also announced that pursuant to sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Delaware [Mr. ROTH] as chairman of the Senate Delegation to the North Atlantic Assembly during the One Hundred Fifth Congress.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the Senator from New York [Mr. D'AMATO] as chairman of the Commission on Security and Cooperation in Europe.

The message also announced that pursuant to Public Law 102–138, the Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, appoints the Senator from Alaska [Mr. STEVENS] as chairman of the Senate Delegation to the British-American Interparliamentary Group during the One Hundred Fifth Congress.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Alaska [Mr. MURKOWSKI] as chairman of the Senate Delegation to the Canada-United States Interparliamentary Group during the One Hundred Fifth Congress.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Texas [Mrs. HUTCHISON] as chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the One Hundred Fifth Congress.

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. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KLECZKA, and to include therein extraneous material, notwithstanding the fact that it exceeds five pages of the RECORD and is estimated by the Public Printer to cost $1,152.

ADJOURNMENT

Mr. HASTERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 21, 105th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, February 25, 1997, for morning hour debate.

Thereupon (at 6 o'clock and 7 minutes p.m.), pursuant to House Concurrent Resolution 21, the House adjourned until Tuesday, February 25, 1997, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1747. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Walnuts Grown in California; Assessment Rate [Docket No. FV96-984-1 FIR] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1748. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Reports by Large Traders; Cash Position Reports in Grains (Including Soybeans) and Cotton [17 CFR Parts 15, 18, and 19] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1749. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP-300452; FRL-5585-1] (RIN: 2070-AB78) received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1750. A letter from the Administrator, Farm Service Agency, transmitting the Agency's "Major" final rule—Conservation Reserve Program—Long-Term Policy [7 CFR Part 704] (RIN: 0560-AE95) received February 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1751. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Pre-Loan Procedures for Electric Loans (RIN: 0572-AB30) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1752. A letter from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting the report to Congress for Department of Defense purchases from foreign entities in fiscal year 1996, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on National Security.

1753. A letter from the General Counsel, Department of Defense, transmitting the Department's report on the efficacy of court-martial sentence enhancement based on the status of victims; to the Committee on National Security.

1754. A letter from the Director of the Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Expanded Examination Cycle for Certain Small Insured Institutions [12 CFR Part 337] (RIN: 3064-AB90) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1755. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Identification and Mapping of Special Flood Hazard Areas, Procedures for Map Correction, and Procedures and Fees for Processing Map Changes (RIN: 3067-AC53) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1756. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendment to Definition of Deposits in Banks or Trust Companies [No. 97-3] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1757. A letter from the Chairman of the Board, National Credit Union Administration, transmitting the Administration's pay structure for 1997, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

1758. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Expanded Examination Cycle for Certain Small Insured Institutions [Docket No. 97-02] (RIN: 1557-AB56) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1759. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumption for Valuing Benefits [29 CFR Part 4044] received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1760. A letter from the Secretary of Health and Human Services, transmitting the Department's report on the pension counseling demonstration program, pursuant to 42 U.S.C. 3035r(f)(2); to the Committee on Education and the Workforce.

1761. A letter from the Secretary of Energy, transmitting the Department's report entitled "Process-Oriented Industrial Energy Efficiency and Industrial Insulation and Audit Guidelines", pursuant to Public Law 102-486, section 132(d) (106 Stat. 2839); to the Committee on Commerce.

1762. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Acquisition Regulation: Technical Amendments (RIN: 1991-AB34) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1763. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Military Munitions Rule: Hazardous Waste Identification and Management; Explosives Emergencies; Manifest Exemption for Transport of Hazardous Waste on Right-of-ways on Contiguous Properties [EPA 530-Z-95-013; FRL-5686-4] (RIN: 2050-AD90) received February 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1764. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulations of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the Phoenix, Arizona Moderate Ozone Nonattainment Area [FRL-5689-2] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1765. A letter from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation of Extension of Attainment Date for the Pittsburgh-Beaver Valley, Pennsylvania Moderate Ozone Nonattainment Area; and Determination of Valid Ozone Air Quality Data Indicating the Reading, Pennsylvania and Richmond, Virginia Moderate Ozone Nonattainment Areas Have Attained the Nation Ambient Air Quality Standard for Ozone [PA 034-4054a; FRL-5688-7] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1766. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of the Agency's report entitled "Status of the State Small Business Stationary Source Technical and Environmental Compliance Assistance Programs [SBTCP] for the Reporting Period, January—December 1995," pursuant to section 507(d) of the Clear Air Act Amendments of 1990; to the Committee on Commerce.

1767. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Regulation of International Accounting Rates [Docket No. CC 90-337, Part II] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1768. A letter from the Chair, Federal Energy Regulatory Commission, transmitting a report on the status of all extensions authorized by Congress of the hydropower construction deadlines of section 13 of the Federal Power Act, pursuant to section 1701(c)(5) of the Energy Policy Act of 1992; to the Committee on Commerce.

1769. A letter from the Director, Regulations Policy Management Staff, Office of

Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling: saccharin and Its Salts; Retail Establishment Notice [Docket No. 95P–0337] received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1770. A letter from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—USEC Privatization Act [10 CFR Parts 2, 40, 70, and 76] (RIN: 3150–AF56) received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1771. A letter from the Secretary of Health and Human Services, transmitting a report on the National Practitioner Data Bank [NPDB] malpractice reporting requirements, pursuant to Public Law 99–660, section 421(d); to the Committee on Commerce.

1772. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Reporting Requirements for Brokers or Dealers Under the Securities Exchange Act of 1934 [Release No. 34–38245; File No. S7–21–93] (RIN: 3235–AF91) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1773. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Net Capital Rule [Release No. 34–38248; File No. S7–7–94] (RIN: 3235–AG14) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1774. 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 Israel (Transmittal No. MC–DTC–23–97], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1775. 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 Israel and the United Kingdom (Transmittal No. DTC–24–97], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1776. 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–21–97], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1777. 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–22–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1778. 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 Germany (transmittal No. DTC–17–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1779. 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 Turkey (Transmittal No. DTC–8–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1780. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

1781. 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.

1782. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the progress made toward opening the United States Embassy in Jerusalem, pursuant to Public Law 104–45, section 6 (109 Stat. 400); to the Committee on International Relations.

1783. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Commerce Control List: Exports of Mixtures Containing Trace Quantities of Precursor Chemicals; ECCNs 1C350 and 1C995 [Docket No. 961206342–6342–01] (RIN: 0694–AB46) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1784. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations: Addition of the Republic of South Korea to Australia Group (AG), Clarification to the Sample Shipments Exemption in ECCN 1C350, and Correction to the Commerce Country Chart [Docket No. 961219362–6362–01] (RIN: 0694–AB52) received February 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation to authorize payment of arrears to the United Nations, U.N. specialized agencies, and other international organizations; to the Committee on International Relations.

1786. A letter from the Acting Comptroller General, General Accounting Office, transmitting the Comptroller General's 1996 annual report, pursuant to 31 U.S.C. 719(a); to the Committee on Government Reform and Oversight.

1787. A letter from the Director, Operations and Finance, American Battle Monuments Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

1788. A letter from the Manager, Benefits Communications, Ninth Farm Credit District Trust Committee, transmitting the annual report for the plan year ended December 31, 1995, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

1789. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

1790. A letter from the Director, Office of Personnel Mangement, transmitting the Office's final rule—Funding of Administrative Law Judge Examination [5 CFR Part 930] (RIN: 3206–AH31) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

1791. A letter from the Associate Director for Management, Peace Corps, transmitting a notice of an amendment to the system of records, pursuant to 5 U.S.C. 552a; to the Committee on Government Reform and Oversight.

1792. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Supplemental [50 CFR Part 20] (RIN: 1018–AD69) received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1793. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Importation of Polar Bear Trophies from Canada under the 1994 Amendments to the Marine Mammal Protection Act (RIN: 1018–AD04) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1794. 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; Pollock in Statistical Area 620 [Docket No. 961126333–6333–01; I.D. 020597A] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1795. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Suberea of the Bering Sea and Aleutian Islands [Docket No. 961114318–6318–01; I.D. 02397F] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1796. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery; Closure in Registration Area E [Docket No. 960502124–6190–02; I.D. 012497B] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1797. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 [Docket No. 961126333–6333–01; I.D. 020297D] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1798. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration final rule—North Atlantic Right Whale Protection [Docket No. 960730211–7020–02; I.D. 072296B] received February 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1799. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Monetary Penalty Inflation Adjustment (National Highway Traffic Safety Administration) [Docket No. 97–2; Notice 1] (RIN: 2105–AC63) received February 10, 1997, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1800. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Research [BOP-1008-F] (RIN: 1120-AA14) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1801. A letter from the Director, Federal Bureau of Prisons, transmitting the Bureau's final rule—Inmate Legal Activities and Inmate Personal Property [BOP 1063-F] (RIN: 1120-AA58) received February 10, 1997, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on the Judiciary.

1802. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft of proposed legislation to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States; to the Committee on the Judiciary.

1803. A letter from the Acting Administrator, Federal Aviation Administration,, transmitting a copy of the updated aviation system capital investment plan [CIP] pursuant to 49 U.S.C. app. 2203 (b) (1); to the Committee on Transportation and Infrastructure.

1804. A letter from the Director of Civil Works, Department of the Army, transmitting the Department's final rule—Final Notice of Issuance, Reissuance, and Modification of Nationwide Permits—received February 10, 1997, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

1805. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-233-AD; Amdt. 39-9916; AD 97-03-11] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801 (a) (1) (A); to the Committee on Transportation and Infrastructure.

1806. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9 and Model DC-9-80 Series Airplanes, Model MD-88 Airplanes, and C-9 (Military) Series Airplanes Equipped with BF Goodrich Evacuation Slides (Federal Aviation Administration) [Docket No. 96-NM-124-AD; Amdt. 39-9920; AD 97-03-15] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801 (a) (1) (A); to the Committee on Transportation and Infrastructure.

1807. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96-NM-97-AD; Amdt. 39-9917; AD 96-03-12] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1(A); to the Committee on Transportation and Infrastructure.

1808. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive; McDonnell Douglas Model MD-11 and MD-11F Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-218-AD; Amdt. 39-9921; AD 96-03-16] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1809. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-226-AD; Amdt. 39-9924; AD 97-03-19] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1810. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive; Construcciones Aeronauticas S.A. (CASA), Model C-1212 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-890-AD; Amdt. 39-9918; AD 97-03-13] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1811. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 757 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-57-AD; Amdt. 39-9922; AD 97-03-17] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1812. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-300 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-148-AD; Amdt. 39-9919; AD 97-03-14] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1813. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211-535E4 and -535E4-B Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96-ANE-09; Amdt. 39-9897; AD 97-02-12] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1814. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96-ANE-33; Admt. 39-9896; AD 97-02-11] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1815. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JFTD12A Series and T73 Series Turboshaft Engines (Federal Aviation Administration) [Docket No. 94-ANE-49; Amdt. 39-9898; AD 97-02-13] (RIN: 2120-AA64) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1816. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lebanon, NH (Federal Aviation Administration) [Airspace Docket No. 96-ANE-28] (RIN: 2120-AA66) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1817. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Old Town, ME (Federal Aviation Administration) [Airspace Docket No. 96-ANE-29] (RIN: 2120-AA66) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1818. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; New Haven, CT (Federal Aviation Administration) [Airspace Docket No. 97-ANE-02] (RIN: 2120-AA66) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1819. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—International Data Submissions by Large Air Carriers (Form 41 Schedules T-100, T-100(f), and P-1.2) [Docket No. OST-96-1049; Notice 96-2] (RIN: 2105-AC34) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1820. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Value Engineering (Federal Highway Administration) [FHWA Docket No. 94-12] (RIN: 2125-AD33) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1821. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aid Project Agreement and Contract Procedures (Federal Highway Administration) [FHWA Docket No. 96-3] (RIN: 2125-AD58) received February 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1822. A letter from the Commandant, United States Coast Guard, transmitting the Coast Guard's report entitled "International Private-Sector Tug-of-Opportunity System for the Waters of the Olympic Coast National Marine Sanctuary and the Strait of Juan de Fuca," pursuant to Public Law 104-58, section 401(a) (109 Stat. 566); to the Committee on Transportation and Infrastructure.

1823. A letter from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Homeless Providers Grant and Per Diem Program Clarification of Per Diem Eligibility (RIN: 2900-AH89) received February 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1824. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 97-17] received February 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1825. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's "Major" final rule—Supplemental Security Income; Determining Disability for a Child Under Age 18; Interim Final Rules With Request for Comments [Regulations Nos. 4 and 16] (RIN: 0960-AE57) received February 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1826. A letter from the Comptroller, Department of Defense, transmitting a report on the amount of any contribution accepted for relocation of U.S. Armed Forces within that nation and the specific use of those contributions, pursuant to Public Law 104-106, section 1332(a)(1) (110 Stat. 483); jointly, to the Committees on National Security and International Relations.

1827. A letter from the Secretary of Energy, transmitting the semiannual report regarding programs for the protection, control,

and accountability of fissile materials in the countries of the former Soviet Union, pursuant to Public Law 104–106, section 3131(b) (110 Stat. 617); jointly, to the Committees on National Security and International Relations.

1828. A letter from the General Counsel, Department of Defense, transmitting a notification that the advisory committee appointed to study the appropriate forum for criminal law jurisdiction over civilians accompanying the Armed Forces in the field outside the United States in time of armed conflict has been unable to finish its report prior to the statutory deadline, pursuant to Public Law 104–106, section 1151(d)(2) (110 Stat. 468); jointly, to the Committees on National Security and the Judiciary.

1829. A letter from the Chief of Staff, The White House, transmitting certification that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug Free Workplace Plan are themselves subject to a program of individual random drug testing, pursuant to 5 U.S.C. 7301 note; jointly, to the Committees on Government Reform and Oversight and Appropriations.

1830. A letter from the Acting Comptroller General, General Accounting Office, transmitting a report on the two General Accounting Office employees detailed to congressional committees as of January 17, 1997; jointly, to the Committees on Government Reform and Oversight and Appropriations.

1831. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting a report on the agency's steady progress in meeting the challenge of the new Safe Drinking Water Act Amendments of 1996; jointly, to the Committees on Commerce, Transportation and Infrastructure, and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 668. A bill to amend the Internal Revenue Code of 1986 to reinstate the airport and airway trust fund excise taxes, and for other purposes (Rept. 105–5). 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. McGOVERN:

H.R. 744. A bill to amend the Higher Education Act of 1965 to increase the maximum Pell Grant; to the Committee on Education and the Workforce.

By Mr. DEFAZIO (for himself, Mr. PETRI, Mr. MILLER of California, Mr. MEEHAN, Mr. PORTER, Mr. ROYCE, Mr. SENSENBRENNER, Mr. FOLEY, Mr. EVANS, Mr. SANDERS, Ms. LOFGREN, Mr. DOYLE, Mrs. MALONEY of New York, Mr. BLUMENAUER, Mr. MARKEY, Mr. HINCHEY, and Mr. LEVIN):

H.R. 745. A bill to deauthorize the Animas-La Plata Federal reclamation project, and to direct the Secretary of the Interior to enter into negotiations to satisfy, in a manner consistent with all Federal laws, the water rights interests of the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe; to the Committee on Resources.

By Mr. DEFAZIO (for himself, Mr. BARTON of Texas, Mr. KILDEE, Mr. ABERCROMBIE, Mr. DELLUMS, Mr. SANDERS, Mr. EVANS, Mr. HINCHEY, Mr. PICKETT, Mr. HAYWORTH, Mr. STUMP, Ms. NORTON, Mr. ARCHER, Mr. OWENS, Mrs. CHENOWETH, Mr. CLEMENT, Mr. CONDIT, Mr. CAMPBELL, Mr. RAHALL, Mr. McGOVERN, Mr. McDERMOTT, Mr. ROHRABACHER, Mr. MORAN of Virginia, Mr. ANDREWS, Mr. FOGLIETTA, Mr. HEFLEY, Ms. WOOLSEY, Mr. COX of California, Mr. PALLONE, Ms. FURSE, Mr. ACKERMAN, Mr. DREIER, Mr. FALEOMAVAEGA, Ms. JACKSON-LEE, Mr. GRAHAM, Mr. RUSH, Mr. TALENT, Mr. WYNN, Mr. FILNER, Mr. DEUTSCH, and Mr. BURTON of Indiana):

H.R. 746. A bill to allow patients to receive any medical treatment they want under certain conditions, and for other purposes; to the Committee on Commerce.

By Mr. McCOLLUM (for himself, Mr. DEUTSCH, and Mr. ROMERO-BARCELO):

H.R. 747. A bill to require notification of the interstate relocation of a witness by State engaging in that relocation, and for other purposes; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself and Mr. SCHUMER):

H.R. 748. A bill to amend the prohibition of title 18, United States Code, against financial transactions with terrorists; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Mr. FALEOMAVAEGA):

H.R. 749. A bill to amend the Native American Graves Protection and Repatriation Act to provide for improved notification and consent, and for other purposes; to the Committee on Resources.

By Mr. BEREUTER (for himself, Mr. GILMAN, Mr. HAMILTON, Mr. BERMAN, Mr. SOLOMON, Mr. BARRETT of Nebraska, Mr. DREIER, Mr. FALEOMAVAEGA, Mr. CRANE, Mr. SALMON, Mr. KOLBE, and Mr. COX of California):

H.R. 750. A bill to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China; to the Committee on International Relations.

By Mr. CHABOT (for himself, Mr. PORTMAN, Mr. BUNNING of Kentucky, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. ACKERMAN, Mr. TOWNS, Mr. GONZALEZ, Mrs. MINK of Hawaii, Mrs. MALONEY of New York, Ms. NORTON, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. LIPINSKI, Mr. OLVER, Mr. RAHALL, Mrs. MEEK of Florida, Mr. ENGLISH of Pennsylvania, and Ms. JACKSON-LEE):

H.R. 751. A bill to amend the Public Health Service Act to provide for research on the disease known as lymphangioleiomyomatosis, (commonly known as LAM); to the Committee on Commerce.

By Mrs. CHENOWETH (for herself, Mr. YOUNG of Alaska, Mr. SMITH of Oregon, Mr. POMBO, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. CRAPO, Mr. BARTLETT of Maryland, Mr. TAUZIN, Mr. RIGGS, Mr. BONO, Mr. CUNNINGHAM, Mr. HANSEN, Mr. SAM JOHNSON, Mr. ROHRABACHER, Mr. KOLBE, Mr. STUMP, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. McINTOSH, Mr. GIBBONS, Mr. HERGER, Mr. BARTON of Texas, Mr. BUNNING of Kentucky, Mr. HOSTETTLER, Mr. SNOWBARGER, Mr. DICKEY, Mr. BURTON of Indiana, Mr. CANNON, Mr. ISTOOK, Mr. ADERHOLT, Mr. COMBEST, Mr. NEUMANN, Mr. HILL, Mr. SOLOMON, Mr. METCALF, Mrs. CUBIN, Mr. CRANE, Mr. BARR of Georgia, Mr. COOKSEY, Mr. NEY, Mr. DELAY, Mr. HUNTER, Mr. PETERSON of Pennsylvania, Mr. BONILLA, and Mr. McKEON):

H.R. 752. A bill to amend the Endangered Species Act of 1973 to ensure that persons that suffer or are threatened with injury resulting from a violation of the Act or a failure of the Secretary to act in accordance with the Act have standing to commence a civil suit on their own behalf; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. MILLER of California, Mr. DELLUMS, Mr. OBERSTAR, Mr. BONIOR, Mr. FARR of California, Ms. PELOSI, Mr. STARK, Ms. RIVERS, Mr. GUTIERREZ, Mr. HINCHEY, Mr. BLUMENAUER, Mr. FILNER, Mr. DEFAZIO, Ms. SLAUGHTER, Mr. NADLER, Ms. McKINNEY, Mr. WATT of North Carolina, Mr. YATES, Mrs. LOWEY, Mr. OLVER, Ms. ESHOO, Mr. PASTOR, and Ms. VELÁZQUEZ):

H.R. 753. A bill to require a separate, unclassified statement of the aggregate amount of budget outlays for intelligence activities; to the Committee on the Budget, and in addition to the Committee on Intelligence (Permanent Select), 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. DEFAZIO (for himself, Mr. SHAYS, Mr. CONYERS, Mr. HINCHEY, Mr. FILNER, Mrs. MORELLA, Mr. ABERCROMBIE, Mr. NADLER, Mr. EVANS, Mr. HORN, Ms. WOOLSEY, Mr. BLAGOJEVICH, Ms. NORTON, Ms. JACKSON-LEE, Mr. RAHALL, Mrs. CARSON, Mrs. MALONEY of New York, Mr. MASCARA, Mr. FLAKE, Mr. GONZALEZ, Mrs. CLAYTON, Mr. LANTOS, Ms. PELOSI, and Mr. DAN SCHAEFER of Colorado):

H.R. 754. A bill to amend title 49, United States Code, to require the use of child safety restraint systems approved by the Secretary of Transportation on commercial aircraft; to the Committee on Transportation and Infrastructure.

By Mr. DUNCAN (for himself, Mr. HAYWORTH, Mr. HEFLEY, Ms. RIVERS, Mr. ROMERO-BARCELÓ, Mr. GORDON, Mr. CALVERT, Mr. NETHERCUTT, Mr. BARTLETT of Maryland, Mr. BAKER, Mr. WAMP, Ms. NORTON, Mr. SPRATT, Ms. MOLINARI, Mr. PAYNE, Mr. LATOURETTE, Ms. LOFGREN, Mr. REGULA, Mr. HANSEN, Mr. GALLEGLY, Mr. LIPINSKI, Mr. DAN SCHAEFER of Colorado, Mr. HOLDEN, Mr. STEARNS, Mr. FALEOMAVAEGA, Mr. EHLERS, Mrs. LINDA SMITH of Washington, Mr. FRELINGHUYSEN, Mr. GEJDENSON, Mr. BEREUTER, and Mr. JENKINS):

H.R. 755. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of their income tax overpayments, and to make other contributions, for the benefit of units of the National Park System; to the Committee on Ways and Means, 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 Mr. EHRLICH:

H.R. 756. A bill to establish a National Physical Fitness and Sports Foundation to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, and for other purposes; to the Committee on Education and the Work force.

By Mr. FALEOMAVAEGA:

H.R. 757. A bill to develop the economy of American Samoa; to the Committee on Resources.

By Mr. FAWELL (for himself, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. SAM JOHNSON, Mr. KNOLLENBERG, Mr. RIGGS, Mr. GRAHAM, Mr. SOUDER, Mr. MCINTOSH, Mr. NORWOOD, Mr. DEAL of Georgia, Mr. BOEHNER, Mr. CHRISTENSEN, Mr. DICKEY, Mr. EHRLICH, Mr. BUNNING of Kentucky, Mr. HAYWORTH, Mr. INGLIS of South Carolina, Mr. WELDON of Florida, Mr. HERGER, Mr. BRYANT, Mr. MILLER of Florida, Mr. WICKER, Mr. CHAMBLISS, Mr. SNOWBARGER, Mr. HEFLEY, Mr. LINDER, Mr. BEREUTER, Mr. SESSIONS, Mr. CUNNINGHAM, Mr. PAXON, Mr. PITTS, Mr. BOB SCHAFFER of Colorado, Mr. CANADY of Florida, Mr. HILL, Mr. HUTCHINSON, and Mr. NETHERCUTT):

H.R. 758. A bill to amend the National Labor Relations Act to protect employer rights; to the Committee on Education and the Workforce.

By Mr. FILNER:

H.R. 759. A bill to amend title 38, United States Code, to increase certain rates of educational assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FOX of Pennsylvania (for himself, Mrs. CARSON, Ms. JACKSON-LEE, and Mr. ROMERO-BARCELO):

H.R. 760. 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 screening mammography and pap smears; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 761. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to extend the 1-year transition from disqualification for a current welfare recipient while the recipient's naturalization application is pending; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN (for himself, Mr. MEEHAN, Mr. EHLERS, Ms. FURSE, Mr. MCINNIS, and Mr. KENNEDY of Massachusetts):

H.R. 762. A bill to restrict the advertising and promotion of tobacco products; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself and Mr. RANGEL):

H.R. 763. A bill to establish for certain employees of international organizations an estate tax credit equivalent to the limited marital deduction; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. GEKAS, and Mr. MCCOLLUM):

H.R. 764. A bill to make technical corrections to title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES:

H.R. 765. A bill to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore; to the Committee on Resources.

By Mrs. KENNELLY of Connecticut (for herself, Ms. BROWN of Florida, Mrs. CARSON, Ms. JACKSON-LEE, Ms. KAPTUR, Mrs. LOWEY, Mrs. MALONEY of New York, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Ms. SANCHEZ, Mrs. MORELLA, and Ms. FURSE):

H.R. 766. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women: to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Transportation and Infrastructure, and Government Reform and Oversight, 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. KNOLLENBERG:

H.R. 767. A bill to amend the Federal Election Campaign Act to 1971 to require candidates for election for the House of Representatives or the Senate to raise at least 65 percent of their contributions from individuals residing in the district or State involved, to limit the amount of contributions such candidates may accept from multicandidate political committees, and to prohibit individuals who are ineligible to register to vote in Federal elections from making contributions to candidates or political parties; to the Committee on House Oversight.

By Mr. LAHOOD (for himself, Mr. EHRLICH, and Mr. MARTINEZ):

H.R. 768. A bill to restrict the Food and Drug Administration from penalizing retailers for face-to-face tobacco sales that are in accordance with State law; to the Committee on Commerce.

By Mr. LANTOS (for himself and Mr. SHAYS):

H.R. 769. A bill to amend the Federal Property and Administrative Services Act to 1949 to ensure proper classification as employees and independent contractors of persons awarded Federal procurement contracts; to the Committee on Government Reform and Oversight.

H.R. 770. A bill to amend title 10, United States Code, to ensure proper classification as employees and independent contractors of persons awarded Federal procurement contracts; to the Committee on National Security.

H.R. 771. A bill to amend the Internal Revenue Code of 1986 and the Revenue Act of 1978 to revise the procedures applicable to the determination of employment status; to the Committee on Ways and Means.

By Mr. LAZIO of New York (for himself, Mr. ACKERMAN, and Mr. FORBES):

H.R. 772. A bill to authorize the Director of the Federal Emergency Management Agency to reimburse certain State and local jurisdictions for expenses incurred in support of Federal rescue and salvage operations in connection with the crash of Trans World Airlines Flight 800; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Mr. BONIOR, Ms. BROWN of Florida, Mr. BROWN of California, Ms. CHRISTIAN-GREEN, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELLUMS, Mr. DIXON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FROST, Ms. FURSE, Mr. GONZALEZ, Mr. GREEN, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Mr. JACKSON, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. QUINN, Mr. RANGEL, Ms. RIVERS, Mr. ROMERO-BARCELO, Mr. RUSH, Mr. SCOTT, Mr. SHAYS, Ms. SLAUGHTER, Mr. STARK, Mr. STOKES, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. UNDERWOOD, Ms. WATERS, Mr. WATT of North Carolina, Mr. WYNN, Mr. WATTS of Oklahoma, Ms. MILLENDER-MCDONALD, and Ms. KILPATRICK):

H.R. 773. A bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution; to the Committee on House Oversight, and in addition to the Committee on Transportation and Infrastructure, 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 Ms. LOFGREN:

H.R. 774. A bill to amend the Communications Act of 1934 to restore freedom of speech to the Internet and to protect children from unsuitable online material; to the Committee on Commerce.

By Ms. MCKINNEY (for herself, Mr. BONIOR, Mr. BORSKI, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELLUMS, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. FOGLIETTA, Mr. HILLIARD, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mrs. MEEK of Florida, Ms. NORTON, Mr. OWENS, Mr. RUSH, Mr. STUPAK, Mr. TOWNS, Mr. WATT of North Carolina, and Mr. WYNN):

H.R. 775. A bill to amend the Internal Revenue Code of 1986 to discourage American businesses from moving jobs overseas and to encourage the creating of new jobs in the United States, and for other purposes; to the Committee on Ways and Means.

By Mrs. MEEK of Florida (for herself, Mr. ACKERMAN, Mr. BISHOP, Mr. BLUMENAUER, Ms. BROWN of Florida, Mr. BROWN of California, Mrs. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELLUMS, Mr. DIAZ-BALART, Mr. DIXON, Mr. FATTAH, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GREEN, Mr.

HASTINGS of Florida, Mr. HILLIARD, Mr. JACKSON, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. LAFALCE, Mr. LANTOS, Mr. LEWIS of Georgia, Ms. LOFGREN, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Ms. NORTON, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCOTT, Mr. STARK, Mr. STOKES, Mr. THOMPSON, Mrs. THURMAN, Mr. TORRES, Mr. TOWNS, Ms. WATERS, Mr. WATT of North Carolina, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 776. A bill to provide for greater accuracy in the 2000 decennial census of population, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. FATTAH (for himself, Mr. CLAY, and Mr. KILDEE):

H.R. 777. A bill to amend the Higher Education Act of 1965 to establish a 21st Century Scholars Program; to the Committee on Education and the Workforce.

By Mr. MILLER of California (for himself and Mr. RAHALL):

H.R. 778. A bill to ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and for other purposes; to the Committee on Resources.

H.R. 779. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines; to the Committee on Ways and Means.

H.R. 780. A bill to provide for the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Ways and Means, 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. MINK of Hawaii:

H.R. 781. A bill to ensure that crop losses resulting from plant viruses and other plant diseases are covered by crop insurance and the noninsured crop assistance program and that agricultural producers who suffer such losses are eligible for emergency loans; to the Committee on Agriculture.

H.R. 782. A bill to provide for the use of private delivery services in filing documents with Federal agencies; to the Committee on Government Reform and Oversight.

H.R. 783. A bill to amend the Federal Election Campaign Act of 1971 to prohibit candidates for election for Federal office from accepting unsecured loans from depository institutions regulated under Federal law, and for other purposes; to the Committee on House Oversight.

By Mrs. MORELLA (for herself, Mr. HOYER, Mr. UNDERWOOD, Mr. FROST, and Mr. GONZALEZ):

H.R. 784. A bill to save lives and prevent injuries to children in motor vehicles through improved national, State, and local child passenger protection program; to the Committee on Transportation and Infrastructure.

By Mr. NORWOOD (for himself, Mr. LINDER, Mr. CHAMBLISS, Mr. KINGSTON, Ms. MCKINNEY, Mr. COLLINS, Mr. BISHOP, Mr. BARR of Georgia, and Mr. DEAL of Georgia):

H.R. 785. A bill to designate the J. Phil Campbell, Senior, Natural Resource Conservation Center; to the Committee on Agriculture.

By Mr. NORWOOD (for himself, Mr. BALLENGER, Mr. BARR of Georgia, Mr. BISHOP, Mr. BOYD, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. CALLAHAN, Mr. CLYBURN, Mr. CHAMBLISS, Mr. COLLINS, Mr. COOKSEY, Mr. DEAL of Georgia, Mr. EVERETT, Mr. FOLEY, Mr. GRAHAM, Mr. HEFNER, Mr. KINGSTON, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. MCCRERY, Mr. PICKERING, Mr. SPENCE, Mr. SOLOMON, Mr. TAUZIN, Mr. WICKER, and Mr. JOHN):

H.R. 786. A bill to amend the Agricultural Adjustment Act to restore the effectiveness of certain provisions regulating Federal milk marketing orders; to the Committee on Agriculture.

By Mr. OWENS:

H.R. 787. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

By Mr. OWENS (for himself, Mr. SCHUMER, and Mr. HASTINGS of Florida):

H.R. 788. A bill to expand the powers of the Secretary of the Treasury and the Bureau of Alcohol, Tobacco, and Firearms to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Bureau to include firearm products and nonpowder firearms; to the Committee on the Judiciary.

By Mr. SENSENBRENNER (for himself, Mr. BURR of North Carolina, Mr. CUNNINGHAM, Mr. GILLMOR, Mr. NORWOOD, Mr. MCHUGH, Mr. ANDREWS, Mr. ENSIGN, Mr. MASCARA, Mr. HERGER, Mr. LEWIS of California, Mr. BURTON of Indiana, Mr. PETRI, Mr. SMITH of New Jersey, Mr. PARKER, Mr. MCDERMOTT, Mr. THORNBERRY, Mr. CHRISTENSEN, Mr. INGLIS of South Carolina, Mr. DAVIS of Virginia, Mr. LATOURETTE, Mr. EHLERS, Mr. EHRLICH, Mr. HOEKSTRA, Ms. JACKSON-LEE, Mr. PETERSON of Minnesota, Mr. LOBIONDO, Mrs. LINDA SMITH of Washington, Mr. HOLDEN, Mr. SCHIFF, Mr. STUMP, Mr. WYNN, Mr. CALVERT, Mr. BARTON of Texas, Mr. LEWIS of Kentucky, Mr. BAESLER, Mr. SAXTON, Mr. WOLF, Mr. DOYLE, Mr. SPRATT, Mr. SKEEN, Mrs. CUBIN, Mr. KNOLLENBERG, Mr. PORTER, Mr. BACHUS, Mr. HASTERT, Mr. COLLINS, Mr. PICKETT, Mr. DUNCAN, Mr. UPTON, Mr. WELLER, Mr. POSHARD, Mr. CRANE, Mr. METCALF, Ms. PRYCE of Ohio, Mr. SALMON, Mrs. EMERSON, Mr. YOUNG of Alaska, Mr. MCHALE, Mr. HORN, Mr. KLUG, Mr. LATHAM, Mr. TALENT, Mr. FRANKS of New Jersey, Mr. BARCIA of Michigan, Mr. CHAMBLISS, Mr. BARTLETT of Maryland, Mr. MCINNIS, Mr. OBERSTAR, Mr. TIAHRT, Mr. PACKARD, Mr. BONILLA, Mr. SKELTON, Mr. KOLBE, Mr. MANZULLO, Mr. STEARNS, Mr. GEKAS, Mr. LIPINSKI, Mr. COMBEST, Mr. QUINN, Mr. WALSH, Mr. SAM JOHNSON, Mr. GILCHREST, Mr. DICKEY, Mr. STENHOLM, Mr. SESSIONS, and Mr. HOBSON):

H.R. 789. A bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes; to the Committee on the Judiciary.

By Mr. POMEROY:

H.R. 790. A bill to amend the Federal Crop Insurance Act to ensure the continued availability of affordable crop insurance for producers whose farms are located in counties designated as Federal disaster areas because of weather-related conditions; to the Committee on Agriculture.

By Mr. POMEROY (for himself; Mr. OBERSTAR, Mr. HILL, Mr. PETERSON of Minnesota, and Mr. STENHOLM):

H.R. 791. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio (for herself, Mr. CHABOT, Mr. HERGER, Ms. MOLINARI, Mr. BARR of Georgia, Mr. NEY, Mr. KINGSTON, and Mr. FOLEY):

H.R. 792. A bill to amend title 18, United States Code, to prevent Federal prisoners from engaging in activities to increase their strength or fighting ability while in prison; to the Committee on the Judiciary.

By Mr. RAHALL:

H.R. 793. A bill to provide for permanent resident status for certain Persian Gulf evacuees; to the Committee on the Judiciary.

By Mr. SABO:

H.R. 794. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 to provide for public financing of House of Representatives general election campaigns, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 795. A bill to amend the Electronic Fund Transfer Act to prohibit the imposition of certain additional fees on consumers in connection with any electronic fund transfer which is initiated by the consumer from an electronic terminal operated by a person other than the financial institution holding the consumer's account and which utilizes a national or regional communication network; to the Committee on Banking and Financial Services.

By Mr. SANFORD:

H.R. 796. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. SCHIFF:

H.R. 797. A bill to amend the Federal Election Campaign Act of 1971 to reduce the amount that a multicandidate political committee may contribute to a House of Representatives candidate, and for other purposes; to the Committee on House Oversight.

By Mr. SMITH of Michigan (for himself, Mr. NEUMANN, and Mr. BARTLETT of Maryland):

H.R. 798. A bill to prohibit the issuance of new public debt obligations after December 31, 2001; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

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; to the Committee on Resources.

By Mr. STARK:

H.R. 800. A bill to amend title XVIII of the Social Security Act to require the governing boards of Medicare national accrediting entitles have public representation and have public meetings as a condition of recognizing

their accreditation under the Medicare Program; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 801. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the Secretary of Agriculture to permit the interstate distribution of State-inspected meat and poultry when the Secretary determines that State inspection requirements are at least equal to Federal inspection standards and such requirements are consistently enforced; to the Committee on Agriculture.

H.R. 802. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and gift taxes; to the Committee on Ways and Means.

By Mr. THUNE (for himself, Mr. SMITH of Michigan, Mr. HILL, Mr. LATHAM, Mr. BARRETT of Nebraska, Mrs. EMERSON, and Mr. POMEROY):

H.R. 803. A bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 804. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that Federal funds made available to hire or rehire law enforcement officers are used in a manner that produces a net gain of the number of law enforcement officers who perform nonadministrative public safety services; to the Committee on the Judiciary.

By Mr. TRAFICANT (for himself and Mr. HUNTER):

H.R. 805. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign Department of Defense personnel to assist the Immigration and Naturalization Service and the U.S. Customs Service in the performance of their border protection functions; to the Committee on National Security.

By Mr. VISCLOSKY (for himself, Ms. KAPTUR, Mr. LIPINSKI, and Mrs. LOWEY):

H.R. 806. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WICKER (for himself, Mr. SHAYS, Mr. DAVIS of Virginia, Ms. MOLINARI, Mr. GEJDENSON, Mr. BORSKI, Mr. LAHOOD, Mr. KING of New York, Mrs. CLAYTON, Mr. SCHIFF, Mrs. MEEK of Florida, Ms. LOFGREN, Mr. HYDE, Mr. ENGLISH of Pennsylvania, Mr. GEKAS, Mr. FRANK of Massachusetts, Mr. SKEEN, Mr. ACKERMAN, Mr. MINGE, Mr. BRYANT, and Mr. GRAHAM):

H.R. 807. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Mr. SOLOMON (for himself, Mr. LIPINSKI, Mr. ANDREWS, Mr. ARCHER, Mr. BACHUS, Mr. BAKER, Mr. BALDACCI, Mr. BALLENGER, Mr. BARCIA, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mr. BATEMAN, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLILEY, Mr. BLUNT, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONO, Mr. BOSWELL, Mr. BRYANT, Mr. BUNNING, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CAMP, Mr. CANADY of Florida, Mr. CANNON, Mr. CHABOT, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COX of California, Mr. CRAMER, Mr. CRANE, Mr. CRAPO, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DELAY, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLEY of California, Mr. DOYLE, Mr. DUNCAN, Mr. EDWARDS, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EHRLICH, Mr. EVERETT, Mr. EWING, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GANSKE, Mr. GIBBONS, Mr. GILLMOR, Mr. GOODE, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Ms. GRANGER, Mr. GREEN, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Mr. HINOJOSA, Mr. HOLDEN, Mr. HORN, Mr. HOSTETTLER, Mr. HULSHOF, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. JEFFERSON, Mr. JENKINS, Mr. JOHN, Mr. SAM JOHNSON of Texas, Mrs. KELLY, Mrs. KENNELLY of Connecticut, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LINDER, Mr. LIVINGSTON, Mr. LOBIONDO, Mr. LUCAS of Oklahoma, Mr. MALONEY of Connecticut, Mr. MANTON, Mr. MANZULLO, Mr. MARTINEZ, Mr. MASCARA, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MCNULTY, Mr. MENENDEZ, Mr. METCALF, Ms. MOLINARI, Mr. MURTHA, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. ORTIZ, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PAPPAS, Mr. PARKER, Mr. PAXON, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. PICKETT, Mr. PITTS, Mr. QUINN, Mr. RADANOVICH, Mr. RAHALL, Mr. RAMSTAD, Mr. REYES, Mr. RIGGS, Mr. RILEY, Mr. ROEMER, Mr. ROGAN, Mr. ROGERS, Mr. ROYCE, Mr. ROTHMAN, Mr. SANDLIN, Mr. SAXTON, Mr. DAN SCHAEFER of Colorado, Mr. BOB SCHAFFER of Colorado, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. SHUSTER, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Mrs. SMITH of Washington, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STENHOLM, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THOMAS, Mrs. THURMAN, Mr. TIAHRT, Mr. TOWNS, Mr. TRAFICANT, Mr. TURNER, Mr. WALSH, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WHITFIELD, Mr. WISE, Mr. WOLF, Mr. WYNN, Mr. YOUNG of Alaska, and Mr. YOUNG of Florida):

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. STEARNS (for himself, Mr. HALL of Texas, and Mr. WATTS of Oklahoma):

H.J. Res. 55. Joint resolution proposing an amendment to the Constitution of the United States relating to voluntary prayer in public schools; to the Committee on the Judiciary.

By Mr. GOSS:

H. Con. Res. 21. Concurrent resolution providing for an adjournment of the two Houses; considered and agreed to.

By Mr. PAYNE (for himself, Ms. SLAUGHTER, Mr. PASTOR, Mr. BECERRA, Ms. MCKINNEY, and Mr. NEY):

H. Con. Res. 22. Concurrent resolution expressing the sense of the Congress with respect to the discrimination by the German Government against members of minority religious groups, particularly the continued and increasing discrimination by the German Government against performers, entertainers, and other artists from the United States associated with Scientology; to the Committee on International Relations.

By Mr. SKAGGS (for himself and Mr. KOLBE):

H. Con. Res. 23. Concurrent resolution expressing respect and affection for the flag of the United States; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.J. Res. 56. Resolution providing amounts for the expenses of the Committee on Resources in the 105th Congress; to the Committee on House Oversight.

By Mr. SPENCE (for himself and Mr. DELLUMS):

H.J. Res. 57. Resolution providing amounts for the expenses of the Committee on National Security in the 105th Congress; to the Committee on House Oversight.

By Mr. FAZIO of California:

H.J. Res. 58. Resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. GOSS:

H.J. Res. 59. Resolution providing amounts for the expenses of the Committee on Intelligence in the 105th Congress; to the Committee on House Oversight.

By Mr. STUMP (for himself and Mr. EVANS):

H.J. Res. 60. Resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the 105th Congress; to the Committee on House Oversight.

By Mr. HAMILTON (for himself and Mr. DREIER):

H.J. Res. 61. Resolution to provide for independent investigations and factfinding for ethics investigations; to the Committee on Rules.

By Mr. HANSEN (for himself and Mr. BERMAN):

H.J. Res. 62. Resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the 105th Congress; to the Committee on House Oversight.

By Mr. ARCHER:

H.J. Res. 63. Resolution providing amounts for the expenses of the Committee on Ways and Means in the 105th Congress; to the Committee on House Oversight.

By Mr. BARRETT of Wisconsin (for himself and Mr. LUTHER, and Mr. MCHALE):

H.J. Res. 64. Resolution requiring that travel awards that accrue by reason of official travel of a Member, officer, or employee

of the House of Representatives be used only with respect to official travel; to the Committee on House Oversight.

By Mr. BURTON of Indiana:

H.J. Res. 65. Resolution providing amounts for the expenses of the Committee on Government Reform and Oversight in the 105th Congress; to the Committee on House Oversight.

By Mr. GILMAN:

H.J. Res. 66. Resolution providing amounts for the expenses of the Committee on International Relations in the 105th Congress; to the Committee on House Oversight.

By Ms. GRANGER (for herself, Mr. ARMEY, Mr. FROST, Mr. DELAY, Mr. SAM JOHNSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SESSIONS, and Mr. BRADY):

H.J. Res. 67. Resolution to express the sense of the House of Representatives concerning actions that the President of the United States should take to resolve the dispute between the Allied Pilots Associations and American Airlines: to the Committee on Transportation and Infrastructure.

By Mr. HAMILTON (for himself, Mr. BEREUTER, and Mr. BERMAN):

H.J. Res. 68. Resolution stating the sense of the House of Representatives that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the nations of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the treaty's implementation; to the Committee on International Relations.

By Mr. LEACH:

H.J. Res. 69. Resolution providing amounts for the expenses of the Committee on Banking and Financial Services in the 105th Congress; to the Committee on House Oversight.

By Ms. MILLENDER-McDONALD:

H.J. Res. 70. Resolution to establish a select committee to investigate CIA involvement in the financing, distribution, and promulgation of crack cocaine and the use of any proceeds to support the Contras; to the Committee on Rules.

By Mr. SHUSTER;

H.J. Res. 71. Resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the 105th Congress; to the Committee on House Oversight.

By Mr. SMITH of Oregon:

H.J. Res. 72. Resolution providing amounts for the expenses of the Committee on Agriculture in the 105th Congress; to the Committee on House Oversight.

By Mr. SOLOMON (for himself and Mr. MOAKLEY):

H.J. Res. 73. Resolution providing amounts for the expenses of the Committee on Rules in the 105th Congress; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

18. By the SPEAKER: Memorial of the House of Representatives of the State of Washington, relative to House Joint Memorial 4006 encouraging greater Federal funding of research into finding the cause, prevention, and cure for breast cancer; to the Committee on Commerce.

19. Also, memorial of the Senate of the State of Washington, relative to Senate Joint Resolution 8005 petitioning for use of the Fast Flux Test Facility to meet critical national needs; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALVERT:

H.R. 808. A bill for the relief of John M. Ragsdale; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts:

H.R. 809. A bill for the relief of Frank J. Notrem; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Ms. JACKSON-LEE, Mr. DAN SCHAEFER of Colorado, Mr. RADANOVICH, Mr. BAKER, and Mr. TALENT.

H.R. 2: Mr. NEY, Mr. CASTLE, and Mr. BARR of Georgia.

H.R.18: Mr. KLUG, Mr. WATTS of Oklahoma, and Mr. LATHAM.

H.R. 26: Mr. COLLINS and Mr. CHAMBLISS.

H.R. 38: Ms. DUNN of Washington, Mr. STEARNS, Mr. DAVIS of Virginia, and Mr. GONZALEZ.

H.R. 45: Mr. FRANK of Massachusetts and Mr. RAHALL.

H.R. 54: Mr. NEY.

H.R. 65: Ms. DUNN of Washington, Mr. GILMAN, Mr. CANADY of Florida, Mr. DEFAZIO, Mr. SCARBOROUGH, Mr. BEREUTER, Mr. TAYLOR of Mississippi, Mr. STEARNS, Mr. ENGLISH of Pennsylvania, Mr. TOWNS, Mr. DAVIS of Virginia, Mr. FRANK of Massachusetts, Mr. HEFNER, Ms. WOOLSEY, Mr. EVANS, Mrs. LOWEY, Ms. RIVERS, Mr. WATTS of Oklahoma, Mr. KILDEE, Mr. GONZALEZ, Mr. OLVER, Mr. YOUNG of Alaska, Mr. MASCARA, Mr. WYNN, Mr. LEWIS of Kentucky, Mrs. MINK of Hawaii, Mr. WOLF, Mr. GREENWOOD, and Mr. ABERCROMBIE.

H.R. 66: Mr. SMITH of New Jersey, Mr. GANSKE, Mr. BAESLER, Mr. BORSKI, Mr. GILCHREST, Mr. EHLERS, Mr. STUPAK, and Mrs. THURMAN.

H.R. 74: Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELLUMS, Mr. VENTO, Mr. WATT of North Carolina, Ms. JACKSON-LEE, Mrs. CARSON, Ms. SLAUGHTER, Mr. BONIOR, Mr. CUMMINGS, and Mr. MCDERMOTT.

H.R. 80: Mr. SMITH of New Jersey, Mr. POMEROY, Ms. KAPTUR, Mr. STEARNS, Ms. RIVERS, and Mr. GOODLING.

H.R. 91: Mr. MICA.

H.R. 107: Mrs. LOWEY, Mr. STEARNS, Mr. ACKERMAN, Mr. MCCOLLUM, Mr. UNDERWOOD, Mrs. MEEK of Florida, Mr. BARTLETT of Maryland, Mr. MENENDEZ, Mr. WATTS of Oklahoma, and Mr. FRANK of Massachusetts.

H.R. 108: Mr. FROST and Mr. SOLOMON.

H.R. 123: Mr. BATEMAN, Mr. SHUSTER, Mr. INGLIS of South Carolina, Ms. DANNER, Mr. TIAHRT, Mr. BAKER, Mr. DAN SCHAEFER of Colorado, and Mr. POMBO.

H.R. 126: Mr. GOODLING.

H.R. 143: Mr. MCNULTY, Mrs. JOHNSON of Connecticut, Mr. WATKINS, Mr. HOUGHTON, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. KOLBE, Mr. CANADY of Florida, Mr. BECERRA, Mr. ADAM SMITH of Washington, Mr. HULSHOF, Mr. CAMP, Mr. MANZULLO, Mrs. LINDA SMITH of Washington, Mr. DREIER, Mr. BUNNING of Kentucky, Mr. METCALF, Mr. HASTINGS of Washington, Mr. SAM JOHNSON, Mr. FATTAH, Mr. DICKS, Mr. RAMSTAD, Mr. WHITE, Mr. SMITH of Oregon, Mr. HAYWORTH, Mr. SHAW, Mr. KENNEDY of Massachusetts, Mr. MOAKLEY, Mr. CARDIN, AND MR. COLLINS.

H.R. 144: Mr. MINGE, Mr. PEASE, and Mr. PITTS.

H.R. 146: Mr. TAYLOR of North Carolina.

H.R. 147: Mr. LIPINSKI, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. FOGLIETTA, Mr. DELLUMS, and Mr. KILDEE.

H.R. 148: Mr. BORSKI.

H.R. 150: Mr. ROTHMAN.

H.R. 155: Mr. FORD, Mr. MARTINEZ, Mr. ENGLISH of Pennsylvania, Mr. FILNER, Ms. NORTON, and Mrs. CARSON.

H.R. 178: Mr. DELAHUNT and Mr. ENGEL.

H.R. 181: Mr. POSHARD.

H.R. 216: Mr. WEXLER, Mr. MCHALE, Mr. KLECZKA, and Mr. MATSUI.

H.R. 217: Mr. CASTLE, Mr. BEREUTER, and Mr. BARR of Georgia.

H.R. 219: Mr. SOLOMON, Mr. CASTLE, Mr. ACKERMAN, Mr. FOX of Pennsylvania, Mr. CAMPBELL, Mr. CHRISTENSEN, Mr. FATTAH, Ms. LOFGREN, Mr. BILBRAY, Ms. CHRISTIAN-GREEN, and Mr. DAVIS of Virginia.

H.R. 234: Mr. HASTINGS of Florida, Mr. MCGOVERN, and Mr. FILNER.

H.R. 240: Mr. FRELINGHUYSEN, Mr. DAVIS of Virginia, Mr. CALVERT, Mr. FILNER, Mr. RAMSTAD, Mr. HOLDEN, Mr. EVANS, Mr. BUYER, Mrs. KELLY, Mr. KLUG, Mr. COYNE, Mr. RAHALL, and Mr. LIPINSKI.

H.R. 241: Mr. MARTINEZ.

H.R. 242: Mr. MARTINEZ, Mr. ENGLISH of Pennsylvania, and Mr. FOLEY.

H.R. 250: Mr. ROMERO-BARCELÓ.

H.R. 251: Mr. CANADY of Florida.

H.R. 279: Mr. CONYERS, Mrs. KELLY, Ms. CHRISTIAN-GREEN, Mr. KING of New York, Mr. DAVIS of Virginia, Mr. NEY, Mr. QUINN, Mr. MCINTOSH, Mr. PALLONE, Mr. SKEEN, Mr. SANDLIN, Mrs. MALONEY of New York, Mr. FOLEY, Mr. FORD, Mr. WALSH, Mr. SISISKY, Mr. GIBBONS, Mr. HERGER, Mr. BURTON of Indiana, Mr. PETERSON of Minnesota, Mr. SAM JOHNSON, Mr. ACKERMAN, Mr. WELDON of Pennsylvania, Mr. BECERRA, and Mr. ROGAN.

H.R. 299: Mr. EVANS.

H.R. 303: Ms. DUNN of Washington, Mr. GILMAN, Mr. CANADY of Florida, Mr. DEFAZIO, Mr. SCARBOROUGH, Mr. BEREUTER, Mr. TAYLOR of Mississippi, Mr. STEARNS, Mr. ENGLISH of Pennsylvania, Mr. TOWNS, Mr. DAVIS of Virginia, Mr. FRANK of Masssachusetts, Mr. HEFNER, Ms. WOOLSEY, Mr. EVANS, Mrs. LOWEY, Ms. RIVERS, Mr. WATTS of Oklahoma, Mr. KILDEE, Mr. GONZALEZ, Mr. OLVER, Mr. YOUNG of Alaska, Mr. MASCARA, Mr. WYNN, Mr. LEWIS of Kentucky, Mrs. MINK of Hawaii, Mr. WOLF, Mr. GREENWOOD, and Mr. ABERCROMBIE.

H.R. 304: Mrs. MEEK of Florida, Mr. FROST, and Ms. JACKSON-LEE.

H.R. 312: Mr. BARR of Georgia, Mr. HOSTETTLER, and Mr. PITTS.

H.R. 314: Mr. MICA.

H.R. 336: Mr. GILLMOR.

H.R. 399: Mr. HYDE, Mr. BACHUS, Mr. ACKERMAN, Mr. EVANS, and Mr. BEREUTER.

H.R. 400: Mr. HORN, Mr. SENSENBRENNER, and Mr. TOWNS.

H.R. 404: Mr. BERMAN, Ms. LOFGREN, Mr. FROST, Mr. MCHUGH, Mr. BONO, Mr. BALDACCI, and Mr. WELDON of Pennsylvania.

H.R. 407: Mr. LANTOS, Mr. GREEN, Ms. JACKSON-LEE, Mr. CONDIT, Mr. SERRANO, Ms. LOFGREN, Mr. FARR of California, and Mrs. MALONEY of New York.

H.R. 416: Mr. RANGEL, Ms. JACKSON-LEE, and Mr. GREEN.

H.R. 417: Mr. EVANS, Mr. FALEOMAVAEGA, Mr. GREEN, Ms. RIVERS, Ms. JACKSON-LEE, Mr. TOWNS, Mrs. THURMAN, Mr. RANGEL, Mr. BENTSEN, Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SLAUGHTER, Mr. TRAFICANT, Mr. BAKER, Ms. LOFGREN, Mr. TORRES, Mr. HEFNER, Mr. FAZIO of California, Mr. WEXLER, and Mr. COOKSEY.

H.R. 418: Mr. CLEMENT, Mr. EHLERS, Mr. ACKERMAN, Mr. BORSKI, Mr. GEJDENSON, Mr. LOBIONDO, Mr. BEREUTER, Mr. FILNER, Mr. FOX of Pennsylvania, Mr. LIPINSKI, and Mr. FAZIO of California.

H.R. 423: Mr. STENHOLM.

H.R. 426: Mr. SENSENBRENNER, Mr. GOODLING, Mr. JOHN, Mr. BUNNING of Kentucky, and Mr. PICKERING.

H.R. 446: Mr. CALVERT, Mr. LIPINSKI, and Mr. ADAM SMITH of Washington.

H.R. 459: Mr. SMITH of New Jersey.

H.R. 471: Mr. CANADY of Florida, Mr. FOLEY, and Mr. DEAL of Georgia.

H.R. 484: Mr. SHADEGG.

H.R. 498: Mr. BARRETT of Wisconsin.

H.R. 505: Mrs. KENNELLY of Connecticut, Mr. KLECZKA, Mr. ACKERMAN, Ms. NORTON, Mr. WATT of North Carolina, and Mr. STARK.

H.R. 519: Mr. PORTER.

H.R. 525: Mr. CHRISTENSEN, Mr. BUNNING of Kentucky, Mr. HAYWORTH, Mr. ENGLISH of Pennsylvania, and Mr. SHAW.

H.R. 539: Mr. ACKERMAN.

H.R. 543: Mr. LAMPSON, Mr. WELDON of Pennsylvania, Mr. NEY, and Mr. BURTON of Indiana.

H.R. 544: Mrs. LOWEY.

H.R. 546: Mr. FROST, Mrs. LOWEY, Mr. HINCHEY, and Mr. CONYERS.

H.R. 551: Mrs. MEEK of Florida.

H.R. 552: Mr. GILCHREST and Ms. LOFGREN.

H.R. 556: Mr. TRAFICANT and Mr. MCDERMOTT.

H.R. 562: Mr. CAMPBELL.

H.R. 574: Ms. ESHOO, Mr. BONIOR, and Mr. FOGLIETTA.

H.R. 586: Mrs. CHENOWETH, Mrs. CUBIN, Mr. HYDE, and Mr. MANZULLO.

H.R. 590: Ms. NORTON, Mr. ENGLISH of Pennsylvania, Mrs. LINDA SMITH of Washington, Mr. SHAYS, Mr. MCDERMOTT, and Mr. MILLER of California.

H.R. 600: Mrs. CLAYTON, Mr. DICKS, Mr. GUTIERREZ, Mrs. KENNELLY of Connecticut, Mr. MARKEY, Ms. MCKINNEY, Mr. NADLER, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mr. SCHUMER, Mr. SERRANO, and Ms. SLAUGHTER.

H.R. 604: Mr. CANADY of Florida, Mr. SHERMAN, Mr. SAM JOHNSON, Mr. BRYANT, and Mr. ROGAN.

H.R. 607: Mr. MCDERMOTT and Mr. ROHRABACHER.

H.R. 610: Mr. LIPINSKI.

H.R. 614: Mr. KLUG, Mr. FOLEY, Mr. GOODLING, Mr. WELDON of Pennsylvania, Ms. ROS-LEHTINEN, and Mr. MINGE.

H.R. 615: Mr. ENGLISH of Pennsylvania.

H.R. 617: Mrs. LOWEY, Ms. JACKSON-LEE, Mrs. CARSON, Mr. SANDERS, Mr. KENNEDY of Rhode Island, and Mr. ACKERMAN.

H.R. 641: Mrs. CHENOWETH, Mr. LARGENT, and Mr. PACKARD.

H.R. 643: Mr. DELLUMS, Mr. NEY, Mr. PACKARD, Mr. FOGLIETTA, Mr. EVANS, Mr. ACKERMAN, and Mr. THOMPSON.

H.R. 644: Mr. NEY.

H.R. 680: Ms. DANNER, Mr. LAFALCE, Mr. GEJDENSON, Mrs. MEEK of Florida, Mr. MCDERMOTT, Mr. BROWN of California, Mr. FROST, Mr. SERRANO, Mr. MILLER of California, Mr. CLYBURN, Mr. ROMERO-BARCELÓ, Mr. OLVER, Mr. MARTINEZ, Ms. LOFGREN, Mr. SANDERS, Mr. ACKERMAN, Mr. COYNE, Mr. TORRES, Mr. BENTSEN, Mr. POSHARD, Mr. INGLIS of South Carolina, Mrs. CARSON, Mr. LIPINSKI, Mr. KILDEE, Mr. MASCARA, Mr. ROEMER, and Mr. BALDACCI.

H.R. 687: Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, Mr. ENGLISH of Pennsylvania, and Mr. LIPINSKI.

H.R. 688: Mr. GREENWOOD.

H.R. 694: Mr. STUPAK and Mr. TRAFICANT.

H.R. 710: Mr. ADAM SMITH of Washington.

H.R. 716: Mr. BALLENGER, Mr. KLUG, Mr. TALENT, and Mr. CUNNINGHAM.

H.R. 727: Mr. QUINN.

H.J. Res. 1: Mr. EVERETT, Mr. KINGSTON, and Mr. FOX of Pennsylvania.

H.J. Res. 6: Mr. GOODLATTE, Mrs. MYRICK, and Mr. BURR of North Carolina.

H.J. Res. 10: Mr. LEWIS of Kentucky and Mr. FOLEY.

H.J. Res. 14: Mr. BEREUTER.

H.J. Res. 16: Mrs. MYRICK.

H.J. Res. 17: Mr. ABERCROMBIE, Mr. FROST, and Mr. LAFALCE.

H.J. Res. 28: Mr. BOUCHER.

H.J. Res. 45: Mr. FATTAH and Mr. WATT of North Carolina.

H. Con. Res. 6: Mrs. THURMAN, Mr. KENNEDY of Rhode Island, and Mr. EVANS.

H. Con. Res. 10: Mr. HASTINGS of Washington and Mr. SHIMKUS.

H. Res. 28: Mr. SKEEN.

H. Res. 39: Mr. CAMPBELL, Mr. FROST, and Mr. BOEHLERT.

H. Res. 40: Mr. DINGELL, Mr. BROWN of Ohio, Mr. OBERSTAR, Ms. MCKINNEY, Ms. JACKSON-LEE, Ms. STABENOW, Mr. SANDERS, and Ms. NORTON.

H. Res. 48: Mr. ROMERO-BARCELO, Mr. GREEN, and Mr. SOLOMON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6. By the SPEAKER: Petition of the Puerto Rico Bar Association board of directors, relative to opposition to the death penalty being imposed on Puerto Ricans; to the Committee on the Judiciary.

7. Also, petition of the municipality of Mayaguez, Commonwealth of Puerto Rico, relative to the death penalty; to the Committee on the Judiciary.

SENATE—*Thursday, February 13, 1997*

The Senate met at 11 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, before we press on with the demands of today, we need to open our minds to You. We say with the psalmist, "Truly my soul silently waits for God."—Psalm 62:1. So often we rush off in all directions before we know what You want us to be and do. Sometimes the communication lines with You get jammed by our flow of words to You without listening to what You have to say to us. Prayer becomes like a telephone conversation in which we hang up on You before You have a chance to respond to the questions and the needs that we have spread out before You. Today we want to keep the lines open and really listen to You. Give us the patience to wait for Your creative insight about how to solve problems and grasp the potentials You arrange for us. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Today the Senate will be in a period of morning business until the hour of 3 p.m. this afternoon. This will accommodate a number of Senators who have requested time to speak on various matters.

Following morning business today, there will be a number of items that are possible for Senate consideration. Due to several scheduling conflicts, I am uncertain at this time exactly whether or not we will be able to make further progress on Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget. But it is my hope that at some time today the Democratic leader and I will reach an understanding as to the number of amendments that are expected to Senate Joint Resolution 1 as well as an indication as to when we might be able to complete action on this important constitutional amendment.

We have worked very hard at trying to accommodate all Senators' schedules, and, of course, this morning we have a funeral service for Ambassador Harriman and other problems in that area we tried to accommodate. We have taken up a few amendments and voted, but earlier my conversations with the Democratic leader were that he did not see—I believe this is a fair statement—any reason why we could not complete this work by the end of this month. So we have today and then 5 days when we come back after the Presidents' Day recess. I hope we can get a list that would have a reasonable amount of serious amendments and then get an agreement on a time to complete that action.

We want to make sure we have a full debate, everybody feels that they have been treated fairly, but there needs to be a limit on how long this goes on. We have been acting so far this year in good faith. We have been trying to accommodate each other's schedules, but when we come back we are going to have to move these amendments through the process and get a final vote because we do have other work we would like to bring to the floor.

I remind my colleagues that we have scheduled a rollcall vote on the pending amendment offered by Senator BYRD. That vote will occur at 5:30 p.m. on Monday, February 24, the day we come back. It is also possible the Senate will vote today on a resolution submitted by Senator SPECTER regarding milk prices. If an agreement can be reached, we will have a short period of debate on that resolution followed by a rollcall vote.

We are also still attempting to clear consideration of a resolution relating to the American Airlines strike which was submitted by Senator HUTCHISON. This is timely, obviously. We are looking at the possibility of a strike which could cripple that airline and impact jobs in the thousands all over the country. So I am hoping that we could pass a resolution expressing our concern and urging the President to use his powers to find a way to avoid this threatened strike.

Finally, there are a couple of nominations that were reported from committee yesterday. We may be able to clear those nominations for action. I am not sure that they would even require a vote, but we will have to work through it here in the next 3 or 4 hours. This is the last day of the session prior to the Presidents' Day recess, so I thank my colleagues for their cooperation as we try to finish business at a reasonable hour today. We will notify all the Senators when we may have actual rollcall votes. And, again, we have had good cooperation, but we have not had a lot of pressure in terms of schedule, and when we come back we really have to begin to make some progress on these amendments, and I hope we will be able to do that.

I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, there will now be a period for the transaction of morning business until 3 p.m. The time between 11 and 12 noon shall be under the control of Senator THOMAS or his designee.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I believe we have special order time scheduled from 11 to 12 noon. I would designate the time allocated to Senator THOMAS to me.

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

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. ENZI. Mr. President, we will have several more of my colleagues here to discuss how the balanced budget amendment benefits children.

I will begin by saying that as a new Senator, I am in awe of these surroundings. Every day I reflect on the history that has taken place in this Chamber. I think of the people who have been here before me and hear them referred to in speeches on a daily basis.

Much of the history of this great Nation has been shaped in this Chamber. Every day we are in session history is being made. Right now we are debating the balanced budget constitutional amendment. That may be the most important piece of legislation to be debated during my lifetime because of the implications it has for the future of our country.

A new revolution may be taking place in this country. A few years ago, I was given a book by my pastor to read. It was a scholarly review of social cycles in the history of the United States. The baby boomers were one of those cycles. I am part of that. They were concerned primarily for themselves but also for others as long as there was something in it for them. It revealed how in the history of the United States there have been three recurring cycles. But following each period when we tried to be sure we took care of ourselves and instituted programs to make sure others were taken care of, provided we were included, that generation was followed by a reactionary generation, and the reactionary generation took away the "gifts" of the previous generation.

In last week's balanced budget debate, we heard a lot of comments about

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

Social Security. I am mentioning this reactionary generation because I want to make sure we protect Social Security not just today but for the time to come. All of us here are concerned about Social Security, and to say otherwise is just political hogwash. But the only way to protect Social Security is to include it in the balanced budget constitutional amendment. That is why the President's budget proposal and every budget prior to that included Social Security in the budget. We cannot continue to ignore the interests of our children and grandchildren—members of that reactionary agenda.

What does the incredible debt that we have built up have to do with future generations? The Federal debt is $5.3 trillion. None of us understand how much $5.3 trillion is. But the reactionary generation that follows will learn, and they will learn all too soon. As they become saddled with tremendous debt, they will realize what the magnitude of how much $5.3 trillion really is.

Already this reactionary generation says that they have a better chance of seeing an unidentified flying object than they have of seeing $1 of their Social Security money when they retire. They see no hope for the future, and they look forward to a lifetime of putting in 7.45 percent or more of their paycheck and having that matched by their employer with another 7.45 percent. That is 15 percent that could have been their earnings, that could have been money in their pockets or in their own retirement accounts. When they realize that they will not receive a dollar of that money, what do you suppose their reaction will be? Will they protect Social Security for those already in the program? Will they care? Will there be a legislative revolution?

As an accountant, I am fascinated with the budget discussion because we are talking about numbers, and that is exciting. We are talking about balancing budgets. We are talking about formats that will provide us with the most information possible, and we are doing it in the context of a real budget dealing with real people. We are doing it in the context of a history where we have only balanced the budget once in 40 years—and that was 28 years ago.

Some very valid accounting concerns have been raised here in debate by opponents of the balanced budget constitutional amendment. I have heard reference to the need for capital budgeting. I have heard reference to a need for Social Security to be off budget. I have heard reference to the need to take care of accounting problems that happen during recessions. As an accountant, I applaud this insight into the need for new accounting methods.

Not only am I an accountant but I used to be the mayor of Gillette, WY, as it went through a boom and increased in population about two and a half times. I know from having been through both kinds of economic cycles that growth presents many of the same problems that recession causes. Under both situations a capital budget is required. We really do need Federal capital budgets and cash-flow management budgets. We need to list all of the capital purchases, vehicles, buildings, etc., that this Government needs to buy for the next 1 year, 2 years, 5 years, 10 years, 50 years. I have found out that many agencies or departments have no idea how much capital they have. We need to have cash-flow budgets so that as the cash arrives the purchases can be made without extensive deficits. That is good business.

When I heard the Democratic leader speaking about capital budgets last week, I got excited. That is the kind of accounting that we should have already had. But, this kind of accounting has nothing to do with passing the balanced budget constitutional amendment. It is just good business. Whether we have a capital budget or not, we need a balanced budget amendment.

Last week I heard a lot of debate about the need to take Social Security off budget. Off budget is a fascinating accounting term. In fact in my accounting references I could not even find that term. And I have to say from listening to the discussions that there does not seem to be a lot of consensus as to what off budget really means.

It looks like we found a catch word that scares senior citizens and makes everyone think this will save Social Security. As one who daily approaches being a senior, I want to see us get the rhetoric out of that term. We give the impression that Social Security has enough money at the moment. We talk about the surpluses going into Social Security and being used in the budget.

Accountants frown at the word "surplus" revenue. Surplus implies more than what is needed. That is not the case with the Social Security trust fund. We give the impression that money is being put aside in a special account for our seniors so that when they retire there will be money to be drawn out in their names. That is not even close to what actually happens.

In order for the money that people are paying into Social Security today to be available for them when they retire, the system must be actuarially sound. That means that the money going in now at the rate of investment allowed on that fund has to generate enough revenue so there will be a payout for the period of time promised. We have promised to pay out money for the remainder of a person's life at not only the rate that he or she is entitled to at the time they retire, but also with cost-of-living allowances.

We have already passed laws in this country that force businesses doing pension funds to make their funds actuarially sound. They have to build a fund that at the time of retirement will have enough money in it that can pay the benefits for that person for the promised amount of time which is usually the balance of his lifetime. That is the law. Businesses are in the process of meeting that at an extreme cost to themselves. If we force businesses to keep their promises, then why do we not fulfill our promise to the same people and keep our accounts sound?

At the present time Social Security is at least $9.3 trillion away from being actuarially sound. Do we have a way to generate that money? No. We have to perpetuate the current system. That is why we cannot privatize the system. We would bankrupt the system immediately if we allowed younger generations to take their money and put it in their own fund instead of putting it in to be paid out to our seniors immediately.

We need to have a system where we can see how far in debt we are. And we need to do that not just for Social Security but for every single trust fund that we have. We either have to change the accounting system to account for the funds honestly and show how much of a deficit there is, or rename them so that they are not trust funds. Perhaps we should do both.

OK, we agreed to do a system of pay in and pay out trying to build up some surpluses to take care of the coming influx of people going into retirement. But, when the baby boomers reach full retirement, the Social Security surplus will decline at a dramatic rate, eventually going broke by the year 2012.

Yes, we need a new accounting system for Social Security. Yes, we need that system now. No, it is not a part of the balanced budget constitutional amendment. It is a part of a good government proposition and we need to grapple with it and get it under control. The issue of what accounting system to use should not determine if we vote for or against a balanced budget amendment. A new accounting system is needed, but the balanced budget amendment is essential.

The only hope for Social Security is a balanced budget, then switch to an accounting system that will realistically deal with the actuarial needs of Social Security so that we can protect it for future generations. Otherwise we will have a revolution that will take away seniors' Social Security.

Last week I also saw many copies of the pocket Constitution of the United States being held up and explained. I too, carry my own copy of the Constitution of the United States. It was given to me some years ago by a district judge when I was in the State legislature.

When I was mayor, on Constitution Day, I used to give all members of the city council a copy of the Constitution

and encourage them to read it. Sometimes we read it as a part of the proceedings of the city council meeting. This document is an astonishing document. The insight by our forefathers was incredible. But this debate has also raised some constitutional issues.

I have heard discussion that some people in this body consider this to be a draft. It fascinates me, that, with the exception of one single provision, the Founders of this Constitution considered it to be a draft. In article 5, instructions are given on how a change in the Constitution can be made. They made it difficult, but possible to change. The balanced budget constitutional amendment has to pass by a two-thirds vote in each House and then it must be ratified by three-fourths of the States.

I think those people who are opposing a balanced budget constitutional amendment know in their hearts that this time it will pass and will also have swift ratification by the States. If we did not believe it would be ratified by the States, this would be an easy debate. But we know the people of the States want it and the States will respond. If just those States with one or more Senators opposing the balanced budget constitutional amendment did not ratify the constitutional amendment, it would never become a constitutional amendment.

Why will there be swift ratification? First, most of the States already have a balanced budget requirement in their Constitution. They work under the requirement and know the requirement works. They know their limitations and the types of challenges that develop from it. They understand that the challenges are not a detriment to the United States having a balanced budget constitutional amendment.

People understand from their own experience that you cannot spend more than you take in. Almost every school child above the third grade is able to explain to me that if you spend more money than you take in you go broke. It has been said that we can learn much from children. Children focus on problems in more simple terms. Congress has not yet learned what the children know. The voters want us to stop spending their money they have not even earned yet. Our children and grandchildren plead with us to balance the budget and quit cosigning on their behalf for this mountain of debt.

Another argument that I have heard in this debate is the need to adjust changes or, using a new term, glitches in the economy. $5.3 trillion worth of debt has turned people into unbelievers about the paternal role of Government in our lives. We have already wrestled with the $5.3 trillion worth of experiments that wound up with these glitches in the economy. Where has it taken us? What do we have to show for it? The people know the Government has little control over the economy.

I have heard the argument that families do not balance their budgets because they borrow for future such situations, and they do not pay the debt off each year. I agree, they do not. But I do hasten to point out that they at least pay off a little bit of the debt every year. Right now we should not only balance the budget, we should include in that balanced budget an enabling legislation provision to pay off the national debt.

If you went to your banker and said, "I want to borrow money to buy a house, but I don't want to have to pay anything but the interest for the rest of my life," would you get the loan? No, you would not. But that is what Government is doing. The Government is saying, we want you, the American people, to be our bankers, but all we want to do is pay the interest. I can foresee a time when the interest may amount to more than all of the other spending programs, so it will be tough to even pay the interest, and we still will not be paying a nickel on the national debt. Will the next generation be reactionary if they pay exorbitant taxes and cannot buy anything but interest?

This does not begin to mention who finances our debts. We are fiscally controlled to a limited degree by foreign interests because of the large increase in their securities holdings. This weakens our economy and independence because the money is taken out of the United States. The interest on the Federal debt increased from 9 percent of total outlays in fiscal year 1980 to 15 percent in fiscal year 1995.

The Federal Government has not been good about limiting or disciplining itself in any way. We understand how happy constituents get when we throw money at them and their wants. We also understand how disappointed and a little bit angry they sometimes get when they are not given things.

I was in the Wyoming Legislature for 10 years. Halfway through that time, I moved from the house to the senate. At that time the State senate imposed a new rule on itself. We have a very limited time for meeting in Wyoming. We meet for 20 days in a budget session, which is every other year, and 40 days in a regular session. Now we save 2 of those days each time in case the Governor were to veto something, we could call ourselves back into session and override it. So we spend 18 days one year and 38 days the next, and we avoid all special sessions.

In recent years one thing has happened that has helped, and that is a rule that we imposed on ourselves to limit the number of bills that any one Senator can introduce in a session. We said that in a budget year, a Senator could only introduce three bills, and in a regular session a Senator could only introduce seven bills. We spent a lot of hours talking about limiting our own right to submit bills. Those who spoke most vehemently against it were the ones who turned in the most bills. It was not unusual for anybody to turn in 30 bills in a regular session. We passed a rule in spite of the opposition. Today the biggest supporters of that rule are the ones who before the rule turned in the most bills.

Why the change? The ones who turned in the most bills discovered two things. First, their constituents were more pleased with the bill that passed than one that was merely introduced. Introducing and working a few bills resulted in a higher percentage of bills that passed. Second, maybe most importantly, it was much easier to say no to a constituent for a new bill if there was a prohibition against the number of bills allowed to be introduced.

How does that relate to a constitutional amendment for a balanced budget? I am suggesting that, if we limit ourselves by a balanced budget constitutional amendment, we will concentrate more on what we really do well, and the things that we choose to do we will do well. We can have the America of our dreams. We will have more people participating, we will have less people expecting Government to do things for them, we will have more care and concern for our elders, and we will have more concentration on our children's and our grandchildren's welfare.

We have an opportunity now to show that we can care for our parents and our grandparents and will provide for our children and our grandchildren. We can move to an honest system of accounting so we can end the deficits and pay down the debt to show that we really believe that the future of America is upon us now. We can preserve this as a land of opportunity for future generations. The challenge is now. Do we have the courage or do we need a revolt from the reactionary generation? Please help me to pass the constitutional amendment to balance the budget. I will urge all Americans to write and call your Representatives and Senators and tell them to pass the balanced budget constitutional amendment. Passing it 5 years from now will not suffice. We need action now.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you.

Mr. President, after listening to the Chaplain's prayer this morning, I was reminded of the old saying, "Everybody wants to go to Heaven, but not everybody wants to do what is necessary to get there."

In his State of the Union Message, the President said he wanted to balance the budget by the year 2002, but he then went on to express opposition to the balanced budget amendment. Without the discipline of a constitutional balanced budget amendment,

neither Congress nor the President will ever have the courage to pass one.

The President has submitted a budget that is technically in balance by the year 2002. But let us look at it. If you check the fine print, you will find that 75 percent of the savings proposed by the President are postponed until the last 2 years of the 5-year plan, the years after President Clinton's term has ended. That is the problem.

Just to cite the statistics, Mr. President, the budget deficit this year is about $107 billion. You would think if you are going to zero in the year 2002, and we are at $107 billion this year, we would reduce it a little each year until we got to zero. But actually the budget deficit goes up in fiscal year 1997, and the President's policies would boost it another $1.1 billion in fiscal year 1998 from where it would otherwise have been. In fact, in the last year—the year that we are supposed to be at zero—the savings required to achieve balance will be $117 billion. So the Congress will have to do more in savings in the very last year of this 5-year plan than we would have had to do to wipe out the deficit in its entirety this year. So $107 billion this year; we are going down to zero in the last year, and that last increment of savings is $117 billion.

This is like the person who says, "I'm going to go on a diet. I've got to lose 30 pounds. And I'm going to give myself 6 months to do it. But I think I'll eat real high off the hog for the first 5 months and 2 weeks, maybe gain another 25 pounds or so, so that in the last 2 weeks I'll lose 55 pounds." That is what the President's budget is suggesting. It is precisely why we need a constitutional amendment, to force the President and the Congress to make the tough choices to balance the budget; otherwise, it is the same old thing, just put it off until later. We all want to lose the weight, but we do not want to make the tough choices to lose it.

Putting off tough choices for as long as possible is typical of just about every budget plan that we have had in the last several years, including the plan that Congress approved 1½ years ago. It is why the Gramm-Rudman-Hollings deficit reduction law failed in the 1980's.

After all the easy choices have been made in the first few years, progress toward a balanced budget stops dead in its tracks. No one wants to make the tough choices needed to achieve the larger savings scheduled down the road. So the deadline for the balance is always pushed off just a few more years.

President Clinton's budget postpones most of the savings, as I said.

Congress will no doubt come up with a budget that will do the same. That is what always happens. That is why the national debt continues to grow.

Mr. President, 2 years ago when the balanced budget amendment lost by one vote, the national debt was approaching $4.9 trillion. Today, the debt is over $5.3 trillion—an increase of about $400 billion. That amounts to about $1,600—$1,600—for every man, woman and child in America. With that increase, each American's share of the national debt now totals about $20,000. That is about what the average Arizonan earns in a year.

Two years ago opponents of the balanced budget amendment said a constitutional amendment is not necessary. All we need to do is muster the courage to do it ourselves. That is what our constituents sent us here to do, make these tough choices. But we do not make the tough choices. That is the way it always happens.

We actually did pass a balanced budget in the Congress of the United States in 1995. In that year it was the President who vetoed the balanced budget. So, Mr. President, it demonstrates that it is both the Congress and the President. When we muster the courage, the President is the one who apparently lacks it.

Since that time, 2 years ago, Congress has had to add tens of billions of dollars to the budget just to get the President to sign the funding bills into law and keep the Government operating. Just last September, Congress had to add $6.5 billion that it would not have otherwise spent. And that is on top of an increase of about $25 billion the Congress had already built into the year's spending legislation.

Desire and good intentions are not enough to ensure that balance will ever be achieved. Unless we are bound by the Constitution, Members of Congress and the President will always find some reason to spend more or to put off for another year the savings that are needed.

The former Democratic Senator from Massachusetts, the late Paul Tsongas, explained it this way in testimony before the Judiciary Committee 2 years ago: "There are a lot of votes in deficit spending. There are no votes in fiscal discipline. What you have here is a sad case of pursuit of self as opposed to pursuit of what is in the national interest."

Senator Tsongas went on to say this: "The fact that our generation could have conceived of having a consumptive lifestyle in leaving all that debt behind can only happen if we do not go home at night and look at our kids and grandkids and feel something."

Mr. President, it seems to me that our departed colleague really hit the nail on the head. The balanced budget amendment is about our children and our grandchildren and what kind of country we are going to leave them.

For most of our Nation's history, each generation has worked hard and saved and invested so the next generation would be a little better off. Only in the last 40 years has that changed. Now Government cannot seem to live within its means no matter how much it collects in taxes. It has, quite literally, mortgaged the homes and businesses our children will not buy or build for decades to come.

My second granddaughter was born just about a year ago and she already owes, as her share of the national debt, $20,000. In fact, she can expect to pay more than $187,000 in taxes during her lifetime just to pay the interest on the debt. What will be left from her income to care for her children? How will the Government care for the needy of tomorrow when almost every dollar in individual income tax revenue is devoted just to interest on the national debt?

Mr. President, a balance budgeted offers hope. Yes, it will require the Congress to prioritize spending so the most important programs are not jeopardized, and wasteful programs will have to be eliminated. Some of the luxuries will have to be postponed. A balanced budget will require heavy lifting, but offers hope and opportunity to Americans today and our children tomorrow.

The Congressional Budget Office predicts that a balanced budget would facilitate a reduction in long-term real interest rates of between 1 and 2 percent. That means that more Americans will have a chance to live the American dream—to own their own home. A 2-percent reduction on a typical 30-year mortgage of $80,000 would save homeowners $107 every month. That is $1,284 a year, or over $38,000 over the life of the mortgage. That is money in their pockets. A 2-percent reduction in interest rates on a typical $15,000 car loan would save buyers $676. The savings would accrue on student loans, and credit cards, and loans to businesses that want to expand or create new jobs. Reducing interest rates is probably one of the most important things that we can do to help people across this country.

I know there are those who have doubts. Some will say that balancing the budget may make sense in good economic times, but it is too rigid and will prevent us from responding to economic emergencies or other hardship when that occurs.

I think it is important first to point out that deficit spending is so ingrained in the Federal Government that we have been running deficits in good economic times as well as bad during the last 40 years. Deficits have not been run solely to rescue the economy from hardship. If they were, we would not be having this debate today.

Second, it is important to remember that the balanced budget amendment could be waived in times of true emergency. To ensure such waivers were not invoked routinely or without good cause, three-fifths of the House and Senate would have to agree. That should not be difficult in the case of real emergency.

For example, when Congress extended unemployment compensation in response to economic problems in 1975, 1980, 1982, and 1991, it usually did so by a three-fifths majority. So the amendment leaves enough flexibility to respond to real emergencies.

Mr. President, there is now general consensus that balancing the budget is the right thing to do. The President says he is for it, and the Republican majority in Congress says it is for it. We may be able to reach an agreement with the President and pass a plan this year to balance the budget by the year 2002. But without a balanced budget amendment, Congress or the President will no doubt find some reason to backtrack from the plan, if not next year, then in the year 2000 or 2001, whenever the going gets tough.

If we are serious about balancing the budget, we must support the balanced budget constitutional amendment. For our children's sake, we must do it now.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to make a few remarks on the balanced budget constitutional amendment being considered before us today. In the House of Representatives, I was fortunate enough to have been involved with the passage of this amendment during the 104th Congress and I am honored to be active once again in our efforts to pass this important amendment, and to help secure the American dream for future generations.

Now, proposing an amendment to our national charter is not something to be taken lightly. It should be undertaken only for the most important of causes. The Constitution has guaranteed and protected the freedom of the American people. But it can only continue to defend those freedoms if we give it the ability to defend them. An amendment to balance the budget will give our Constitution the strength it needs to continue protecting and defending the freedoms that so many Americans enjoy.

A balanced budget promises hope for the future, not fear as the naysayers will tell you. It promises to draw down interest rates, spur new investment decisions and increase our gross domestic product. It promises lower unemployment and more take home pay. And very importantly it promises to help protect our Social Security system.

Without it our economic security is threatened. One of the most insidious aspects of our budget deficit is that it amounts to a hidden tax on our income, and on our children's future income. This hidden tax is felt by everyone who has taken a loan to pay for school, buy a car, or purchase a home. Higher interest rates are the taxes levied by a government that has not the courage to live responsibly or even honestly. We must balance the budget and thereby eliminate this hidden tax.

The Joint Economic Committee estimates, and you have heard the estimates before, but I think they bear repeating, that yearly savings on an $80,000 home mortgage would amount to $1,272 by balancing the budget and that a student fresh out of school paying back a student loan would save about $180 per year because of the lower interest rates. These are not illusory effects or empty promises; they are rather the assurances of a responsible Government that balances its budget year after year and pays down the debt.

But the Keynesian apostles will tell you the economy will collapse in tough times with a balanced budget amendment because it could force Congress to take actions that could exacerbate a recession. They are wrong.

Opponents of the amendment before us argue that deficit spending is sometimes necessary to offset the negative effects of a recession, natural disaster, or war and to ease the flow of the business cycle. Now, they would argue that during tough times the Government should deficit spend and borrow against future prosperity. But this is simply the wrong approach. Future prosperity is our children's prosperity, and it should never be leveraged to provide for the consumptive desires of big Government.

This amendment would not force Congress to raise taxes during a recession.

Our fiscal policy over the last 40 years has hinged on the desire to deficit spend during times of both recession and expansion. So those who claim this amendment would place a straitjacket on our Nation's fiscal policies are correct. It would place a straitjacket on bad fiscal policies by placing emphasis on less Government spending rather than more.

Deficit spending exacerbates the Federal debt, crowds out private investment decisions that bolster the economy, and leverages the country out of future economic growth and prosperity.

We must balance the budget by cutting taxes, the right taxes, and Government spending, cutting that.

So why are the opponents of this measure trying to stop the balanced budget amendment?

Because, as a matter of economic policy this amendment means an end to the tax and spend economics that has given us our bloated, centralized Federal Government. What it boils down to is this: This amendment will help us put our fiscal house in order by ending faulty Keynesian policy and freeing up private enterprise and encouraging entrepreneurship. What works in America is the individual creativity and ingenuity of our people. This amendment will give us the tool to help realize that truth.

Unfortunately, the fear-mongering attempts by the administration have been focused on transforming this debate from a debate about hope and future prosperity to a debate about an imagined fiscal doomsday. They want to continue following the failed Keynesian policies that have produced the most massive peacetime debt in our Nation's history and they know that this amendment will not allow them to do that.

Now, I have a chart of what has happened to our Nation's debt over the course of our country's short history. I think it is pretty interesting and telling. You can tell that in earlier times we would hold a major debt during times of war, such as during the Revolutionary War, when we had a high debt in this country. During the Civil War, we had a high debt. Certainly, during World War I and World War II, we had a high debt in this country. But then when you look at between the times of war, we virtually didn't have any debt at all, or we pushed it down—up until the past 30 years. Instead, during this period of time, we have increased our debt into the massive debt that we have today.

Mr. President, there is no reason for this debt that exists today. It has been fiscally irresponsible, morally irresponsible. It is a debt, a burden, a mortgage on America that our children will have to pay off. It is morally wrong of us to do that. This balanced budget amendment will keep this from happening in the future, so that future generations, future children coming into this country, won't be burdened with this tax on them, a tax which they never even voted on.

Yesterday morning, when I walked into my office, the national debt was $5,325,298,771,668.63. This morning, when I walked into the office, the national debt was calculated at $5,325,967,417,901.67. Now, that means that, while America worked yesterday, its commitment to paying off the debt increased by almost $670 million.

Mr. President, that was actually a cheap day for what we are running here lately. Every day that the Senate debates this issue, the average increase in our debt has been $694 million. So we actually had a good day yesterday. But it's still a $694 million increase per day. Every day we debate this issue, the debt of our Federal Government grows.

Wait, let's talk about it in real terms, per person. Statistics compiled by the Tax Foundation indicate that the median dual-income family pays a little over $15,000 in Federal taxes each year. That means that over 46,000 families will have to work the entire year just to pay for the time we spend debating this amendment today alone. That is money that could have been spent to send a child to college, or to make a downpayment on a home.

I want to talk about it in more personal terms, about Bud Hentzen of Wichita, KS, and his family and what

they are going to owe for interest on the national debt. Bud is a proud family man. He has 10 children. He also has 30 grandchildren. He did a calculation, and he was a little nervous about this. He is proud of his children and grandchildren, as well. He wants to leave them a better and brighter future. He has worked hard all his life to provide for his children and for their future. He wants his country to be strong for them in the future. While he personally has been responsible for providing for those children and educating them, he looks at his Federal Government and calculates that his 10 children collectively owe over $700,000, and his 30 grandchildren collectively owe over $4.8 million for a total of over $5.5 million just to pay the interest on the debt for the Bud Hentzen family.

That is not right. That is not what we are sent here to do. That is certainly not what Bud Hentzen would want us to do. He told me that the only thing he could tell them about the national debt was, "I am sorry we left you this debt." Well, so am I. We ought to be more than sorry—we should be ashamed.

This story makes it clear that this debate is about our children and their future. And it is about the immorality of our present system and whether or not we have the courage to change it for the better.

Yet, opponents also claim that Congress does not need a balanced budget constitutional amendment in order to achieve balance. It simply needs courage. Well, our recent history proves that this claim is false. This argument is dubious because it admits that opponents of this amendment are motivated by political expediency, not true reform. For should the importance of a balanced budget disappear from the mind of America, the pressure to balance the budget would likely disappear from the minds of Members of Congress and the Senate. We are here to debate an issue of national importance that the march of time cannot and should not erode. This debate is not about the political whim of the day, it is about the economic future of our country. Let us then bind ourselves not by the political culture of the day, but by the resolve to complete the work we have started.

The time to act is now. We must not betray our duty to our children and grandchildren, to Bud Hentzen's children and grandchildren, by failing to act on an issue that is so important.

It is a moral imperative that we balance the budget and that we further give ourselves the tools we will need. How will future generations judge us if we have not the strength to end this practice of spending our children's inheritance for the sake of big Government? No doubt, when the pages of history have spoken, the debate we are herein engaged will be remembered not by the shrillness of the rhetoric, but by the consequences of our action. May those consequences enrich our Constitution, defend our freedoms, and protect our children.

Thank you, Mr. President.

The PRESIDING OFFICER. Who seeks time?

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise today to, again, voice my strong support for Senate Joint Resolution 1, the balanced budget amendment. I might add that there are many "Bud Hentzens" in Nebraska, just as my distinguished colleague from Kansas so eloquently stated. The numbers are real. I would like to pick up on my distinguished colleagues' remarks with the following statement:

During this debate, we have heard a number of arguments from both sides on the effects of a balanced budget amendment. I believe this debate comes down to one question: Is the balanced budget amendment in the best interest of our children, their children, and the future of America? My answer is "yes."

Balancing our Federal budget is critical to ensuring that the American dream lives for our future generations. The real issue behind balancing the budget is our national debt. Mr. President, our national debt has risen to proportions that are virtually unimaginable to most of us. Numbers like $5.3 trillion in present debt, or $7 trillion in debt by the year 2002 are so far beyond the range of the daily lives of most persons that these numbers are easily dismissed. But these numbers cannot be dismissed. These are not just numbers. Each and every dime of our debt represents a burden we are placing squarely on the shoulders of our children. It is our children—our children—whose incomes will be taxed to pay off this debt. It is our children who will have to deal with a limited-growth-in-job-opportunity world because the debt has so constricted this economy that opportunities and possibilities will be severely limited for our children. It is our children who may never be able to purchase their own homes, or send their children to college, because their incomes will be consumed with high taxes to pay for an oppressive Government and make payments on the enormous debt that we have run up for them.

The balanced budget amendment is no cure-all. Passing it will not save us from the hard choices required to balance this budget. But it will help us get there. It will force Congress to deal with the budget honestly. It will force Congress down a different path than the one it has traveled for 36 of the last 37 years. It will force Congress to balance the budget. Most importantly, it will force Congress to keep the balanced budget—to keep the balanced budget. It will give our future generations the hope and opportunities so that they can determine their own futures and the futures of their children, rather than being held hostage by an undisciplined Congress and an undisciplined Government deciding their futures for them by mortgaging their futures.

Creating the kinds of opportunities for our children that we have enjoyed will require the kind of economic growth that should be America's legacy for the 21st century. It will require bold, strong, and imaginative leadership. To get there, we must cut Government spending, cut taxes, and cut regulations. We need to cut the size and scope of Government and allow private and personal initiative to soar. We must bring Government back to the people, where it is accountable. Balancing the budget is critical to this effort.

Our children deserve better than a balanced budget based on "ifs," "buts," "maybes," conditional tax cuts, and conditional spending cuts. They deserve the security of knowing Congress is required to balance the budget every year. They deserve to know that Congress will not continue to add to the national debt. They deserve to know that we are not playing shell games and numbers games and word games with their futures.

Either we are going to balance the budget or we are not. Let us be honest. Let us be honest with our children and our grandchildren. Let us be honest with this country. Our children deserve better than the hocus-pocus that we have been giving them. Where is our leadership? Where is the leadership in this Congress? Where is the leadership in this body? Where is the courage in this body? And where is the outrage? Where is the outrage in the U.S. Congress for what we are doing and what we have done to the children of this country?

We must get control of the Federal budget and America's fiscal policy. We must enforce lasting fiscal discipline on the Congress of the United States. A balanced budget amendment ensures that we will balance the budget for years to come. Regardless of who is President, regardless of which party controls the Congress, the balanced budget amendment would be a nonpartisan enforcer of controlled Federal spending and responsible fiscal policy.

We owe our children no less. We owe our children more than flimsy promises and optimistic assumptions. We owe it to them to make a lasting commitment to balance the budget of the United States for years to come. They deserve no less than the same opportunities that were afforded each of us. In fact, Mr. President, they deserve greater opportunities to succeed just as our opportunities exceeded those of our parents. That has been the legacy of every

American generation. That is the magic of America. That is the greatness of America.

The only way to ensure this commitment to our children, the only way to make sure our promises are not undone, is to pass the balanced budget amendment to the Constitution.

Mr. President, thank you, and I yield my time.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, thank you,

Mr. President, I have been watching this debate over the last few days, and I heard some of the opponents to a balanced budget amendment talk in a very eloquent way, as I have heard throughout the years. It seems like the arguments never change. So what I have done is picked up a few of these, and I would like to respond to some of these arguments.

The other day one of the Members who has argued against a balanced budget amendment to the Constitution for as long as I can remember made the comment that proponents want to treat children like children, hiding the hard truth from them, and then went on to elaborate about all of the things that are going to happen if we don't fully disclose what is going on with the proposition of a balanced budget amendment to the Constitution.

I can remember so well back when my No. 2 child was learning to ride a bicycle back in Oklahoma. I can remember when he got on. He was wobbling. Maybe, Mr. President, you have gone through the same thing. I finally got him so that he was able to go in a straight, narrow line. Then he made his first trip around the neighborhood. He is a hand surgeon today. He came back, and he said something to me that is very profound. He said, "You know, daddy, I wish the whole world were downhill."

I think what we need to do is be fully honest with everyone and let them know that it is not going to be easy if we pass a balanced budget amendment to the Constitution because, in fact, the whole world is not downhill. It is going to take some sacrifices. We have demonstrated very clearly what is going to happen if we do not do it.

I heard the other day opponents saying they are tired of Washington telling people what to do and the Washington-knows-best mentality, that the balanced budget amendment is the ultimate Washington mandate. I suggest to you that just the reverse is true. We can talk about this all we want, but what we are saying to the American people when we deny them the opportunity to have ultimately a balanced budget is we want to keep control of all of these things in Washington.

Reference was made yesterday to the Governors who are talking about how they are cutting taxes in their States and the successes that they have had and suggested that the budget balancing amendment, if passed, would force the States to have massive tax increases. Let me tell you. That just isn't true. The problem that we have right now is there is a mentality that I think prevails in both bodies of Congress, or did at least up until 1994, and certainly does today in the White House; that is this direct relationship between taxation and the deficit.

I can remember when this President was sworn into office and he appointed Laura Tyson to be the chief financial adviser to the administration. She said—and this is a direct quote—in direct contradiction to 12 years of Republican ideology, "There is no relationship between the level of taxes a nation pays and its economic performance." To me this is really the key to the whole thing—somebody who actually believed that. If you carry it on to its logical conclusion, you would say that all you have to do is have a taxation level of 100 percent, and everyone is going to be motivated the same and our revenues would go up. We know, obviously, that is not true. There are many Democrats who knew that wasn't true back when President Kennedy was President. He came out and said that we have to raise revenues, that we have needs, and that the best way to raise revenues is to reduce taxes. He did, and it happened. Of course, we look throughout history and we see it has happened over and over again.

In the case of all those who are critical of the administration and say that back during the 10 years or the decade of the Republican administrations in the White House, the tax increases, or the deficit increases, came they say as a result of the tax decreases when in fact the total revenues that came into the Federal Government in 1980 was $517 billion. In 1990 it was $1.031 trillion, exactly doubled. That happened during a decade of the greatest tax reduction in the history of this country.

Mr. President, I know that we are coming up toward the end of the time. But I would like to respond to just two more of the statements that have been made.

First of all, they said that the balanced budget amendment will give politicians the "license to cut and slash needed programs."

The Heritage Foundation not too long ago came out—and they have updated it since then—with a study that came to the conclusion that if we took all of the Federal programs and had a built-in increase of 1 percent, or 1.5 percent, or 2 percent, you could actually balance the budget, that you could eliminate the deficit without cutting one Federal program. The problem is that programs come in—and we have seen it happen over the years—historically, they will come in and say this is going to meet a problem that we have, the problem goes away, and the program stays on.

I am always reminded of one of the great speeches made in our time called a "rendezvous with destiny" when Ronald Reagan made that speech long before he was in public office. He said, "There is nothing closer to immortality on the face of this Earth than a government program once formed." That is what we have seen over and over again. This has been going on for a long time.

I can remember when there was a very prominent Senator from Nebraska, Carl Curtis. Carl Curtis back in 1975 had a bright idea. He said, "We are going to have to do something about this debt." I think the whole debt was less than $400 billion at that time. He said, "In order to do something about this, we are going to have to show that the States want it and that the people want it." So he decided to come and ratify an amendment to the Constitution in advance. I remember when he came to Oklahoma. I happened to be in the State senate at that time and introduced a preratification resolution where we ratified it in advance. Then all of the rest of the States came in.

I would suggest to you that there is a great groundswell out there of people who want this to happen, and they recognize that it is not going to happen otherwise. We listen to people stand on the floor. I have not heard one person stand up here and say, "We want larger deficits. We want to increase the debt." They don't say that. They say, "We will do the responsible thing. We need to make the hard decisions."

The problem is that for the last 40 years we have not made the right decisions, and we have not made the tough decisions. Now that we have an opportunity, a rare opportunity, one that is realistic, it could actually happen, because we only missed it by one vote a year ago.

Let me finally conclude by saying that one Senator stood on the floor the other day. This is a quote. He said, "The budget balancing amendment is nothing more than a vague and empty promise. Most Senators who support it will not even be here in the year 2002 when it will take effect."

Let me suggest to you that as a result of the vote, it is very likely that there will be a lot of Senators who will not be here. I will make a statement that sounds a little bit extreme. But I have to make it.

If you look back at the voting behavior of those U.S. Senators who do not want a balanced budget amendment to the Constitution, you will find that those are the ones who are the liberals. By "liberals," I am talking about individuals who vote for greater tax increases, who want more Government involvement in our lives. I have a chart here that shows that. Those who voted

against the balanced budget amendment last year—and there were 33 of them—of those 33, all of them, 100 percent of them, voted for the largest—this is called the tax stimulus program—the largest tax increase that we had in 1994. And all of them have either a D or an F rating by the National Taxpayers Union.

A lot of people forget that we don't have to guess how people perform up here because there are all kinds of organizations that are giving us ratings. How is that going to affect some of the other elections? If you look back and you look at the Members of Congress that were defeated or retired in 1994, in the Senate there are 11, and 8 of them fell into this same spending class. In other words, those individuals who are getting defeated now in the polls are individuals who are big spenders and individuals who are for tax increases as opposed to cutting the size of Government.

So I think there are some very real ramifications to this that are political ramifications. I suggest to you, Mr. President, that there are a lot of Members in here who, if they vote against our effort—it is a genuine effort for a balanced budget amendment to the Constitution—will have to pay the political price for that.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Rhode Island is recognized for 30 minutes.

Mr. REED. Thank you, Mr. President.

OUR EDUCATIONAL IMPERATIVE

Mr. REED. I rise today to speak about an issue that is critical to our country and critical to our future, and that issue is education.

Education has always been crucial to our country. Indeed, one of the greatest triumphs of our Nation has been the creation of public education through high school and in the postwar years the expansion of access to higher education.

Our ancestors grasped a fundamental truth. Education is the engine that powers our economy, and it is the force that sustains our over 200-year experiment in democracy. "Yankee ingenuity," groomed in the schoolrooms of New England and transported across the continent, spurred an era of invention that catapulted America to economic leadership. But education is more than just economic progress. Education has allowed us to keep faith with the basic tenet of our country. At the core of American experience is the commitment to equal opportunity, and education is the greatest source of opportunity in a free society. It can transcend the circumstances of income, region, race, and gender to reaffirm the enduring belief that an individual through effort can achieve his or her fullest potential in America.

Throughout our history, education has always been an important part of the American experience. Today, it is rapidly becoming the essential component of our national life. The combination of extraordinary progress in technology, particularly information technology, and the unprecedented growth of international commerce has made education the key to our leadership in the world and our prosperity here at home.

As we pass from the industrial age to the information age, the work of the future demands skills which only can be obtained through lifetime learning. And as we move into an era of global competition, we find ourselves pitted against workers and students around the world. What might have been adequate for America in the age of the Model T in a more insular world is plainly inadequate in the age of the Pentium processor and in a world in which the boundaries of business seldom conform to the boundaries of nations.

As Norman Augustine, vice chairman and CEO of Lockheed-Martin, said, "More and more, we see that competition in the international market place is in reality a battle of the classrooms."

The American people recognize that we can and we must do much more to improve the quality of education. Studies comparing American students with their foreign contemporaries in the "battle of the classrooms," as referred to by Mr. Augustine, show that American students are not first in the world. In fact, they are only about average. The third international mathematics and science study, TIMSS for short, the largest international science and math study ever undertaken, was released last fall.

The study found that U.S. eighth graders scored barely above the world average in science and below the world average in mathematics. Being "average" will not sustain the United States in a world where technology and trade demand excellence.

Just last month, Education Week, in collaboration with the Pew Charitable Trust, released a report card on the condition of public schools in the 50 States. The report characterized public education in the United States as "riddled with excellence but rife with mediocrity." With respect to the bottom line, student performance, the conclusion of the report is sobering. "We did not give States a letter grade. If we had, all would have failed. Nationally, only 28 percent of 4th graders tested in 1994 were able to read at or above the proficient level and only 21 percent of 8th graders tested in 1992 were proficient or better in math."

The American people recognize these shortcomings and the compelling need to enhance education in the United States. They also want the Federal Government to play an appropriate role in this process of educational reform. Last month, a survey was released by the Coalition for America's Children, and it found that 76 percent of those polled favored increases in Federal spending for education.

However, spending alone will not reinvigorate education in the United States. At every level of Government—Federal, State, and local—calling on parents, teachers, business and community leaders, the great civic core of America, we must all work together to make education come alive in the lives of our children. Our task is twofold: To improve the quality of public education and to enhance access to higher education.

Now, when we consider elementary and secondary education, we immediately must recognize the central role played by the States. Historically, States have been the leaders in public education from grades K through 12. And when we boast of the extraordinary success of public education in the United States throughout our history, we are paying tribute to the foresight and wisdom of State and local leaders who invested in education. But it is not without some irony that today, as we talk about devolution of more and more social programs and policies to the States, we at the same time point to the disturbing signs of educational malaise. The "devolutionists" frequently prescribe the States as the all-purpose remedy for every social problem, forgetting that the States like the Feds are political institutions awash in conflicting interests and afflicted with lapses of political will. That is not to suggest that the role of education in the States has been overtaken. It should suggest, however, that States alone have not and cannot cut through the tangle of financial difficulties, political interests and emerging problems that beset public education as we approach the next century. There is a real opportunity and need for Federal leadership as a catalyst for reform.

In confronting the challenge of public education, we cannot confine ourselves to just the schools. We must reach out beyond the schools to the children. The first goal of Goals 2000 is that all children will start school ready to learn. And as we discover more and more about childhood development, this goal becomes increasingly more important. It also becomes increasingly more obvious that our efforts must encompass the youngest children as well as those children just ready to enter school. Scientific evidence points to the critical years from birth to age 3 in the development of intellectual and emotional abilities. As such, child care is an essential part of any strategy for the long-term improvement of education. Good prenatal care, pediatric health care, and quality day care are

all components of educational reform. In fact, an emphasis on early intervention may save scarce educational dollars in the long run. Research indicates that children who attend quality child care programs are less likely to be placed in special education or to be retained in grade.

It is here in the area of child care that the Federal Government has long played an important roll. With the creation of the Head Start program in 1965, the Federal Government embarked on an ambitious attempt to reach low-income children. Over the past several decades, Head Start has gained widespread and bipartisan support. But despite this support, the program still only serves one out of three eligible children. More must be done to reach a larger population of eligible children. Moreover, we must consciously develop programs that involve very young children.

If we are serious about having all children ready to learn when they enter school, then we must commit ourselves to ensuring that every child has affordable access to quality health care and day care. We cannot and should not usurp the role of parents. As such, our strategies should be just as much about enabling parents to be better parents, with the time and income to do their part, as it is to reach out and teach the children.

While we summon the will and the resources to prepare children for school, we cannot ignore the urgent need to reform our schools. The recent study by Education Week revealed that on average less than one-third of fourth graders were proficient in reading and less than one-third of eighth graders were proficient in math. In a comparison of cut-off points on employer tests to student scores on national standardized exams, researchers, Richard Murnane and Frank Levy, found that "close to half of all 17-year-olds cannot read or do math at the level needed to get a job in a modern automobile plant." And consistent with these findings, the TIMSS report revealed that American students were not leading the world but were about average in a world economy that increasingly demands excellence, not mediocrity.

In evaluating this lackluster performance, the TIMSS report surprisingly did not blame the usual suspects—too much TV, not enough class time, not enough homework. It turns out that American eighth graders spend more hours per year in math and science classes than their Japanese and German counterparts. American teachers assign more homework and spend more class time discussing it than teachers in Germany and Japan. And, it turns out that heavy TV watching is as common among Japanese eighth graders as it is among American eighth graders. What then is the problem? The TIMSS report strongly suggests that American students receive a "less-advanced curriculum, which is also less focused." At the heart of this disappointing performance is the content and rigor of what is taught and the techniques used to teach it. In short, content and instructional standards are not adequate.

We will not materially improve public education in the United States until we adopt challenging standards, assess the performance of children with regard to these standards, and hold schools accountable for these standards. Standards, assessment, accountability: the keys to reinvigorating public education.

A few years back, there was a popular book entitled All I Really Need to Know I Learned in Kindergarten. I guess I was a little slow because I'm tempted to say I learned a great deal in the Army and that was many years after kindergarten. One of the great lessons of my Army experience is the transforming power of high quality standards, realistic assessments, and accountability. In the wake of the Vietnam war, a demoralized and publicly scorned military began to reinvent itself and, over the last 2 decades, has become one of the most effective institutions in the country. Many factors can be cited: the development of an all volunteer force, the leadership of an extraordinary group of professionals who served in Vietnam and went on to senior positions in the Pentagon. But, a critical, and sometimes overlooked, factor was the development of training doctrine that rested on detailed standards and realistic assessments.

As a company grade officer, I saw the transition from unimaginative field manuals couched in general terms to materials that broke down missions into constituent tasks, stressed the mastery of these tasks, and, then, the careful merging of individual tasks into group effort. At every stage, clear standards of performance were identified and evaluated. Complementing these doctrinal changes was a renewed emphasis on "training the trainer". Professional development was stressed not only for officers but throughout the ranks, particularly non-commissioned officers who are the backbone of the military. Finally, accountability, always a hallmark of the military service, could be refocused from the mundane, "did the troops look good", to the critical, could the unit accomplish its mission in the most realistic circumstances. American education, today, seems to be at a similar crossroads as the post-Vietnam military. And, the lesson of standards, assessments, and accountability seems equally compelling, for education today.

American students are graded from the moment they enter school. They repeatedly take tests. But, seldom are they measured against agreed upon content standards. As such, school is less about understanding a core body of knowledge and using that knowledge than it is about attendance. For too many students, the only "standard" that counts is showing up frequently enough to get a high school diploma. Thus, it is no surprise that half of high school graduates would have a difficult time getting a job in a modern automobile plant.

In a recent survey by a national nonprofit group, Public Agenda, reported in the Washington Post, high school students expressed their criticism of school. At the top of their list was the observation that their classes are not challenging enough. A typical response from a student is revealing. "'I didn't do one piece of homework last year in math' he said. 'I just took the tests. I'd get A's on the tests, not do the homework, and I got a B in class. There's just lots of ways to get around it.'" This sobering comment was found throughout this discussion in the report, but, the researchers were encouraged to find "strong support among students for having tougher standards in class. Three-fourths of them said they believed they would learn more, and school would seem more meaningful, if they were pushed harder by better teachers." As Deborah Wadsworth, the executive director of Public Agenda, declared, "The students seem to be crying out for the adults in their lives to take a stand and inspire them to do more."

Standards are about excellence, but they are also about equality of opportunity. Diane Ravitch, a professor at Columbia and a former official in President Bush's education department, wrote,

> "[n]ations that establish national standards do so to ensure equality of education as well as higher achievement . . . they make explicit what they expect children to learn to insure that all children have access to the same educational opportunities." Until we establish effective standards and evaluate children according to those standards, we will continue to ignore disparities in the educational experience of children throughout the United States.

In keeping with the critical role of standards as benchmarks for excellence and equality of opportunity, it is exciting to note President Clinton's proposal to develop voluntary national assessments for reading at the fourth grade and math at the eighth grade level. These assessments could truly be the bridge between standards and accountability; the bridge to a renewal of public education, in the United States.

Recognizing the critical role that standards can play in the reformation of public education, Congress in 1994 adopted the Goals 2000: Educate America Act. Goals 2000 sought to place voluntary national standards at the center of national debate about educational reform.

As a member of the Education and Labor Committee in the other body, I was an active participant in the drafting of Goals 2000. I vigorously pressed to ensure that standards were a key component of the strategy for educational reform, and that there would be accountability for these standards. One of the persistent failures of educational reform is the failure to follow through. We all are aware of repeated studies that chronicle the problems of public education and propose credible reforms, but never seemed to go anyplace. All of these studies seem to languish, gathering dust on the shelves. Even if the diagnosis is right, no mechanism is put in place to translate plans into results.

As such, I thought that, along with standards, the Goals 2000 process should require the state and local educational authorities to answer a fundamental question: what will you do when a school or a school system fails to meet the standards established for its students? Failure to answer this question and to act accordingly will doom meaningful educational reform.

I was pleased that a provision encompassing this question was included as a requirement of the state plan pursuant to Goals 2000. In the spirit of the voluntary nature of Goals 2000, the Federal Government did not mandate any particular approach to failing schools, but, in the process of developing standards-based reform, it would prompt states to ask this fundamental question. This provision is still on the books. However, the overall importance of the state plan has been diminished. Tucked into the budget signed by President Clinton in April of 1996 is language that removes the requirement for these State plans to be submitted to the Secretary of Education.

This unraveling of the minimal requirements of Goals 2000 does not bode well for ultimately tackling the tough issues of reform at the local level. Without the "seriousness" engendered by preparing a submission for Secretarial review, these plans might become another specimen on the dusty shelf of accumulated plans for educational reform. Moreover, despite the protests of many local elected leaders, many local educational leaders will concede that requirements in Washington frequently help them to cut through the tangle of local interests that impede effective local reform.

Nevertheless, Goals 2000 is a milestone in emphasizing voluntary national standards and hopefully will continue to serve as a springboard for educational reform. Standards are critical, but without good teaching these standards will also languish.

IMPROVED TEACHING

Challenging content standards must be matched by effective teachers. Continuous professional development is no longer a luxury and can no longer be incidental to teaching. The exponential growth in knowledge and constantly changing insights on teaching techniques require continual reeducation of teachers. Regrettably, such constant professional development is the exception today. Resources for professional development at the local, State, and Federal levels are constrained. But, more than resources are necessary. There must be a renewed commitment by all concerned parties. In particular, teachers and their unions must be at the forefront of this effort for professional development.

Teacher unions are powerful forces. They must become powerful forces to raise the capability and expertise of their members. Too often, teacher unions are perceived as interested only in the benefits of their members and not the in improvement of education. I do not believe this to be the case, but this perception is widely held and must be reversed. Teacher unions should be seen as champions for raising the quality of teaching in the United States. That means challenging their members to be better teachers, helping them to meet that important challenge and, in the small number of cases where individual teachers are not up to the challenge, working with local authorities to remove that teacher from the classroom. It also means being full partners in local reform efforts and viewing this reform effort in terms of what it adds to the quality of education rather than what it may subtract from the current status quo. This mission should not be viewed as something extra that the union does as a courtesy to the public. It must be at the very core of their activities and increasingly the dominant rationale for their existence.

At the Federal level, we must encourage this renewal of teaching. I am delighted with President Clinton's efforts to support enhanced teaching. Under the President's budget, 100,000 more teachers will be able to seek certification from the National Board for Professional Teaching Standards. The National Board has worked hard to establish nationally accepted credentials for excellence in teachers. Their certification of "master teacher," akin to the board certification of physician specialist, raises the standards for teachers and creates a pool of mentors who can assist other teachers to excel. President Clinton has increased funding for other professional development programs like the Eisenhower Professional Development Program and the National Science Foundation's Teacher Enhancement Program. The President has proposed a series of technology initiatives which will also assist teachers. The President's Technology Challenge Grant Program supports private-public sector partnerships to develop models for using technology in education, such as providing electronic field trips for new teachers to learn from expert teachers and mentors around the country. The President's technology literacy challenge Fund will leverage public funds to target school districts and schools committed to helping teachers integrate technology into the classroom. Finally, the administration's 21st century teachers initiative will recruit thousands of technologically literate teachers to upgrade their knowledge and help at least five of their colleagues to master the use of technology in the classroom.

We have talked about elementary and secondary education. But, frankly, excellent public education at the elementary and secondary grades today is simply a prelude to lifetime learning. As we work to provide students with the skills necessary to achieve and compete in this information age, it is essential that we also expand access to postsecondary education.

Indeed, according to the National Bureau of Labor Statistics, 60 percent of all new jobs created between 1992 and the year 2005 will require education beyond high school. A college education is also the key to higher wages, as college graduates, on average, earn 50 percent more than high school graduates.

For too many families, however, a college education for their children is growing increasingly out of reach. College costs rose by 126 percent between 1980 and 1990, while family income increased by only 73 percent. This situation has been coupled with a shift in the source of Federal aid also. In 1975, 80 percent of student aid came in the form of grants and 20 percent in the form of loans. Now the opposite is true. As a result, students and families are going deeper into debt as they attempt to pay for the costs of a college education. The average student loan debt burden is expected to reach $21,000 by next year.

Steps must be taken to make college more accessible and affordable in order to address these trends. I am pleased by the President's many proposals in this area. His call to provide assistance to middle-class families in the form of a $1,500 tax credit for the first 2 years of college will cover the costs of most community colleges and provide a significant downpayment for a 4-year college. It would certainly be a tremendous development in our history if for the first time we can guarantee at least 2 years of postsecondary education as we now guarantee 12 years of elementary and secondary education.

Families would also be able to choose a $10,000 tax deduction for college, for graduate school, community college, and certified training programs. These proposals are a common sense approach to help students enter and remain in college, lessen their reliance on loans, and provide an avenue for lifelong learning.

Our efforts to increase access to college cannot include tax relief alone. We

must also provide a boost to the Pell grants created and named after my predecessor, Senator Claiborne Pell. The Pell grant is the foundation of student financial aid for low- to moderate-income families.

Over the past 20 years, however, we have witnessed the steady decline of the purchasing power of the maximum Pell grant. According to a 1996 college board report, the Pell grant covers only one-third of the cost at public universities, down from one-half in the mid-1980's, and about 10 percent of the cost at private institutions, down from about 20 percent in the mid-1980's.

The task before us is to restore the purchasing power of the Pell grant. The President has recognized this fact by seeking to increase the maximum Pell grant from $2,700 to $3,000. This is a good start. But I believe more should be done so we can fulfill the Pell grant's promise of providing a substantial and consistent grant to low-income students.

America's future is being forged today in America's classrooms. It is our task to ensure that this great work of education is built on the solid foundation of challenging standards, realistic assessments, and thorough accountability. It is also our task to ensure that education is a life-long process and that affordable higher education must be available to all.

Our economy demands educated workers. Our democracy requires informed and responsible citizens. As we renew public education and open the doors to higher education, we will propel America into the next century powered by knowledge, tempered by experience, and committed to justice. We can do no less.

I yield back my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may speak as in morning business for up to 15 minutes.

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

CONGRATULATING SENATOR REED

Mr. FEINGOLD. Mr. President, before the Senator from Rhode Island leaves, I want to be the first proud Senator to congratulate him on his first speech in the Senate. It is very appropriate that the speech was about a topic that he knows a great deal about, education, and, of course, in so doing he follows in the footsteps of his predecessor, Senator Claiborne Pell. I just want to say on behalf of my colleagues how delighted we are that he has joined us here. I look forward to learning from him and working with him, particularly on the subject of education, Mr. President.

Mr. REED. I thank the distinguished Senator, Mr. President.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. FEINGOLD. Mr. President, I rise today to use the morning business time to further the debate on the balanced budget amendment and to indicate that I oppose the proposed amendment to our Constitution.

During the 103d Congress, Mr. President, this body wisely rejected the proposed amendment. It did so again during the 104th Congress, a Congress which, perhaps unlike any other in our recent history, seemed intent on finding different ways to amend the U.S. Constitution, actually voting on more amendments to the Constitution than any of its recent predecessors.

Mr. President, some of us believe there are many reasons to oppose this constitutional amendment, and we have been hearing a lot of them. A number of respected authorities have raised several significant points of concern, including problems related to the role of the courts and the power it might confer on unelected judges to set our national budget policies and priorities.

Another serious concern that we have heard a lot about and we will hear even more about is the damage this proposal could do to the Social Security Program. There may also be unintended changes to Presidential impoundment authority arising out of the constitutional amendment.

I believe that the constitutional amendment, in addition, will lead to unnecessary and possibly dislocating restrictions on our ability to establish capital or investment budgets, to even have the kind of flexibility that States have or municipalities have when they happen to have a balanced budget requirement.

Finally, Mr. President, I think the balanced budget amendment leads to an effective prohibition on developing a fiscally responsible budget structure that could include a surplus fund, a rainy day fund, a fund that could be tapped for emergencies, such as national disasters or military conflicts. The way it is drafted, we would not be able to plan for or project even a small surplus that could actually be used to solve an emergency.

Mr. President, during the next several days as we consider the amendment, I, along with many others, will comment on some of those concerns in more detail as we debate amendments designed to address those defects that I have just listed. For now, Mr. President, I want to focus on the underlying assumption behind the proposed amendment, namely that without making this change to our Constitution, the Congress and the President will not balance the budget, that it just will not happen. It is a fair issue, it is a fair question, a fair premise for this whole debate.

Mr. President, the assumption that that job will not be done by this Congress and this President is not necessarily right. We have brought the unified budget deficit down since 1992 by about 60 percent. Yet, all the rhetoric on the floor has not changed one bit. It has not changed one iota to reflect the fact that real and significant progress has been made in the past 4 years. All of the naysaying about "it can't be done, it will never be done, Congress and the President will never get together and do this," has at least got to be questioned a little bit by the advocates of the balanced budget amendment when they look at the record of the last 4 years. We have seen several plans offered by both sides that will bring the unified budget into balance by the year 2002. We have seen that from Democrats, we have seen it from Republicans, and we have seen it in a bipartisan package.

Mr. President, I recall when some of the Republican Members were pushing for a 7-year balanced budget by the year 2002 using CBO numbers, and the President was not sure he wanted to go with that. But, I agreed with the Republicans. I felt they were right, that we needed to have that timeframe and have a clear commitment. I still stand by that. Today we have a President and a Congress in agreement that the date we should be going for is the year 2002.

In fact, nearly every Member of this body voted for a unified budget plan that reached balance by 2002 at some time during the 104th Congress, and I really think working together this year, understanding that neither party is running the whole show here, that we can come together in a bipartisan package that will, in fact, finish the good work we have done and balance the budget by the year 2002.

Mr. President, all the budget plans I mentioned, all the votes we took, all the progress we have made in the past 4 years, was done without a constitutional mandate. In fact, it was done without a constitutional amendment floating out among the States, while we wonder whether the States will ratify it or by when they will ratify it. In fact, Mr. President, I firmly believe that if we had adopted a constitutional amendment in 1993, 1994, or 1995, and sent it to the States for ratification, that many of those balanced budget plans would not have been forthcoming in this Congress, that they would not have even been proposed, because people in both Houses would have been looking to a future date when the hammer would come down, instead of believing that the hammer is coming down now, where we here have been elected to do the job now and not wait for the States to decide whether to ratify a constitutional amendment.

Mr. President, without the ability to hide behind a lengthy ratification process, Congress in the last few years has been forced to live up to its rhetoric at least in part. A Member cannot go back

home and say, "Listen, I am very eager to cut spending in Washington. I don't know exactly what we ought to cut, but once we get that balanced budget amendment ratified, then we will get back to work on it." That excuse is not available now. People in an audience for such a Senator or Member of Congress would say back to that person, "Why don't you just do the job now? You were elected to do it now." That is, in fact, what we were elected to do.

Mr. President, I do not think the American public realizes that even if Congress approves the proposed amendment, it could be another 9 years—9 years—before the balanced budget mandate begins to bite. If the proposal languishes with State legislatures, we might not be forced to reach balance in 2002, but until the year 2006. The States get 7 years to ratify, and the provision calls for the amendment to really take its effect, to have its bite, 2 years after that. So it could be the year 2006 if we wait for a constitutional amendment.

Mr. President, there is strong reason to believe the States will not act quickly. We have already heard some loud second thoughts from many State policymakers about the impact of the proposed amendment on their State and local budgets. This proposal may not, in effect, Mr. President, then be the so-called slam-dunk ratification that some people claim it will be.

Ironically, some who voiced their support for a constitutional amendment may not really care. I do not think this is true of everyone, by any means. Some do care. Some are genuinely frustrated and turn only to this constitutional amendment alternative as a last resort. I can think of a great example, the previous Senator from Illinois, Senator Simon, who I know only turned to this alternative, I am sure, out of sheer frustration with the process. He turned to that alternative prior to the progress we made in 1992 through 1996.

I am afraid for others who pushed this amendment, the agenda is not so much a balanced budget but some political advantage. During the debate, we will have an opportunity to see who really wants to reduce the deficit and who is a little more interested in political posturing. I am going to offer an amendment, for example, that would reduce the time for ratification from 7 years to 3 years to prevent unnecessary delay by the States and ensuring Congress does not hide behind a protracted ratification process during which Members could say, "Well, we are going to get to this balancing of the budget later, after the States get done doing their job."

Mr. President, if this amendment is more than just a political exercise, my proposal, my modification of going from 7 years to 3 years for ratification should sail through the U.S. Senate.

I have to say I have some doubts about it because the proposed amendment to our Constitution is, at its core, really political. We should not be shocked by that. Congress, by its nature, is a political beast. What is disturbing, though, is the growing willingness on the part of some to place in jeopardy our Constitution in this manner to get some momentary political advantage.

Sadly, using our Constitution as a political foil is becoming increasingly popular. The so-called balanced budget amendment is only one of many proposed changes to our Constitution. During the last Congress alone, over 130 changes were proposed to the U.S. Constitution. Many of them, I am afraid, were offered for political ends. Many of them are entirely unnecessary. In fact, I say virtually all of them are entirely unnecessary to solve the problems at which they are directed.

One of them, an amendment to require a supermajority to raise taxes, was brought to the other body's floor solely because it was tax day, April 15, so the proponents could stand up on tax day and make some speeches about it. I am troubled by that use of the constitutional amendment process. The thought that an amendment to our Constitution could be offered because it presents the opportunity for a really timely sound bite is indefensible. Many of the advocates of a balanced budget amendment may be sincere in their support for the proposal, but their sincerity does not address the practical problems with the amendment with a fundamental flaw underlying a constitutional approach.

The Constitution, Mr. President, will not solve our budget problems. That says it all. The Constitution cannot solve our year-to-year and day-to-day budgeting problems. It will not give us the courage or the answers we need to balance our books.

As President Clinton said in his State of the Union Address, all that is needed to balance the budget is our vote and his signature. The President's budget is a good starting place. I look forward to working with my colleagues on the Budget Committee to build on the President's budget and move beyond to reach balance, without using the Social Security surplus. We don't have to amend the Constitution to do that.

As I noted on the Senate floor last year, for over 200 years, the Constitution has served this Nation very, very well. It is essential to the continuing development of our young Nation that the Constitution remains a statement of general principles, not a budgeting document.

In charting a different course, one which allows the Constitution to serve as a method of addressing each difficult challenge we face in this Nation, inevitably, Mr. President, we will sacrifice the integrity of the most fundamental document of our Nation. This process will sacrifice the integrity of our Constitution.

We must guard against the U.S. Constitution becoming what James Madison feared would be, in his words, "little more than a list of special provisos."

Mr. President, the Constitution remains the cornerstone of our freedom. Its power is its brilliant simplicity. The spate of constitutional amendments offered over the past few years are at odds with the fundamental notion that our Constitution establishes the framework or great outlines of our society. By seeking to use that document to address specific problems, no matter how severe, the Constitution will become something much less than it was intended to be and that it has been.

Although our Nation faces many problems—and I think the issue of balancing the budget may be our most important problem—no problem can really be attributed purely to a constitutional deficiency. We should quell our desire to amend this great document and, instead, address the problems that confront this Nation.

Mr. President, I suggest, after the process of the balanced budget amendment debate is over, that we get, as fast as we can, to the real work of balancing the budget and leave the Constitution alone.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the time between 12 and 1 p.m. is divided between the Senator from Rhode Island and the Senator from Massachusetts.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair. As I understand it, the time reverts, at 1 o'clock, back to the proponents of the amendment, am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I ask unanimous consent to be able to proceed until 1 o'clock.

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

SOCIAL SECURITY

Mr. KENNEDY. The Social Security program is America's time-honored commitment to our senior citizens that we will care for them in their golden years. It says to our seniors that you have worked hard and faithfully paid into Social Security for all those years of labor, and when you finally retire, Social Security will be there for you. It will help you pay the rent, buy your groceries, and maintain a reasonable standard of living throughout your retirement.

But under the proposed balanced budget constitutional amendment, the Social Security contract with America's senior citizens is broken. If this

amendment is added to our Constitution, then no one can assure you of a Social Security check every month.

The Rock of Gibraltar, on which our Nation's senior citizens have depended for the past 62 years would be reduced to shifting sand.

The Reid amendment, which will be considered later this month, prevents this unacceptable outcome by protecting Social Security from the proposed constitutional amendment.

The Reid amendment is needed because millions of the Nation's retired citizens live from check to check. They need that check to arrive on time at the beginning of each month to pay their bills.

Martha McSteen, who headed the Social Security Administration during the Reagan administration, and now is president of the National Committee to Preserve Social Security and Medicare, said recently,

> Keeping Social Security safe from budget tampering is frankly a matter of life and death for millions of Americans. For 10 million Social Security beneficiaries age 65 and older, their monthly Social Security check amounts to 90 percent or more of their income. Those checks keep 40 percent of America's seniors out of poverty.

But under the proposed constitutional amendment, if Government revenues fall unexpectedly or Government expenses go up, payment on Social Security checks could stop.

If the balanced budget constitutional amendment is enacted, senior citizens may well find that the check is not in the mail after all.

Three months ago, in November 1996, the House sponsors of the balanced budget constitutional amendment agreed that this could happen. As Congressman DAN SCHAEFER and Congressman CHARLES STENHOLM said, under the proposed constitutional amendment "the President would be bound, at the point at which the Government runs out of money, to stop issuing checks."

And now we learned just this week that this unwise constitutional amendment could deny the Social Security program access to the trust funds in the future. American workers have contributed their payroll taxes to build up the trust so that when the baby boomers retire, there will be enough money there to pay for their Social Security. But now we learn from the experts in the Congressional Research Service that the proposed constitutional amendment could place the trust fund off limits. The money will be sitting there, and the Social Security program will need it to write Social Security checks. But if the balanced budget amendment is adopted, the Constitution will just say no.

Here is what the Congressional Research Service concluded in an analysis provided to Senator DASCHLE on February 5:

> Because the balanced budget amendment requires that the required balance be between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available for the payments of benefits.

Clearly, Social Security benefits are at risk under the proposed constitutional amendment.

There are those on the other side who don't want America's seniors to know that this proposed constitutional amendment puts Social Security on the budget chopping block. They say that our concern about Social Security is a scare tactic.

But economists say there is a 50–50 chance in any given year that the budget projections will be wrong and that under this constitutional amendment, the Government will run out of money. Economic forecasting is not an exact science. The projections of budget experts could be off by only 1 percent. But under this constitutional amendment, that is enough to throw the budget out of balance and put Social Security checks at risk.

Senator HATCH, the chairman of the Judiciary Committee, agrees. When the committee was debating this constitutional amendment on January 30, he said that under the proposed constitutional amendment, "Social Security would have to fight its way, just like every other program."

Senator HATCH went on to say that he believes Social Security "has the easiest of all arguments to fight its way."

I don't believe we should take that gamble when the future of the Social Security program is at stake.

There is nothing—nothing—to assure our seniors that their Social Security checks will survive the budget battles that lie ahead.

Senior citizens deserve more than speeches of good will by supporters of the constitutional amendment. If those who support this unwise constitutional amendment are committed to protecting Social Security, they should write that protection into their proposal and adopt the Reid amendment.

President Clinton wrote to the Senate Democratic leader on January 28 about the risk to Social Security. He said to Senator DASCHLE:

> I am very concerned that Senate Joint Resolution 1, the constitutional amendment to balance the budget, could pose grave risks to the Social Security System. In the event of an impasse in which the budget requirements can neither be waived nor met, disbursements or unelected judges could reduce benefits to comply with this constitutional mandate. No subsequent implementing legislation could protect Social Security with certainty because a constitutional amendment overrides statutory law.

In the State of the Union Address, President Clinton added:

> I believe it is both unnecessary and unwise to adopt a balanced budget amendment that could cripple our country in time of economic crisis and force unwanted results such as judges halting Social Security checks or increasing taxes.

But supporters of the balanced budget amendment are ready to cast Social Security to the winds. They say to the Nation's senior citizens, "We are going to toss your retirement, your safety net into the rough seas of Federal budgeting and see if it can stay afloat."

We cannot let that happen.

The balanced budget constitutional amendment turns its back on almost a decade and a half of bipartisan progress in protecting Social Security.

In 1983, the Greenspan Commission recommended that we should place Social Security outside the Federal budget. The Commission said we need to build up a sufficient surplus in the trust funds to have enough money to provide checks to baby boomers when they begin to retire. And we can't do that if Social Security is subjected to the same ups and downs as the rest of the Federal budget.

Both Democrats and Republicans supported this proposal. The Commission's recommendations were introduced as bill S. 1 sponsored by Senator Dole and Senator MOYNIHAN. That bill required Social Security to be placed off-budget within 10 years. A bipartisan 58-to-14 vote, including 32 Republicans and 26 Democrats adopted the conference report.

In 1985, Congress accelerated the process of placing Social Security outside the rest of the Federal budget. The Deficit Control Act of 1985—the so-called Gramm–Rudman-Hollings law—exempted Social Security from across-the-board cuts or sequestration.

Even more important, the Gramm-Rudman-Hollings law said Social Security could no longer be included in the unified budget of the U.S. Government.

As Senator GRAMM of Texas emphasized during the Senate debate on the Gramm-Rudman-Hollings proposal:

> This bill takes Social Security off budget. So if you want to debate Social Security, go to the museum, because that debate is over. . . . The President cannot submit a budget that says anything about Social Security. It is not in order for the Budget Committee to bring a budget to the floor that does anything to Social Security. Social Security is off-budget and is a free-standing trust fund.

From that point on, when Congress has adopted the annual Federal budget resolutions, Social Security is not included. The last time the Congress of the United States voted on a budget that included Social Security was 1985.

Congress supported this change by wide bipartisan majorities. The Gramm-Rudman-Hollings law was approved by a 61–31 vote in the Senate and a 271 to 154 vote in the House of Representatives.

In 1990, some Members of Congress proposed to put Social Security back into the Federal budget. But Senator HOLLINGS and Senator Heinz rejected this unwise suggestion. They insisted that Social Security remain off budget, and the Senate approved an amendment to protect Social Security by a 98

to 2 vote. In fact, the final Budget Enforcement Act of 1990 speaks forcefully of Congress's intentions to continue to protect Social Security. In section 13301 of that act, the title reads, "Exclusion of Social Security From All Budgets." It says plainly that Social Security,

. . . shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

Again in 1995, section 22 of the congressional budget resolution amended the budget act even further to protect Social Security. In a provision entitled the "Social Security Fire Wall Point of Order," it said that any effort to include changes in Social Security in the Federal budget were subject to a 60-vote point of order in the Senate.

The proposed balanced budget constitutional amendment would reverse these years of progress in protecting Social Security. These efforts to protect Social Security and insulate it from the annual battles over the Federal budget were started by the Greenspan Commission. Senator Dole sponsored the bill in 1983 that got us started. And Democrats and Republicans alike rallied to preserve the Nation's Social Security system.

But now, supporters of the balanced budget amendment are prepared to turn their backs on this important history.

For almost 15 years, they joined Democrats in arguing that Social Security should be protected. But now they have decided that Social Security should be left to its own in the budget battles that lie ahead.

Some argue that if we fail to include Social Security in the proposed constitutional amendment, it will cause even steeper cuts than necessary in other programs like education or health care or highways. They say that even President Clinton's balanced budget—while holding Social Security outside the overall Federal budget—still counts the Social Security surplus to bring the overall Federal budget into balance.

But under current law, Social Security is protected, whereas under a constitutional amendment it is not.

Under current law, even when the President counts Social Security in calculating whether the budget is balanced, neither he nor Congress nor the courts can use the budget process to change Social Security. Even if Republicans tried to use the Federal budget to cut Social Security, they could not under current law.

A balanced budget constitutional amendment would end these protections. Including the Social Security trust funds on the Government's balance sheet may be a useful way to reach a balanced budget today. But what about the year 2020 or 2030, when baby boomers retire and trust funds decline? If Social Security is not off-budget, we would have only three choices. First, we could cut Social Security benefits. Second, we could raise taxes. Or third, we could cut billions of dollars from education, health, national defense, and other priorities to keep the Social Security checks flowing.

We must—and we will—balance the budget. We must—and we will—take steps to ensure the solvency of Social Security well into the future. But it makes no sense to jeopardize Social Security by subjecting it to the requirements of this blunderbuss constitutional amendment.

I urge my colleagues to protect Social Security by supporting the Reid amendment.

So, Mr. President, I am going to look forward, in the next few days—certainly before the end of the month—to join with my colleague and friend, Senator REID, and other Members of the Senate, in urging support for the amendment that Senator REID will propose, which will effectively remove the Social Security trust funds from the balanced budget amendment.

I offered that amendment in the Judiciary Committee. We ended up with a tie vote, 9 to 9. We had the support of a Republican on that amendment. But the Judiciary Committee was virtually evenly divided on that issue, virtually evenly divided.

What we hear from our friends and colleagues in the House of Representatives is there is increasing recognition of the importance of separating the Social Security trust funds from the consideration of the balanced budget amendment. I think that is wise. I believe, hopefully, that the Senate will reach that conclusion.

Mr. President, we can ask ourselves, is the Social Security trust fund of such special importance that we ought to consider it separately from the overall budget considerations? I suggest that it is, and not just because it is a lifeline for our senior citizens, and has been depended on for over 60 years by those who reach their golden years to be able to live in peace, dignity, and security. I think that would be a compelling enough reason to separate out the Social Security.

But, Mr. President, for another very important reason, which has been understood by Republicans and Democrats alike, since the report of the Greenspan Commission in 1983 where, virtually unanimously, the members of that commission recommended that Social Security be separated from various budget considerations, and it was only a year or so after that that a bipartisan leadership amendment was offered and supported overwhelmingly by Republicans and Democrats alike, that they would put this off budget for a period of some 10 years. Later, in 1985, under Gramm-Rudman measures, Republicans and Democrats—if you read the history of that debate, one of the prime reasons that that particular proposal was passed was because Social Security would be removed from the considerations of the budget, and that was, again, the position that was accepted in the U.S. Senate by a vote of 98 to 2 back in 1990. So we have the recommendations of the Social Security Commission, you have the action that has been taken by the Senate, and in a bipartisan way, in 1984–85, and repeated in 1990.

Now, why do the Members of this body believe that that fund ought to be different? Well, I say that it is a very different fund, for a number of reasons. The most powerful one is because, as I mentioned before, of that contract that will be out there and exists between the seniors and the Federal Government, when it was established that there would be a guarantee that those funds would be there as long as people paid in. That was the contract. People understood it. The elderly understood it.

But, now, under the balanced budget amendment, by including the Social Security trust funds in that—and if that amendment were to pass and be ratified by the States—that would be at risk like all the other spending would be at risk, because of the language of the balanced budget amendment. And that is recognized by the floor manager of the bill, Senator HATCH. It was recognized by those that were the principal spokesmen. Mr. Miller ,formerly of OMB, recognized that that would be part of the spending limitation. Now we receive assurances from those that propose the balanced budget amendment, "well, that is going to be OK because there will be more support for Social Security, so we really don't have to worry about it."

Well, Mr. President, all we have to do is look at the assaults on Social Security in the last Congress by many of our good Republican friends. Look at the period of the 1980's. I was here on the floor of the Senate when there were other assaults on Social Security. I am not one that is prepared to say, well, we are going to just let the dice roll and see whether this continues to remain in the balanced budget amendment and the trigger is pulled on the balanced budget amendment, that Social Security will be out there trying to do the best it can in terms of the spending limitations. Look at what happened in the last Congress—increased funding for defense over what was recommended by the Joint Chiefs of Staff, and assaults in terms of the Social Security trust system. That was the record, Mr. President.

I don't think the seniors ought to have to be put in the position where

their futures, their livelihoods, their whole security is going to be put at risk, based upon what action is going to be taken here. I don't believe that should be the case for a very important reason, Mr. President, which is that unlike other spending proposals in the budget, the fact is that this is the one aspect of the budget where people pay in, with the agreement that they will be able to receive.

Nobody battles stronger than I do in terms of trying to make education more accessible and available. No one will struggle more in terms of fighting and helping and assisting academic accomplishments or teacher training in the schools in my State of Massachusetts or in the country. The fact of the matter is that those students didn't pay into this fund. They didn't contribute to this fund. We recognize, as a matter of national policy, the importance of enhancing education opportunity and access for the young people of this country, because it is vitally important for our Nation to be able to compete in the world, and it is vitally important in terms of our social responsibilities to the young people of this country, in terms of their future.

But, Mr. President, they didn't contribute. But Social Security did. Social Security did. The beneficiaries of the NIH research didn't contribute either. I am all for NIH and for investing in that research. But Social Security recipients paid in. Big difference. Major difference. Major difference. Why are we going to treat both of the different groups the same? That is wrong. It is wrong on the face of it. Most important, it is a basic and fundamental potential violation of a very fundamental contract made between the President of the United States, the Congress of the United States, and the American people. That was a contract, not just between two individuals; it was made by a Nation, establishing that system that said if you pay in during your working years, you are at least going to be able to live out of poverty during the time of your retirement. That is a solemn commitment that we have made year after year after year. And, yet, those who are promoting the balanced budget amendment are saying, "well, that is all fine and all well and good, but we want to make sure we put Social Security on because, if we do not, maybe our economy is going to deteriorate, and it will threaten somehow the Social Security recipients."

The problem for our economy is not our senior citizens. Sure we have to deal with what is going to happen after the year 2029 in terms of Social Security. Although the fact remains that for the next 40 years after that, three-quarters of the benefits could be paid without any changes in it, I want to make sure those recipients are going to get the full benefits. So I am going to work to try to make sure that we are going to do that.

But the problem in terms of 2003, 2004, and 2005, during that period of time, is not Social Security. It may be another factor. But why hold our Social Security recipients hostage to that factor? Why hold them hostage? That is basically the issue that is included in this amendment. I believe that the American people wisely are understanding the significance and the importance of this effort by Senator REID and other sponsors, the importance of this debate and this discussion.

Now we will hear from our colleagues on the other side. "Well, it is very nice of you to point that out, Senator KENNEDY, but look at what the President has done. The President has put Social Security into his budget when he makes that recommendation, and, therefore, don't you think that we ought to do that?"

Well, Mr. President, it is an entirely different system. We have what we call the walls that exist under the Federal budget that have been put there since 1990. So you cannot violate the funding of the Social Security system. Those walls exist, and they exist by statute. But you pass a constitutional amendment and, as every Member of this body understands, a constitutional amendment supersedes those statutes. They are off. It is an entirely different situation.

So, Mr. President, I have listened over the period of the last days to those—Senator REID, Senator DORGAN, and others—who have taken the floor and supported this. I have listened to the responses and find them woefully inadequate in terms of the power of this particular argument.

I think both in terms of fairness, in terms of justice, in terms of decency, and in terms of our commitment to our seniors that this amendment, which is going to remove the Social Security trust funds from the balanced budget amendment, is absolutely essential if we are going to maintain our commitment to our senior citizens. And I am going to welcome the opportunity to be a part of this debate that will take place in these next several days and toward the latter part of February because I think this is really one of the very, very most important, if not the most important, amendments that we will have on the balanced budget amendment.

Mr. President, I see my time is almost up.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed in morning business for a period of up to 10 minutes.

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

THE NOMINATION OF ANTHONY LAKE

Mr. SPECTER. Mr. President, there has been considerable discussion in the public media and otherwise about the pending nomination of the Director of the CIA with the President having submitted the name of National Security Adviser Anthony Lake.

Last year the Senate Intelligence Committee did an extensive inquiry into a matter involving the sale of Iranian arms to Bosnia which involved Mr. Lake. I have written a "Dear Colleague" letter which I would like to read into the RECORD, and I ask unanimous consent that, at the conclusion of my statement, the Intelligence Committee report, a bipartisan report although there were some dissents, be printed in the RECORD.

We are checking to see how much of that may be printed in the RECORD under the rules.

The "Dear Colleague" letter which I am submitting today is as follows:

DEAR COLLEAGUE: Since the media is filled with commentary about National Security Adviser Anthony Lake's nomination to be CIA Director and a pro-Lake "Dear Colleague" letter has been circulated, I consider it important to give my fellow senators and others my thinking from last year's Intelligence Committee hearings, which I chaired, on his activities in connection with the sale of Iranian arms to Bosnia.

In my opinion, an indispensable qualification to be CIA Director is a mindset to keep Congress fully and currently informed on intelligence matters. Mr. Lake acknowledges he was a part of a plan by officials of the State Department and National Security Council to conceal from Congress and other key Executive branch officials a new Administration policy to give a "green light" on the sale of Iranian arms to Bosnia when a U.S. and UN embargo prohibited it.

Secretary of Defense William J. Perry, Chairman of the Joint Chiefs of Staff John M. Shalikashvili and CIA Director R. James Woolsey told the Senate Intelligence Committee they knew nothing about that "green light" or the change in U.S. policy.

In concluding that Congress should have been informed about this matter, the bipartisan Intelligence Committee report stated:

"By keeping from Congress the full truth about U.S. policy, the Executive branch effectively limited Congress's ability to responsibly debate and legislate on the Bosnia issue."

Rejecting the argument that the matter involved traditional diplomatic activity, the bipartisan Intelligence Committee report stated:

"But it was not traditional diplomatic activity to: (1) give a response to a foreign head of state which effectively contradicted stated U.S. policy on isolating a country, in

this case Iran, against which U.S. law imposed sanctions; (2) implicity turn a blind eye to activity that violated a United Nations Security Council resolution which the United States had supported and was obligated to obey; and (3) direct a U.S. Ambassador not to make a written report of a conversation with a foreign head of state."

Even though I heard Mr. Lake's version during the Intelligence Committee's proceedings and have talked to him in a private meeting since his nomination, I believe he is entitled to be heard at his confirmation hearing before a final judgment is made on his nomination.

I strongly disagree with the practice of abandoning nominees like Lani Guinier, Douglas Ginsburg and Zoe Baird or reaching a conclusion on their nominations until they have had their day in court. If we are to persuade able people to come into government, nominees are entitled to state their case in Senate hearings so that the charges will not stand alone without an appropriate opportunity to respond.

It is beside the point that the Department of Justice concluded Mr. Lake did not commit perjury or obstruction of justice in the inquiries on the sale of Iranian arms to Bosnia. There never was any basis, in my opinion, for the referral by the House Committee on those issues.

Nor am I concerned about the ancient history of Mr. Lake's so-called leftist activities which have drawn considerable attention. I had thought the stock sale issue was of lesser importance until he agreed to pay a $5,000 fine, so that issue calls for an inquiry; and it may be that other questions merit investigation such as the recent report that a member of his staff engaged in fundraising.

There is no doubt that Mr. Lake is a man of considerable ability, and I do not question the sincerity of his motives in acting in what he considered to be in the national interest on the Bosnia issue. But the critical question remains as to whether Mr. Lake can be counted upon to keep the Congress currently and fully informed.

The Congress must have positive assurance on that issue in the light of a half century's experience with the CIA including the Iran Contra Affair.

And this "Dear Colleague" letter is signed by me and circulated to my colleagues.

In order to have a complete understanding of this issue, which as I say I consider to be central to whether Mr. Lake ought to be confirmed as Director of the CIA, it is necessary to review in some detail and in some depth the bipartisan report filed by the Intelligence Committee. I advise my colleagues that the report is available from the Intelligence Committee, and encourage all Senators to read it.

I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Alaska is recognized to speak for up to 10 minutes.

Mr. MURKOWSKI. Mr. President, I have several things I want to discuss this morning. I have some charts, and I want to proceed as the charts are put up.

TRIBUTE TO U.S. COAST GUARDSMEN

Mr. MURKOWSKI. Mr. President, I believe I have the unique distinction of being the only current Member of this body who has served in the U.S. Coast Guard, so as a consequence I rise today to pay tribute to three brave young men who perished early yesterday off the coast of Washington State.

Petty Officer 2d Class David Bosley of Coronado, CA; Petty Officer 3d Class Matthew Schlimme of Whitewater, MO; and Seaman Clinton Miniken of Snohomish, WA, were serving aboard a 44-foot motor lifeboat stationed on the Pacific Ocean coast of Washington State's Olympic Peninsula.

Early yesterday morning they took their vessel out to answer a distress call from two people aboard a sailboat in trouble in heavy seas. Tragically, the 44-footer capsized and three brave men died. Only one crewman, Seaman Apprentice Benjamin Wingo of Bremerton, WA, survived to reach the rocky shoreline and safety.

Some of my colleagues have heard me address this body in the past to give tribute to successful rescues made by Coast Guard personnel in dangerous situations where they themselves were placed in serious jeopardy by their effort to save others. Most such rescues end happily. This one—tragically—did not.

We pay formal tribute to those members of the military who fall in the line of duty while fighting our Nation's enemies. I hope the Members of this body will take just a moment to reflect on the sacrifice of these three young Coast Guardsmen. They, too, perished in the line of duty, fighting to protect human life.

The Coast Guard motto, "Semper Paratus," means "Always Prepared." Sometimes, it means being prepared to make the ultimate sacrifice.

INTERIM STORAGE OF RADIOACTIVE WASTE

Mr. MURKOWSKI. Mr. President, a very serious situation exists in our Nation that I would like to discuss with my colleagues today. It concerns the storage of nuclear waste that has been generated in conjunction with the operation of nuclear reactors that provide this Nation with about 22 percent of the power generation that we currently enjoy. Without this contribution from the nuclear industry, we would have to depend on some other form of generation to contribute that 22 percent. We would probably use more coal, perhaps more natural gas. The potential for developing more hydro is somewhat limited, based on the costs and the fact that most of the potential hydro sites have already been developed. I happen to be chairman of the Energy and Natural Resources Committee, which has the obligation to oversee our country's electricity industry. It is an industry that most Americans take for granted. We are used to plugging in the iron, plugging in the coffee pot, and having them work. We do not recognize and we do not really reflect on what is behind it—the people, the men and women working in the power generating business, the business of transmitting the electric energy, distributing it and making sure it works.

In any event, in connection with the tremendous dependence we have on nuclear energy in this country—I might add, we are the largest consumers of nuclear generated energy of any nation in the world—I was staggered to read that the Senate-White House meeting which was held yesterday resulted in agreement on some issues, but no agreement to address the question of what to do with the nuclear waste generated by our power reactors.

I think a headline should have read, "The Clinton Administration Simply Wants to Keep the Status Quo." Keeping nuclear waste in the neighborhoods of our country, and the consequences of that, deserve some examination. This examination could start in your town, in your State, in your neighborhood. That is where it is being stored. High-level radioactive materials are piling up in 80 locations in 41 of our States. Onsite storage is filling up, and the States which control the ability of utilities to store nuclear waste on the reactor sites will have to address whether they want to increase onsite storage at the nuclear reactors, or whether they will give in to pressure to simply not allow any further storage beyond the limited amount of existing storage.

Some see this as a way to shut down the nuclear industry in this country. By objecting to any increase in authority to store onsite, the reactors can be forced to shut down because there is no place to put the spent fuel.

I have a chart which I am going to spend a few minutes on, because it shows the crucial nature of the problem. When the administration says, "We will just leave it where it is," I suggest to you, Mr. President, that this is an unrealistic and unworkable alternative. By 1998, 23 reactors in 14 States will run out of storage space. What we have here are plants with adequate storage, and they are indicated in the light blue. You can see most of them are on the eastern seaboard. But in purple are plants requiring additional storage by the year 2010. These States all have plants in purple: California, Arizona, Florida, Georgia, North and South Carolina, and all up and down the east coast. These plants do not

have adequate storage to hold waste within the areas immediately adjacent to the reactors, and are going to have to petition the States to increase the authorization for nuclear energy waste allowed to be stored at those sites. In the green are plants requiring additional storage by the year 2015. They are primarily on the eastern seaboard and the Midwestern States, such as Illinois.

So the point of this chart is to highlight that additional nuclear waste storage is needed in this country now. The bill we have introduced in our committee, S. 104, would provide a real solution to this crisis that is coming down the track. It is a train wreck that is coming. We have this material at 80 locations in 41 States. The Federal Government entered into a contractual commitment with America's ratepayers who depend on nuclear energy and the nuclear generation industry. In return for over $12 billion ratepayer dollars, the Government committed to take this waste by the year 1998. This is less than 1 year away; it is about 10 months away. The Federal Government has no place to put this waste and will default on its contractual commitment in 1998, when it is obligated to take the waste.

There has been an effort to provide this Nation with a permanent repository. The government has a study program under way at Yucca Mountain, NV. We have spent $6 billion on this effort, but that facility will not be ready for 15 years, at the earliest. Secretary O'Leary said it may be 20 years. It may be longer. But the point is, we are looking at somewhere in the area of 2015 or thereabouts, and where in the world are we going to be able to accommodate this waste? Because we are not going to have a permanent repository then. We may never have a permanent repository, and I will talk about that a little later.

S. 104 is a bill that got 63 votes in this body last year. The bill would provide for construction of a temporary storage facility, either at the Nevada test site or another site chosen by the President and Congress, until such time as we have a permanent repository constructed.

Why the Nevada test site? The geologists tell us it is the best site that has been identified for a permanent repository. Furthermore, it is a site where for over 50 years we have tested our nuclear weapons. It is a site that is monitored and secured. It is a site that is well known. And it is the most appropriate site that has been identified.

Now, the bottom line with this whole issue, Mr. President, is nobody wants nuclear waste. But you cannot throw it up in the air. It will come down somewhere. So the question is, what do you do with it? Again, last year, 63 Members of this body indicated that they approved of the construction of a temporary repository at the Nevada test site because it would allow us to proceed with the permanent repository, and when the permanent repository was done and certified and licensed, the waste could go in there.

The point is, next year the Government has to take the waste or face liability and the damages associated with the failure to meet its obligation. Mr. President, this is the most important environmental bill before this Congress.

This administration has said, "Leave it where it is." When this issue was brought up at Tuesday's meeting, it is my understanding the Vice President said, "Look, we're going to talk about the things we can agree on. We can't agree on the issue of nuclear waste." Whether that is a fair characterization, I can only depend on the news reports. But the administration's position seems to be to leave the nuclear waste where it is until we have a permanent place to put it.

Let me tell you a little bit about the possibility of a permanent repository at Yucca Mountain. We do not know whether Yucca Mountain may ever be ready. We have spent $6 billion already. It is estimated that it will cost a total of $30 billion by the time we are through with it. The Department of Energy says it has a 50–50 chance of actually being licensed.

The theory here is that the scientists have to go through this process to determine whether Yucca can contain nuclear waste for thousands of years.

Mr. President, if I may have another 6 or 7 minutes, I would appreciate it, and I ask unanimous consent.

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

Mr. MURKOWSKI. I thank the Chair.

Mr. President, the difficulty we have here with Yucca Mountain is not knowing whether we will ever get it licensed because it has to withstand a scientific analysis regarding any possible source of exposure—earthquake, volcanic activity, any leeching into the ground—for approximately 10,000 years. We do not know whether science can come up with that kind of certification.

But, in any event, in order to try to make this case we have to proceed with the tunneling, and spend the money. However, we simply do not know whether it will ever be a permanent repository. But the idea of moving this waste from 41 States, 80 sites, to a place where we have had extensively studied certainly seems to make sense. If Yucca Mountain is determined to be permanent, we will have the waste there and ready to put in a permanent repository. If Yucca Mountain is not the permanent repository site, it will be dozens of years before another permanent repository site can be located and studied, and a central interim storage facility will still be needed.

It is my understanding that the Vice President apparently was saying two things. The administration no longer supports any form of centralized interim storage. In the meantime, we can only conclude that their policy is, "Leave it where it is." Leave it where it is. Ignore the problem. Put off the decision. Act like an ostrich—put your head in the sand. Let nuclear waste build up in 41 States, near the homes, near the schools. This is the administration's irresponsible and dangerous policy on nuclear waste storage.

As I said, the Federal Government has a 1998 deadline. Taxpayers have paid billions of dollars only to have the Vice President say, "Leave it where it is."

I have another chart that I will refer to very briefly. These are the States where ratepayers have paid into the Federal Government's nuclear waste fund to provide for nuclear waste storage. The Federal Government did not hold this money in escrow. They put it in the general fund. They have spent it.

The point is, there is $12 billion that has been paid in by the ratepayers for the Federal Government to take this waste in 1998. Virtually every State has bought nuclear power and paid into the fund. That is where the Government's contractual commitments really lay.

Why is the administration simply saying no to any form of interim storage when Yucca Mountain has only a 50–50 chance of opening? Some who are on the fringes of the environmental movement think that this sort of foot dragging may help them close down the entire nuclear industry. Those people apparently have no responsibility for replacing that 22 percent of our power that we will lose. Twenty-two percent of our electricity, Mr. President, is generated by nuclear power. Even if all of the reactors shut down, we would be stuck with the utility waste and the defense waste still. We would not have an answer for what to do with it. If they shut down the industry, we still have the waste to dispose of.

Mr. President, we won the cold war with the help of our nuclear deterrent. Now we have an obligation to clean up the mess. We can win the war on nuclear waste. Leaving it where it is is not an option, and 41 States are watching us.

In addition to the nuclear waste of our power generators, we have nuclear waste that resulted from nuclear weapons development. I was at Hanford 2 weeks ago and went through the old plants that developed the plutonium to make the Hiroshima bomb, and those that made advanced nuclear devices. One must seriously consider what those facilities contributed to humanity and the burden they left. It is a responsibility that we must bear. Nuclear weapons brought the Second World War to an early close. There were lives lost; there were lives saved. The same thing is true regarding the collapse of the Soviet Union.

No matter what your opinion regarding these matters, we have a legacy of

nuclear waste. We have to address it. The responsible way to address it is to meet head on the obligations we have made. Under a contractual commitment, we have collected $12 billion from ratepayers and are committed to take that waste by 1998.

The Government is not prepared to take the waste. This case is going to be litigated, and it will become a full employment act for the lawyers beginning in 1998. We have proposed in S. 104 to address it now by providing for the siting of an interim storage site, in the Nevada desert, or somewhere else the President and Congress may choose, until we have a permanent repository.

Mr. President, we have to have a temporary central storage facility in this country. There is absolutely no question about it. But this administration chooses to ignore it. They want this problem to go away. They do not want to address it on their watch. I suggest, Mr. President, that this is irresponsible. I thank the President and wish him a good day and yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized to speak for up to 20 minutes.

Mr. GRAMS. Thank you very much, Mr. President. I appreciate that.

(The remarks of Mr. GRAMS, Mr. KOHL, and Mr. FEINGOLD pertaining to the introduction of S. 322 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SHELBY addressed the Chair.

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

(The remarks of Mr. SHELBY pertaining to the introduction of S. 323 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana [Mr. COATS] is recognized to speak for up to 10 minutes.

COMPUTER PORNOGRAPHY

Mr. COATS. Mr. President, I come before my colleagues today to discuss an issue which is not pleasant. It is tragically controversial, and it is an unsavory topic. The issue is computer pornography.

I have a copy of the February 10, 1997 U.S. News & World Report magazine. The cover story indicates, America is by far the world's leading producer of porn, churning out hard core videos at the astonishing rate of about 150 new titles per week. The magazine provides an inside look at the industry.

Within this U.S. News & World Report edition is a lengthy article discussing the porn industry in the United States, shamefully pronouncing the United States as the world's leading producer of pornography. There is much in this article to shock, to disappoint, and to be ashamed of. But I am going to limit my remarks specifically to the issue of computer pornography.

As a backdrop, let me quote from the article just to give us an idea of the scope of the problem. "Last year," the article states, "Americans spent more than $8 billion on hard-core videos, peep shows, live sex acts, adult cable programming, sexual devices, computer porn, and sex magazines—an amount larger than Hollywood's domestic box office receipts and larger than all of the revenues generated by rock and country music recordings. Americans now spend more money at strip clubs than at Broadway, off-Broadway, regional, and nonprofit theaters; at the opera, the ballet, and jazz and classical music performances . . . combined."

That is the scope of the problem. It is a staggering statistic, one that ought to shock us all.

The article also discusses the role of the Internet and the role of computer pornography in driving the technology that we have all become so aware of in just the last year or so. Let me again quote from the magazine:

> In much the same way that hard-core films on videocassette were largely responsible for the rapid introduction of the VCR, porn CD-ROM and on the Internet has hastened the acceptance of these new technologies. Interactive adult CD-ROMs, such as Virtual Valerie and the Penthouse Photo Shoot, create interest in multimedia equipment among male computer buyers.

According to the article. It goes on to say, and I quote:

> The availability of sexually explicit material through computer bulletin board systems has drawn many users to the Internet. Porn companies have established elaborate web sites to lure customers.

For instance, "Playboy's web site, which offers free glimpses of its Playmates, now averages about 5 million hits a day." Five million times someone is logging into the Playboy web site every day.

The article then goes on to quote a seeming cult figure of the anything goes set in America, Larry Flynt:

> Larry Flynt imagines a future in which the TV and the personal computer have merged. Americans will lie in bed, cruising the Internet with their remote controls and ordering hard-core films at the punch of a button. The Internet promises to combine the video store's diversity of choices with the secrecy of purchases through the mail.

Why do I bring this up, Mr. President? Because in the last Congress, the 104th Congress, this Senate adopted the Exon-Coats amendment, known as the Communications Decency Act, as part of the telecommunications reform legislation. I bring this up not to point out what Americans should or should not do in the privacy of their bedroom. I bring this up to ask the question as to whether or not we have a responsibility to protect our children from the negative impact of pornography. The Communications Decency Act simply extends the same protections that are currently in place, for children from pornography, that exists in every other means of communication but has not caught up with computer communication. The Internet has exploded on the scene and, yet, the same restrictions and protections for children, regarding the distribution of pornography that we have built into telephone technology, television technology, VCR technology, and others, has not been extended to computer technology, until the Communications Decency Act.

As U.S. News reports, "The Nation's obscenity laws and the Communications Decency Act are the greatest impediments to Flynt's brave new world of porn." The article said that, "Even he [Larry Flynt] is shocked by some of the material he has obtained through the Internet."

Let me quote him. "Some of the stuff on there, I mean, I wouldn't even publish it."

Anybody familiar with Mr. Flynt's record in terms of extending the boundaries of publication of pornographic material have to be stunned by this statement. Basically what he is saying is that some of the material that is available on the Internet without any protections for children, is so shocking even he wouldn't publish it in his magazines, which are only sold to adults, or are only supposed to be sold to adults.

Opponents of the Communications Decency Act, companies like America On-Line, the ACLU, the American Library Association, have argued that there should be no role for government in protecting children, that the Internet can regulate itself. The primary solution that they have offered is a system called PICs, Platform for Internet Content Selection. It is a type of self-rating system. This would allow the publisher of the material, the pornographer, to rate his own home page on the Web, and browsers, the tools that are used to search the Internet, would then respond to these ratings.

Mr. President, I suggest that it is a ludicrous proposition to allow the pornographer to rate their own material. There is no incentive for compliance.

PC Week magazine, a prominent voice in the computer industry recently published an editorial entitled "Web Site Ratings—Shame on Most of Us." The column discusses the lack of voluntary compliance by content providers. The article states,

> We and many others in the computer industry and press have decried the Communications Decency Act and other government attempts to regulate the content of the Web. Instead, we've all argued, the government should let the Web rate and regulate its own content. Page ratings and browsers that respond to those ratings, not legislation, are the answers we've offered.

But then the article goes on to say:

The argument has been effective. With the CDA still wrapped up in the Courts, the general feeling seems to be that we, the good guys, carried the day on this one.

"Too bad we left the field before the game was over," the article says. "We who work around the Web have done little to rate our content." The article goes on to say that, in search of the Web, they found "few rated sites." And even those rated sites were an "exception to the rule." In other words, the PICs don't work. Of course they don't work. They don't work because you are asking the producer who is trying to sell the material to rate the material in a way that it will not be accessed as many people as it otherwise would. There is no incentive for pornographers to comply.

So what are the ramifications to our children? A member of my staff went on Lexis/Nexis and searched for articles containing the words: Computer and pornography and Internet and looked for articles dated after the first of the year. And we came up with 139 separate stories. "Internet pornography at library concerns parents", "Parents want BPL (Boston Public Library) to block porn on Internet", articles entitled, "Kids see porn via the Internet." "Mother sues America On-Line over cyber porn," and on and on.

At a time when the President and the Vice President are calling for every classroom in America to be wired to the Internet, when Larry Flynt is shocked by some of the material he finds there, the ACLU and congressional opponents of the Communications Decency Act claim that the Government has no right to protect our children from this pornographic material. Fortunately, the Senate spoke on a vote of 84 to 16, and the Congress as a whole spoke overwhelmingly in favor of the CDA.

Mr. President, the Supreme Court will soon hear arguments on the constitutionality of the CDA. I have a copy of the amicus brief, filed on behalf of Members of Congress, which reaffirms the voice of Congress on this important issue. I thank my colleagues who took a stand with me in this brief and ask unanimous consent that the content of the cover of the brief be printed and referenced in the RECORD.

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

[In the Supreme Court of the United States, October Term, 1996]

JANET RENO, ATTORNEY GENERAL OF THE UNITED STATES, ET AL., APPELLANTS *v.* AMERICAN CIVIL LIBERTIES UNION, ET AL., APPELLEES

On Appeal from the United States District Court for the Eastern District of Pennsylvania

BRIEF OF MEMBERS OF CONGRESS

Senators DAN COATS, JAMES EXON, JESSE HELMS, CHARLES GRASSLEY, CHRISTOPHER BOND, JAMES INHOFE, RICK SANTORUM, ROD GRAMS; and

Representatives HENRY J. HYDE, BOB GOODLATTE, F. JAMES SENSENBRENNER, JR., STEVEN SCHIFF, WILLIAM L. JENKINS, ASA HUTCHINSON, CHRIS SMITH, DUNCAN HUNTER, ROSCOE BARTLETT, WALTER B. JONES, JR., SHERWOOD BOEHLERT, MARK SOUDER, STEVE LARGENT, JIM RYUN, TONY HALL, DAVE WELDON, FRANK R. WOLF as amici curiae in support of appellants.

Mr. COATS. Mr. President, I know my time is up, I intend to take additional time later to talk about the constitutionality of the Communications Decency Act, and to restate the case for why I believe it will pass constitutional muster.

Mr. President, this is something that we have to be vigilant on because clearly we have an interest, and a responsibility to protect our children from this kind of material.

Mr. President, I thank you for the time.

I yield the floor.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 324 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Wisconsin.

Mr. KOHL. I thank the Chair.

DEADBEAT PARENTS PUNISHMENT ACT AND SUNSHINE IN LITIGATION ACT

Mr. KOHL. Mr. President, 2 weeks ago, I introduced two bills, the Deadbeat Parents Punishment Act of 1997, and the Sunshine in Litigation Act of 1997. Both address issues that are of enormous importance to our communities and country.

First, Senator DEWINE and I introduced a measure to toughen the original Child Support Recovery Act of 1992 to ensure that more serious crimes receive more serious punishment. Our new proposal sends a clear message to deadbeat parents: Pay up or go to jail.

Current law already makes it a Federal offense to willfully fail to pay child support obligations to a child in another State if the obligation has remained unpaid for longer than a year or is greater than $5,000. However, current law provides for a maximum of just 6 months in prison for a first offense and a maximum of 2 years for a second offense. A first offense, however, no matter how egregious, is not a felony under current law.

Police officers and prosecutors have used the current law effectively, but they have found that current misdemeanor penalties do not adequately deal with more serious cases, those cases in which parents move from State to State to intentionally evade child support penalties or fail to pay child support obligations for more than 2 years—serious cases that deserve serious felony punishment.

In response to these concerns, President Clinton drafted legislation that would address this problem, and we dropped it in last month.

This new effort builds on past successes. In the 4 years since the original deadbeat parents legislation was signed into law by President Bush, collections have increased by nearly 50 percent, from $8 billion to $11.8 billion, and we should be proud of that increase. Moreover, a new national database has helped identify 60,000 delinquent fathers, over half of whom owed money to women on welfare.

Nevertheless, there is much more that we can do. It is estimated that if delinquent parents fully paid up their child support, approximately 800,000 women and children could be taken off the welfare rolls. So our new legislation cracks down on the worst violators and makes clear that intentional or long-term evasion of child support responsibilities will not receive a slap on the wrist. In so doing, it will help us continue to fight to ensure that every child receives the parental support they deserve.

With this bill, we have a chance to make a difference in the lives of families across our entire country. I look forward to working with my colleagues to give police and prosecutors the tools they need to effectively pursue individuals who seek to avoid their family obligations.

The second bill I introduced 2 weeks ago was the Sunshine in Litigation Act of 1997, a measure that addresses the growing abuse of secrecy orders issued by Federal courts. All too often, our Federal courts will allow vital information that is discovered in litigation and which directly bears on public health and safety to be covered up, to be shielded from people whose lives are potentially at stake and from the public officials we have asked to protect our health and safety.

All of this happens because of the so-called protective orders, which are really gag orders issued by courts—and designed to keep information discovered in the course of litigation secret and undisclosed. Typically, injured victims agree to a defendant's request to keep lawsuit information secret. They agree because defendants threaten that, without secrecy, they will refuse to pay a settlement. Victims cannot afford to take such chances. And while courts in these situations actually have the legal authority to deny requests for secrecy, typically they do not because both sides have agreed and judges have other matters they prefer

to attend to. So judges are regularly and frequently entering these protective orders using the power of the Federal Government to keep people in the dark about the dangers they face.

This measure will bring crucial information out of the darkness and into the light. The measure amends rule 26 of the Federal Rules of Civil Procedure to require that judges weigh the impact on public health and safety before approving these secrecy orders. It is simple, effective, and straightforward. It essentially codifies what is already the best practices of the best judges. In cases that do not affect the public health and safety, existing practice would continue, and courts can still use protective orders as they do today. But in cases affecting public health and safety, courts would apply a balancing test. They could permit secrecy only if the need for privacy outweighs the public's need to know about potential public health and safety hazards. Moreover, courts could not, under this measure, issue protective orders that would prevent disclosures to regulatory agencies.

I do want to mention that identical legislation was reported out of the Judiciary Committee last year by a bipartisan, 11-to-7 majority. I do want to remind people that this issue is not going away: A number of States are currently considering antisecrecy measures; the Justice Department itself has drafted its own antisecrecy proposal—one that in many ways goes further than my own. The grassroots support for antisecrecy legislation will continue and grow, as long as information remains held under lock and key.

So, Mr. President, I look forward to working with my colleagues on a bipartisan basis to do more to combat deadbeat parents and limit court secrecy.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized to speak for up to 10 minutes.

SCHOOL CONSTRUCTION, TRANSPORTATION, AND ENVIRONMENTAL INITIATIVE

Mr. GRAHAM. Mr. President, I speak to my colleagues and to the American public today about a quiet crisis that is occurring in our Nation. This is the crisis that has resulted from our failure to adequately invest in the basic services that will render our Nation economically productive, with a strong national security, and prepare the next generation of our citizens to meet their responsibilities. All over our Nation, from the largest cities to the smallest rural communities, we are seeing a deterioration of our basic public support system. Our schools, our bridges, our highways, our water and sewer systems are deteriorating.

In areas of growth, we do not have enough resources to meet the needs of an expanding population. Too many children are learning in overcrowded and unsafe classrooms. Too many motorists are driving on inadequate roads and highways. Too many communities are being forced to make do with inadequate water, sewer, and environmental systems.

Our ability to compete in the economy of the future, and to maintain and enhance the quality of life of our citizens, will, in large part, hinge on whether and how we correct those problems.

As we enter the 21st century, we must build and rebuild the foundations which will serve our people and their needs for years to come. In the near future, I intend to continue the efforts that are underway with my Republican and Democratic colleagues who have expressed similar concerns. Out of this will come legislation which will assist States and local communities to build the schools, roads, and water systems that they need now and in the future.

The numbers tell the story. A recent General Accounting Office report says that one-third of our Nation's school districts have buildings in need of immediate and extensive repair. The same report states that 25 million students go to schools with poor lighting and heating, bad ventilation or air quality, or a lack of physical security; 25 million boys and girls attend schools with those deteriorating conditions. It has been estimated that $150 billion will be needed to remedy this situation. That dollar amount does not include the cost to meet new school construction for expanding populations.

This affects my State. It affects all of the States of the Nation. The school facility crisis is estimated, for instance, in the State of North Dakota, to cost $450 million to remedy; $5 billion is needed in Texas, $7.5 billion in Florida, $15 billion in New York State, and $20 billion in the State of California. In Louisiana, 88 percent of the 1,500 public schools are in need of repair; 77 percent of Connecticut's more than 1,000 schools need some rehabilitation. In Illinois, 89 percent of more than 4,000 schools need improvement.

I firmly believe the administration of elementary and secondary education is the responsibility of State and local communities. It is not a Federal responsibility. The Federal Government should restrain itself from interfering with curriculum, personnel and other educational policies. But I believe there is a role for the Federal Government in helping increasingly underfunded and overburdened school districts in the construction of badly needed new schools and the renovation of existing schools. That is a role in which the Federal Government has had some history.

I recently spent a day working in a rehabilitation project on Opa-Locka Elementary School in Dade County, FL. I was impressed when I looked at the plaque on the wall of Opa-Locka Elementary School, a school which is 60 years old this year. It was built by the U.S. Public Works Administration as a Depression-era job-creation project. The Federal Government has a history of assisting school districts in meeting their capital needs and has done so without the criticism of inappropriate Federal intrusion.

Mr. President, I applaud the President's proposed school construction initiative. It was one of the 10 points in the education program that he presented to the Nation during his State of the Union Address. He has opened the door to an important Federal-State-local partnership, and we must walk through that door. However, I believe the door needs to be widened.

Our school construction needs are much greater than the President's proposal would address. States and local school districts need to have a wider range of policy and fiscal options to meet their needs. We must aggressively build on the President's plan so that States and local governments can solve their tremendous needs.

School construction is obviously not the only capital issue facing States and local governments. For example, the United States has 39 million miles of roads and 574,000 bridges. Recent estimates show that 60 percent of our roads and a third of our bridges are substandard and in need of repair. The U.S. Department of Transportation estimates that we currently invest $35 billion annually in highway construction. This is $15 billion less than is needed to keep up with deterioration and $33 billion less than the amount estimated to keep ahead of growth, change, and congestion.

Nationally, our water and sewer management investment needs are in excess of $138 billion.

The key question for us and for America is, how will we face these problems? We must address these problems in a way that is responsible, both to our commitment to a balanced budget and to the needs of States and local communities. It is vital that we find a funding source that is limited, stable and viable over an extended period of time.

I suggest that some of the principles of this new partnership of the Federal Government with State and local communities in meeting their education, transportation and environmental infrastructure needs would include these: We must form an expanded and long-term partnership. It must be a partnership built on a basic respect for the responsibilities of State and local government to make the key policy decisions.

It must also be built on a requirement that it be a true partnership with the States and as a condition of participation that they provide a matching source of funds to that which will

come from the Federal Government and that they maintain their current level of effort so that this will truly be an additional effort toward meeting our unmet needs, not a substitution for current effort, and that there be maximum flexibility to the States in the form in which they choose to meet those needs and the priorities which they establish.

I am going to suggest, Mr. President, as we develop these concepts into legislation, that one of the most appealing ways in which to provide that stable and sustainable revenue source in order to be able to form this partnership is to utilize the 4.3 cents per gallon of motor fuels tax which was enacted in 1993 and which goes directly to the Federal Treasury, not as does most other federally imposed motor fuels tax into a highway trust fund. This revenue source is currently generating in excess of $6 billion.

If States and local communities are willing to provide a substantial match to these funds—and I will suggest that that match should be in the ratio of one-third State and local to two-thirds Federal—the total effect of this Federal contribution for educational, transportation, environmental needs over the next 5 to 10 years could be in excess of $200 billion, if these funds were used as the basis of innovative financing methods.

Mr. President, this will have the potential of tremendous positive impact on our Nation's economy. Clearly, the economy will benefit by having children who are educated in appropriate environments. The country will benefit by having a transportation system that can meet our current and future needs that will not impose excessive costs due to congestion and inadequacy of facilities. Our Nation will be enhanced by having quality environmental systems that will protect our water and our air and our natural resources.

Those are some of the benefits. But in addition to those, a program of this scale will provide employment for literally hundreds of thousands of people, as we strive to construct these facilities that will have such positive long-term benefits.

Mr. President, in the next weeks I expect to continue to work with my colleagues in developing this into specific legislative proposals.

Our motorists and our Nation's commercial interests need safe, modern, and reliable highways. Our communities deserve responsible water and sewer and other environmental systems. Our children will require the best quality of educational facilities in order to achieve world-class standards of educational performance. We can wait no longer to meet the needs of this quiet crisis of deteriorating infrastructure in America. Now is the time to act. Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 325, S. 326, and S. 327 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. HOLLINGS. The distinguished Senator from Arkansas is right on target, it is the king of corporate welfare. The Senator from Arkansas has been at this for years trying to save the conscience of this particular body. I have been most interested in his factual, in-depth study and report to the Congress, and particularly here to us in the Senate. It is just astounding to me that it continues.

As he said, the public can hardly believe what he says. I want to turn to a subject that the public cannot believe, and that is what we say, because we have a funny way of talking about deficits. Specifically, if you look, Mr. President, at the budget message of the President in the budget green book, fiscal year 1998, on page 2, and you want to see what the deficit is after the fifth year out, it says on page 2 at the bottom, "Surplus deficit." Why doublespeak? You would not get that from your accountant.

Do not, by gosh, make your income tax statement in April on the basis of surplus deficit, on budget/off budget, unified budget, unified deficit. But you will see here that they show a $17 billion surplus on page 2. However, Mr. President, if you turn to page 331, buried in the back, you will find table S-16, "Federal Government Financing and Debt." All one needs do to ever determine a deficit is to just look at the increase, if you please, of the debt each year. If the debt stays the same, you have a balanced budget. If the debt goes down, then you have a surplus. But, if the debt goes up, as it says on page 331, clearly you have a deficit. You can see that the debt in 2002 is $6.6525 trillion on the line which says "Total gross Federal debt." Then, if you subtract the previous year's debt of $6.4852 in 2001 from the 2002 figure of $6.6525 trillion, you will get, of course, a $167.3-billion deficit. This is not a surplus as you find on page 2, but a deficit, as it states on page 331. That is the real world, and it should be our real world. It should be our real world, Mr. President, because, otherwise, the discipline has broken here in this body. Specifically, if you are going to use some offset borrowing, it is like going to the bank and the teller says, "Well, HOLLINGS, you don't have any money left," and I say, "Well, let me borrow from the next fellow's account over there and put it in mine."

So what we do for the unified budget is borrow from Social Security and highway trust funds. Let me give you the list, Mr. President. This chart lists each President since Harry Truman in 1945, the U.S. budget, the trust funds that are used, the real deficit, the gross Federal debt, and then the gross interest costs.

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

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

President/Year	U.S. budget (outlays) (in billions)	Trust funds	Real deficit	Annual deficit change	Gross Federal debt (billions)	Gross interest
Truman:						
1945	92.7	5.4			260.1	
1946	55.2	3.9	−10.9		271.0	
1947	34.5	3.4	+13.9		257.1	
1948	29.8	3.0	+5.1		252.0	
1949	38.8	2.4	−0.6		252.6	
1950	42.6	−0.1	−4.3		256.9	
1951	45.5	3.7	+1.6		255.3	
1952	67.7	3.5	−3.8		259.1	
1953	76.1	3.4	−6.9		266.0	
Eisenhower:						
1954	70.9	2.0	−4.8		270.8	
1955	68.4	1.2	−3.6		274.4	
1956	70.6	2.6	+1.7		272.7	
1957	76.6	1.8	+0.4		272.3	
1958	82.4	0.2	−7.4		279.7	
1959	92.1	−1.6	−7.8		287.5	
1960	92.2	−0.5	−3.0		290.5	
1961	97.7	0.9	−2.1		292.6	

President/Year	U.S. budget (outlays) (in billions)	Trust funds	Real deficit	Annual deficit change	Gross Federal debt (billions)	Gross interest
Kennedy:						
1962	106.8	−0.3	−10.3		302.9	9.1
1963	111.3	1.9	−7.4		310.3	9.9
Johnson:						
1964	118.5	2.7	−5.8		316.1	10.7
1965	118.2	2.5	−6.2		322.3	11.3
1966	134.5	1.5	−6.2		328.5	12.0
1967	157.5	7.1	−11.9		340.4	13.4
1968	178.1	3.1	−28.3		368.7	14.6
1969	183.6	−0.3	+2.9		365.8	16.6
Nixon:						
1970	195.6	12.3	−15.1		380.9	19.3
1971	210.2	4.3	−27.3		408.2	21.0
1972	230.7	4.3	−27.7		435.9	21.8
1973	245.7	15.5	−30.4		466.3	24.2
1974	269.4	11.5	−17.6		483.9	29.3
Ford:						
1975	332.3	4.8	−58.0		541.9	32.7
1976	371.8	13.4	−87.1		629.0	37.1
Carter:						
1977	409.2	23.7	−77.4		706.4	41.9
1978	458.7	11.0	−70.2		776.6	48.7
1979	503.5	12.2	−52.9		829.5	59.9
1980	590.9	5.8	−79.6		909.1	74.8
Reagan:						
1981	678.2	6.7	−85.7	[−6.1]	994.8	95.5
1982	745.8	14.5	−142.5	[−56.8]	1,137.3	117.2
1983	808.4	26.6	−234.4	[−91.9]	1,371.7	128.7
1984	851.8	7.6	−193.0	[+41.4]	1,564.7	153.9
1985	946.4	40.6	−252.9	[−59.9]	1,817.6	178.9
1986	990.3	81.8	−303.0	[−50.1]	2,120.6	190.3
1987	1,003.9	75.7	−225.5	[+77.5]	2,346.1	195.3
1988	1,064.1	100.0	−255.2	[−29.7]	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	−266.7	[−11.5]	2,868.0	240.9
1990	1,252.7	117.2	−338.6	[−71.9]	3,206.6	264.7
1991	1,323.8	122.7	−391.9	[−53.3]	3,598.5	285.5
1992	1,380.9	113.2	−403.6	[−11.7]	4,002.1	292.3
Clinton:						
1993	1,408.2	94.2	−349.3	[+54.3]	4,351.4	292.5
1994	1,460.6	89.1	−292.3	[+57.0]	4,643.7	296.3
1995	1,514.4	113.4	−277.3	[+15.0]	4,921.0	332.4
1996	1,560.0	154.0	−261.0	[+16.3]	5,182.0	344.0
1997	1,632.0	130.0	−254.0	[+7.0]	5,436.0	360.0

Source: Historical Tables, "Budget of the U.S. Government FY 1996"; Beginning in 1962 CBO's "1995 Economic and Budget Outlook."

Mr. HOLLINGS. Mr. President, you go down each year and—incidentally, when I got here, in 1966, there wasn't any unified budget, or unified deficit, or unified surplus. There wasn't anything unified. There wasn't any in 1967, 1968, and 1969. When they started that under President Johnson, they said President Johnson started it as a gimmick. If you look at these figures, you will find out that President Johnson did have a surplus and a balanced budget—I voted for it; I was here then—and it did not use Social Security or any of the other trust funds.

Then, Mr. President, as I was saying, there is a table here of the different amounts used in this so-called unified budget, or deficit. In the year 1997, there was $78 billion in Social Security moneys to reduce the size of that deficit; in 1998, $81 billion; in 1999, $88 billion; in 2000, $94 billion; in the year 2001, $98 billion; and in 2002, $104 billion. That is a total of $543 billion.

Now, I am a budgeteer. I am on the Budget Committee. I go in the room and I say: Well, now, are we going to really look at the debt and see if we've got this Government on a pay-as-you-go program, or are we going to play the gamesmanship? Oh, they have reporters running all around the world, to China, to find out whether or not they made a contribution in the Presidential election. But they don't have the integrity to report the facts, truth in budgeting. The discipline is broken. I go in as a budgeteer and you say: Wait a minute, you have $543 billion, a half trillion bucks, over the next 6 years, and if I don't spend it for what I want, that fellow over there is going to spend it on defense; this one over here is going to spend it on foreign aid; the next one is going to spend it on the national parks. I might as well get my money to take back home. There is no discipline. There is no trust.

Obviously, the public has heard us talk ad nauseam about deficits and balancing budgets. And like old Tennessee Ernie sang, "Another day older and deeper in debt." We have these polls taken to see whether or not they trust us. I hope they don't because we are not giving them the truth in budgeting. I am trying my dead-level best here to list these amounts.

I ask unanimous consent that this particular table be printed in the RECORD.

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

Gross debt 1996	5182	Gross debt 1997	5436
Gross debt 1995	4921	Gross debt 1996	5182
Difference	261	Difference	254

	1996	1997
Deficit	107	124
Trust funds:		
Social Security	66	78
Medicare HI [1]	−4	−10
Medicare SMI	13	−5
Military Retirement	5	9
Civilian Retirement	28	28
Unemployment	6	7
Highways	3	3
Airports	−3	−4
Other	1	3
Additional borrowing:		
Banking	16	10
Treasury loans	23	11
Total trust funds and additional borrowing	154	130
Real deficit	261	254
Gross interest	344	360

[1] The HI part of Medicare is projected to go broke by 2001. Based on numbers reported by the Treasury Department.

Mr. HOLLINGS. You will find that in the 1997 budget we use $78 billion from Social Security; military retirement, $9 billion; civilian retirement, $28 billion; unemployment compensation fund, $7 billion; highways, $3 billion; additional borrowings from banking, $10 billion; Treasury loans, another $11 billion.

So you can see the tremendous amounts that we do to obscure the size of that deficit. And this has been quite a problem for this particular Senator, because I have been trying to get one vocabulary, if you please, so when we go into the Budget Committee we all talk the same language. Then, we can have "slush" funds instead of "trust" funds. We, very lightly, make a motion and say the money is there and we will use it there, and we will use the CPI and pick up a trillion dollars over 10 years. Oh, there are all kinds of gimmicks to use. I got an initiative in the formal statutory law, which was called a gimmick less than 24 hours ago by

the distinguished chairman of the Budget Committee. I don't think the law is a gimmick.

I want to talk seriously about that, Mr. President, because we can go back to the National Commission on Social Security Reform in January 1983. You will find, under section 21, a majority of the national commission recommends that the operations of OASI, DI, HI, and SMI—the trust funds, Social Security trust funds—should be removed from the unified budget. In the operations, the Social Security trust funds have been included in the unified budget. However, by including Social Security trust funds in the annual budget process, it gives a false impression to the American public. The national commission believed that changes in the Social Security program should be made only for programmatic reasons and not for balancing the budget.

Then, they projected as the reason for removing it from the unified budget was to take Social Security from a pay-as-you-go program to building up surpluses—tremendous reserves—to take care of the baby boomers in the next century. They use the year 2056 in one instance and talk about protecting the fund for 75 years in another. Now, in all the litany from these reports and emergency committees that go around studying this, they are coming back in and saying it will be broke in the year 2029, not 2056 or 75 years out as the Greenspan Commission reported.

What should we do? We should reduce benefits and increase taxes. But do you know what happens? The trust fund surpluses created by the tax increases are spent on other programs. The Social Security taxes that we passed in 1983 were formally declared as revenues for Social Security surpluses, a trust fund for the baby boomers in the next century. They were certainly not to be used for defense, or foreign aid, or housing, or any of these other endeavors. But we are spending it for any and all purposes except Social Security. It is a dirty shame what is going on. You cannot get it reported. And the effect is on us immediately, not in the next century. The effect is this particular minute. We are running up these horrendous deficits and debt to the tune now—as you can see from the table that I put in—of $1 billion a day in interest costs. It was only about $1 billion a week when President Reagan came to town. He was going to balance the budget in 1 year. I can show you the talk. He came to town and he says, "Oops. This is the way it works. I am going to balance it in 3 years." He came in with "Reaganomics." Brother, I can tell you the debt just went soaring through the ceiling. We had 210 years of history with the cost of all the wars, the Revolution, the War of 1812, the Civil War, the Spanish American War, the Mexican War, World War I, World War II, Korea, Vietnam—we had the cost of all the wars; we had 38 Presidents, Republican and Democrat; and we never got to a $1 trillion debt. Yet, without the cost of a war in 15 years, we now have $5.3 trillion in debt. That is the crowd around here talking about they are concerned about deficits and the next fellow is not.

When the Greenspan commission made this recommendation I was on the Budget Committee. I cosponsored and worked in a bipartisan fashion on Gramm-Rudman-Hollings. Then I went to work on really stopping this debt from soaring that nobody knew was soaring because we were using billions from the Social Security trust fund. And it took me until 1990, Mr. President, to do just exactly that. And in July of 1990, as a member of the Budget Committee, I made the motion that we do as the Greenspan commission had recommended and put it off budget; build up an accounting surplus. And the vote was 20 to 1.

I ask unanimous consent to include the vote in the RECORD at this particular point.

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

HOLLINGS MOTION TO REPORT THE SOCIAL SECURITY PRESERVATION ACT

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay.

Yeas: Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, and Mr. Bond.

Nays: Mr. Gramm.

Mr. HOLLINGS. Mr. President, thereafter we had a vote on the floor of the U.S. Senate.

I ask unanimous consent to include in the RECORD that particular vote.

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

ROLLCALL VOTE NO. 283—OMNIBUS BUDGET RECONCILIATION

(Social Security Trust Funds)

YEAS (98):

Democrats (55 or 100%): Adams, Akaka, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bryan, Bumpers, Burdick, Byrd, Conrad, Cranston, Daschle, DeConcini, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Graham, Harkin, Heflin, Hollings, Inouye, Johnston, Kennedy, Kerrey, Kerry, Kohl, Lautenberg, Leahy, Levin, Lieberman, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Pryor, Reid, Riegle, Robb, Rockefeller, Sanford, Sarbanes, Sasser, Shelby, Simon, and Wirth.

Republicans (43 or 96%): Bond, Boschwitz, Burns, Chafee, Coats, Cochran, Cohen, D'Amato, Danforth, Dole, Domenici, Durenberger, Garn, Gorton, Gramm, Grassley, Hatch, Hatfield, Heinz, Helms, Humphrey, Jeffords, Kassebaum, Kasten, Lott, Lugar, Mack, McCain, McClure, McConnell, Murkowski, Nickles, Packwood, Pressler, Roth, Rudman, Simpson, Specter, Stevens, Symms, Thurmond, Warner, and Wilson.

NAYS (2):

Democrats (0 or 0%).

Republicans (2 or 4%): Armstrong and Wallop.

NOT VOTING (0):

Democrats (0).

Republicans (0).

Mr. HOLLINGS. Mr. President, 98 Senators in the U.S. Senate agreed with me. I will tell you, Mr. President, it was really interesting because I have never seen such a thing occur. We all went home in those campaigns and we talked about how we had finally put it into law. It was on November 5, 1990, that George Herbert Walker Bush signed that into law. That is the formal section of the Budget Act, section 13301. It says, "Thou shalt not use Social Security surpluses to obscure the size of the deficit." We wanted to have truth in budgeting. When I say 98 Senators, I counted up about 33 that are still here in the U.S. Senate that were there in 1990 voting for this.

Right to the point, here is the provision in the statute. It says:

Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old Age and Survivors Insurance trust fund shall not be counted as new budget authority, or as outlays, or as receipts, or deficits, or surplus for the purpose of the budget of the U.S. Government as submitted by the President, or for the purposes of the congressional budget, or for the purposes of the Balanced Budget and Emergency Deficit Control Act.

When we passed that, the distinguished Senator—and there is no one I have greater respect for, and he is my friend, and I am his friend—came on the floor yesterday, the chairman, the Senator from New Mexico, Senator DOMENICI, and he came on the floor yesterday late in the evening, and it is one of the things that prompted my appearance here this afternoon. Let me quote from page S. 1294 of the CONGRESSIONAL RECORD of February 12:

Frankly, I want to make sure that everybody knows that the best use of the word gimmick for anything going on on this floor has to do with the gimmick that some on that side of the aisle are using when they speak of taking Social Security off budget so you will assure Social Security's solvency and the checks. That is a gimmick of the highest order. For you do that, and there is no assurance that Congress will not spend the trust funds surpluses for anything they want. It is no longer subject to any budget discipline. It is out there by itself.

Senator DOMENICI is totally mistaken.

Let me quote the real Senator DOMENICI. Here is the report, and I refer to the Social Security Preservation Act of July 10, 1990, and the additional views of Mr. DOMENICI.

I ask unanimous consent that the entirety be included in the RECORD.

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

ADDITIONAL VIEWS OF MR. DOMENICI

It is somewhat ironic that the first legislative mark-up in the 16 year history of the Senate Budget Committee produced a bill that does not do what its authors suggest and, more importantly, weakens the fiscal discipline inherent in the Gramm-Rudmann-Hollings budget law.

I voted for Senator Hollings' proposal because I support the concept of taking Social Security out of the budget deficit calculation. But I cast this vote with reservations.

The best way to protect Social Security is to reduce the Federal budget deficit. We need to balance our non-Social Security budget so that the Social Security trust fund surpluses can be invested (by lowering our national debt) instead of used to pay for other Federal operating costs. We could move toward this goal without changing the unified budget, a concept which has served us well for over twenty years now.

Changes in our accounting rules without real deficit reduction will not make Social Security more sound. In fact, we could make matters worse by opening up the trust funds to unrestrained spending. Under current law, the trust funds are protected by the budget process. Congress cannot spend the trust fund reserves without new spending cuts or revenue increases in the rest of the budget to meet Gramm-Rudman-Hollings deficit reduction requirements. If we take Social Security out of GRH without any new protection for the trust funds, Congress could spend the reserves without facing new spending cuts or revenue increases in other programs. And if we spend the trust fund reserves today, we will threaten the solvency of the Social Security program, putting at risk the benefits we have promised to today's workers.

Of course, I also understand that we might be able to restore some public trust by taking Social Security out of the deficit calculation. Trust that we in Congress are not "masking the budget deficit" with Social Security. That is why I believe we should take Social Security out of the deficit, but only if we provide strong protection against spending the trust fund reserves. We need a "firewell" around those trust funds to make sure the reserves are there to pay Social Security benefits in the next century. Without a "firewall" or the discipline of budget constraints, the trust funds would be unprotected and could be spent on any number of costly programs.

Unfortunately, the Hollings bill does not protect Social Security, which is why Senator Nickles and I offered our "firewall" amendment, defeated by a vote of 8 to 13. The amendment, drafted over the last six months by my self and Senators Heinz, Rudman, Gramm, and Deconcini, included: a 60 vote point of order against legislation which would reduce the 75 year acturial balance of the Social Security trust funds; additional Gramm-Rudman-Hollings deficit reduction requirements in all years in which legislation lowered the Social Security surpluses; and notification to Social Security taxpayers on the Personal Earnings and Benefit Estimate Statements (PEBES) each time Congress lowered the reserves available to pay benefits to future retirees.

With just one exception, the others side of the aisle voted against this protection for Social Security beneficiaries.

Furthermore, the Hollings bill says nothing about how or when we will achieve balance in the non-Social Security budget. The bill simply takes Social Security out of the deficit calculation. If enacted, the Hollings bill would require $173 billion in deficit reduction in 1991 to meet the statutory GRH target (see attached table). Obviously, that is not going to happen.

I believe we need to extend Gramm-Rudman—Hollings to ensure we have the discipline to achieve balance in the non-Social Security portion of the budget. The Budget Summit negotiators are discussing a goal of $450 to $500 billion in deficit reduction over the next five years. Once we reach an agreement, that plan should be the framework for extending the GRH law.

I offered a Sense of the Congress amendment during the mark-up expressing this view. I offered this to put the Hollings bill in some context.

But the Democratic members of the Committee refused to consider even an amendment acknowledging the facts about our budget situation, rejecting my proposal by another 8 to 13 vote. In fact, the Chairman indicated that there was some concern on his side of the aisle about extending the Gramm-Rudman-Hollings discipline. One might infer that, for some, this mark-up was really an effort to kill Gramm-Rudman-Hollings.

I am not sure what we accomplished in reporting out a bill with no protection for Social Security and with no suggestion of what we think should happen regarding the deficit targets. I, for one, do not want to do anything which could endanger Social Security or Gramm-Rudman-Hollings budget discipline. At a minimum, I will offer the "firewall" amendment to protect Social Security should the reported bill be considered by the full Senate.

Mr. HOLLINGS. I quote:

We need to balance our non Social Security budget so that the Social Security trust funds surpluses can be invested by lowering our national debt instead of using it to pay for other Federal operating costs. If we take Social Security without any new protection for the trust funds, Congress could spend the reserves without facing new spending cuts or revenue increases in other programs, and, if we spend the trust fund reserves today, we will threaten the solvency of the Social Security program putting at risk the benefits we have promised to today's workers.

Then the Senator goes on to submit firewall protection. He said this particular statute is not enough. Here he is adamant about this statute, says it is necessary, says it has to be done so you can't use the money for anything else. Yet he insists now using the money for anything else as just hunky-dory, and the law itself is a gimmick.

Let me make sure so they don't have to look it up, subtitle C, section 1301.

I ask unanimous consent to include it in the RECORD.

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

EXCERPT FROM PUBLIC LAW 101–508

SUBTITLE C—SOCIAL SECURITY

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.".

Mr. HOLLINGS. Mr. President, that is pretty serious business when the distinguished chairman of your own Budget Committee, who is supposed to lead the discipline, leads the nondiscipline.

I have laid it on the line. When you spend these moneys to obscure the size of the deficit, thereupon that discipline is broken because you are spending it. We have already spent about $570 billion, at this particular point, Mr. President, and by the year 2002 we will owe over $1 trillion. In any of these budgets that will be debated here this year, we will use over $1 trillion of Social Security trust funds to balance the budget.

(Mr. FRIST assumed the chair.)

Mr. HOLLINGS. I stood here with the distinguished Senator from New Mexico, the chairman of our Budget Committee, 2 years ago and said if you can give me a balanced budget by the year 2002, without increasing taxes, I will jump off the Capitol dome.

Right to the point, we have tried our best, Senator DORGAN, myself and others—there are five of us—and I ask unanimous consent to include in the RECORD a letter dated March 1, 1995, where five of us said just reiterate the law rather than repeal the law.

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

U.S. SENATE,
Washington, DC, March 1, 1995.

Hon. ROBERT J. DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: We have received from Senator Domenici's office a proposal to address our concerns about using the Social Security trust funds to balance the Federal budget. We have reviewed this proposal, and after consultations with legal counsel, believe that this statutory approach does not adequately protect Social Security. Specifically, Constitutional experts from the Congressional Research Service advise us that the Constitutional language of the amendment will supersede any statutory constraint.

We want you to know that all of us have voted for, and are prepared to vote for again, a balanced budget amendment. In that spirit, we have attached a version of the balanced budget amendment that we believe can resolve the impasse over the Social Security issue.

To us, the fundamental question is whether the Federal Government will be able to raid the Social Security trust funds. Our proposal modifies those put forth by Senators

Reid and Feinstein to address objections raised by some Members of the Majority. Specifically, our proposal prevents the Social Security trust funds from being used for deficit reduction, while still allowing Congress to make any warranted changes to protect the solvency of the funds. The prior language of the Reid and Feinstein amendments was not explicit that adjustments could be made to ensure the soundness of the trust funds.

If the Majority Party can support this solution, then we are confident that the Senate can pass the balanced budget amendment with more than 70 votes. If not, then we see no reason to delay further the vote on final passage of the amendment.

Sincerely,

BYRON L. DORGAN,
ERNEST F. HOLLINGS,
WENDELL H. FORD,
HARRY M. REID,
DIANNE FEINSTEIN.

Mr. HOLLINGS. That is why I ask unanimous consent also in addition to the letter that we include Senate Joint Resolution 1.

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

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE 1A—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

Mr. President, it is impossible for they on the other side of the aisle, or anybody else, to provide a budget that would be balanced in the year 2002 without increasing taxes. That is not a daring statement to make because all you have to look at is the chart that I included, and you see the gross interest cost for the fiscal year in 1997, the year we are in, is estimated to be at $360 billion. That is $1 billion a day. No one has in mind over that 5-year period of cutting $360 billion. Nor do I recommend, necessarily, that you cut that amount, but it is going to have to be a combination of cuts, freezes, and increased taxes if we are to reach the balanced budget—and perhaps foregoing some new programs.

When they all talk about these tax cuts that they have in mind for families here and families there and students here and everything else, there are no taxes to cut. We are operating and have been operating in deficit mode in such a disastrous fashion, as in a downward spiral. The spending is on automatic pilot that must occur for interest costs on the national debt faster than we can possibly raise any revenues or cut any spending. That ought to be clearly understood.

The best way to raise taxes is to continue on this course because you continue to raise interest costs. When you raise the debt, you raise the interest costs, which is added, of course, to the debt, which increases the debt, which increases the interest costs that must be paid just like taxes.

So the surreptitious way in order to raise taxes is to continue on this particular path. That is why I have called for truth in budgeting so that everyone would understand that it is not a gimmick when we come up here and talk about the 1990 law. There is no criminal penalty for violating it, but maybe we will have to get some court injunctions or something of that kind to forego this reporting of a unified budget for the simple reason that there is no basis in law for that. There is only the basis in law that we must report the deficit without the use of Social Security trust funds in order to show the true deficit. Now, that is the law today, but they continue to call it a gimmick.

Now, what happens here in Senate Joint Resolution 1, if you see section 7, Mr. President, it says, "Total receipts shall include all receipts of the U.S. Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for the repayment of debt principal."

That particular section 7 thereby repeals section 13301, the Social Security protection. The trust fund is immediately made a slush fund constitutionally. And then, Mr. President, the way the particular Senate Joint Resolution 1 reads in section 1, "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year."

Now, Mr. President, that being the case, you have to get a three-fifths vote to succeed. If total outlays shall not exceed total receipts, you cannot use the Social Security trust fund surpluses. You can get what you would ordinarily call a balanced budget, but you have to either cut spending or increase taxes in order to pay the Social Security recipients. You can't use the surplus.

Now, that is pointed out, Mr. President, in a very dramatic fashion, by the Center on Budget and Policy Priorities back in January, which I included in the RECORD at that particular time. Let me read this paragraph.

I ask unanimous consent that the report be printed in the RECORD.

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

THE BALANCED BUDGET AMENDMENT AND SOCIAL SECURITY

In recent years, Congress has considered two versions of the balanced budget amendment. The version supported by the Republican Congressional leadership (herein termed the "Leadership version") requires the "unified budget" to be balanced each year, including Social Security. The other version, which Senators Wyden, Feinstein, Dorgan and others introduced in the last Congress, requires the budget exclusive of Social Security to be in balance.

The version that includes Social Security in the unified budget poses serious dangers for the Social Security system. It also is inequitable to younger generations, as it would likely cause those who are children today to be saddled with too heavy a tax load when they reach their peak earnings years. The Wyden/Feinstein version does not pose those problems.

BACKGROUND

In coming decades, Social Security faces a demographic bulge. The baby boomers are so numerous that when they retire, the ratio of workers of retirees will fall to a low level.

This poses a problem because Social Security has traditionally operated on a "pay-as-you-go" basis. The payroll taxes contributed by today's workers finance the benefits of today's retirees. Because there will be so many retirees when the baby boomers grow old, however, it will be difficult for workers of that period to carry the load without large increases in payroll taxes.

The acclaimed 1983 bipartisan Social Security commission headed by Alan Greenspan recognized this problem. It moved Social Security from a pure "pay-as-you-go" system to one under which the baby boomers would contribute more toward their own retirement. As a result, the Social Security system is now building up surpluses. By 2019, these surpluses will equal $3 trillion. After that, as the bulk of the baby boom generation moves into retirement, the system will draw down the surpluses. This is akin to what families do in saving for retirement during their working years and drawing down their savings when they retire.

This approach has important merits. It promotes generational equity by keeping the

burden on younger generations from becoming too high. In addition, if the Social Security surpluses were to be used in the next two decades to increase national saving rather than to offset the deficit in the rest of the budget, that would likely result in stronger economic growth, which in turn would better enable the country to afford to support the baby boomers when they reach their twilight years.

To pursue this approach, the tasks ahead are to reduce significantly or eliminate the deficit in the non-Social Security budget so that the surpluses in the Social Security trust funds contribute in whole or large part to national saving, and to institute further reforms in Social Security to restore long-term actuarial balance to the Social Security system. Restoring long-term balance will almost certainly entail a combination of building the surpluses to somewhat higher levels and reducing somewhat the benefits paid out when the boomers retire.

THE LEADERSHIP BBA AND SOCIAL SECURITY

Unfortunately, the balanced budget amendment pushed by the Leadership would undermine this approach to protecting Social Security and promoting generational equity. Under this version of the BBA, total government expenditures in any year—including expenditures for Social Security benefits—could not exceed total revenues collected in the same year. The implications of this requirement for Social Security are profound. It would mean that the Social Security surpluses could not be used to cover the benefit costs of the baby boom generation when it retires. The benefits for the baby boom generation would instead have to be financed in full by the taxes of those working in those years. The Leadership version thus would eviscerate the central achievement of the Greenspan commission.

The reason the Leadership version would have this effect is that even though the Social Security trust funds would have been accumulating large balances, drawing down those balances when the baby boomers retire would mean that the trust funds were spending more in benefits in those years than they were taking in in taxes. Under the Leadership version, that would result in impermissible deficit spending.

By precluding use of the Social Security surpluses in the manner that the 1983 legislation intended, the Leadership version would be virtually certain to precipitate a massive crisis in Social Security about 20 years from now, even if legislation had been passed in the meantime putting Social Security in long-term actuarial balance. Since the $3 trillion surplus could not be used to help pay the benefits of the baby boom generation, the nation would face an excruciating choice between much deeper cuts in Social Security benefits than were needed to make Social Security solvent and much larger increases in payroll taxes than would otherwise be required. The third and only other allowable alternative would be to finance Social Security deficits in those years not by drawing down the Social Security surplus but instead by slashing the rest of government so severely that it failed to provide adequately for basic services, potentially including the national defense.

Given the numbers of baby boomers who will be retired or on the verge of retirement in those years, deep cuts in Social Security benefits are not likely at that time. Thus, under the leadership BBA, it is almost inevitable that younger generations will face a combination of sharp payroll tax increases and deep reductions in basic government services.

For these reasons, the Leadership BBA is highly inequitable to younger generations. Aggravating this problem, the Leadership version would undermine efforts to pass Social Security reforms in the near future. Why should Congress and the President bother to make hard choices now in Social Security that would build the surpluses to more ample levels if these surpluses can't be used when the boomers retire? Under the leadership BBA, there is no longer any reason to act now rather than to let Social Security's financing problems fester.

LEADERSHIP BBA ALSO POSES OTHER PROBLEMS FOR SOCIAL SECURITY

Under the Leadership version, reductions in Social Security could be used to help Congress and the President balance the budget when they faced a budget crunch. This could lead to too little being done to reduce or eliminate deficits in the non-Social Security part of the budget and unnecessary benefit cutbacks in Social Security.

At first blush, that may sound implausible politically. But the balanced budget amendment is likely to lead to periodic mid-year crises, when budgets thought to be balanced at the start of a fiscal year fall out of balance during the year, as a result of factors such as slower-than-expected economic growth. When sizable deficits emerge with only part of the year remaining, they will often be very difficult to address. Congress and the President may be unable to agree on a package of budget cuts of the magnitude needed to restore balance in the remaining months of the year. Congress also may be unable to amass three-fifths majorities in both chambers to raise the debt limit and allow a deficit.

In such circumstances, the President or possibly the courts may feel compelled to act to uphold the Constitutional requirement for budget balance. In documents circulated in November 1996 explaining how the amendment would work, the House co-authors of the amendment—Reps. Dan Schaefer and Charles Stenholm—write that in such circumstances, "The President would be bound, at the point at which the 'Government runs out of money' to stop issuing checks." This would place Social Security benefits at risk.

THE WYDEN/FEINSTEIN APPROACH

The Wyden/Feinstein approach resolves the problems the Leadership version creates in the Social Security area. It reinforces the 1983 Social Security legislation rather than undermining that legislation. It does so both by requiring that the surpluses in the Social Security system contribute to national saving rather than be used to finance deficits in the rest of the budget and by enabling the surpluses to be drawn down when the baby boomers retire.

The Wyden/Feinstein amendment thus improves intergenerational equity rather than undermining it. It ensures the surpluses will be intact when they are needed, rather than lent to the government for other purposes in the interim.

The amendment also ensures that Social Security benefits will not be cut—and Social Security checks not placed in jeopardy—if the balanced budget amendment leads to future budget crises and showdowns. However those crises would be resolved, Social Security would not be involved, because cuts in Social Security would not count toward achieving budget balance.

Mr. HOLLINGS. Quoting on page 2:

Under this version of the balanced budget amendment, total Government expenditures in any year, including expenditures for Social Security benefits, could not exceed total revenues collected in the same year. The implications of this requirement for Social Security are profound. It would mean that Social Security surpluses could not be used to cover the benefit costs of the baby-boom generation when it retires. The benefits for the baby-boom generation would, instead, have to be financed in full by the taxes of those working in those years.

Continuing to quote:

The leadership version, thus, would eviscerate the central achievement of the Greenspan Commission.

Mr. President, that is followed up, finally, here, of course, with the Congressional Research Service, which on February 5, came out with a report from the American Law Division.

I ask unanimous consent that this CRS report be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 12, 1997.

To: _____.
From: American Law Division.
Subject: Treatment of Outlays from Social Security Surpluses under BBA.

This memorandum is in response to your inquiry with respect to the affect on the Social Security Trust Funds of the pending Balanced Budget Amendment (BBA). Under S.J. Res. 1 as it is now before the Senate, §1 would mandate that "[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year . . . ." Outlays and receipts are defined in §7 as practically all inclusive, with two exceptions that are irrelevant here.

At some point, the receipts into the Social Security Trust Funds will not balance the outlays from those Funds. Under present law, then, the surpluses being built up in the Funds, at least as an accounting practice, will be utilized to pay benefits to the extent receipts for each year do not equal the outlays in that year. Simply stated, the federal securities held by the Trust Funds will be drawn down to cover the Social Security deficit in that year, and the Treasury will have to make good on those securities with whatever moneys it has available.

However, §1 of the pending BBA requires that total outlays for any fiscal year not exceed total receipts for that fiscal year. Thus, the amount drawn from the Social Security Trust Funds could not be counted in the calculation of the balance between total federal outlays and receipts. We are not concluding that the Trust Funds surpluses could not be drawn down to pay beneficiaries. The BBA would not require that result. What it would mandate is that, inasmuch as the United States has a unified budget, other receipts into the Treasury would have to be counted to balance the outlays from the Trust Funds and those receipts would not be otherwise available to the Government for that year. Only if no other receipts in any particular year could be found would the possibility of a limitation on drawing down the Trust Funds arise. Even in this eventuality, however, Congress would retain authority under the BBA to raise revenues or to reduce expenditures to obtain the necessary moneys to make good on the liquidation of securities from the Social Security Trust Funds.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 5, 1997.

To: Honorable Thomas A. Daschle, Attention: Jonathan Adelstein.

From: American Law Division.

Subject: Treatment of Outlays form Social Security Surpluses under Balanced Budget Amendment.

This memorandum is in response to your inquiry for an evaluation of an argument made in connection with interpretation of the proposed Balanced Budget Amendment (BBA), now pending in the Senate as S.J. Res. 1. Briefly stated, the contention is that the terms of the proposal, if proposed and ratified, would preclude, at a future time when Social Security outlays in a particular year begin to exceed Social Security receipts in that particular year, the use of surpluses built up in the Social Security trust funds to pay out benefits.

At the present time, surpluses are being accumulated in the Social Security trusts funds, at least as an accounting practice, as a result of changes made in 1983. It is expected that when the receipts into the funds fall below the amount being paid out that moneys from the surpluses will be used to make up the differences.

The BBA would have its impact on this legislated plan because under §1 of the proposal "[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year, ..." Under §7 of the BBA, the two terms are defined thusly: "Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal."

Therefore, under the BBA's language, there is mandated a balance in each year of the outlays that year and the receipts that year. Payments out of the balances of the Social Security trust funds would not be counted as Government receipts under the BBA, when in the year 2019, or whenever the time occurs, the receipts in those particular years into the Social Security funds are not adequate to cover he outlays in those years. That is, payments out of the trust fund surpluses could not be counted in the calculation of the balance between total federal outlays and receipts. Because the BBA requires that the required balance be between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available as a balance for the payments of benefits.

Now, of course, this does not mean that Social Security benefits could not be paid. If the rest of the receipts into the Treasury for a particular year exceed outlays, this amount could be used to offset the Social Security deficit. And, again of course, tax or expenditure provisions, or both, could be altered to create a new balance.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

Mr. HOLLINGS. I quote from this:

Because a balanced budget amendment requires that the required balance be between outlays for that year and receipts for that year, the moneys that constitute the Social Security surpluses would not be available as a balance for the payment of the benefits.

Now, Mr. President, we are talking about serious matters—the American Law Division, the priorities on budgets. You have a very serious matter which has been called by the chairman of the Budget Committee a "gimmick."

I ask unanimous consent that at this particular time the letter of the distinguished Senator from New Mexico, dated January 13, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January 13, 1997.

DEAR REPUBLICAN COLLEAGUE: We are likely to debate early in the 105th Congress the Constitutional amendment to require a balanced federal budget. When that debate begins, some Senators will push to remove Social Security from the balanced budget requirement.

I have always believed this effort to exempt Social Security from the Constitutional amendment was more of a diversion than anything else. It is raised to confuse the debate and provide a rationale for some to oppose the effort.

Nonetheless, in preparation for debate in the Senate, I thought it was important to review with you the consequences of such a proposal so that we can all effectively debate it using facts.

One of the arguments made by those who push for excluding Social Security from the balanced budget amendment is that excluding Social Security will force us to "save" the Social Security surpluses and therefore enhance fiscal responsibility.

This is only a very small part of the story.

It is true that Social Security is currently running surpluses, and these surpluses offset deficit spending in the rest of the budget. If the balanced budget requirement excludes Social Security, we would be required by the Constitution to achieve balance in the "on-budget" portion of the federal government—which is everything except Social Security. The total or unified budget—which is the sum of the "on-budget" programs and Social Security—would therefore be in surpluses in amounts equal to the Social Security surpluses. Between 2002 and 2018, these surpluses would total $1.2 trillion in 1996 dollars.

It should go without saying that, when we are amending the Constitution—now into its third century—we should take the long view. And in the long run, these near term Social security surpluses will be overwhelmed by massive, long-term Social Security deficits.

These deficits are projected to total $9.3 trillion in 1996 dollars between 2019 and 2050, with a deficit of about $630 billion in 2050 alone, again in constant 1996 dollars.

If it is true that excluding Social Security from the balanced budget amendment would force us to "save" the short-term surpluses, it is equally true that excluding Social Security would allow us to run massive budget deficits equal to the deficits that are projected to occur in the Social Security trust funds beginning in 2019.

These deficits would be real deficits—just like the deficits we are experiencing today. And they would have the same negative economic consequences: lower national savings, higher interests rates, lower investment and productivity, and sluggish growth. The only difference is that these deficits would be much larger than anything we have ever experienced, and therefore the consequences would be much worse.

Ironically, these massive and unprecedented deficits would be specifically sanctioned by an amendment to the Constitution calling for "balanced budgets" excluding Social Security. Congress could continue to pass so-called "balanced budgets" while running up massive new debt which would tremendously burden our economy.

The attachment chart shows graphically what I have just described. "On-budget" would show a zero deficit throughout the time period, as required by the Constitution. The total budget which includes Social Security would show surpluses for two decades or so followed by massive and unprecedented deficits.

It should be obvious from this analysis that, contrary to assertions by some who want to exclude Social Security, such a move will weaken fiscal responsibility, not strengthen it.

Sincerely,

PETE V. DOMENICI.

Mr. HOLLINGS. Mr. President, I read on the first page of that letter the last line:

It is equally true that excluding Social Security would allow us to run massive budget deficits equal to the deficits that are projected to occur in the Social Security trust funds beginning in 2019. These deficits would be real deficits.

That is what I am talking about, real deficits, not gimmicks. When you borrow from one to minimize the size of the other; namely, the deficit itself, then you really mislead the real deficit; you misreport it. Again, on yesterday, the distinguished leader for the balanced budget amendment to the Constitution, the distinguished Senator from Utah [Mr. HATCH], said on page S1336:

The 1990 Budget Act basically stated in one section to take Social Security out of budget. It said in another section to leave it in.

That is not the case. Only one law passed in 1990. It is not a different section. He said:

This is confusing:

Well, the statement made by the distinguished Senator from Utah is what is confusing.

But both Congress and the President have construed the Budget Act of 1990 to allow Social Security to be included within the unitary budget.

How? This is in violation of the 1990 law. If we had an enterprising free press, a media who would go for truth in budgeting so that the public would be properly and accurately informed, the Members themselves would begin to command discipline rather than broken discipline when deficits are misreported. Mr. President, you can see what we really have here.

Now, they come, of course, and say that what really has occurred is that this is a vote for the senior citizens. Not at all. I readily acknowledge that Social Security is the senior citizens' program and they are vitally interested in it. But between Medicare and Social Security, the present-day recipients have yet to be heard from. I haven't heard from them. I have asked why not. Of course, the obvious reason, Mr. President, is they are going to get their money. They know they are going

to be paid right now. So they are putting all their efforts on saving Medicare and health costs and could care less about the baby-boom generation. In contrast, the baby-boom generation are being told they are not going to get it, so why should they show any kind of interest in the thing that they say is not going to be there for them anyway?

And the politicians sometimes say: Why should we concern ourselves about the baby-boom generation? Why should we not look to the next election rather than the next generation? Of course, that occurs. They look just to the next election.

This particular initiative—the amendment that will be presented by the distinguished Senator from Nevada, Senator REID—is not a gimmick. It is based in law. It is one worked on by the Senator from Utah, who voted for it, the Senator from New Mexico, who voted for it and said it has serious purpose. He did not call it a gimmick in 1990. We thought we had it all down and understood. But that's what happens when they go out to Andrews Air Force Base. They went out there in 1990 and they repealed the targets of Gramm-Rudman-Hollings. So often, having been a principal cosponsor, I am asked, "Senator, what about Gramm-Rudman-Hollings?" Oh, no, Gramm-Rudman-Hollings was working. We had an automatic cut across the board, and they eliminated it. I made the point of order at 1:15 in the morning on October 21, 1990, that is exactly what they were doing. They voted that point of order down. So don't come to me and say Gramm-Rudman-Hollings didn't work. It worked and would have continued to work had they not repealed it in 1990.

My final statement is to the effect that the distinguished President of the United States, for 10 years prior to his arrival here for his first term in 1993, spent 10 years balancing budgets down in Arkansas. He is the only President since Lyndon Baines Johnson balanced this budget in 1968 and 1969 to reduce the deficit 4 consecutive years. President Clinton is the only President who has come to Washington and lowered the deficit. Listen to that statement.

He has lowered it each year and every year. Yet, there is a crowd here on the Senate floor which keeps running around in a circle like the President is a tax-and-spend liberal Democrat when they are the ones that tripled—excuse me, quadrupled—excuse me, quintupled the Federal debt. Five times $1 trillion is $5 trillion. It was less than $1 trillion when Ronald Reagan came to town. Now it is $5.3 trillion. They are the ones, not President Clinton, that ran up this horrendous debt that is causing us to spend $1 billion a day in interest costs which increases taxes $1 billion a day. Because you add it to the debt, you have to pay for it, and it is a subtle way of increasing taxes. And running around fussing at the President saying, "Where is his balanced budget? And he has not balanced it." Where is their budget? I am looking for one. I am on the Budget Committee. I attend meetings. I look around. They don't have a budget.

It is wheeling and dealing, and all these other things going on. If that is what we are going to have, let us get rid of the Budget Committee so we can put our effort and time somewhere else. But that is the gamesmanship that is being played. They don't want to put up a budget because they know that budget will show massive tax cuts in that 5-year period being offset by cuts in Medicare. And on up and up and away the deficit goes.

So I think the gamesmanship as we go on our break here in February ought to conclude. Let us get their budget. Let us compare the two budgets like we do in the regular sense of the word, reconcile the differences, and go forward with the work of the American people.

Mr. President, I thank the distinguished Senator from North Dakota.

I yield the floor.

I yield back the remainder of my time.

Mr. HATCH. Mr. President, I would like to take this time to briefly respond to Senator HOLLINGS concerning his remarks claiming that passage and ratification of the balanced budget amendment would harm the Social Security Program. As did Senators DORGAN, REID, and CONRAD at a press conference held yesterday, Senator HOLLINGS claimed that a one-page memorandum, dated February 5, 1997, from the Congressional Research Service—which was inaccurately termed a "study"—was characterized as proof that passage and ratification of the balanced budget amendment will harm Social Security. This is alleged to be true because the balanced budget amendment would not allow the present day surplus to be used in the future when the program goes into the red to pay benefits. The problem is that the CRS memorandum did not conclude that at all.

All the CRS memorandum concluded was that Social Security existing surpluses after 2019—the year the program no longer produces surpluses because of the retirement of the baby boomers—could not be used to fund the program unless benefit expenditures were offset by revenue or budget cuts. Of course this is technically true. That's what a balanced budget does. It balances outlays and receipts in a given year, and expenditure of any part of the budget is an outlay. Despite what Senator HOLLINGS alleges today, and Senators CONRAD, DORGAN, and REID claimed yesterday at their press conference, under current law, assets of the Federal Treasury could be drawn upon to ensure payments to beneficiaries today and when the system starts running annual deficits.

To clear-up the confusion that the Conrad-Dorgan-Reid press conference created about the February 5 CRS memorandum, which Senator HOLLINGS has apparently bought into, CRS produced another memorandum at Senator DOMENICI's request. I want to thank Senator DOMENICI for requesting this new CRS memorandum—dated February 12, 1997. This memorandum clearly states—and I quote—"We [that is CRS] are not concluding that the trust fund surpluses could not be drawn down to pay beneficiaries. The balanced budget amendment would not require that result."

Senator HOLLINGS and the other critics of the balanced budget fail to mention a few things. They fail to mention that CRS in the memorandum also concluded that the present day surpluses are merely "an accounting practice." Past CRS studies clearly demonstrate that the Social Security trust funds are indeed an accounting measure. There is no separate Federal vault where Social Security receipts are stored. There exists no separate Social Security trust fund separate from the budget. Social Security taxes—called FICA taxes—are simply deposited with all other Federal revenues. The moneys attributed to Social Security are tracked as bookkeeping entries so that we can determine how well the program operates. As soon as the amounts attributed to FICA taxes are entered on the books, Federal interest bearing bonds are electronically entered as being purchased. This is the safest investment that exists.

This country has a unified budget. This means that the proceeds from Social Security Taxes are part of the Treasury—of general revenue. CRS has recognized this. Moreover, I might add, without including the present day surpluses, the budget cannot be balanced. That is why President Clinton has included the Social Security funds in every one of his budgets. Did Senators HOLLINGS, CONRAD, DORGAN, and REID oppose this?

Senator HOLLINGS also denies that we have a unitary budget. He says that the 1990 Budget Enforcement Act [BEA] placed Social Security off-budget. That, in fact, we have two budgets—one for Social Security and one for the rest of the Nation. Let me expand on the remarks I made yesterday concerning the 1990 Budget Enforcement Act and explain why Senator HOLLINGS position is false. Under section 13301(a) of the act, the receipts and outlays of the Social Security trust funds are indeed not counted in both the President and Congress' budgets. So it is off-budget, but for only certain specific reasons. The primary purpose for this exclusion was to exempt Social Security from sequestration by the President under the Gramm-Rudman-Hollings procedures and from the act's pay-as-you-go requirement. In addition, as added protections, sections

13302 and 13303 of the BEA also created firewall point-of-order protections for the Social Security trust funds in both the House and Senate. Nevertheless, this does not preclude both Congress and the President from formulating a unitary budget—that includes Social Security trust funds—for national fiscal purposes.

Look, I recognize that Social Security is in danger. But the problem is not the inclusion Social Security funds in the budget. The problem is that with the retirement of baby boomers, there will not be enough FICA taxes to fund their retirement. CRS, in an other study, concluded that the present day surpluses would not be sufficient to resolve this problem. These Senators never mention that. CRS also concluded that the Social Security Program needs to be fixed.

Indeed, not including Social Security in the budget would harm the program. Congress would rename social programs—as they have done before—as Social Security and use the FICA taxes to fund these programs. Then you'll really see the program raided.

My colleagues problem—in reality—is not with the balanced budget amendment, but with the problems the Social Security Program faces. We need to fix that and adopting the balanced budget amendment is a good start.

ORDER OF PROCEDURE

The PRESIDING OFFICER [Mr. COATS]. The Senator from South Carolina will be advised that the time for morning business has expired.

Mr. HOLLINGS. No; I was told otherwise. When he took the 8 minutes, I was told that the Chair had given me past 3. It was from 2:30 to 3:15, 45 minutes.

Mr. LOTT. Mr. President, will the Senator from South Carolina yield to allow me to address it? If I could get him to allow me to get consent with regard to the milk resolution, I would like to ask unanimous consent that following the resolution of this issue, the Senator from South Carolina resume his discussion at that time.

Mr. HOLLINGS. Right.

Mr. LOTT. So I propound that unanimous-consent request.

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of a Senate resolution submitted by Senator SPECTER regarding milk prices. I further ask consent there be 15 minutes for debate divided as follows, Senator SPECTER allocated 5 minutes, Senator KOHL allotted 5 minutes, and Senator FEINGOLD 5 minutes. I ask that following the expiration or yielding back of that time the Senate proceed to vote on adoption of the resolution all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Pro forma, and I shall not, we have colleagues about to catch the plane so I would ask, if the distinguished majority leader considers it appropriate, to vote and argue immediately after the vote or immediately following Senator HOLLINGS' reserved time.

Mr. LOTT. I think in order to do that we need to get Senator KOHL to agree and he is literally on his way, so we cannot actually reach him. If we go ahead and get started, we can have debate time and have a vote and accommodate Members who have commitments, if the Senator would allow us.

Mr. SPECTER. Mr. President, I would be glad to follow the suggestion of the distinguished majority leader, and I shall begin to speak to the issue for 5 minutes.

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

Mr. SPECTER. I would ask for that expedited schedule, if our colleague will yield.

Mr. HOLLINGS. All right.

Mr. LOTT. I yield the floor.

ADDRESSING THE DECLINE IN MILK PRICES

Mr. SPECTER. Mr. President, I send a substitute or amended resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 55) expressing the sense of the Senate regarding the need to address immediately the decline in milk prices.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this resolution is being submitted on behalf of Senators SANTORUM, FEINGOLD, KOHL, JEFFORDS, LEAHY, WELLSTONE, SNOWE, and COLLINS.

It follows activity which Senator SANTORUM and I had undertaken in our State where the farmers have been very hard hit by low milk prices and rising costs of production, so that many, many farmers are near bankruptcy.

It is my understanding that this is a national problem, not only a problem in Pennsylvania. On Monday of this week, Secretary of Agriculture Dan Glickman went to northeastern Pennsylvania and heard from a large assembly of farmers, estimated at some 500, and heard firsthand the plight of those farmers, again, as I say representative of the Nation.

We all know that we rely upon the farmers for our supply of food. We know how important milk is in that supply. And we have a large group of farmers who laid it on the line in very emphatic and dramatic terms about their impending bankruptcy, the hard times they were facing because the price of milk had dropped so precipitously from $15.37 per hundredweight in September to $11.34 cents per hundredweight in December 1996, all the time costs going up.

In our inquiry on this issue, we found that a key ingredient on the pricing of milk was the price of cheese, and that the price of cheese had been established by the Green Bay Cheese Exchange, and that the price on the Green Bay Cheese Exchange might not be realistic of the accurate market price. If the price of cheese is raised by 10 cents, it means there would be a rise in the price of milk $1 per hundredweight.

I do believe that the Secretary of Agriculture is sympathetic to this issue and would like to ascertain the accurate price of cheese.

It is my thought, Mr. President, from all that I know, and it has to be verified, that the price of cheese is priced unreasonably low at this time by the Green Bay Exchange; therefore, the Green Bay Exchange's price of cheese is really not the price of cheese.

This resolution maintains that it is the sense of the Senate that the Secretary of Agriculture should consider acting immediately pursuant to his legal authority to modify the basic formula price for dairy by replacing the national cheese exchange as a factor to be considered in setting the basic formula price.

This resolution has been filed pursuant to the leadership initiated by my colleague, Senator SANTORUM, who traveled to northeastern Pennsylvania several weeks ago. I went this past Monday. And I think it will put us on a track to show that something can be done immediately. When I say immediately, within the course of the next several weeks.

It had been my hope that we might have been able to make some modification in the price of cheese to have even faster action by the Secretary of Agriculture. But considering the fact that this resolution was drafted on Monday morning and has gone through considerable analysis by a number of Members of the Senate—and I thank my colleagues for their prompt attention to this issue—we are moving now very, very rapidly.

In conclusion, Mr. President, let me point out that there was an extensive study of the Green Bay Cheese Exchange made at the request of the Secretary of Agriculture of the State of

Wisconsin, and there were some indications there that because of the limited amount of cheese which was traded there, there was an opportunity to have a price established which was not genuinely a market price. The amount of cheese traded at Green Bay was less than one-half of 1 percent, and where you have such a limited exchange rate and with people at the scene who have a considerable interest in having a lower price of cheese, that result may not have represented the accurate market price of cheese.

The Secretary of Agriculture has the authority unilaterally to make a modification on the price of cheese if he develops an evidentiary base from other transactions which lead him to conclude that is not the fair market price of cheese, and I believe that to be the case. The Secretary of Agriculture had previously initiated the process on informal rulemaking, which would take some considerable period of time. But he does have the authority.

If we may vote at this time, Mr. President, I will conclude.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KOHL. Mr. President, I want to thank the Senator from Pennsylvania for his efforts on this issue.

The Cheese Exchange is of great concern to all dairy farmers nationwide, because it is a market that is very thinly traded, completely unregulated, and has a great deal of influence on the prices that farmers are paid for their milk.

That's why my colleague from Wisconsin, Senator FEINGOLD and I have been working to reduce the influence of the Cheese Exchange. Both Senator FEINGOLD and I introduced legislation on this matter last week. Ultimately, what we need to do is find an alternative price discovery mechanism that is more reflective of market conditions, and less subject to manipulation.

And we have two initiatives underway that could form the basis for new price discovery mechanisms.

First, we've worked with Secretary Glickman to start a new cheese price survey, to survey cheese plants nationwide, to get a better view of prices paid for cheese. If done right, this could be very useful as a price discovery mechanism. But there's still some issues that need to be ironed out.

And second, we've asked other exchanges such as the Coffee, Sugar, Cocoa Exchange to explore the possibility of creating a new cash market for cheese. Again, if this is done right, it could be very useful as a new price discovery mechanism.

But in the short term, the Senator from Pennsylvania is right, we need to delink the National Cheese Exchange from the farmers' milk prices, and we need to do that as soon as possible. Two weeks ago, the Secretary of Agriculture announced a 60-day comment period on that exact proposal. The trick will be to find a new equivalent price mechanism, to take it's place. We need to find a new mechanism that is credible, or we'll merely make matters worse.

So I thank the Senator from Pennsylvania, and I look forward to working with him on this issue, which has been a longstanding concern of mine. As far as I'm concerned, the more Senators become aware of this problem and join our efforts, the better.

Mr. FEINGOLD. Mr. President, I am pleased to join the Senator from Pennsylvania, Senator SPECTER, in submitting the Sense of the Senate Resolution directing the Secretary of Agriculture to take action to delink the National Cheese Exchange from the basic formula price established by USDA under Federal Milk Marketing Orders.

Dairy farmers have been concerned for many years about the role of the National Cheese Exchange, located in Green Bay, WI, in determining the price they receive for their milk. While the exchange has had an indirect influence on milk prices for many years, it also directly affects milk prices through USDA's basic formula price, established by regulation in 1995. For years, Wisconsin farmers have been concerned that the characteristics of the Exchange, outlined in this resolution, make it vulnerable to price manipulation. Those fears were confirmed by a March 1996 report by the University of Wisconsin Department of Agricultural Economics which found evidence supporting the allegations of manipulations. The concerns about manipulation and the influence of the exchange on milk prices nationally, were further heightened by the dramatic and unprecedented decline in cheese prices on the exchange last fall which led to a 26 percent decline in farm milk prices.

The senior Senator from Wisconsin Senator KOHL and I have been working to address the concerns of the UW report for the last 10 months and have introduced legislation to address the short- and long-term problems associated with the Cheese Exchange. The directive of the resolution introduced by the Senator from Pennsylvania is also included in my bill S. 258, the Milk Price Discovery Improvement Act of 1997 which I introduced last week. My legislation goes beyond the directive in the resolution by seeking additional long term solutions to the lack of price discovery in milk markets and by establishing improved USDA oversight of the National Cheese Exchange. S. 256, introduced by the senior Senator from Wisconsin Senator KOHL, which I have cosponsored, would enhance the role of the Commodity Futures Trading Commission in National Cheese Exchange oversight as well.

The resolution we are introducing today, however, emphasizes the importance of quick action on this problem by the Secretary of Agriculture and I am pleased to welcome the Senator from Pennsylvania to our efforts to resolve this very difficult problem. Farmers have a right to expect that milk prices are determined fairly and without manipulation. The resolution introduced today is a step toward reducing the influence of the exchange on farm-level milk prices.

I urge my colleagues to support this resolution and to work with us toward the enactment of S. 258 and S. 256 as well.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Is the Senator from Pennsylvania propounding a unanimous consent request?

Mr. SPECTER. Mr. President, I am advised that I do have the authority to yield back the time.

The PRESIDING OFFICER. All time has been yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] is necessarily absent.

I also announce that the Senator from Vermont [Mr. LEAHY] is absent attending a family funeral.

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

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—83

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

NAYS—15

Allard	Coats	Kyl
Bennett	Craig	Lautenberg
Bond	Enzi	Mack
Brownback	Hatch	Roberts
Campbell	Kempthorne	Thomas

NOT VOTING—2

Breaux	Leahy

The resolution (S. Res. 55) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 55

Whereas, during the last few months farm milk prices have experienced substantial volatility, dropping precipitously from $15.37 per hundredweight in September, 1996 to $11.34 per hundredweight in December, 1996;

Whereas, the price of cheese at the National Cheese Exchange in Green Bay, Wisconsin influences milk prices paid to farmers because of its use in the Department of Agriculture's Basic Formula Price under Federal Milk Marketing Orders;

Whereas, less than one percent of the cheese produced in the United States is sold on the National Cheese Exchange and the Exchange acts as a reference price for as much as 95 percent of the commercial bulk cheese sales in the nation; Now, therefore, be it

Resolved, That it is the Sense of the Senate of the United States that the Secretary of Agriculture should consider acting immediately pursuant to his legal authority to modify the Basic Formula Price for dairy by replacing the National Cheese Exchange as a factor to be considered in setting the Basic Formula Price.

The PRESIDING OFFICER. The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that upon the conclusion of Senator HOLLINGS' remarks, the period for morning business be extended with Senators permitted to speak therein for 5 minutes each, except Senator DORGAN for 30 minutes, Senator KERREY for 15 minutes, Senator DOMENICI for up to 30 minutes, and Senator GRAMM for up to 15 minutes.

I want to emphasize that Senator HOLLINGS goes forward with his remarks. I want to thank Members again for your cooperation in getting this vote done, and I want to confirm, as we have already notified Members as they come in, this is the last vote this week. There will be a vote at 5:30 on Monday.

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

(By unanimous consent, the remarks of Mr. HOLLINGS appear at an earlier point of today's RECORD.)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from North Dakota has 30 minutes reserved.

The Senator from North Dakota is recognized.

(The remarks of Mr. DORGAN, and Mr. KERRY pertaining to the introduction of S. 331 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas is recognized.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. GRAMM. Mr. President, we have seen the specter this week of our colleagues on the Democratic side of the aisle proposing to exempt additional programs from the balanced budget amendment to the Constitution: Social Security, emergency spending, veterans programs, housing programs, education, health and welfare programs, college aid and training programs, law enforcement programs, the Tennessee Valley Authority, highways, bridges, dams, roads, buildings, and it goes on and on. Given how far afield we have gone in this debate, I wanted to very briefly try to remind the Senate and those who are following this debate what this debate is about. This debate is about families making hard decisions at their kitchen table, trying to make ends meet. So I thought I would look today, at 28 years ago, the last year that we had a balanced budget in America.

The last time we had a balanced budget was in 1969. If you look at the front page of the Washington Post for Thursday, February 13, 1969, you can see that not very much happened in the world 28 years ago today when we had a balanced budget. But there was some very exciting news that day. The very exciting news was not on the front page; the very exciting news was in the want ads. I would like just to review what America looked like the last time we had a balanced budget.

Dale City is a city 25 miles south of Washington. It is sort of a middle-class neighborhood. In Dale City, 28 years ago today, when we had a balanced budget, they were advertising new homes that were selling between $18,600 and $38,000 apiece. In the richest county in America, Montgomery County, 28 years ago, when we had our last balanced budget, they were advertising new homes in Walnut Hill for $32,500.

And 28 years of deficit spending later, they are still running want ads. They ran them today. The want ads today show that houses in the suburbs of Northern Virginia are selling between $230,000 and $340,000 apiece, and in Montgomery County they are selling for $270,000 a piece.

The newspaper of 28 years ago today did not have any news on the front page worthy of being remembered, but it had want ads worthy of being remembered.

A Chevrolet Impala could be bought for $51 a month, and you had it paid off in 3 years. That was 28 years ago today, the last time we had a balanced budget. Today, to buy a Chevrolet Cavalier, it costs you $194 a month, and you have to pay for 6 years to pay it off.

There was not much exciting news on the front page of the paper 28 years ago today, when we had a balanced budget, but there was exciting news in the want ads. You could buy a new Goodyear tire for $8.75 apiece. Now, in fact, there is an ad today for $24.99. But my guess is, 28 years ago and today, if you went out to get the $8 tires then or the $24 tires today, you would find that they did not fit your car. But look at what has happened to the base tire in terms of expenses.

Twenty-eight years ago today, the public was buying pork. And our Government was beginning to go on a binge of pork that would last 28 years. Pork chops at Giant 28 years ago today were 89 cents a pound. Pork chops at A&P 28 years ago today, as advertised in the Post, were 89 cents a pound. Pork chops at Safeway 28 years ago today, when we had a balanced budget, were 89 cents a pound. Today, in the Washington Post, Safeway boneless pork chops are $3.99 a pound. Mr. President, 28 years ago there was not a big headline in the paper, but there should have been. The big headline in the paper should have been, "Budget Balanced This Year for the Last Year in 28 Years."

Our colleagues say: Well, things are going great. It's wonderful. We ought to exempt the budget from itself. There's no reason to quit spending. But I think anybody who looks at what was in the paper 28 years ago today and what is in the paper today has to conclude that there have been a lot of changes in the 28 years since we have had a balanced budget and that many of those changes are not trends that we want to continue.

Finally, tomorrow is Valentine's Day. Twenty-eight years ago today you could buy this Whitman deluxe red foil heart assortment, 1 pound of candy, for $2.66. After 28 years of deficit spending here in Washington, it costs $8.79.

Mr. President, maybe some of our colleagues on the Democratic side of the aisle could say: Well, don't worry about housing costs up from $18,000 to $230,000 and don't worry about automobile costs up from a monthly payment of $51 to a monthly payment of $248. Maybe they could say: Don't worry about the price of tires and don't worry about pork. But when the cost of love is exploding, the time has come to stop deficit spending. That is what this debate is about. I wanted to remind my

colleagues before we all left for our work period at home.

THE CHEMICAL WEAPONS CONVENTION

Mr. KERRY. Mr. President, I want to talk about an issue of enormous importance to our national security and express my hope that during the course of the next week, while the U.S. Senate is out of session, Senators will focus on and think hard about our responsibilities with respect to the Chemical Weapons Convention. More than 100 years of international efforts to ban chemical weapons, 100 years of effort, culminated January 13, 1993, in the final days of the Bush administration when the United States of America signed the Chemical Weapons Convention as one of the original signatories.

I hope my colleagues on the other side of the aisle will focus closely on the efforts of former President Bush, former National Security Adviser General Scowcroft, former Chairman of the Joint Chiefs of Staff General Powell, and so many other people whose bona fides with respect to issues of national security I do not believe have ever been at issue. They all worked hard and fought hard to bring this Convention to a successful conclusion.

Since the time the United States signed it as one of the original signatories, 160 other nations have joined in signing it. That is 161, I might say, out of a total of 190 independent states that compose the world community of nations.

Immediately after the signing, the process of ratification by the signatories began. The convention was submitted to the U.S. Senate for its advice and consent in November 1993, and multiple hearings have been held by the Senate Foreign Relations Committee, the Armed Services Committee, the Intelligence Committee, and the Judiciary Committee during both the 103d and the 104th Congresses. As of January 27, 1997, 68 nations have already ratified the Convention, but not the United States of America that helped lead the effort of its creation.

This Convention provides that it will take force and its provisions will become applicable to party nations 180 days following its ratification by the 65th nation. The 65th ratification occurred late last year, so the clock is now ticking toward the date on which it enters into force. The Convention will enter into force on April 29 of this year, just a little more than 2 months after we return from the recess period that begins later today.

It is important to understand the provisions of the Convention, especially when measured against that date. The Convention bans the development, production, stockpiling, and use of chemical weapons by its signatories. It also requires the destruction of virtually all chemical weapons and production facilities.

This treaty also provides the most extensive, most intrusive verification regime of any arms control treaty yet negotiated, extending its coverage not only to governmental and military but also to civilian facilities.

The fact is that this verification package provides, in the end, increased security to the United States. That verification package includes instrument monitoring, both routine and random inspections, and challenge inspections for sites that are suspected of chemical weapons storage or production. The Convention also requires export controls and reporting requirements on chemicals that can be used as warfare agents and their precursors.

In order to implement its provisions and to administer them on an ongoing basis, the Convention establishes the Organization for Prohibition of Chemical Weapons, or the OPCW. This organization is permanently charged with ensuring compliance with the Convention's requirements and with monitoring the chemical industry and the chemical production throughout the world. The Convention's preparatory commission, which is located in The Hague, is currently determining precisely how the permanent organization is going to be structured and how the Convention is going to be implemented.

Every State that ratifies that Convention has to complete the destruction of chemical weapons agents, munitions and production facilities within 10 years of the Convention's entry into force, or its date of ratification, whichever comes earlier.

I would like to describe what the treaty accomplishes in terms of control of chemicals and their precursors and monitoring and tracking of those chemicals and precursors.

The Convention establishes three lists, or schedules as they are called, of chemical warfare agents and their precursor chemicals. These are arranged in the order of their importance to chemical weapons production and the extent of their legitimate peaceful or commercial uses.

The OPCW Technical Secretariat will update those schedules as needed and as circumstances change. And the production, the use, or the transfer of any chemicals on these schedules above set minimal amounts must be projected prospectively by the manufacturers and subsequently reported annually to the OPCW.

Any facility that makes use of or is capable of producing scheduled chemicals has to register with the OPCW, as do facilities that produce over 30 metric tons annually of a discrete chemical containing phosphorous, sulphur or fluorine.

So, Mr. President, what we gain here is a mechanism for knowing globally who produces what chemicals, how much they produce, and where these chemicals are going.

The inspections of chemical facilities provided by the Convention will vary according to the nature of the chemicals. Those declared as producing, storing, or destroying chemical weapons are subject to systematic on-site inspection and continuous instrument monitoring. Those chemical facilities declared as nonchemical weapons facilities are subject to routine or random inspections, depending on the schedule or schedules on which the chemicals they produce or handle are listed. All other facilities that produce or handle or are suspected of producing or handling chemicals are subject to on-site challenge inspections upon the request of a signatory nation.

So, I reiterate, under the terms of the Convention we will achieve for the first time the ability to know who is producing what chemicals, how much they produce, and where these chemicals are moving, and we obtain the ability to inspect any of those chemical production or handling entities.

Signatory nations agree not to export the most troublesome chemicals, those listed in schedule 1, to any nonsignatory nation. Schedule 2 chemicals may be traded with nonsignatory nations for only 3 years after the Convention enters into force, and schedule 3 chemicals, which are the least troublesome and most widely used commercially, can be freely traded for 5 years after the Convention comes into force so long as end-use certification is provided. Five years after the Convention comes into force, additional controls will be considered and may be required.

Now, Mr. President, one might reasonably expect that all those in this institution would by their study of history be aware of the occasions when chemical weapons have been used in conflicts and the horrifying effects that they can have and have had on both combatants and noncombatants, and one would think those with such an awareness would warmly embrace and applaud the successful negotiation and apparent widespread acceptance of this Convention among the nations of the world. The images, both visual and verbal, of the effects of chemical weapons have seared themselves into our minds.

We know the effects of mustard gas in the trenches of Europe in World War I. We know of the terrible effect of chemicals employed in the Iran-Iraq War. Americans have witnessed the anguish of those who served in the gulf war who are suffering from maladies that may have resulted from some exposure to chemical weapons amassed by Saddam Hussein in Iraq. Civilized people everywhere have been repelled by the effects of these horrible weapons. Indeed, that is what propelled us under a Republican administration to

negotiate and then to sign this Convention.

One might reasonably anticipate, therefore, that the United States, which led the way for so many years in seeking allies among the community of nations in the effort to outlaw these weapons and their use, and which was the driving force behind the negotiations that produced the Chemical Weapons Convention, would see virtually universal support for the ratification of this critical treaty. But that is not the case, as my colleagues know.

Most unfortunately, a small group of Senators, primarily within one segment of the Republican Party, and nourished by a group of committed cold warriors whose reflexive behavior is to see catastrophe for the United States in any arms control agreement, has dedicated itself to preventing the Senate from approving ratification of this Convention. They have found shadows behind the trees, and express great fear that United States participation could somehow weaken our Nation militarily and leave us vulnerable to a reemergent Russia or to some rogue nation that refuses to abide by the Convention's requirements.

I want to emphasize that while I believe those conclusions are entirely unwarranted, I take no issue with anybody who wants to proceed cautiously here. I take no issue with anybody who asserts that conceivably there is some downside to the Convention, and it is appropriate for us to have legitimate debate about that. But legitimate debate and legitimate expressions of caution are different from standing in the way of the U.S. Senate being able to resolve this issue in a vote on the floor of the Senate and allowing the Senate to perform its critical constitutional responsibilities of advise and consent.

I agree it would be a mistake for this Nation to blindly assume that simply as a result of the disappearance of the Soviet Union we will never again face a serious threat from Russia or from some other nation whose interests conflict with our own. That, of course, is why we spend $250-plus billion on defense every year.

But the vehemence with which these Senators oppose the Convention, and their rationales for so doing, persuade me that the principal problem is not the Convention itself or its terms, but the fact that it is simply not a perfect treaty, that it is not 100 percent leakproof or 100 percent verifiable.

We cannot establish such a standard, Mr. President, for by so doing, we effectively would say that no arms control treaty could ever be in our national interest.

Mr. President, I reject the notion that there is no such thing as a good arms control treaty, a treaty that advances the interests of the United States effectively. I specifically reject the notion that the Chemical Weapons Convention does anything to diminish the national security of our Nation, or that it is not in our national interest. To the contrary, I believe that our Nation and our people will be safer and more secure and, in fact, will be the entire world community of nations, if the United States joins the other nations which have ratified it.

More importantly, Mr. President, that is not just my belief. It is the belief of former Presidents of the United States. It is the belief of the Chairman and Members of the Joint Chiefs of Staff, the belief of the current and immediate past Directors of Central Intelligence, the current and immediate past Secretaries of Defense, Gen. Norman Schwarzkopf and a host of others whose credentials as national security experts are sterling.

So let us address the specific concerns that are raised by those who would rather see the United States not participate in this convention, and who would deprive the Senate of the opportunity to debate the convention on the floor and vote on the resolution of ratification as the American people should be able to expect.

The opponents claim that the Chemical Weapons Convention will not be effective because it fails to ban or control possession of all chemicals that could be used for lethal purposes, specifically including two agents used with deadly effect in World War I, phosgene and hydrogen cyanide. The reality is that the CWC does cover all toxic chemicals and their precursors "except where intended for purposes not prohibited under this Convention * * *" Phosgene and hydrogen cyanide are explicitly listed in schedule 3 of the convention.

The convention also contains a provision to expand the list of chemicals subject to declaration and verification as new CW agents are developed and identified.

The opponents claim that the CWC is not global, since many dangerous nations—for example, Iran, Syria, North Korea, and Libya—have not agreed to join the treaty regime. The reality, however, is that of the approximately 20 nations believed to have or to be seeking a chemical weapons program, more than two-thirds have already signed the convention. The failure of the United States to ratify the treaty is unlikely to spur these countries to become signatories and relinquish any determination they may have to develop chemical weapons. And, indeed, our failure to ratify will actually give to those recalcitrant countries political cover for their failure to join.

If the United States does not join, why should they care about it? If the United States, which initially sought it and long worked for it, now finds something wrong with the convention, then they have justification to also assert something is wrong with it. Further, several of the Convention's key provisions are targeted directly at nonparticipating nations. Some of the most threatening chemicals cannot be sold to nonparticipating nations by signatories and chemical trade with the nonsignatories will be impeded in other ways. In this important respect the treaty is, indeed, global in its reach.

In effect, those who claim to be defending the interests of the United States are, I believe, unwittingly—and I know not purposefully—aiding those countries that would continue to be rebellious nonparticipants in the work of removing chemical weapons from the earth.

If the opponents mean to point out that all convention provisions do not apply to all nations, OK, they are correct. Not all provisions apply to those 30 or fewer nations that have not yet signed the convention and may choose never to sign or ratify. But there is no way that one sovereign nation can force another to enter into a treaty. But you can, through a treaty, isolate those nations that choose not to sign, and, indeed, make it extraordinarily difficult for them to pursue their nefarious objectives.

This treaty will, very definitely, according to the Joint Chiefs of Staff, the intelligence community, and many others in our defense establishment whose judgment and expertise I respect in their specialties, have significant constraining effects even on nonsignatories. It will be far more difficult for a nonsignatory to proceed to develop a chemical weapons program and to produce chemical weapons, and it will be much more likely—not 100 percent certain but much more likely—that we will know if they do so.

The opponents claim that the CWC is not verifiable, Mr. President. Well, the reality is that the intelligence community and the Department of Defense have testified that the convention, while not being perfectly verifiable to be sure, will facilitate the ability of our intelligence agencies to detect significant violations in a timely manner, because it provides additional tools to do the job of tracking the spread of chemical weapons—a job that we would have to do anyway, with or without the Chemical Weapons Convention and its tools.

In fact, it is the acknowledged difficulty of detecting chemical weapons and their production, frankly, that makes the CWC all the more important. Our intelligence community needs all the additional tools and advantages it can get to make it more likely that such weapons and production will be identified, and identified as early as possible. The CWC provides critical tools and advantages, and the intelligence community and Defense Department have urged the Senate to approve its ratification.

The opponents claim that the convention will be toothless in application

and that violations, once identified, will go unsanctioned. This, of course, is totally conjectural, and nothing in the verbiage of any treaty can absolutely guarantee that every provision will be enforced or every violation effectively sanctioned. But recent experience with the North Korean nuclear program demonstrates that governments can and will respond to evidence of noncompliance and will act to uphold the integrity of an arms control agreement—in this case, the Non-Proliferation Treaty.

I am of the opinion, personally, that violations of the Chemical Weapons Convention will result in a strong reaction by the community of nations that is participating in it—but that is my opinion. The only demonstrable fact, in response to the fear expressed by opponents, is that with the Chemical Weapons Convention, there is a multilateral mechanism to define objectionable actions and the basis on which to organize an international response. Those are both advantages that do not exist today.

The opponents claim that the Chemical Weapons Convention will create a massive new United Nations-type international inspection bureaucracy, which will result in costs to our taxpayers of as much as $200 million per year. The reality is that the nonpartisan Congressional Budget Office has estimated the U.S. costs to comply with declaration, inspection, and verification procedures of the CWC will average $33 million per year, an amount which includes our annual assessment to the OPCW of $25 million. That is considerably less than $200 million.

The active involvement of our negotiators in developing the treaty requirements applying to the OPCW ensures that it will undertake only essential tasks, and will do so efficiently. After the trillions of dollars our taxpayers spent defending our Nation during the cold war, and in the face of the terrible threats of chemical weapons, I believe—and this is shared by the President, the intelligence community, and the defense community—that an expenditure of $33 million a year for U.S. costs of participating in the CWC, and for guaranteeing for the first time intrusive tracking of chemical agents and precursors, is a very, very good buy for the taxpayers.

The opponents claim that the Convention will jeopardize our citizens' constitutional rights by requiring the U.S. Government to permit searches without either warrants or probable cause. Mr. President, that is not true. The reality is that most firms that will be subjected to CWC inspections will voluntarily grant access for that purpose. And it is important to note here that the vast majority of the chemical industry of the United States is supportive of this treaty. The strong support of that industry and its active involvement during the CWC negotiations strengthen the belief that, in fact, most of the firms subject to inspection will not object to the inspections. But if a firm does exercise its constitutional right to object, then, Mr. President, the U.S. Government is committed to fully complying with our constitutional requirements. In such a case the Government will obtain a search warrant prior to an inspection to ensure that the constitutional rights of any citizen are fully protected.

The opponents claim that the Convention will subject as many as 8,000 companies across the Nation to new reporting requirements, entailing uncompensated annual compliance costs that could reach hundreds of thousands of dollars for each. The reality is that it will not affect 8,000, it will affect only about 2,000 companies. Approximately 1,800 of those 2,000 companies will not have to do anything more onerous than check a box on a form regarding production range. They will not even be required to specify which chemicals they produce. Most of the firms for which compliance activities will be more extensive are supporters of the treaty, and directly, or through their industry association, were consulted as the CWC provisions affecting commercial facilities were negotiated. The Convention's opponents generally fail to mention the fact that the biggest cost to the U.S. chemical industry is likely to come as a result of the United States failing to ratify the Convention. According to the Chemical Manufacturers Association, the trade restrictions on export of chemicals that will apply to nonparticipating nations will place at risk $600 million in annual export sales for U.S. companies.

It is a very material fact that the Chemical Weapons Convention is primarily about increasing the safety of the United States, of our troops, and our citizens from the chemical weapons of other nations.

During the Bush administration, the decision was made for the United States to leave the chemical weapons business and to destroy the vast majority of our stockpile of chemical weapons—all those that the CWC would require to be destroyed. It is very important that we understand this. The Bush administration has already embarked this Nation on a course that will result in the destruction of our stockpile of chemical weapons. That process already is underway, and it will continue whether or not we ratify the Convention.

Does it not make sense, then, if we are stripping ourselves of these weapons anyway, for us to take steps to increase the likelihood that other nations will do the same, and that we will know if some nations choose to manufacture and stockpile such weapons?

There certainly is no reason for the United States to refuse to ratify the CWC because it in some way would impede the maintenance or production of weapons deemed important to our national security. The decision to destroy our chemical weapons was made years ago, during the Bush administration. It is not a decision that any of our defense leadership suggests should be reversed.

Last fall, after the Senate Foreign Relations Committee had favorably reported the resolution of ratification for the convention on a strong bipartisan vote, the convention was caught up, most unfortunately, in Presidential politics. Mr. President, as the ranking member of a subcommittee with jurisdiction over other matters that Foreign Relations Committee Chairman HELMS had linked to action on the Convention, I had worked hard with Senator HELMS and others to get an agreement to bring the ratification resolution to the floor. While he was majority leader, Senator Dole agreed that we should have a vote on that resolution, and we secured a unanimous consent agreement that ensured the Senate would consider and vote on the resolution of ratification before the end of the 105th Congress. But then, in the heat of Presidential politics, although President Clinton strongly supported ratification of the convention, Senator Dole, as the Republican nominee for President, suddenly announced opposition to the CWC. That called into question whether the necessary two-thirds majority vote for ratification could be secured. So we delayed action on the resolution.

Mr. President, the time for action on this convention has arrived. It is now. We are beyond the complications of a Presidential election. We have held the hearings, many hearings, in four separate Senate committees. We know the facts. The support of the defense and intelligence communities and leaders is strong and clear.

And now there is one more very important reason for expeditious action to approve the resolution of ratification. If the United States has not ratified this convention by the time it takes effect on April 29, by its terms U.S. citizens will be ineligible for appointment to the OPCW administrative staff and corps of international inspectors, and, therefore, we will forfeit the opportunity to influence its decisions, its budget, and inspection practices that our negotiators led the way to secure. To be sure, if the United States later ratifies, Mr. President, American citizens will become eligible for such posts but only as they become vacant at some point in the future. Our Nation will have irrevocably lost out in the vitally important initial formative policy making and procedure development.

As scores of newspaper editorials around the country have said, those

who believe the threat of chemical weapons is real, and who realize that our intelligence and defense organizations need all the help they can get to identify where chemical weapons are being manufactured and stockpiled, must not let a small group of Senators prevent the U.S. Senate from acting on this important treaty.

I urge the majority leader to act in the interest of our country and our people and, in the interest of our institution and its constitutional right and duty to advise and consent to treaties, to permit the Senate to act on this treaty, which I believe a significant majority of this body supports.

We cannot permit the perfect to become the enemy of the good. We must not permit those who make that mistake to prevent us from acting in the best interests of our Nation and its people. And we cannot allow some cloudy objections to obviate the facts and prevent this institution from discharging its responsibilities.

I believe it would be a grave mistake to deprive our Nation, our Armed Forces, and our citizens of the additional protections from the threat of chemical weapons that the Chemical Weapons Convention offers. And I think it would be foolish for the United States to relinquish the influence it will gain in implementing this critical treaty if it fails to ratify the Convention by April 29.

Mr. President, I thank the distinguished Senator from New Mexico for his forbearance.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for up to 30 minutes.

Mr. DOMENICI. Mr. President, first let me ask. Is my 30 minutes the last business before the Senate today?

The PRESIDING OFFICER. There are 15 minutes reserved for the Senator from Nebraska, Senator KERREY.

Mr. DOMENICI. Might I say, as much as I would like to use my 30 minutes, I do not want to delay the Senate indefinitely tonight. If Senator KERREY intends to use time, let me suggest I could probably finish in 15 minutes.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. DOMENICI. Mr. President, might I first say that it is a pleasure to address this issue with the senior Senator from the State of Washington in the chair. I don't know that what the Senator from New Mexico is going to speak to today is needed to edify the occupant of the chair, but I think it is imperative that, after an awful lot of talk about a constitutional balanced budget and its potential effect on the Social Security trust fund, that some of us state what we think this whole scare about the Social Security trust fund is all about.

So let me first say to the senior citizens that I gather now that you know the emotional ramping up by frightening senior citizens is beginning to take place out there in our States and communities. Let me, to the extent that I can, say to the seniors who are listening to those who would like to make you believe that they are really here arguing to save Social Security, suggest to you that what they are really arguing about is that they don't want a constitutional amendment to balance the budget and they have now hit on what I perceive to be a risky gimmick in an effort to frighten seniors and by that approach defeat a constitutional balanced budget amendment.

I might say to the seniors of this country, it is now the almost universal consensus of those who look at the next 25 years that the most important thing for senior citizens and the best effect on the trust fund is that this economy grow and grow and grow and that we have low inflation and sustained economic growth. Those who have worked for decades, looking at what is going to happen to Social Security and putting into that all of the mix that goes into it to see what they can project, without exception they testify here and everywhere, do not forget that you must have a sustained and growing economy for these numbers to be believable about the validity of this trust fund in the future.

Having said that, it would appear that balancing the American budget and keeping it balanced is probably in and of itself the single most important factor—not the only factor, but the single most important factor—to productivity, growth, and prosperity when you already have a $5 trillion accumulated series of deficits which now equal the debt.

So let nobody be fooled, for those who want to inject Social Security and are trying to take it off the budget of the United States, the risk is we will never get a balanced budget. It is my honest opinion that it was not an overstatement of the case when 29 budgets were piled up here. In fact, I didn't have time to ask somebody, but how many times in those 29 budgets can Presidents say, "I am giving you a balanced budget?" How many times after they were presented did Congresses of the United States say, "Oh, we are going to do better, we are giving you a balanced budget"? It never happened. And it will not happen. In fact, we are all dedicated to getting it balanced by 2002. But I am suggesting, as one who is as dedicated to that mission as anyone here, that you are far more apt to get it and keep it with the organic law of this land saying that is the way it is going to be, it is the law of the land.

Having said that, let me see if I can convince senior citizens and those in this body who are worried about the issue of should you have Social Security on budget or off budget.

First, just from the standpoint of a budget, you know Social Security is now the largest program in America. The tax for it is the largest single tax on America and Americans of all the entourage and litany of taxes we have. Literally 55 to 60 percent of the public pay more in Social Security and Medicare taxes, I say to my friend occupying the chair, pay more in that tax than they pay in income taxes.

Just from the standpoint of a budget, doesn't it seem kind of strange that you would say Americans should have a budget and it should be balanced, but, oh, let us take all of that big program that I have just described and all of those taxes and let us just take them off the budget?

So it is rather ironic that we speak of budgets and leave all of that which is so important to our future, so important to our young people who have jobs—because the taxes there must be compared with what? With the taxes that the rest of society imposes on us. You cannot leave those taxes and those payments out there untouched, unrelated as if they have nothing to do with the corporate income tax and the individual income tax and the State taxes. They are all related, and they should all be part of our budget as we look at it.

Now, I am not sufficiently versed in economics, but I have learned something because New Mexicans have sent me here long enough that, if nothing else, by osmosis I learn something about it because I sit there with my colleagues most of the time and they talk and I listen. Frankly, the United States made a decision that to be real about its budget, you ought to use a unified budget. We decided that more than two decades ago. And it serves us very well in trying to look at the effect of taxes and expenditures on the American economy and our people.

Therefore, point No. 1. For those who are talking about gimmicks to frighten us into not passing the constitutional amendment, the first thing that is happening that is very, very dangerous is they are denying senior citizens the most significant tool to assure the success of Social Security.

Now, a second point.

Since Social Security is on budget now and it has a surplus now and the surplus will go away at some point in the future and we will be starting to spend that, there are some now who are saying to seniors we better take it off budget so they cannot spend it. Get it. Take it off budget so they cannot spend it. Take it off budget so you cannot borrow from it.

Listen for a minute. You take the Social Security trust fund. It is defined by statute law. It is not going to be in the Constitution. Who defines statute

law? Who defines statute law? Congress. Congress defines statute law. So you take off a huge amount of money and a huge amount of taxes and you say it is no longer in this budget because we do not want anybody to spend it or borrow it.

Friends, in particular senior citizens, do you believe your trust fund is protected by being out there all alone, running up huge surpluses, subject to whom? Who can spend it? Who can spend that surplus? Oh, the same Congress that has been creating all these deficits.

You mean they cannot spend it? somebody is going to stand up and ask. Of course, they can. All they have to do is pass a statute and spend that surplus. On what? On what? Right now you have to invest it in Treasury bills of the United States. But I say to our friend from Michigan, over the next 20 years as that surplus is there and as Congress feels the pinch of not having money to spend over here and perhaps a Medicare system that is really hurting; 6 years from now we have not helped it very much, or 8, and it is hurting for money to pay the bills, what do you think is going to happen? Congress is going to say, well, it is all seniors, right? Let us spend $48 billion for what we need for the next 6 months for Medicare. Let us take it out of the trust fund.

Mr. GORTON. Will the Senator from New Mexico yield for a question?

Mr. DOMENICI. Of course,

Mr. GORTON. Is that not exactly one of the forms of risky gimmicks that the Senator spoke of should we adopt this amendment?

Mr. DOMENICI. My friend, it is the biggest potential gimmick I have ever seen. And let me tell you, if there are those who say this cannot happen, I will give you one. The President in this year's budget decided that another trust fund, the Medicare trust fund—in this case it was running out of money, but the President decided I am going to tell Congress to just take out $82 billion of the expenditures that are in that trust fund, right, by fiat, by law. Who is going to do that? Congress is going to pass a law, he says, take out the $82 billion and let somebody else pay for it.

Now, if you can do that, you can take a trust fund that is very solvent and do the exact same thing. A President says, well, look, it is going to take us 5 more years to fix this Medicare mess so why not just borrow from that trust fund. It is sitting out there. It is all alone, right, and we do not want to count it over here on our budget because we thought it was really going to be protected if we took it out there, and lo and behold, that budget could have that very same thing in it. That is the real kind of gimmick that is going to be used.

Mr. GORTON. Will the Senator from New Mexico yield to another more general question?

Mr. DOMENICI. Sure.

Mr. GORTON. Am I not correct in remembering that we went through exactly this same debate 2 years ago at the time at which the balanced budget constitutional amendment ultimately was defeated by one vote in the Chamber of the Senate?

Mr. DOMENICI. Absolutely.

Mr. GORTON. And we heard all of the same alarms from those who ultimately opposed the balanced budget amendment about the future of Social Security at that point?

Mr. DOMENICI. No question about it.

Mr. GORTON. Now, perhaps my friend from New Mexico, who is the chairman of the Budget Committee, and who has totally immersed himself in these problems, has a better memory than I have, but does the Senator from New Mexico remember any proposal after the defeat of the constitutional amendment last time by those who opposed it that would buttress or build up the Social Security trust fund, any changes in eligibility, any increases in the payroll tax or not? I remember no attempts in this last 2 years to do anything about this imminent or future insolvency of the Social Security trust fund. Does my friend from New Mexico?

Mr. DOMENICI. I think the Senator is absolutely correct.

Mr. GORTON. So is it the net result of the defeat of the constitutional amendment 2 years ago that we are simply 2 years closer to the insolvency of the Social Security trust fund and the Medicare hospital insurance trust fund?

Mr. DOMENICI. Absolutely right, without a question.

Mr. GORTON. Is it not also true that all of those, almost all of those who opposed the balanced budget constitutional amendment 2 years ago told us all that was required to balance the budget was courage and dedication on the part of the Congress itself? Is that not pretty much the message that we constantly get from them?

Mr. DOMENICI. That is absolutely right.

Mr. GORTON. And did we not take them up on that proposal and did we not, in fact, pass through the Congress of the United States a budget that would have been balanced by the year specified in the constitutional amendment and would have postponed for an extended period of time the insolvency of the Medicare hospital insurance trust fund?

Mr. DOMENICI. Absolutely.

Mr. GORTON. And was that not opposed by all of the people who opposed the constitutional amendment with the single exception of the then Senator from Oregon and vetoed by the President of the United States?

Mr. DOMENICI. I think that is right.

I might also say to the Senator I am going to give myself enough latitude so that I know I am right, but I think that same balanced budget to which the Senator alludes, if carried out and all of the changes made in it and projected it out beyond that time, would be balanced 3 years, no longer than 3 years thereafter without using the Social Security trust fund.

So what I am saying, you put yourself on a trend line by entitlement reform to where you cannot get to balance without the Social Security trust fund in the process of accomplishing your major goal of getting it balanced within the unified budget with everything on budget.

Mr. GORTON. And is it not also true that whether this constitutional amendment passed or not, there would be no impact on the actual total spending of the Government of the United States or the total receipts of the United States; we would simply pretend that the largest single spending and social program were not a part of a budget or of balancing the budget?

Mr. DOMENICI. That is exactly right.

Mr. GORTON. And then in several years, in a few years when the Social Security trust fund is paying out more money than it is taking in, Congress would be able to pretend that the budget was balanced when, in fact, we were running a huge deficit in the Social Security trust fund. And, in fact, the Social Security trust fund could go absolutely bankrupt, could it not, and yet under that proposal the budget would still be balanced?

Mr. DOMENICI. The Senator is correct. In fact, I did not bring to the floor a chart showing that, but it is one of the wonderful, factual presentations about how, after a few years, what they have been talking about down here, about "the Social Security fund ought to be off budget so we can handle our matters within the rest of the budget and how we can protect its solvency," it turns out that down the line a little—and if we do a constitutional amendment, it is going to be down the line for a long time, it should be here forever—when the Social Security fund starts to spend out and go in the red, guess what we can do? We can let it go right on in the red and spend. But over here on the rest of the budget, which we call the unified budget less Social Security, you can spend so much money in that budget and still be in balance because you are not charged with the deficit in Social Security. It is billions, about 18 or 20 years from now. You are going to be able to spend on this unified budget, less Social Security, something like $7 trillion more than you are currently expecting to spend, and be in balance, because you let this other big deficit occur and you do not do anything about it.

I want to add one thing. You could have asked me, "Senator, when you

have this trust fund sitting out here all by itself and it starts to go in the red, because we did not have the guts to fix it, and over here is the rest of this budget, it has been kind of wallowing around, now, Congress gets together and says, 'How do we fix that Social Security?'" Guess what, they can borrow money without being subject to the constitutional amendment and put it in that trust fund. They could borrow $5 trillion. And guess what we would be doing? We would be getting ourselves right back in the mess of borrowing to pay deficits.

Mr. GORTON. That $5 trillion figure, you did not pull that out of thin air, did you? That is what the indicators show we would have?

Mr. DOMENICI. That is correct. And, frankly, I have to say, in all honesty—I had a group of seniors I talked to today. They said to me, "You may be right, and you may be more right than them." But then they said, "Can't Congress, if you take it off budget, can't you just pass a law so none of these terrible things will happen to this wonderful trust fund?"

And I said, "By asking me if we could pass a law, you have just answered your own question. Of course we could." But Congress makes the laws and Congress changes the laws. Consequently, we could protect it by statute and then, when it got in trouble, we could unprotect it by statute. But if you insist that it be counted in the unified budget, then what you are saying is when money is spent out of it, it counts. And you have to find, within a budget, some cuts to make up for it. And that is especially the case when Social Security starts to go in the red, if it does, and probably at some period in its history it will for awhile.

Mr. GORTON. In summary, then, I ask my friend from New Mexico, that is just one of the reasons that this proposed change in the balanced budget constitutional amendment is a risky gimmick, and the risk is to Social Security and its beneficiaries themselves; is that not correct?

Mr. DOMENICI. That is absolutely right.

Mr. GORTON. I thank my colleague.

Mr. DOMENICI. So I want to wrap up my few minutes. I thank the Senator for his questions which made my presentation far more understandable than had I gone on rambling for 15 minutes.

But essentially the truth of the matter is, if the risky gimmick being offered by some defeats the constitutional amendment, that will inure to the detriment of senior citizens, for we will probably never have a sustained and long-term balanced budget, and that is what Social Security needs more than anything else.

Second, the risky gimmick is to take it off budget and subject the entire trust fund to the will and whim of Congress and Presidents, without any of the discipline that would come from the spending and borrowing that you must account for within a unified budget.

I have a couple of graphs that explicitly show what I have been showing. I am going to have them printed in the RECORD, especially with respect to what happens when Social Security starts to spend out more than it has taken in, the future amount of money that is then available on budget to spend without having any effect on the budget.

I yield the floor and thank the Chair.

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

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are. The Senator is authorized to speak for up to 5 minutes.

Mr. DORGAN. Mr. President, the Senator from New Mexico is one of those I admire most in this Chamber. He is one of the brightest and most interesting Members to serve with. He has demonstrated over many years and many disciplines a great knowledge and great intellect. I have always enjoyed serving with him.

With great respect, I think he is so wrong on this issue, but I say that with the greatest respect.

Mr. DOMENICI. I thank the Senator for his kind remarks.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. DORGAN. Mr. President, I want to give the other side of exactly the issue the Senator from New Mexico has just spent some time describing. I say this not because I believe my side is right and therefore he is here doing something untoward. That is not the case. I think we have a disagreement here about this issue that is very substantial, and it is very important. I do not suggest that someone who does not agree with me on this position is out here deciding to play games or to take a position for anything other than a noble purpose. But, by the same token, I feel so strongly that the discussion I just heard is wrong, I feel compelled to correct it, at least from my perspective.

Let me describe what we have. We have a proposal to change the Constitution of the United States. Some refer to it repeatedly as a proposal to balance the budget. It will not do that, and no one who understands the difference between a statute and a constitutional change should refer to it as balancing the budget. You can change the Constitution 2 minutes from now, and 3 minutes from now you will not have altered by one penny the Federal debt or the Federal deficit, and there is not anyone in here who would stand up and contest that, I would judge. So this is not about balancing the budget. It is about altering the Constitution.

I am prepared to alter the Constitution under certain circumstances, but I will not—repeat, not—support an approach that changes the Constitution of the United States in a manner that I think will create more problems than it solves.

We have, and will vote for, a constitutional amendment to balance the budget. We will all be required to vote on a couple of versions of that, one, the version proposed by the majority, one, a version that I will introduce as a substitute amendment. So we will have an opportunity to vote on a constitutional amendment to balance the budget. The version proposed by the majority says this. It says that revenues and expenditures in future years must be relatively equal so that you are not running a deficit. And that includes counting all of the revenues and all of the expenditures. Period. End of description—I think a fair description of what the majority is proposing.

The problem with that is this. We have a separate program in Government, one of the largest programs, called the Social Security system. It has been a very successful program. But we have a demographic problem with our Social Security system. We have a group of babies born who represented the largest group of babies born in our history, and when they hit the retirement rolls, we are going to have a significant strain on that system. And so, a decision was made some years ago to save for that purpose, and therefore this year, and last year, and next year, to run a surplus, a very significant budget surplus in the Social Security accounts, only in those accounts, in order to have that available to save for the future.

The amendment that is being offered by the majority is an amendment that would say: Let's not distinguish between one dollar and another dollar. Yes, we're running a surplus in Social Security, but it doesn't matter. We can use the surplus of Social Security to just pay for other spending elsewhere.

Well, I do not think that is the way we say to those with whom we have decided that we are going to provide for their future and have a Social Security trust fund, I do not think that is the way for us to say to them we are meeting our responsibilities. That is not meeting our responsibilities. What that is doing is allowing us to say we have balanced the budget when we have not. We have taken trust funds that we said would be used for only one purpose and brought it to say, now we have balanced the budget.

I am waiting—and I will ask the question again; there is only one other Member on the floor—but I would ask the question again, and I have not yet heard an answer: If under this constitutional amendment and a budget plan

that is proposed to meet this constitutional amendment of balancing the budget, if in the year in which they claim they have balanced the budget the Federal debt limit must be increased by $130 billion, how do you claim you have balanced the budget?

If you have balanced your family budget, do you have to borrow more money? I would not think so. If you have balanced your business budget, would you have to borrow more money? I do not think so. Why, in this plan, in the year in which they say they balance the budget, does the Congressional Budget Office tell us in that very year they have to increase the Federal debt limit by $130 billion? Why? Can anybody tell me? They have not told me for a couple weeks because there is not an answer to that. There is not an answer.

The answer, if everyone here were honest, would be that this is not truly balancing the budget. The budget will be called in balance, they will describe it as in balance, and the Federal debt will continue to increase. So the folks who moved the Federal debt clock around that shows how the Federal debt is increasing will still have a clock that keeps ticking. The Federal debt will keep rising. I do not understand that.

I would like us to balance the Federal budget. I think there is a compelling reason for us to balance the Federal budget. In fact, the budget deficit is down 60 percent in the last 4 years in part because some of us have had the courage to cast hard votes, votes that were not popular. I am glad I did it. They were not very popular votes, but we cast the votes to bring the budget deficit down.

But the job is not done. The job is half done. We need to finish the job. We can alter the Constitution, but that will not finish the job. The only way this job gets finished is if individual men and women in the U.S. Senate make spending and taxing decisions that say we want to balance the budget. When they say to their constituents, "We've balanced the budget," and then must confess to their bankers back home, "But, yes, we increased the Federal debt by $130 billion," no one here can claim that with a straight face, unless they have no sense of humor, that they have done what they promised back home they are doing.

That is the point I am making. If we are going to alter the Constitution, let us make those changes in the Constitution in a careful, measured way that does not create more problems than it solves.

My time is up. I will be on the floor for a few minutes and perhaps have some other discussion. I know another Senator is waiting to discuss this. But, Mr. President, this is an important issue. We are finally talking about what we ought to talk about. And I hope we can have some exchange of views in the coming days on this very subject because this is not a nuisance issue. This is not a nettlesome issue or some tiny, little issue. This is a trillion-dollar issue that deals with people who earn paychecks and pay taxes, expecting certain results from them, and a trillion-dollar issue that deals with senior citizens on Social Security who expect something from that program as well.

Mr. President, I yield the floor.

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

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

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 328 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE CHEMICAL WEAPONS CONVENTION

Mr. LEVIN. Mr. President, I rise today to speak on an issue of great importance to our national security: the Chemical Weapons Convention.

This convention, which is commonly known as the CWC, has been a high priority for the past three administrations, and is a perfect example of a bipartisan foreign and security policy issue. It was negotiated beginning under President Reagan, it was signed under President Bush, and the Clinton administration is now seeking Senate advice and consent to its ratification.

The United States has always taken the lead on negotiating the CWC, and we should soon have before us an opportunity to improve the security of our Nation and of the world by ratifying this convention. Some 160 countries have already signed the CWC, and more than 65 have ratified it—including all our major NATO allies and China. It will enter into force on April 29 of this year, whether or not we ratify it. But our ratification will make a big difference in the effect the treaty has on us and on the effectiveness of the treaty worldwide.

Mr. President, let me summarize what the Chemical Weapons Convention will do: it will drastically reduce the stockpiles of chemical weapons; require the destruction of chemical weapon production facilities; provide for the most intrusive verification procedures ever negotiated—including challenge on-site inspections; improve our intelligence of foreign chemical weapon activities; require domestic laws that will permit nations to investigate and prosecute chemical weapon activities; and, perhaps most importantly, make it much more difficult for rogue nations or terrorists to make or acquire chemical weapons.

As the Defense Department leadership and the Joint Chiefs of Staff have testified on numerous occasions over several years: this convention is in our national security interest, and we should ratify it as soon as possible.

Mr. President, on January 22 the Senate Armed Services Committee held a nomination hearing for our former colleague, Senator Bill Cohen, to be the Secretary of Defense. That afternoon the Senate voted unanimously to confirm him by a vote of 99–0. He is now the new Secretary of Defense, and I am looking forward to working with him on the many important and challenging national security issues that will come before the Armed Services Committee and before the Senate.

I want to share with my colleagues the comments of then Secretary-designate Cohen about the CWC, because it is important that we consider the views of the President's chief defense adviser.

At his nomination hearing, Senator Cohen made three important points about the CWC.

First, he told the Committee "whether we ratify it or not, we are engaged in the unilateral disarmament of chemical weapons. We are eliminating all our stocks of chemical weapons, and they will be completely gone by the year 2004. That was initiated under the administration of Ronald Reagan. So, whether we sign it or not, we are getting rid of ours."

Second, he told us that whether we sign it or not, the convention will go into effect. Given that fact, it makes sense for us to ratify the treaty and to take part in making the rules by which it will be implemented, as well as having our own inspectors on the inspection teams.

Third, he told the Committee that the American chemical industry stands to lose up to $600 million in sales if we do not ratify because of sanctions which were intended for rogue nations but which will apply to our industry and prevent it from selling precursor chemicals to signatory nations.

Secretary-designate Cohen concluded that it is in our national interest to ratify the CWC because we are already getting rid of our chemical weapons, and by ratifying we can help assure that other countries which ratify the CWC will get rid of theirs. Those are three points I hope our colleagues will keep in mind as the Senate considers the Chemical Weapons Convention.

Prior to his confirmation hearing before the Armed Services Committee, Secretary-designate Cohen had an opportunity to provide a more comprehensive explanation of his support for the CWC. I would like to share those views with our colleagues because they clearly enumerate why the CWC is in our national security interests.

Here is the committee's question and Senator Cohen's answer:

Question. The President has made ratification of the Chemical Weapons Convention a very high priority for early Senate action.

The Convention will enter into force on April 29, 1997, and ratification must occur prior to that date for the U.S. to be an original party.

Do you agree that ratification of the CWC is very much in our national security interest and do you support the goal of ratification prior to the April 29 deadline?

Answer. Yes. The CWC, as both a disarmament and nonproliferation treaty, is very much in our national security interests because it establishes an international mandate for the destruction of chemical weapons (CW) stockpiles. Congress has mandated that the Army, as executive agent for CW destruction, eliminate its unitary CW, which constitute the bulk of its CW stockpile, by 31 December 2004. That destruction process is well under way at the CW destruction facilities at JOHNSTON Atoll and Tooele, UT. The CWC mandates that state parties destroy, under a strict verification regime, their entire CW stockpiles within 10 years after the Convention enters into force (April 2007). Given that the U.S. does not need CW for its security, and given that we are currently legally committed to eliminating unilaterally the vast majority of our CW stockpile, common sense suggests that it would be preferable to secure a commitment from other nations to do the same; prohibits the development, retention, storage, preparations for use, and use of CW. These expansive prohibitions establish a broadly accepted international norm that will form a basis for international action against those states parties that violate the CWC. Unlike the 1925 Geneva Protocol, which only bans the use of CW in war, the CWC: includes a verification regime; restricts the export of certain dual-use CW precursor chemicals to non-state parties; prohibits assisting other states, organizations, or personnel in acquiring CW; and requires state parties to implement legislation prohibiting its citizens and organizations from engaging in activities prohibited by the Convention. The CWC also contains mechanisms for recommending multilateral sanctions, including recourse to the UN Security Council; increases the probability of detecting militarily significant violations of the CWC. While no treaty is 100% verifiable, the CWC contains complementary and overlapping declaration and inspection requirements. These requirements increase the probability of detecting militarily significant violations of the Convention. While detecting illicit production of small quantities of CW will be extremely difficult, it is easier to detect large scale production, filling and stockpiling of chemical weapons. Over time, through declaration, routine inspections, fact-finding, consultation, and challenge inspection mechanisms, the CWC's verification regime should prove effective in providing information on significant CW programs that would not otherwise be available; hinders the development of clandestine CW stockpiles. Through systematic on-site verification, routine declarations and trade restrictions, the Convention makes it more difficult for would-be proliferators to acquire, from CWC state parties precursor chemicals required for developing chemical weapons. The mutually supportive trade restrictions and verification provisions of the Convention increase the transparency of CW-relevant activities. These provisions will provide the U.S. with otherwise unavailable information that will facilitate U.S. detection and monitoring of illicit CW activities.

I strongly support the Chemical Weapons Convention and the goal of U.S. ratification of the Convention by 29 April 1997, and I understand that the Department of Defense shares that view. U.S. ratification of the CWC prior to this date will ensure that the U.S. receives one of the 41 seats on the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW), the international organization that will oversee CWC implementation. Early ratification will also ensure that U.S. citizens will fill key positions within the OPCW and act as inspectors for the Organization. Direct U.S. involvement and leadership will ensure the efficacy and efficiency of the OPCW during the critical early stages of the Convention's implementation. The U.S., upon ratification and implementation of the CWC, will also receive CW-related information from other state parties. As a state party and a member of the Executive Council, the U.S. will be in the best position to assure the effective implementation of the Convention's verification provisions.

Mr. President, this is a very strong and persuasive statement of support for the Chemical Weapons Convention. I urge my colleagues to consider Secretary Cohen's views. We should take up the CWC for advice and consent to ratification without delay.

Mr. President, I want to provide an additional item for the record, and will ask unanimous consent at the conclusion of my remarks that it be printed in the RECORD.

The additional item is a letter from Dr. Lori Esposito Murray, Special Adviser to the President and ACDA Director on the Chemical Weapons Convention, to this Senator dated January 14, 1997. This letter provided a review of a number of issues concerning the CWC where there was some confusion during our consideration last September. I think this letter is a useful contribution to the Senate debate.

Mr. President, I hope the Senate will take up the Chemical Weapons Convention early enough to permit ratification before the April 29 deadline. I hope the Senate leadership can make sure the Senate has an opportunity to exercise its unique constitutional responsibility for advice and consent to treaty ratification.

I ask unanimous consent that the item I referred to previously be printed in the RECORD.

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

U.S. ARMS CONTROL AND,
DISARMAMENT AGENCY,
Washington, DC, January 14, 1997.

DEAR SENATOR LEVIN: We understand that the Center for Security Policy recently recirculated to you a letter on the Chemical Weapons Convention (CWC) dated September 6, 1996 that had originally been sent to Majority Leader Lott. The letter urges Senator Lott to reject ratification of the CWC "unless it is made genuinely global, effective, and verifiable." Since the letter contains significant misinformation about the Convention, we thought the following information might be helpful as you assess this vital treaty.

Misstatement: "The CWC is not effective because it does not ban or control possession of all chemicals that could be used for lethal purposes. For example, it does not prohibit two chemical agents that were employed with deadly effect in World War I—phosgene and hydrogen cyanide."

Fact: Phosgene and hydrogen cyanide are covered by the Convention and are explicitly listed on the Schedule of Chemicals (Schedule 3). Moreover, the CWC definition of a chemical weapon covers all toxic chemicals and their precursors "except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes." Furthermore, the CWC also includes provisions to expand the lists of chemicals subject to declaration and verification as new CW agents are identified and to improve verification procedures and equipment as technology and experience improve.

Misstatement: "The CWC is not global since many dangerous nations (for example, Iran, Syria, North Korea, and Libya) have not agreed to join the treaty regime."

Fact: Of the approximately twenty countries believed to have or to be seeking a CW program, more than two thirds already have signed the CWC. It is unlikely that those outside the regime would join if the United States also remained outside, giving them political cover. Additionally, the CWC goes further than any other multilateral agreement to date in applying pressure on nonsignatories to join the regime.

Along with the political and diplomatic muscle that a multilateral arms control agreement provides against rogue states, the CWC explicitly applies trade restrictions to states that are not Parties to the CWC. The Non-Proliferation Treaty, which relied solely on diplomatic pressure to encourage states to join, went from 43 State Parties in 1970 to 184 in 1997. The CWC already has 67 State Parties and 160 signatories, Iran among them. Most recently, China's Parliament approved the CWC and the Russian Duma passed its CW destruction plan. Without the CWC, these rogue states would proceed, business as usual, in their efforts to acquire chemical weapons. With the CWC, not only will we know more about what they are doing, but it will be harder for them to do it, and it will cost them—even if they hold off on joining.

Misstatement: "The CWC is not verifiable as the U.S. intelligence community has repeatedly acknowledged in congressional testimony."

Fact: The Clinton Administration has determined that the CWC is effectively verifiable because, among other things, it will facilitate the ability of our Intelligence Community to detect significant violations in a timely manner. The Intelligence Community has emphasized in its testimony that the CWC provides additional tools to do a job we would have to do anyway with or without the CWC—track and control the spread of chemical weapons worldwide.

Misstatement: ". . . governments tend to look the other way at evidence of non-compliance rather than jeopardize a treaty regime."

Fact: Our recent experience with the North Korean nuclear program demonstrates that governments can and will respond to evidence of non-compliance and rally to uphold the integrity of an arms control agreement, in this case the Non-Proliferation Treaty. Indeed, the very existence of multilateral arms control agreements provides a legal and political basis for taking action against proliferators.

Misstatement: "The CWC will create a massive new, UN-style international inspection bureaucracy (which will help the total

cost of this treaty to U.S. taxpayers amount to as much as $200 million per year)."

Fact: The Congressional Budget Office estimates that the costs to the U.S. taxpayer to comply with the declaration, inspection, and verification procedures of the CWC would average $33 million per year, not $200 million. These activities would include paying our $25 million assessment to the CWC implementing organization. The United States has worked diligently to ensure that the organization contains only those elements essential to the completion of the task. This contribution is certainly worth the investment in reducing the risk that our troops will face poison gas on the battlefield.

Misstatement: "The CWC will jeopardize U.S. citizens' constitutional rights by requiring the U.S. Government to permit searches without either warrants or probable cause."

Fact: The Administration expects that access to private facilities will be granted voluntarily for the vast majority of inspections under the CWC. If this is not the case, the United States Government will obtain a search warrant prior to an inspection in order to ensure that there will be no trampling of constitutional rights.

Misstatement: "As many as 8,000 companies across the country may be subjected to new reporting requirements entailing uncompensated annual costs between thousands to hundreds of thousands of dollars per year to comply."

Fact: The CWC will affect approximately 2,000 not 8,000 companies. Approximately 1,800 of these companies will not have to do anything more than check a box regarding production range. They will not even be required to specify which chemicals they produce. No information will be required regarding imports, exports, or domestic shipments. The CWC provisions covering commercial facilities were developed with the active participation of industry representatives. The chemical industry has long supported the CWC. In fact, the biggest expense to industry could come as the result of the United States not ratifying the CWC. The CWC's trade restrictions for non-Parties will apply to the United States if we have not ratified the Convention by entry into force in April 1997. According to the Chemical Manufacturer's Association, these trade restrictions could place at risk $600 million in export sales.

The Chemical Weapons Convention will enhance U.S. security. No one disputes that the spread of weapons of mass destruction to rogue states and terrorists is among the gravest security challenges we face in the post Cold War era. We will need every available tool to respond to it successfully. The CWC is just such a tool. As Secretary of Defense Perry and Attorney General Reno have stated, "To increase the battlefield safety of our troops and to fight terror here and around the globe, the Senate should ratify the Chemical Weapons Convention now." General Shalikashvili, Chairman of the Joint Chiefs of Staff, has also testified, "The non-proliferation aspect of the Convention will retard the spread of chemical weapons and in so doing reduce the probability that U.S. forces may encounter chemical weapons in a regional conflict."

The Chemical Weapons Convention is mainly about other countries' chemical weapons, not our own. The United States has already made the decision to get out of the chemical weapons business. In fact, we are currently destroying the vase majority of our chemical weapons stockpile, and the Chemical Weapons Convention will require other countries to do the same.

As noted above, the Chemical Weapons Convention has the strong support of industry. The impact on small business, in particular, will be negligible. But should the United States fail to ratify the CWC, trade restrictions originally intended to put pressure on rogue states would be imposed on U.S. chemical companies.

The United States has been a consistent and strong world leader in the 25-year effort to ban these horrific and indiscriminate weapons. This effort, which culminated in President Bush's success in concluding the CWC, has had strong bipartisan support over the years.

I urge your support for this Convention and hope the Senate will act promptly and favorably so that the United States can be among the original parties to the Convention when it comes into force on April 29, 1997.

Sincerely,

LORI ESPOSITO MURRAY,
Special Adviser to the President.

REGULATIONS REGARDING STAFF ACCESS TO THE SENATE FLOOR

Mr. WARNER. Mr. President, yesterday, the Rules Committee approved an amendment to the Regulations Controlling the Admission of Employees of Senators and Senate Committees to the Senate Floor.

The amendment to the regulations regarding staff floor access provides full floor access for leadership staff and committee staff directors and chief counsels.

I ask unanimous consent that a letter from Senators LOTT and DASCHLE to Ranking Member FORD and myself be printed in the RECORD along with the amended Regulations Controlling the Admission of Employees of Senators and Senate Committees to the Senate Floor.

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

U.S. SENATE,
Washington, DC, February 3, 1997.

Hon. JOHN WARNER,
Chairman.
Hon. WENDELL H. FORD,
Ranking Member, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR FORD: Senator Byrd wrote us a thoughtful letter last December that dealt with what he characterized as "a small but important matter: decorum in the Senate." We share Senator Byrd's view "of the importance of maintaining proper order in the Senate at all times" and wish to encourage the Committee on Rules and Administration to recommend a method for better management of staff access to the Chamber. We understand the Sergeant at Arms has developed such a proposal which has merit and is deserving of a rapid review by the Committee.

Senators often require their staff to assist them in the Senate Chamber, and Senators must continue to have access to their staff when they determine it is necessary. We would in no way wish to limit Senators' rights in this regard. Indeed, Senators may at any time request unanimous consent to grant a staff member the privileges of the Floor, and we would not support limiting that right in any way. Door keepers in the Chamber should urge staff to use the seating provided rather than lean against the walls.

We feel confident that the Committee proposal will protect the important balance between Senators' individual rights and the needs of the larger body.

Sincerely,

TRENT LOTT.
TOM DASCHLE.

REGULATIONS CONTROLLING THE ADMISSION OF EMPLOYEES OF SENATORS AND SENATE COMMITTEES TO THE SENATE FLOOR

1. Of those persons entitled to the privilege of the Senate Floor, under Rule XXIII of the Standing Rules of the Senate, card admissions *henceforth* will apply solely to employees of Senators and Committees. *All cards for admission to the Senate Floor, currently in possession of Senators or officers and employees of the Senate under previous rules, shall be withdrawn by the Sergeant at Arms.*

2. Senators and Committee Chairman are requested to prepare and forward to the Sergeant at Arms a list of those staff and Committee employees who may have reason to apply for a Floor Pass in the actual discharge of their official duties. These provisions will not deprive any employee of the privilege of the Senate Floor if he is entitled thereto under Rule XXIII. They will, however, permit closer supervision over employees admitted to the Senate Floor.

3. Serially numbered cards, referred to as Floor Passes, will be retained at an admission table in the foyer of the Vice President's Entrance to the Senate Floor. This table will be manned by a representative of the Sergeant at Arms of the Senate from one-half hour before each daily session until one-half hour after recess or adjournment. When the actual discharge of their official duties requires their presence on the Senate Floor, employees of Senators and Committees, otherwise entitled to admittance under Rule XXIII, will apply to the attendant at the designated table for a Floor Pass.

4. Admission cards under the system will be available at the admission table in quantities as follows:

All Committees of the Senate, Including Joint Committees—4 cards to each Committee having jurisdiction of pending legislation.

All Committees of the Senate, including Joint Committees—2 cards to each Committee for official duties, with a 15-minute limitation.

Staffs of individual Senators—2 cards for each Senator and the Vice President.

Although two admission cards are provided for the qualified staff personnel of each Senator, only one member of a Senator's staff shall be allowed in the Senate Chamber itself at any given time, with a time limitation of 15 minutes if the individual Senator is not present. The other card (of different color) may be used by an additional member of the Senator's staff only to gain admittance to the Senate Lobby (but not the Senate Chamber) for the sole purpose of conferring with the Senator.

Each Committee may request two 15 minute Floor passes to be used for the transaction of official business.

Should the occasion arise when an individual Senator desires the assistance on the Senate Floor of personnel additional to the number permitted under the above allocations, he should request unanimous consent to augment the maximum number allowed herein.

5. When an eligible employee presents [himself] *his Senate identification (ID) card* at

the admission table, the attendant in charge there, as the representative of the Sergeant at Arms, will satisfy himself of the applicant's identity and eligibility before issuing a Floor Pass. He will then note, on a special roster prepared for the purpose, the name of the employee, his office, the nature of his official business, and the serial number of the card issued to him. When the employee leaves the floor he will return the card to the above attendant. The latter will replace the card in its appropriate place in the rack, after noting its return on the roster. If, after completion of his business on the Floor, a person to whom a Floor Pass was issued fails to return the Pass or loses it, that person shall not be admitted to the Floor until the Floor Pass is returned or its loss is satisfactorily explained to the Sergeant at Arms.

6. In no case shall any Doorkeeper admit to the Senate Floor any office employee of a Senator or a Committee staff member without a proper and correct visual presentation of a Floor Pass. An employee admitted to the Senate Floor under these regulations shall remain there only as long as necessary for the transaction of his official business and shall, at all times, while so present, have in his possession *his Senate ID card and* the Floor Pass issued to him. While on the Senate Floor, an employee shall in no way encroach upon the areas and privileges reserved for Senator's only. When an employee's objective is solely to follow the course of a pertinent discussion or vote but not to render any actual assistance otherwise to his Chairman or Senator, he should, under normal circumstances, observe the proceedings from an appropriate place in the Senate Galleries.

7. At the beginning of all roll-call votes the Sergeant at Arms will clear the Senate Floor and the lobby of all staff members except Senate clerks for whom unanimous consent has previously been granted and except the staff personnel of the Committee or Committees associated with the issue involved in the roll-call vote shall be permitted to enter or remain in the lobby for such purposes.

8. In addition to the Floor Passes discussed above, the Sergeant at Arms of the U.S. Senate shall issue to both the Majority and Minority Leaders, fourteen Full Floor Access Passes for their distribution to and use by their leadership staff. These passes will be valid for the duration of the Congress. The Sergeant at Arms shall also hold at the admission table an additional twenty similar committee staff Full Floor Access Passes, ten reserved for use by majority party committee staff directors and chief counsels and ten reserved for use by minority staff directors and chief counsels. The Majority and Minority Leader and Committee Chairman are requested to prepare and forward to the Sergeant at Arms a list of those eligible staff who are authorized to use a Full Floor Access Pass. A full Floor Access Pass shall entitle eligible staff identified on such lists to access the Senate Floor from any door. Committee staff Full Floor Access Passes *are issued on a daily basis beginning one-half hour before each session and must be returned to the admission table no later than one-half hour after recess or adjournment. If a person to whom a Committee staff Full Floor Access Pass has been issued, fails to return the pass or loses it, that person shall not be admitted to the floor until the pass is returned or its loss is satisfactorily explained to the Sergeant at Arms.*

9. The Sergeant at Arms will be responsible for the enforcement of these regulations. He shall report to the Chairman of the Committee on Rules and Administration the name of any employee who, in the opinion of the Sergeant at Arms, is guilty of abusing these regulations.

10. It is not the desire or intention of the Committee on Rules and Administration to limit assistance by staff personnel to Senators on the floor. On the contrary, the Committee believes that these regulations will insure adequate opportunity for such assistance and, at the same time, prevent the distraction to orderly proceedings attendant upon the presence of superfluous employees in the Senate Chamber. All Senators are asked to acquaint their employees with the scope and purposes of these regulations.

11. Rules are effective in direct proportion to the vigor of their enforcement and the cooperation demonstrated in compliance. The Senators generally have expressed themselves in full accord with efforts to diminish disorder and confusion caused by the presence of unnecessary personnel on the Senate Floor. It is hoped that all Senators, especially when serving as the Presiding Officer of the Senate, will cooperate with the Sergeant at Arms and the Committee on Rules and Administration in this endeavor to control the problem.

TRIBUTE TO WILLIAM L. HODSON

Mr. HATCH. Mr. President, I am pleased to join with many others in Utah who have expressed their appreciation to Bill Hodson, director of the Salt Lake City Veterans Medical Center.

Bill recently retired after many years of faithful service to our Nation's veterans from New Jersey to Arizona, including the last 11 years in Salt Lake City. These years have been ones of great accomplishment, not just for Bill personally, but for the VA. We have all, in one way or another, benefited from his innovation and determination. In 1992, Bill received the Secretary's Award for advancement in nursing programs.

But, we in Utah owe Bill a particular debt of gratitude for his stewardship of our Salt Lake VA Medical Center. Bill Hodson led the way on a $30 million project to renovate the main building of the VA Medical Center for patient areas and ambulatory care clinics, successful management of a dynamic heart transplant program, and expanded research and training programs. The buildings and services that Bill has built will be a lasting legacy of Bill's leadership and commitment to public service.

There can be no question that Bill was a highly able administrator; but, more importantly, his compassion and concern for others has earned him a special place in the hearts of veterans—and indeed all the citizens of Utah.

Bill Hodson has been active in our community, particularly in the Greater Salt Lake Council of the Boy Scouts of America. This involvement clearly shows that he not only honors those citizens who have already contributed to our country, but also that he believes in our youth and their capacity for contributing to our future. We will miss him at the head of the Salt Lake VA Medical Center, but look forward to his continuing involvement in our community.

I hope that as he reads this tribute, Bill is already sitting on a nice warm beach and enjoying the first well deserved fruits of retirement. I wish him all the best and hope my colleagues will join me in recognizing an exemplary public servant.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 12, the Federal debt stood at $5,308,979,863,712.08.

One year ago, February 12, 1996, the Federal debt stood at $4,988,100,000,000.

Five years ago, February 12, 1992, the Federal debt stood at $3,799,009,000,000.

Ten years ago, February 12, 1987, the Federal debt stood at $2,227,183,000,000.

Fifteen years ago, February 12, 1982, the Federal debt stood at $1,036,402,000,000 which reflects a debt increase of more than $4 trillion ($4,272,577,863,712.08) during the past 15 years.

HERE'S WEEKLY BOX SCORE ON U.S. FOREIGN OIL CONSUMPTION

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending February 7, the U.S. imported 7,894,000 barrels of oil each day, 942,000 barrels more than the 6,952,000 imported during the same week a year ago.

Americans relied on foreign oil for 54.9 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,894,000 barrels a day.

HONORING THE BREDEHOEFTS 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 Mildred and Eldred Bredehoeft of Concordia, MO, who on April 6, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Mildred and Eldred's commitment to the principles and values of their marriage deserves to be saluted and recognized.

TERM LIMITS

Mr. ALLARD. Mr. President, first I would like to thank my colleague from Missouri for taking the lead on this important issue of term-limits. Term-limits has been a concern of the people of Colorado for many years. They have said time and time again that the hour has come for Congressional term-limits and I share this belief. That is why I am a proud sponsor of Senate Joint Resolution 16, the Ashcroft-Thompson Term Limitation bill which limits Representatives to 6 years in the House and Senators to 12 years in the Senate.

In 1990 with 71 percent of the vote, the State of Colorado was the first State to pass a constitutional amendment limiting the number of years for Congressional Members—12 years in the House of Representatives and 12 years in the Senate. Four years later, Colorado passed a more restrictive term limit initiative of 6 years in the House and 12 years in the Senate. Since 1990, 22 other States passed some form of term-limits with the support of over 25 million Americans. However, in 1995, the Supreme Court ruled that State set term-limits for Federal officials were unconstitutional. With the Supreme Court's decision in mind, Colorado voters passed amendment 12 in 1996. The Term Limits Initiative calls for Colorado's elected officials to introduce term-limit legislation, vote in favor of the Congressional Term Limits Amendment, and states that if a member of the congressional delegation does not vote in favor of the amendment then the designation of disregarded voter instruction on term-limits next to their name on the ballot.

Mr. President, at this time I ask unanimous consent to insert into the RECORD a copy of the amendment 12 language at the end of my statement.

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

(See exhibit 1.)

Mr. ALLARD. Mr. President, while I believe that States should have the opportunity to set limits for their elected officials, as Colorado has done on a number of occasions, the Supreme Court's decision has left this important decision up to us. Some have argued that there is little chance that Members of Congress will ever limit their own terms and thereby limit their power. While there is some merit to this argument, I must say that this gives us a great opportunity to show that we, as elected officials, can heed the will of the people and impose term-limits on ourselves.

I began fighting for term-limits while in the State Senate of Colorado and was one of four State senators to stand-up on the Colorado Senate floor in favor of them. As a Member of the House of Representatives, I introduced and co-sponsored numerous pieces of term-limit legislation. I was very proud to be a part of the 104th Congress where we voted for the first time in history on a term-limit constitutional amendment.

I have always believed that our elected officials should be citizen legislators. Citizens from all walks of life with new ideas, thoughts and private work experience fresh in their memory should have a chance to serve. Term-limits will ensure that lawmakers do not become too far-removed from their constituents and will allow more citizens the opportunity to serve. Our legislatures will have a better understanding of main street and how their laws and actions affect the everyday lives of working men and women.

We find the concept of a citizen legislature in the very foundation of this country. In Article 57 of the Federalist Papers, my most admired historical figure, James Madison wrote:

> The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilest they continue to hold their public trust. The elective mode of obtaining rulers is the characteristic policy of republican government. The means relied on in this form of government for preventing their degeneracy are numerous and various. The most effectual one is such a limitation of the term of appointments as will maintain a proper responsibility to the people.

Mr. President, I wholehearted agree with Mr. Madison and his assessment. Despite the large classes in 1994 and 1996, incumbent re-election rates still exceed 90 percent. Term-limits at the State and local levels have made our elections more open and competitive thereby opening the doors to all Americans and allowing for a more diverse legislature. Federal elections would be re-energized by opening-up politics to many people who have been excluded by career incumbents. If people call for more representation by women and minorities, then they should be strong supporters of term-limits. In 1992, 22 of the 24 new women elected to the U.S. House of Representatives were elected in open seats, but only 2 of the 42 women candidates who challenged an incumbent were successful.

While I agree with many who call for campaign finance reform, only term-limits will truly change the incentives for seeking office. They are a positive tool to break the cycle of excluding those citizens who want to run for election to Federal office but cannot overcome the largest obstacle of all—incumbency and name identification—regardless of the campaign laws and the amount spent on a campaign.

I have also heard that if the Framers believed term-limits were so important, they would have placed them in the Constitution from the outset. This is the same argument I hear concerning the balanced budget amendment. My belief is that the Framers never thought persistent deficits or spending one's career in political office would be a problem. They believed that serving would always be a brief period in one's life and would never be seen as a career. However, it is now clear that only a Constitutional amendment getting term-limits will ensure that the citizen legislator is reestablished as envisioned by the Framers of the Constitution.

I am pleased to carry on the tradition and hard work of my predecessor Senator Hank Brown. Senator Brown was a leader in this body for term-limits and I am proud to serve in a like manner and continue to fight for term-limits and the will of the people of Colorado.

Mr. President, early in this session, we will have an opportunity to make good on our campaign promises on term-limits. We must bring business-as-usual to an end and return the power back to the people. I urge all my colleagues to join this fight and begin to make true changes in the way this Congress operates. It is time to bring back the citizen legislator and reconnect our elected officials to the people whom they serve.

EXHIBIT 1

PROPOSAL OF TEXT OF AMENDMENT 12—TERM LIMITS

Be it Enacted by the People of the State of Colorado:

Article XVIII, section 12.

(1) CONGRESSIONAL TERM LIMITS AMENDMENT.

The exact language for addition to the United States Constitution follows:

Section 1: No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section 2: No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve for more than one additional term.

Section 3: This amendment shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several states.

(2) VOTER INSTRUCTION TO STATE LEGISLATORS.

(a) The voters instruct each state legislator to vote to apply for an amendment-proposing convention under Article V of the United States Constitution and to ratify the Congressional Term Limits Amendment when referred to the states.

(b) All election ballots shall have "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" designated next to the name of each state legislator who fails to comply with the terms of subsection (5)(b).

(c) Said ballot designation shall not appear after the Colorado legislature has made an Article V application that has not been withdrawn and has ratified the Congressional Term Limits Amendment, when proposed.

(3) VOTER INSTRUCTION TO MEMBERS OF CONGRESS.

(a) The voters instruct each member of the congressional delegation to approve the Congressional Term Limits Amendment.

(b) All election ballots shall have "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" designated next to the name of each member of Congress who fails to comply with the terms of subsection (5)(b).

(c) Said ballot designation shall not appear after the Congressional Term Limits Amendment is before the states for ratification.

(4) VOTER INSTRUCTION TO NON-INCUMBENTS.

The words "DECLINED TO TAKE PLEDGE TO SUPPORT TERM LIMITS" shall be designated on all primary and general election ballots next to the names of non-incumbent candidates for United States senator, United States representative, state senator, and state representative who have not signed the pledge to support term limits unless the Colorado legislature has ratified the Congressional Term Limits Amendment.

The pledge shall read:

I pledge to use all my legislative powers to enact the proposed Congressional Term Limits Amendment set forth in Article XVIII, section 12. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTER INSTRUCTION TERM LIMITS" will not appear next to my name.

Signature of Candidate:

(5) DESIGNATION PROCESS.

(a) The Colorado secretary of state shall determine these ballot designations. The ballot designation shall appear unless clear and convincing evidence establishes that the candidate has honored voter instructions or signed the pledge in this subsection (4). Challenges to designation or lack of designation shall be filed with the Colorado supreme court within 5 days of the determination and shall be decided within 21 days after filing. Determinations shall be made public 30 days or more before the Colorado secretary of state certifies the ballot.

(b) Non-compliance with voter instruction is demonstrated by any of the following actions with respect to the application or ratification by state legislators, and in the case of members of Congress referring the Congressional Term Limits Amendment for ratification, if the legislator:

(i) fails to vote in favor when brought to a vote;

(ii) fails to second if it lacks one;

(iii) fails to vote in favor of all votes bringing the measure before any committee in which he or she serves;

(iv) fails to propose or otherwise bring to a vote of the full legislative body, if necessary;

(v) fails to vote against any attempt to delay, table or otherwise prevent a vote by the full legislative body or committee;

(vi) fails in any way to ensure that all votes are recorded and made available to the public;

(vii) fails to vote against any change, addition or modification; or

(viii) fails to vote against any amendment with longer limits than the Congressional Term Limits Amendment.

(6) ENFORCEMENT.

Any legal challenge to this section 12 shall be an original action filed with the Colorado supreme court. All terms of this section 12 are severable.

Mr. THURMOND. Mr. President, I rise to discuss the pending nomination of Mr. Federico Peña, who has been nominated to serve as Secretary of Energy. The Armed Services Committee recently held a hearing to receive testimony from Mr. Peña on his views and positions relative to Department of Energy Programs that fall within the jurisdiction of the Armed Services Committee.

The purpose of the hearing was to explore Mr. Peña's proposals for the Department's critical national security programs and to allow him the opportunity to establish a coherent record of his views regarding these programs. The Committee felt such a record needed to be established, because Mr. Peña has no background in national security matters and, prior to last week's hearing, he had no identifiable position on defense issues that Senators could use to assess his suitability to manage the Department's diverse national security activities.

I want to state very clearly that the purpose of this hearing was to provide Mr. Peña with an opportunity to discuss his views. It was never our intent to delay his nomination or to interfere with the customary reporting process for his nomination in any way. I worked very closely with Senator MURKOWSKI to ensure that this hearing focused only on the Department's defense missions and did not infringe on the Energy Committee's jurisdiction. Senator MURKOWSKI was exceptionally helpful in coordinating the activities of our two committees and I applaud his leadership in this matter.

Regarding Mr. Peña's qualifications, let me say that I find him to be intelligent, thoughtful, and a quick study. If confirmed, I believe he will bring much-needed management ability to the Department—something that has been lacking for the past 4 years. However, the members of the Armed Services Committee take the Department of Energy's national security and defense environmental cleanup missions very seriously. It is our responsibility to thoroughly assess the qualifications of those nominated to head this agency and make public our findings and concerns.

Mr. President, for some time now, the Armed Services Committee has expressed its concern regarding the Department's approach to maintaining the reliability and safety of the Nation's enduring nuclear weapons stockpile. We are concerned that the Department's proposed Science-based Stockpile Stewardship and Management Plan may unnecessarily put our enduring nuclear forces at risk—both in terms of safety and reliability. We are concerned that the Department's plan to restore tritium production capabilities are not realistic and won't deliver the required quantities of tritium in the timeframe needed by the Department of Defense. We are further concerned that the pace of cleanup at former nuclear defense facilities may not be aggressive enough to meet the Department's stated 10-year cleanup goal.

We discussed these issues and others with Mr. Peña and generally found his responses to be informed and reasoned. Unfortunately, on at least two critical issues, Mr. Peña's testimony caused some level of concern.

When asked what action he would take in a hypothetical situation where he was informed by all three DOE weapons laboratory directors that a significant safety problem existed in a nuclear weapon in the U.S. stockpile and that the only feasible way to fix that problem was to conduct an underground nuclear test, Mr. Peña stated that he would present the relevant information to the President, but steadfastly refused to acknowledge his responsibility to make a test or don't test recommendation to the President. I found his response troubling.

Mr. President, as the U.S. nuclear stockpile ages, the hypothetical situation I just described is not only plausible, but one that we could face in the very near future. Unfortunately, Mr. Peña's response was less than forthright. We expect every Cabinet Secretary to present all the relevant information to the President, but in this hypothetical, the Secretary would be required to do more than that. This situation requires that the Secretary of Energy make a recommendation to the President. Mr. Peña's refusal to commit to making such a recommendation raised considerable doubt regarding his understanding of the role that the Secretary of Energy plays in advising the President on nuclear matters and leads me to question his willingness to carry out the responsibilities of the Secretary of Energy.

My fear is that Mr. Peña does not recognize that our current confidence in the U.S. nuclear stockpile could diminish rapidly in the near future. The next Secretary of Energy must understand this reality and demonstrate a commitment to take all actions necessary to maintain the safety and reliability of our enduring nuclear deterrent. If he is confirmed, I hope to work closely with Mr. Peña to ensure the Department does not back away from its obligations in this area.

I also found Mr. Peña's commitment to restore U.S. tritium production less than satisfactory.

For my colleagues who do not know, tritium is a radioactive gas that is required in all modern nuclear weapons

in the U.S. stockpile. Without tritium, our nuclear weapons cannot function. Because tritium decays at a rate of 5 and 5½ percent per year, it must be replaced in weapons at regular intervals. The U.S. stopped producing tritium in 1988 and current supplies are being exhausted.

The Department has pursued nearly a dozen different technical options for tritium production—at great cost to the taxpayers—and we are still no closer to restoring tritium production today than we were almost a decade ago. Meanwhile, our supply of tritium continues to degrade and our nuclear deterrent, which has served to protect this Nation for over 50 years, becomes incrementally less effective with each passing year.

Congress has consistently directed the Department to move more quickly to restore tritium production. In fact, the fiscal year 1997 Defense Authorization Act required DOE to make a decision on tritium this fiscal year. However, Mr. Peña endorsed the Department's current dual track strategy—which will not result in the selection of a preferred option until fiscal year 1999—but, he also stated his intent to explore a new, third option. This is a recipe for disaster that will result in further delays and even more wasted taxpayer dollars.

The Department should stop studying this issue and move forward with a decision. I believe that such a decision can and should be made this fiscal year and I will look toward the next Secretary of Energy to provide leadership in this area.

These are two issues of deep concern to me and other members of the Armed Services Committee. I am looking for Mr. Peña to provide the Senate a clear answer on nuclear testing and demonstrate that he is willing to move more quickly on restoring tritium. It will be difficult for me to fully support Mr. Peña's nomination unless these issues are addressed.

Let me state that while I am very concerned about these issues, I remain openminded regarding Mr. Peña's nomination. I have made available in room 228 of the Russell Building a copy of the hearing transcript and Mr. Peña's responses to advance policy questions and posthearing questions. I encourage my colleagues to review these materials. I am certain that they will find them highly useful in making an informed determination on Mr. Peña's pending nomination.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the populations planning program.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 21. Concurrent resolution providing for an adjournment of both Houses.

The message further announced that pursuant to the provisions of section 1295b(h) of title 46 App., United States Code, the Speaker appoints the following Member on the part of the House to the Board of Visitors to the U.S. Merchant Marine Academy: Mr. KING.

The message also announced that pursuant to section 127 of Public Law 97–377 (2 U.S.C. 88b–3), the Speaker appoints the following Members on the part of the House to the Page Board: Mrs. FOWLER and Mr. KOLBE.

The message further announced that pursuant to the provisions of section 194(a) of title 14, United States Code, the Speaker appoints the following Member on the part of the House to the Board of Visitors to the U.S. Coast Guard Academy: Mrs. JOHNSON of Connecticut.

The message also announced that pursuant to the provisions of section 9355(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Air Force Academy: Mr. HEFLEY and Mr. YOUNG of Florida.

The message further announced that pursuant to the provisions of Public Law 96–388, as amended by Public Law 97–84 (36 U.S.C. 1402(a)), the Speaker appoints the following Members on the part of the House to the U.S. Holocaust Memorial Council: Mr. GILMAN, Mr. REGULA, Mr. LATOURETTE, and Mr. FOX.

The message also announced that pursuant to the provisions of sections 5580 and 5581 of the Revised Statutes (20 U.S.C. 42–43) the Speaker appoints the following Members on the part of the House to the Board of Regents of the Smithsonian Institution: Mr. LIVINGSTON and Mr. SAM JOHNSON of Texas.

The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Speaker appoints the following Members on the part of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. GINGRICH and Mr. MCDADE.

The message also announced that pursuant to the provisions of section 1505 of Public Law 99–498 (20 U.S.C. 4412), the Speaker appoints the following Member on the part of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: Mr. YOUNG of Alaska.

The message further announced that pursuant to the provisions of section 6968(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Naval Academy: Mr. GILCHREST and Mr. SKEEN.

The message also announced that pursuant to the provisions of section 4355(a) of title 10, United States Code, the Speaker appoints the following Members on the part of the House to the Board of Visitors to the U.S. Military Academy: Mrs. KELLY and Mr. TAYLOR of North Carolina.

At 5:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 581. An act to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.J. Res. 36. Joint resolution approving the Presidential finding that the limitation on obligations imposed by section 518A(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is having a negative impact on the proper functioning of the population planning program.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 581. An act to amend Public Law 104–208 to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1092. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a report relative to criminal law jurisdiction; to the Committee on Armed Services.

EC-1093. A communication from the Chairman and Finance Committee Chairman of the Federal Election Commission, transmitting, pursuant to law, a supplemental request for funds for fiscal year 1997; to the Committee on Rules and Administration.

EC-1094. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, Revenue Procedure 97-17 received on February 11, 1997; to the Committee on Finance.

EC-1095. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Walnuts Grown in California" (FV96-984-1) received on February 11, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1096. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of an intention concerning the allocation of funds; to the Committee on Foreign Relations.

EC-1097. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on economic policy and trade practices; to the Committee on Foreign Relations.

EC-1098. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report on the rule relative to international accounting rates, received on February 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1099. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to whale protection, (0648-AJ03) received on February 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1100. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule regarding the USEC Privatization Act (received on February 12, 1997); to the Committee on Environment and Public Works.

EC-1101. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule regarding Fissile Material Shipments (received on February 6, 1997); to the Committee on Environment and Public Works.

EC-1102. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to pesticide tolerance for emergency exemptions, (FRL-5585-1), received on February 12, 1997; to the Committee on Environment and Public Works.

EC-1103. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule relative to single-employer plans, received on February 11, 1997; to the Committee on Labor and Human Resources.

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-32. A resolution adopted by the Sevierville, Tennessee Board of Mayor and Alderman relative to the Pigeon River; to the Committee on Environment and Public Works.

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 Ms. MOSELEY-BRAUN (for herself and Mrs. MURRAY):

S. 320. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

By Mr. GREGG:

S. 321. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for personal investment plans funded by employee social security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. GRAMS (for himself, Mr. FEINGOLD, Mr. ABRAHAM, Mr. CONRAD, Mr. DORGAN, Mr. KERREY, Mr. KOHL, Mr. KYL, Mr. LEVIN, Ms. MOSELEY-BRAUN, Mr. HAGEL, and Mr. WELLSTONE):

S. 322. A bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provisions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SHELBY (for himself, Mr. BYRD, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. LUGAR, Mr. SANTORUM, Mr. THURMOND, Mr. SESSIONS, Mr. COCHRAN, Mr. MURKOWSKI, Mr. ENZI, and Mr. HAGEL):

S. 323. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

By Mrs. MURRAY (for herself and Mr. CAMPBELL):

S. 324. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on Armed Services.

By Mr. BUMPERS (for himself, Mr. FEINGOLD, Mr. LEAHY, and Mr. KOHL):

S. 325. A bill to repeal the percentage depletion allowance for certain hardrock mines; the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. LEAHY, and Mr. KOHL):

S. 326. A bill to provide for the reclamation of abandoned and hardrock mines, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself, Mr. AKAKA, Mr. LEAHY, Mr. FEINGOLD, and Mr. KOHL):

S. 327. A bill to ensure that federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON (for himself, Mr. NICKLES, Mr. WARNER, Mr. MACK, Mr. KYL, Mr. BROWNBACK, Mr. COCHRAN, Mr. ROBERTS, Mr. HATCH, Mr. GORTON, Mr. ENZI, Mr. GREGG, Mr. ALLARD, Mr. LOTT, Mr. SESSIONS, Mr. FAIRCLOTH):

S. 328. A bill to amend the National Labor Relations Act to protect employer rights, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM:

S. 329. A bill to provide that pay for Members of Congress shall be reduced whenever total expenditures of the Federal Government exceed total receipts in any fiscal year, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BREAUX (for himself and Mr. SHELBY):

S. 330. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. KEMPTHORNE, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAIG, Mr. DOMENICI, Mr. THOMAS, and Mr. DASCHLE):

S. 331. A bill to amend title 23, United States Code, to provide a minimum allocation of highway funds for States that have low population densities and comprise large geographic areas; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. KENNEDY, Mr. DORGAN, Ms. MIKULSKI, and Mr. LEVIN):

S. 332. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 333. A bill to increase the period of availability of certain emergency relief funds allocated under section 125 of title 23, United States Code, to carry out a project to repair or reconstruct a portion of a Federal-aid primary route in San Mateo, California.

By Mr. MOYNIHAN:

S. 334. A bill to amend section 541 of the National Housing Act with respect to the partial payment of claims on health care facilities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WARNER (for himself, Mr. GRAHAM, Mr. HOLLINGS, Mr. FAIRCLOTH, Mr. LUGAR, Mr. FORD, Mrs. HUTCHISON, Mr. INHOFE, Mr. NICKLES, Mr. BREAUX, Mr. HELMS, Mr. COATS, Mr. MCCONNELL, Mr. SHELBY, Mr. BOND, Mr. THURMOND, Mr. SESSIONS, Mr. HUTCHINSON, Mr. GRAMM, Mr. ROBB, Mr. COVERDELL, Mr. CLELAND, and Mr. GRAMS):

S. 335. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES:

S. 336. A bill to convert certain excepted service positions in the United States Fire Administration to competitive service positions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HUTCHINSON (for himself, Mr. HAGEL, Mr. ABRAHAM, Mr. NICKLES, and Mr. HELMS):

S. 337. A bill to amend the Foreign Assistance Act of 1961 to restrict assistance to foreign organizations that perform or actively promote abortions; to the Committee on Foreign Relations.

Mr. COVERDELL (for himself and Mr. CLELAND):

S. 338. A bill to designate the J. Phil Campbell, Senior Natural Resource Conservation Center; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. HELMS, and Mr. ROBB):

S. 339. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. CONRAD Mr. KENNEDY, Mr. DORGAN, Ms. MIKULSKI, and Mr. LEVIN):

S. 340. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

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

S. 341. A bill to establish a bipartisan commission to study and provide recommendations on restoring the financial integrity of the medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, Mr. LEAHY, Mr. WELLSTONE, Ms. SNOWE, Ms. COLLINS, and Mr. GRAMS):

S. Res. 55. A resolution expressing the sense of the Senate regarding the need to address immediately the decline in milk prices; considered and agreed to.

By Mr. SPECTER (for himself, Mr. SANTORUM, Ms. SNOWE, Mr. WARNER, Mr. GRASSLEY, Mr. SHELBY, Mr. THURMOND, Mr. ROTH, Mr. D'AMATO, Mr. COCHRAN, Mr. DOMENICI, Mr. GREGG, Mr. ABRAHAM, Mr. JEFFORDS, Mr. FAIRCLOTH, Mr. THOMPSON, Mr. COVERDELL, Mr. CHAFEE, Mr. KENNEDY, Mr. DURBIN, Mr. GLENN, Mr. KOHL, Mr. GRAHAM, Mr. BIDEN, Mr. ROBB, Mr. REID, Ms. MOSELEY-BRAUN, Mr. KERRY, Ms. MIKULSKI, Mr. REED, Mr. LEVIN, Mr. HOLLINGS, Mr. INOUYE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. WYDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BYRD, Mr. SARBANES, Mr. DODD, and Mr. TORRICELLI):

S. Res. 56. A resolution designating March 25, 1997, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. BOND, Mr. BURNS, Mr. CONRAD, Mr. COCHRAN, Mr. CRAIG, Mr. DASCHLE, Mr. GORTON, Mr. KERREY, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. SMITH, and Mr. REID):

S. Res. 57. A resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition; to the Committee on Energy and Natural Resources.

By Mr. ROTH (for himself, Mr. THOMAS, Mr. MACK, and Mr. ROCKEFELLER):

S. Res. 58. A resolution to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the countries of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the Treaty's implementation; to the Committee on Foreign Relations.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MOSELEY-BRAUN (for herself and Mrs. MURRAY):

S. 320. A bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women; to the Committee on Finance.

THE COMPREHENSIVE WOMEN'S PENSION PROTECTION ACT OF 1997

Ms. MOSELEY-BRAUN. Mr. President, I introduce the Comprehensive Women's Pension Protection Act of 1997. At the end of the 104th Congress, Congresswoman KENNELLY and I introduced the Comprehensive Women's Pension Protection Act of 1996. When we introduced that legislation at the end of the last Congress we made a commitment to reintroduce this legislation at the beginning of the 105th Congress and to make women's retirement security a priority in the 105th Congress. Today we are keeping that promise.

The Comprehensive Women's Pension Protection Act of 1997 combines some of the best ideas on women's pension legislation that have come before the House or the Senate and new proposals to increase the security, equity, and accessibility of our pension system.

Many of America's women are facing a retirement without economic security. The majority of the elderly in this country are, and will continue to be, women, and our retirement system is failing them.

Younger women are not earning sufficient pension benefits to provide for their secure retirement. Due to the demands of child rearing and elder care, which often take women out of the workforce for a time, and to lower lifetime earnings due to continuing wage inequities, the average 35-year-old woman with a $50,000 salary must have accumulated retirement savings of $35,000 in order to have a comfortable retirement. A man need only have saved $3,000 by the time he is 35.

Many older women worked in the home or took time off to raise families, and when they worked outside the home were paid less than male counterparts resulting in little or no pension benefits of their own. For many older women too, widowhood or divorce can rob them of their part of their husband's pension benefits. To ensure that the golden years are not the disposable years women need to take charge of their own retirement, but Congress must ensure that the Nation's retirement system enables them to do so.

On May 14, of last year I introduced, and many of my colleagues cosponsored, the Women's Pension Equity Act of 1996, to begin to address one of the leading causes of poverty for the elderly—little or no pension benefits. Less than a third of all female retirees have pensions, and the majority of those that do earn less than $5,000 a year. The lack of pension benefits for many women means the difference between a comfortable retirment and a difficult one. Three of the six provisions of that bill are now law.

This legislation is a continuation of my effort to enact real pension reforms that will allow women to achieve a secure retirement. Since introducing the first of my women's pension equity bills, I have heard from hundreds of women from States across the country about the need for pension policy that allows women to retire with dignity.

Addressing pension issues is an integral part of the solution to women's economic insecurity. In addition, pension issues are critical to our Nation as a whole. In light of the demographic trends facing America, retirement security is increasingly important to the quality of life of all of our citizens. Social Security is the focus of much discussion and debate in Congress and throughout the Nation, and it should be. However, addressing the problems facing Social Security alone will not provide women, or any American, with the tools to create a secure retirement. The intent, from its inception, was that Social Security would provide a floor—a minimum amount of resources for retirement. The average retiree will only have about 40 percent of his or her wages replaced by Social Security.

Clearly, women must take charge of their own retirement and not just rely on Social Security. I have advocated that every woman create her own "pension eight" checklist to prepare for economic security. The 8 items that should be on any woman's checklist include: (1) finding out if she is earning or has ever earned a pension; (2) learning if her employer has a pension plan, and how to be eligible for the plan; (3)

contributing to a pension plan if she has the chance; (4) not spending pension earnings if given a one-time payment when leaving a job: (5) if married, finding out if her husband has a pension; (6) not signing away a future right to her husband's pension if he dies; (7) during a divorce, considering the pension as a valuable, jointly earned asset to be divided; and (8) finding out about pension rights and fighting for them.

Even when women take charge of their own retirement, however, they can face a brick wall of pension law that prevents them from investing enough for their future. Pension laws were not written to reflect the patterns of women's work or women's lives. Women are more likely to move in and out of the workforce, work at home, earn less for the work they do, and work in low paying industries. These factors limit our ability to access or accrue pension benefits. Women are also more likely to be widowed or divorced, live alone, and live longer in their retirement years, leaving them without adequate coverage.

This bill, which is also being introduced in the House of Representatives today by Congresswoman KENNELLY, a long-time champion of women's pension rights, addresses the range of concerns that women face as they consider retirement.

This legislation preserves women's pensions by ending the practice of integration by the year 2004, the practice whereby pension benefits are reduced by a portion of Social Security benefits. It provides for the automatic division of pensions upon divorce if the divorce decree is silent on pension benefits. It allows a widow or divorced widow to collect her husband's civil service pension if he leaves his job and dies before collecting benefits. And it continue the payment of court ordered Tier II railroad retirement benefits to a divorced widow.

This legislation protects women's pensions by prohibiting 401(k) plans, the fastest growing type of plans in the country, from investing employee contributions in the company's own stock. It requires annual benefits statements for plan participants. And it applies spousal consent rules governing pension fund withdrawals to 401(k) plans.

This legislation helps prepare women for retirement by creating a women's pension hotline, providing a real opportunity for women to get answers to their questions.

By preserving and protecting women's pensions, we in Congress can provide women with the tools they need to prepare for their own retirement. By reintroducing this legislation today we are giving notice that pension policy will be at the top of the agenda for the 105th Congress.

Pension policy decisions will determine, in no small part, the kind of life Americans will live in their older years. With a baby boomer turning 50 every 9 seconds, we cannot ignore the problems facing people as they grow older. Now, more than ever, all Americans need to consider the role that pensions play in determining the kind of life every American will lead. We look forward to being joined, on a bipartisan basis, by all of our colleagues in the fight for pension equity.

Senator MURRAY joins me today in introducing the Comprehensive Women's Pension Protection Act of 1997. Mr. President, I ask unanimous consent that a summary of the bill and a copy of the legislation be printed in the RECORD.

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

S. 320

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Women's Pension Protection Act of 1997".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title.

TITLE I—PENSION REFORM

Sec. 101. Pension integration rules.
Sec. 102. Application of minimum coverage requirements with respect to separate lines of business.
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TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

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TITLE III—REFORMS RELATED TO 401(K) PLANS

Sec. 301. Requirement of annual, detailed investment reports applied to certain 401(k) plans.
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TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

Sec. 401. Modifications of joint and survivor annuity requirements.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

Sec. 501. Spousal consent required for distributions from section 401(k) plans.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

Sec. 601. Women's pension toll-free phone number.

TITLE VII—PERIODIC PENSION BENEFITS STATEMENTS

Sec. 701. Periodic pension benefits statements.

TITLE I—PENSION REFORM

SEC. 101. PENSION INTEGRATION RULES.

(a) APPLICABILITY OF NEW INTEGRATION RULES EXTENDED TO ALL EXISTING ACCRUED BENEFITS.—Notwithstanding subsection (c)(1) of section 1111 of the Tax Reform Act of 1986 (relating to effective date of application of nondiscrimination rules to integrated plans) (100 Stat. 2440), effective for plan years beginning after the date of the enactment of this Act, the amendments made by subsection (a) of such section 1111 shall also apply to benefits attributable to plan years beginning on or before December 31, 1988.

(b) INTEGRATION DISALLOWED FOR SIMPLIFIED EMPLOYEE PENSIONS.—

(1) IN GENERAL.—Subparagraph (D) of section 408(k)(3) of the Internal Revenue Code of 1986 (relating to permitted disparity under rules limiting discrimination under simplified employee pensions) is repealed.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of such section 408(k)(3) is amended by striking "and except as provided in subparagraph (D),".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to taxable years beginning on or after January 1, 1998.

(c) EVENTUAL REPEAL OF INTEGRATION RULES.—Effective for plan years beginning on or after January 1, 2004—

(1) subparagraphs (C) and (D) of section 401(a)(5) of the Internal Revenue Code of 1986 (relating to pension integration exceptions under nondiscrimination requirements for qualification) are repealed, and subparagraph (E) of such section 401(a)(5) is redesignated as subparagraph (C); and

(2) subsection (*l*) of section 401 of such Code (relating to nondiscriminatory coordination of defined contribution plans with OASDI) is repealed.

SEC. 102. APPLICATION OF MINIMUM COVERAGE REQUIREMENTS WITH RESPECT TO SEPARATE LINES OF BUSINESS.

(a) IN GENERAL.—Subsection (b) of section 410 of the Internal Revenue Code of 1986 (relating to minimum coverage requirements) is amended—

(1) in paragraph (1), by striking "A trust" and inserting "In any case in which the employer with respect to a plan is treated, under section 414(r), as operating separate lines of business for a plan year, a trust", and by inserting "for such plan year" after "requirements"; and

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULE WHERE EMPLOYER OPERATES SINGLE LINE OF BUSINESS.—In any case in which the employer with respect to a plan is not treated, under section 414(r), as operating separate lines of business for a plan year, a trust shall not constitute a qualified trust under section 401(a) unless such trust is

designated by the employer as part of a plan which benefits all employees of the employer.".

(b) LIMITATION ON LINE OF BUSINESS EXCEPTION.—Paragraph (6) of section 410(b) of such Code (as redesignated by subsection (a)(2) of this section) is amended by inserting "other than paragraph (1)(A)" after "this subsection".

SEC. 103. DIVISION OF PENSION BENEFITS UPON DIVORCE.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (1) of section 414(p) of the Internal Revenue Code of 1986 (relating to qualified domestic relations order defined) is amended by adding at the end the following new subparagraph:

"(C) DEEMED DOMESTIC RELATIONS ORDER UPON DIVORCE.—

"(i) IN GENERAL.—Except as provided in clause (iv), a domestic relations order with respect to a marriage of at least 5 years duration between the participant and the former spouse (including an annulment or other order of marital dissolution) shall, if the former spouse, within 60 days after the receipt of notice under paragraph (6)(B)(i)(II), so elects, be deemed by the plan to be a domestic relations order that specifies that 50 percent of the marital share of the participant's accrued benefit is to be provided to such former spouse.

"(ii) MARITAL SHARE.—The marital share shall be the accrued benefit of the participant under the plan as of the date of the first payment under the plan (to the extent such accrued benefit is vested at the date of the divorce or any later date) multiplied by a fraction, the numerator of which is the period of participation by the participant under the plan starting with the date of marriage and ending with the date of divorce, and the denominator of which is the total period of participation by the participant under the plan.

"(iii) INTERPRETATION AS QUALIFIED DOMESTIC RELATIONS ORDER.—Each plan shall establish reasonable rules for determining how any such deemed domestic relations order is to be interpreted under the plan so as to constitute a qualified domestic relations order that satisfies paragraphs (2) through (4) (and a copy of such rules shall be provided to such former spouse promptly after delivery of the divorce decree). Such rules—

"(I) may delay the effect of such an order until the earlier of the date the participant is fully vested or has terminated employment,

"(II) may allow the former spouse to be paid out immediately,

"(III) shall permit the former spouse to be paid not later than the earliest retirement age under the plan or the participant's death,

"(IV) may require the submitter of the divorce decree to present a marriage certificate or other evidence of the marriage date to assist in benefit calculations, and

"(V) may conform to the rules applicable to qualified domestic relations orders regarding form or type of benefit.

"(iv) APPLICATION.—This subparagraph shall not apply—

"(I) if the domestic relations order states that pension benefits were considered by the parties and no division is intended, or

"(II) to the extent that a qualified domestic relations order issued in connection with such divorce provides otherwise.".

(2) NOTIFICATION PROCEDURES.—Section 414(p)(6) of such Code (relating to plan procedures with respect to orders) is amended by striking subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting before subparagraph (C) (as so redesignated) the following new subparagraphs:

"(A) NOTICE AND DETERMINATION BY ADMINISTRATOR.—In the case of any domestic relations order received by a plan, including such an order received under subparagraph (B) or section 4980B(f)(6)(C)—

"(i) within 14 days after receipt of such order, the plan administrator shall—

"(I) notify the participant and each alternate payee of the receipt of such order and the plan's procedures for determining the qualified status of domestic relation orders, and

"(II) notify the former spouse of such former spouse's rights under paragraph (1)(C), and

"(ii) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified domestic relations order and notify the participant and each alternate payee of such determination.

"(B) NOTIFICATION OF PLAN ADMINISTRATOR.—In the case of a domestic relations order which is not a qualified domestic relations order, each plan—

"(i) shall require that each participant is responsible for notifying the plan administrator of the occurrence of a divorce of the participant from the former spouse and for delivery to the plan administrator of the domestic relations order along with the information required by paragraph (2)(A) within 60 days after the date of the divorce, and

"(ii) shall allow a former spouse to so notify the plan administrator and deliver to the plan administrator the domestic relations order within 60 days after the date of the divorce.".

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subsection (d)(3)(B) of section 206 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1056) is amended—

(A) by striking "this paragraph—" and inserting "this paragraph:",

(B) in clause (i)—

(i) by striking "the term" and inserting "The term", and

(ii) by striking "met, and" and inserting "met.",

(C) in clause (ii), by striking "the term" and inserting "The term", and

(D) by adding at the end the following new clause:

"(iii)(I) Except as provided on subclause (IV), a domestic relations order with respect to a marriage of at least 5 years duration between the participant and the former spouse (including an annulment or other order of marital dissolution) shall, if the former spouse, within 60 days after the receipt of notice under subparagraph (G)(ii)(I)(bb), so elects, be deemed by the plan to be a domestic relations order that specifies that 50 percent of the marital share of the participant's accrued benefit is to be provided to such former spouse.

"(II) The marital share shall be the accrued benefit of the participant under the plan as of the date of the first payment under the plan (to the extent such accrued benefit is vested at the date of the divorce or any later date) multiplied by a fraction, the numerator of which is the period of participation by the participant under the plan starting with the date of marriage and ending with the date of divorce, and the denominator of which is the total period of participation by the participant under the plan.

"(III) Each plan shall establish reasonable rules for determining how any such deemed domestic relations order is to be interpreted under the plan so as to constitute a qualified domestic relations order that satisfies subparagraphs (C) through (E) (and a copy of such rules shall be provided to such former spouse promptly after delivery of the divorce decree). Such rules—

"(aa) may delay the effect of such an order until the earlier of the date the participant is fully vested or has terminated employment,

"(bb) may allow the former spouse to be paid out immediately,

"(cc) shall permit the spouse to be paid not later than the earliest retirement age under the plan or the participant's death,

"(dd) may require the submitter of the divorce decree to present a marriage certificate or other evidence of the marriage date to assist in benefit calculations, and

"(ee) may conform to the rules applicable to qualified domestic relations orders regarding form or type of benefit.

"(IV) This clause shall not apply—

"(aa) if the domestic relations order states that pension benefits were considered by the parties and no division is intended, or

"(bb) to the extent that a qualified domestic relations order issued in connection with such divorce provides otherwise.".

(2) NOTIFICATION PROCEDURES.—Section 206(d)(3)(G) of such Act (29 U.S.C. 1056(d)(3)(G)) is amended by striking all matter before clause (ii), by redesignating clause (ii) as clause (iii), and by inserting before clause (iii) (as so redesignated) the following:

"(G)(i) In the case of any domestic relations order received by a plan, including such an order received under clause (ii) or section 606(a)(3)—

"(I) within 14 days after receipt of such order, the plan administrator shall—

"(aa) notify the participant and each alternate payee of the receipt of such order and the plan's procedures for determining the qualified status of domestic relation orders, and

"(bb) notify the former spouse of such former spouse's rights under subparagraph (B)(iii), and

"(II) within a reasonable period after receipt of such order, the plan administrator shall determine whether such order is a qualified domestic relations order and notify the participant and each alternate payee of such determination.

"(ii) In the case of a domestic relations order which is not a qualified domestic relations order, each plan—

"(I) shall require that each participant is responsible for notifying the plan administrator of the occurrence of a divorce of the participant from the former spouse and for delivery to the plan administrator of the domestic relations order along with the information required by subparagraph (C)(i) within 60 days after the date of the divorce, and

"(II) shall allow a former spouse to so notify the plan administrator and deliver to the plan administrator the domestic relations order within 60 days after the date of the divorce.".

SEC. 104. CLARIFICATION OF CONTINUED AVAILABILITY OF REMEDIES RELATING TO MATTERS TREATED IN DOMESTIC RELATIONS ORDERS ENTERED BEFORE 1985.

(a) IN GENERAL.—In any case in which—

(1) under a prior domestic relations order entered before January 1, 1985, in an action for divorce—

(A) the right of a spouse under a pension plan to an accrued benefit under such plan was not divided between spouses,

(B) any right of a spouse with respect to such an accrued benefit was waived without the informed consent of such spouse, or

(C) the right of a spouse as a participant under a pension plan to an accrued benefit under such plan was divided so that the other spouse received less than such other spouse's pro rata share of the accrued benefit under the plan, or

(2) a court of competent jurisdiction determines that any further action is appropriate with respect to any matter to which a prior domestic relations order entered before such date applies,

nothing in the provisions of section 104, 204, or 303 of the Retirement Equity Act of 1984 (Public Law 98–397) or the amendments made thereby shall be construed to require or permit the treatment, for purposes of such provisions, of a domestic relations order, which is entered on or after the date of the enactment of this Act and which supersedes, amends the terms of, or otherwise affects such prior domestic relations order, as other than a qualified domestic relations order solely because such prior domestic relations order was entered before January 1, 1985.

(b) DEFINITIONS.—For purposes of this section—

(1) IN GENERAL.—Terms used in this section which are defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002) shall have the meanings provided such terms by such section.

(2) PRO RATA SHARE.—The term "pro rata share" of a spouse means, in connection with an accrued benefit under a pension plan, 50 percent of the product derived by multiplying—

(A) the actuarial present value of the accrued benefit, by

(B) a fraction—

(i) the numerator of which is the period of time, during the marriage between the spouse and the participant in the plan, which constitutes creditable service by the participant under the plan, and

(ii) the denominator of which is the total period of time which constitutes creditable service by the participant under the plan.

(3) PLAN.—All pension plans in which a person has been a participant shall be treated as one plan with respect to such person.

SEC. 105. ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE.

Section 2 of the Railroad Retirement Act of 1974 (45 U.S.C. 231a) is amended—

(1) in subsection (c)(4)(i), by striking "(A) is entitled to an annuity under subsection (a)(1) and (B)"; and

(2) in subsection (e)(5), by striking "or divorced wife" the second place it appears.

SEC. 106. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title, other than section 101, shall apply with respect to plan years beginning on or after January 1, 1998, and the amendments made by section 103 shall apply only with respect to divorces becoming final in such plan years.

(b) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "January 1, 1998" the date of the commencement of the first plan year beginning on or after the earlier of—

(1) the later of—

(A) January 1, 1999, or

(B) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 2000.

(c) PLAN AMENDMENTS.—If any amendment made by this title requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 2000, if—

(1) during the period after such amendment made by this title takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this title, and

(2) such plan amendment applies retroactively to the period after such amendment made by this title takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this subsection.

TITLE II—PROTECTION OF RIGHTS OF FORMER SPOUSES TO PENSION BENEFITS UNDER CERTAIN GOVERNMENT AND GOVERNMENT-SPONSORED RETIREMENT PROGRAMS

SEC. 201. EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS.

(a) IN GENERAL.—Section 5 of the Railroad Retirement Act of 1974 (45 U.S.C. 231d) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of law, the payment of any portion of an annuity computed under section 3(b) to a surviving former spouse in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree shall not be terminated upon the death of the individual who performed the service with respect to which such annuity is so computed unless such termination is otherwise required by the terms of such court decree.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 202. SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CIVIL SERVICE RETIREMENT SYSTEM.

(a) BENEFITS FOR WIDOW OR WIDOWER.—Section 8341(f) of title 5, United States Code, is amended—

(1) in the matter preceding paragraph (1) by—

(A) by inserting "a former employee separated from the service with title to deferred annuity from the Fund dies before having established a valid claim for annuity and is survived by a spouse, or if" before "a Member"; and

(B) by inserting "of such former employee or Member" after "the surviving spouse";

(2) in paragraph (1)—

(A) by inserting "former employee or" before "Member commencing"; and

(B) by inserting "former employee or" before "Member dies"; and

(3) in the undesignated sentence following paragraph (2)—

(A) in the matter preceding subparagraph (A) by inserting "former employee or" before "Member"; and

(B) in subparagraph (B) by inserting "former employee or" before "Member".

(b) BENEFITS FOR FORMER SPOUSE.—Section 8341(h) of title 5, United States Code, is amended—

(1) in paragraph (1) by adding after the first sentence "Subject to paragraphs (2) through (5) of this subsection, a former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity is entitled to a survivor annuity under this subsection, if and to the extent expressly provided for in an election under section 8339(j)(3) of this title, or in the terms of any decree of divorce or annulment or any court order or court-approved property settlement agreement incident to such decree."; and

(2) in paragraph (2)—

(A) in subparagraph (A)(ii) by striking "or annuitant," and inserting "annuitant, or former employee"; and

(B) in subparagraph (B)(iii) by inserting "former employee or" before "Member".

(c) PROTECTION OF SURVIVOR BENEFIT RIGHTS.—Section 8339(j)(3) of title 5, United States Code, is amended by inserting at the end the following:

"The Office shall provide by regulation for the application of this subsection to the widow, widower, or surviving former spouse of a former employee who dies after having separated from the service with title to a deferred annuity under section 8338(a) but before having established a valid claim for annuity.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply only in the case of a former employee who dies on or after such date.

SEC. 203. COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8345(j) of title 5, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) Payment to a person under a court decree, court order, property settlement, or similar process referred to under paragraph (1) shall include payment to a former spouse of the employee, Member, or annuitant.".

(2) LUMP-SUM BENEFITS.—Section 8342 of title 5, United States Code, is amended—

(A) in subsection (c) by striking "Lump-sum benefits" and inserting "Subject to subsection (j), lump-sum benefits"; and

(B) in subsection (j)(1) by striking "the lump-sum credit under subsection (a) of this section" and inserting "any lump-sum credit or lump-sum benefit under this section".

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Section 8467 of title 5, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) Payment to a person under a court decree, court order, property settlement, or similar process referred to under subsection (a) shall include payment to a former spouse of the employee, Member, or annuitant.".

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

TITLE III—REFORMS RELATED TO 401(K) PLANS

SEC. 301. REQUIREMENT OF ANNUAL, DETAILED INVESTMENT REPORTS APPLIED TO CERTAIN 401(k) PLANS.

(a) IN GENERAL.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

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

"(B)(i) If a plan includes a qualified cash or deferred arrangement (as defined in section 401(k)(2) of the Internal Revenue Code of 1986) and is maintained by an employer with less than 100 participants, the administrators shall furnish to each participant and to each beneficiary receiving benefits under the plan an annual investment report detailing such information as the Secretary by regulation shall require.

"(ii) Clause (i) shall not apply with respect to any participant described in section 404(c).".

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Labor, in prescribing regulations required under section 104(b)(3)(B)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(b)(3)(B)(i)), as added by subsection (a), shall consider including in the information required in an annual investment report the following:

(A) Total plan assets and liabilities as of the beginning and ending of the plan year.

(B) Plan income and expenses and contributions made and benefits paid for the plan year.

(C) Any transaction between the plan and the employer, any fiduciary, or any 10-percent owner during the plan year, including the acquisition of any employer security or employer real property.

(D) Any noncash contributions made to or purchases of nonpublicly traded securities made by the plan during the plan year without an appraisal by an independent third party.

(2) ELECTRONIC TRANSFER.—The Secretary of Labor in prescribing such regulations shall also make provision for the electronic transfer of the required annual investment report by a plan administrator to plan participants and beneficiaries.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 302. SECTION 401(k) INVESTMENT PROTECTION.

(a) LIMITATIONS ON INVESTMENT IN EMPLOYER SECURITIES AND EMPLOYER REAL PROPERTY BY CASH OR DEFERRED ARRANGEMENTS.—Paragraph (3) of section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) is amended by adding at the end the following new subparagraph:

"(D) The term 'eligible individual account plan' does not include that portion of an individual account plan that consists of elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) pursuant to a qualified cash or deferred arrangement as defined in section 401(k) of the Internal Revenue Code of 1986 (and earnings thereon), if such elective deferrals (or earnings thereon) are required to be invested in qualifying employer securities or qualifying employer real property or both pursuant to the documents and instruments governing the plan or at the direction of a person other than the participant (or the participant's beneficiary) on whose behalf such elective deferrals are made to the plan. For the purposes of subsection (a), such portion shall be treated as a separate plan. This subparagraph shall not apply to an individual account plan if the fair market value of the assets of all individual account plans maintained by the employer equals not more than 10 percent of the fair market value of the assets of all pension plans maintained by the employer.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSITION RULE FOR PLANS HOLDING EXCESS SECURITIES OR PROPERTY.—

(A) IN GENERAL.—In the case of a plan which on the date of the enactment of this Act, has holdings of employer securities and employer real property (as defined in section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) in excess of the amount specified in such section 407, the amendment made by this section applies to any acquisition of such securities and property on or after such date, but does not apply to the specific holdings which constitute such excess during the period of such excess.

(B) SPECIAL RULE FOR CERTAIN ACQUISITIONS.—Employer securities and employer real property acquired pursuant to a binding written contract to acquire such securities and real property entered into and in effect on the date of the enactment of this Act, shall be treated as acquired immediately before such date.

TITLE IV—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

SEC. 401. MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS.

(a) AMENDMENTS TO ERISA.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Paragraph (1) of section 205(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(a)) is amended by inserting "or, at the election of the participant, shall be provided in the form of a qualified joint and ⅔ survivor annuity" after "survivor annuity,".

(B) DEFINITION.—Subsection (d) of section 205 of such Act (29 U.S.C. 1055) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(ii) by inserting "(1)" after "(d)", and

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

"(2) For purposes of this section, the term "qualified joint and ⅔ survivor annuity" means an annuity—

"(A) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of surviving individual (either the participant or the spouse) equal to 67 percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

"(B) which is the actuarial equivalent of a single annuity for the life of the participant, and

"(C) which, for all other purposes of this Act, is treated as a qualified joint and survivor annuity.".

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 205(c)(3)(A) of such Act (29 U.S.C. 1055(c)(3)(A)) is amended to read as follows:

"(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and ⅔ survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen,".

(b) AMENDMENTS TO INTERNAL REVENUE CODE.—

(1) AMOUNT OF ANNUITY.—

(A) IN GENERAL.—Clause (i) of section 401(a)(11)(A) of the Internal Revenue Code of 1986 (relating to requirement of joint and survivor annuity and preretirement survivor annuity) is amended by inserting "or, at the election of the participant, shall be provided in the form of a qualified joint and ⅔ survivor annuity" after "survivor annuity,".

(B) DEFINITION.—Section 417 of such Code (relating to definitions and special rules for purposes of minimum survivor annuity requirements) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DEFINITION OF QUALIFIED JOINT AND ⅔ SURVIVOR ANNUITY.—For purposes of this section and section 401(a)(11), the term "qualified joint and ⅔ survivor annuity" means an annuity—

"(1) for the participant while both the participant and the spouse are alive with a survivor annuity for the life of surviving individual (either the participant or the spouse) equal to 67 percent of the amount of the annuity which is payable to the participant while both the participant and the spouse are alive,

"(2) which is the actuarial equivalent of a single annuity for the life of the participant, and

"(3) which, for all other purposes of this title, is treated as a qualified joint and survivor annuity.".

(2) ILLUSTRATION REQUIREMENT.—Clause (i) of section 417(a)(3)(A) of such Code (relating to explanation of joint and survivor annuity) is amended to read as follows:

"(i) the terms and conditions of each qualified joint and survivor annuity and qualified joint and ⅔ survivor annuity offered, accompanied by an illustration of the benefits under each such annuity for the particular participant and spouse and an acknowledgement form to be signed by the participant and the spouse that they have read and considered the illustration before any form of retirement benefit is chosen,".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning on or after January 1, 1998.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of enactment of this Act, the amendments made by this section shall apply to the first plan year beginning on or after the earlier of—

(A) the later of—

(i) January 1, 1999, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of enactment of this Act), or

(B) January 1, 2000.

(3) PLAN AMENDMENTS.—If any amendment made by this section requires an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 2000, if—

(A) during the period after such amendment made by this section takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment made by this section, and

(B) such plan amendment applies retroactively to the period after such amendment made by this section takes effect and such first plan year.

A plan shall not be treated as failing to provide definitely determinable benefits or contributions, or to be operated in accordance with the provisions of the plan, merely because it operates in accordance with this paragraph.

TITLE V—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(k) PLANS

SEC. 501. SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(k) PLANS.

(a) IN GENERAL.—Paragraph (2) of section 401(k) of the Internal Revenue Code of 1986 (defining qualified cash or deferred arrangement) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) which provides that no distribution may be made unless—

"(i) the spouse of the employee (if any) consents in writing (during the 90-day period ending on the date of the distribution) to such distribution, and

"(ii) requirements comparable to the requirements of section 417(a)(2) are met with respect to such consent."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in plan years beginning on or after January 1, 1998.

TITLE VI—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

SEC. 601. WOMEN'S PENSION TOLL-FREE PHONE NUMBER.

(a) IN GENERAL.—The Secretary of Labor shall contract with an independent organization to create a women's pension toll-free telephone number and contact to serve as—

(1) a resource for women on pension questions and issues;

(2) a source for referrals to appropriate agencies; and

(3) a source for printed information.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for each of the fiscal years 1998, 1998, 2000, and 2001 to carry out subsection (a).

TITLE VII—PERIODIC PENSION BENEFITS STATEMENTS

SEC. 701. PERIODIC PENSION BENEFITS STATEMENTS.

(a) IN GENERAL.—Subsection (a) of section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking "shall furnish to any plan participant or beneficiary who so requests in writing," and inserting "shall furnish at least once every 3 years, in the case of a defined benefit plan, and annually, in the case of a defined contribution plan, to each plan participant, and shall furnish to any plan participant or beneficiary who so requests,".

(b) RULE FOR MULTIEMPLOYER PLANS.—Subsection (d) of section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended to read as follows:

"(d) Each administrator of a plan to which more than 1 unaffiliated employer is required to contribute shall furnish to any plan participant or beneficiary who so requests in writing, a statement described in subsection (a).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the earlier of—

(1) the date of issuance by the Secretary of Labor of regulations providing guidance for simplifying defined benefit plan calculations with respect to the information required under section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025), or

(2) December 31, 1997.

COMPREHENSIVE WOMEN'S PENSION PROTECTION ACT OF 1997

SECTION-BY-SECTION SUMMARY

SECTION 101—INTEGRATION

Problem—Social Security integration is a little known, but potentially devastating mechanism whereby employers can reduce a portion of employer-provided pension benefits by the amount of Social Security to which an employee is entitled. The Tax Reform Act of 1986 limited integration so as to guarantee a minimum level of benefits, but the formula only applied to benefits accrued in plan years beginning after December 31, 1998. Low wage workers are disproportionately affected by integration and are often left with minimal benefits.

Solution—Apply the integration limitations of Tax Reform Act of 1986 to all plan years prior to 1988, thereby minimizing integration for low and moderate wage workers. In addition, eliminate integration entirely for plan years beginning on or after January 1, 2004. The lag between enactment and 2004 is designed to be a transition period for employers. No integration would be permissible for Simplied Employee Pensions for taxable years beginning after January 1, 1998.

SECTION 102—APPLICATION OF MINIMUM COVERAGE REQUIREMENTS WITH RESPECT TO SEPARATE LINES OF BUSINESS

Problem—Current law allows companies with several lines of business to deny a substantial percentage of employees pension coverage. The employees denied coverage are disproportionately low-wage workers.

Solution—Requires that all employees within a single line of business be provided pension coverage to the extent the employer provides coverage and the employee meets other statutory requirements such as minimum age and hours.

SECTION 103—DIVISION OF PENSION BENEFITS UPON DIVORCE

Problem—Pension assets are often overlooked in divorce even though they can be a couple's most valuable asset.

Solution—Using COBRA as a model for the process, provide for an automatic division of defined benefit pension benefits earned during the marriage upon divorce, provided that the couple has been married for five years. The employee would notify his or her employer of a divorce. The employer would then send a letter to the ex-spouse informing him or her that he or she may be entitled to half of the pension earned while the couple was married. The ex-spouse would then have 60 days, as under COBRA, to contact the employer and determine eligibility. If a Qualified Domestic Relations Order (QDRO) dealt with the pension benefits, then this provision would not apply.

SECTION 104—CLARIFICATION OF CONTINUED AVAILABILITY OF REMEDIES RELATING TO MATTERS TREATED IN DOMESTIC RELATIONS ORDERS ENTERED INTO BEFORE 1985

Problem—In response to both the greater propensity of women to spend their retirement years in poverty and the fact that women were much less likely to earn private pension rights based on their own work history, the Retirement Equity Act of 1984 gave the wife the right to a share of her husband's pension assets in the case of divorce. This law only applied to divorces entered into after January 1, 1985.

Solution—Where a divorce occurred prior to 1985, allow the Qualified Domestic Relations Order (QDRO) to be reopened to provide for the division of pension assets pursuant to a court order.

SECTION 105—ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE

Problem—Under the Railroad Retirement System a divorced wife is automatically entitled to 50% of her husband's pension under Tier I benefits as long as four conditions are met: 1) the divorced wife and her husband must both be at least 62 years old; 2) the couple must have been married for at least 10 consecutive years; 3) she must not have remarried when she applies; and 4) her former husband must have started collecting his own railroad retirement benefits. There have been situations where a former husband has delayed collection of benefits so as to deny the former wife benefits.

Solution—Eliminate the requirement that the former husband has started collecting his own railroad retirement benefits.

SECTION 201—EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS

Problem—The Tier I benefits under the Railroad Retirement Board take the place of social security. The Tier II benefits take the place of a private pension. Under current law, a divorced widow loses any court ordered Tier II benefits she may have been receiving while her ex-husband was alive, leaving her with only a Tier I annuity.

Solution—All payment of a Tier II survivor annuity after divorce.

SECTION 202—COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES

Problem—Currently, under CSRS, if the husband dies after leaving the government (either before or after retirement age) and before starting to collect retirement benefits, no retirement or survivor benefits are payable to the spouse or former spouse.

Solution—Make widow or divorced widow benefits payable no matter when the ex-husband dies or starts collecting his benefits.

SECTION 203—SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CSRS

Problem—In the case of a husband dying before collecting benefits, his contributions to the Civil Service Retirement System are paid to the person named as the "beneficiary." The employee may name anyone as the beneficiary. A divorce court cannot order him to name his former spouse as the beneficiary to receive a refund of contributions upon his death, even if she was to receive a portion of his pension.

Solution—Authorize courts to order the ex-husband to name his former wife as the beneficiary of all or a portion of any refunded contributions.

SECTION 301—SMALL 401(K) PLANS REQUIRED TO PROVIDE ANNUAL INVESTMENT REPORTS TO PARTICIPANTS

Problem—Current law requires that pension plans file an annual detailed investment report with the Treasury Department and

make it available to any participant upon request. Pension plans, including 401(k)s, with fewer than 100 participants and beneficiaries are not required to file or make detailed investment reports available to participants. 401(k)s, unlike traditional pension plans, do not have the plan sponsor guaranteeing their pension benefits nor do they have PBGC pension insurance. Consequently small 401(k) participants bear the investment risks, but are not told what the investments are.

Solution—The Secretary of Labor must issue regulations requiring small 401(k) plans to provide each participant with an annual investment report. The details of the report are left to the Secretary.

SECTION 302—SECTION 401(K) INVESTMENT PROTECTION

Problem—Under federal law, a traditional defined benefit pension plan may not invest more than 10 percent of its assets in the company sponsoring the plan. The purpose of the limitation is to protect employees from losing their jobs and pensions at the same time. The 10 percent limitation does not apply to 401(k) plans, despite their having become the predominant form of pension plan, enrolling 23 million employees and investing more than $675 billion.

Solution—Apply the 10 percent limit to employee contributions to 401(k) plans—unless the participants, not the company sponsoring the plan, make the investment decisions.

SECTION 401—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

Problem—Under current federal law, traditional defined benefit pension plans can offer unequal survivor benefit options. That option can pay the surviving spouse (most often the wife) only half the survivor's benefit paid to the spouse who participated in the plan. Plans may, but are not required, to offer more equitable options. Current law also requires that pension plans disclose retirement benefit options to one spouse, the spouse who participated in the plan. This leaves the other spouse (usually the wife) uninformed about an irrevocable decision that affects her income for the rest of her life.

Solution—Require that pension plans offer an additional option that provides either surviving spouse with two-thirds of the benefit received while both were alive. Require that both spouses be given a illustration of benefits before any benefit can be chosen.

SECTION 501—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

Problem—Under current federal law, in order for a plan participant to take a lump sum distribution from a defined benefit plan, the participant must have the consent of his or her spouse. This is not true of a 401(k) plan. This means that a participant can, at any time, drain his or her pension plan and leave the spouse with no access to retirement savings.

Solution—Require that 401(k) plans be covered by the same spousal consent protections as defined benefit plans when it comes to lump-sum distributions.

SECTION 601—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

Problem—One of the key obstacles to women's pension security is lack of information. Too many women do not know whether or not they are eligible for retirement income, the implications of the decisions they are asked to make regarding divorce and survivor benefits, the steps they should take to provide for a secure retirement, or even how to gather the necessary information.

Solution—Create a women's pension hotline that can provide basic information to women regarding pension law and their options under that law.

SECTION 701—PERIODIC PENSION BENEFITS STATEMENTS

Problem—Under federal law, pension plans are required to provide a benefits statement annually, upon request by the employee. Many employees, especially young employees, do not consider pension income or do not feel secure requesting information from their employer. Thus, many employees do not know the amount of their accrued benefits, or payout upon retirement. In addition, there are numerous instances of defined contribution plans misappropriating money by failing to place funds in the employee's account. Unless an employee asks for a statement, he or she does not have a clear idea of the state of his or her retirement security, or if the funds are being properly placed.

Solution—Require that 401(k) plans provide benefits statements automatically at least once a year. For defined benefit plans, due to the more complicated calculations required to produce an accurate future benefits statement be automatically provided every three years.

By Mr. GRAMS (for himself, Mr. FEINGOLD, Mr. ABRAHAM, Mr. CONRAD, Mr. DORGAN, Mr. KERREY, Mr. KOHL, Mr. KYL, Mr. LEVIN, Ms. MOSELEY-BRAUN, Mr. HAGEL, and Mr. WELLSTONE):

S. 322. A bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision; to the Committee on Agriculture, Nutrition, and Forestry.

THE NORTHEAST INTERSTATE DAIRY COMPACT REPEAL ACT OF 1997

Mr. GRAMS. Mr. President, I rise today, along with my colleague from Wisconsin, Senator FEINGOLD, to introduce the Dairy Fairness Act. In short, this bill repeals the provision in the 1996 farm bill creating the so-called Northeast Interstate Dairy Compact.

Senator FEINGOLD and I offer this legislation with 10 other colleagues, both Democrats and Republicans, for two basic reasons: Fair process and sound policy. The compact sets a very dangerous precedent by violating both. Let me be specific, first regarding process.

Back in the 103d Congress—to give history—the Senate Judiciary Committee held a business meeting to consider the compact, without the benefit of a prior public hearing, and reported the bill to the floor. The full Senate never considered it. A House Judiciary subcommittee held a hearing on the proposal, but eventually sent it to full committee without a recommendation because the vote was evenly divided for and against the compact. The bill died in full committee. It is important to note that the official Department of Agriculture witness at the House hearing stated the administration had no position and twice stated that, we believe this is a matter that warrants further review and consideration.

In the 104th Congress, the compact was the subject of not one single hearing in either the Judiciary Committee or the Agriculture Committee of the Senate. Nor was it the topic of a single hearing in counterpart committees in the House. The importance of all this is that veteran lawmakers knew, at best, that the Department of Agriculture was not sure about the compact. And, 11 freshmen senators and 87 House freshmen knew little-to-nothing about the compact because of the lack of any public record.

Despite this, the compact was exhumed from its crypt and found its way into the Senate's version of the farm bill. Fortunately, many of my colleagues and I led a successful bipartisan effort to strip the compact from the farm bill. The House had never included the compact in its version.

Now, here is the kicker. The compact never had ample consideration in the 103d Congress. It never had a single hearing in the 104th. The compact was not included in the House version of the farm bill. And, it was stripped out of the Senate's version. But the compact came back to life in conference. It was included in the 1996 farm bill and, due to time constraints on passage of farm legislation, as we know, the compact became law.

Now, my purpose in reciting this litany of events is not to disparage the respective committees for not considering the compact. They have their priorities. Nor do I mean to disparage those in the conference committee for agreeing to the compact.

They worked hard to present a timely and—aside from the compact—excellent farm bill for farmers who were already making planting decisions, if not already planting at the time the bill was passed.

Now my point is best summarized by the late Justice Oliver Wendell Holmes who said that "the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes can be carried out."

I would like to think that my colleagues in what's been called the most deliberative body in the world would want nothing less for the compact or any other proposal. Unfortunately, the compact never faced the test and, as a consequence it has never been accepted.

Mr. President, there is no doubt about it, the compact circumvented a very important process.

In regard to policy, the scenario does not improve. In a nutshell, the compact would permit a six-State compact commission to fix prices for that region's dairy producers. Yet, simple economics tells us that the higher minimum price set by the commission will result in even more milk production in the six-State region—which is great

news for producers in those six States. But the overproduction will undoubtedly further depress producer income for every other region of the country.

Unfortunately, as many of my colleagues know, producer income nationally is already so depressed that the Secretary announced some emergency steps to correct the problem including the purchase of $5 million in cheese and advanced cheese purchases for the School Lunch Program. In the Midwest, it's reported to be so bad that small- and mid-sized producers aren't even recovering the cost of production. But despite all this, the compact will drive national dairy prices down even further in 44 States in order to boost producer income in 6, even though the 6 have traditionally received higher class I prices in the first place.

The compact is patently unfair. The inequity it creates for dairy farmers in 44 States is exactly the problem the Framers of the Constitution thought Congress would protect against in providing us with the power to regulate commerce among the States.

Now, I understand that even more States are pondering the idea of a compact of their own. I cannot underscore how destructive this course is: using government-condoned, anticompetitive programs to the disadvantage of other domestic producers in other regions of the country. In an era of freer and fairer trade, I find it very troubling that what we don't want to do with our foreign competitors, we're now doing to ourselves. That's no way to encourage a national industry and that's no way to compete abroad.

Of course, it is not just dairy producers who are hurt by the compact. According to Public Voice, a leading consumer advocacy group, the compact will cost New England consumers over $300 million in just 3 years, especially affecting the region's poor, and drive up the cost of Federal, State, and local food nutrition programs. Indeed, the St. Paul Pioneer Press, the Washington Post, the New York Times, and the Boston Herald—whose employees as New Englanders are ostensibly served by the compact—have called it "noxious," "absurd," an "ugly precedent," and the "OPEC of milk."

The compact is being challenged in Federal court. In fact, last week, the court issued an order allowing the Secretary of Agriculture 45 days to bolster his arguments for the compact before the case proceeds any further. But what was most telling was the tenor of the order and I'll offer just an excerpt. The order reads:

As the Court tried to make plain in its December 11, 1996 Opinion, [the court] could not even tell whether anyone at the Department of Agriculture had read all the comments in the administrative record or just counted them since the only expressed reason . . . for his finding of compelling public interest . . . was that 95 percent of the comments . . . supported the implementation of the Compact. But, a simple head count will not do . . . particularly in view of the numerous concerns the Secretary himself expressed [about the Compact]. Those concerns, expressed in four paragraphs, overshadow the four reasons, expressed in two sentences, that the Secretary gave for finding a compelling public interest.

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

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

[U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, CIVIL ACTION NO. 96-2027 (PLF)]

MILK INDUSTRY FOUNDATION, PLAINTIFF, *v.* DANIEL R. GLICKMAN, SECRETARY, U.S. DEPARTMENT OF AGRICULTURE, DEFENDANT, AND NORTHEAST DAIRY COMPACT COMMISSION, DEFENDANT-INTERVENOR

ORDER

This matter is before the Court on defendant's motion for a stay of proceedings in this case to allow the Secretary of Agriculture 45 days to provide what defendant characterizes as "an Amplified Decision on its finding that there is compelling public interest in the compact region for the Northeast Interstate Dairy Compact." Plaintiff opposes the motion for a variety of reasons, while defendant-intervenor supports it.

The parties to this case are all aware that Congress placed a particular condition on its consent to the Compact—that the Secretary make a finding of compelling public interest. As the Court tried to make plain in its December 11, 1996 Opinion, it could not even tell whether anyone at the Department of Agriculture had read all the comments in the administrative record or just counted them, since the only expressed reason the secretary gave for his finding of compelling public interest (other than congressional consent and state approval) was that 95 percent of the comments the Department received supported implementation of the Compact. Opinion at 8, 24-25. But "a simple head count will not do," *id.* at 24, particularly in view of the numerous concerns the Secretary himself expressed about the potential adverse effects the Compact might have, concerns presumably based on material in the record. *Id.* at 9-10, 25. "Those concerns, expressed in four paragraphs, overshadow the four reasons, expressed in two sentences, that the Secretary gave for finding a compelling public interest." *Id.* at 25.

If the Secretary wants time now "to amplify" his decision, he must make sure that the entire administrative record, including the comments submitted, is thoroughly reviewed and analyzed and approached from a fresh perspective. It is not open to the Secretary under this Court's Opinion of December 11, 1996, to approach his task with a preconceived view that a compelling public interest exists. His job is not merely to cull out from the favorable comments reasons to support a pre-determined decision. His responsibility is to review the quality of the comments in the record and to decide whether his earlier finding is justified at all.

The Court is prepared to grant the stay requested by the defendant, so long as the Secretary of Agriculture and his counsel understand what is required over the course of the next 45 days. The Court agrees with plaintiff that if a stay is granted the Secretary's responsibility is much broader than he and defendant-intervenor suggest. The Secretary must now be as open to reaching a finding of no public interest as he is to concluding that there is one. Regardless of which conclusion he reaches, he must articulate his reasons in accordance with the Administrative Procedure Act and the case law. With the foregoing in mind, it is hereby

Ordered that all proceedings in this case are stayed until March 20, 1997, during which time the Secretary of Agriculture shall review the Administrative Record in this case, reach a conclusion with respect to the existence of a compelling public interest, and provide a reasoned explanation for that decision in accordance with this Court's Opinion of December 11, 1996, and today's order, it is

Further ordered that the stay does not preclude plaintiff from renewing its motion for a preliminary injunction should the Compact attempt to move forward and impose higher milk prices or for any other appropriate reason; it is

Further ordered that the briefing and argument schedule set forth in this Court's Order of December 11, 1996, is rescinded; and it is

Further ordered that the parties shall jointly propose within ten days from the date of this Order a revised briefing and argument schedule.

So ordered.

PAUL L. FRIEDMAN,
United States District Judge.

Mr. GRAMS. Mr. President, in short, a Federal judge cannot even find the merit behind the compact. But, despite earlier misgivings, the Department seems resigned to embarking on what appears to be the herculean task of making some sense out of the compact in order to save it from a court.

Now, Mr. President, I believe this Congress has a unique opportunity to save an overcrowded court some time, help the Department focus its energies on the consolidation and reform of milk marketing orders, and do it all while guaranteeing New England consumers and dairy producers in 44 States a little fairness. We can do this by passing the Dairy Fairness Act.

I urge my colleagues to support this important legislation.

I see some of my other colleagues who have helped sponsor this legislation, including Senator KOHL and Senator FEINGOLD, are on the floor, and I yield some time to them if they would like to add their support to this bill.

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

Mr. KOHL. Mr. President, I rise to express my continued opposition to the Northeast Dairy Compact. As I have said many times in the past, it does not make me happy to oppose efforts by dairy farmers in other parts of the country to reap a higher price for their milk. For years, I have worked with many of the proponents of the compact in efforts to help farmers get a better price for their product. But in the past, these efforts have been national. And I believe we should continue with national efforts to bring farmers together, instead of regional efforts that pit farmer against farmer.

The Northeast Compact is an effort by six Northeastern States to establish a regional cartel, to guarantee the

farmers in that region alone get a higher price for their milk, to the detriment of the consumers in the Northeast, and farmers in other parts of the country, including Wisconsin. In my view, it is the exact opposite of what we should be doing; which is establishing a fair and reasonable national dairy policy that gives farmers in all regions an opportunity to prosper, free of structural impediments from the Federal Government.

In my region of the country, the discriminatory nature of the current milk pricing system has contributed to a dangerous erosion of our farm economy. In Wisconsin alone, we have lost 12,000 dairy farms in the last 10 years. And I believe that the Northeast Compact will worsen the regional inequities that exist today, and be detrimental to farmers in regions outside the Northeast.

To those outside the upper Midwest, who have not witnessed the destruction caused by the current milk pricing system, it may be difficult to understand how pricing schemes in one region could affect other regions of the country. But we cannot ignore that dairy markets are national, and any effort to artificially boost prices in one region alone will have effects throughout the national system. History has proven that point time and time again, and unfortunately, Wisconsin is the proving ground of that destruction.

And even prior to its implementation, the evidence is beginning to build proving that the Northeast Dairy Compact sets a dangerous precedent in U.S. economic policy. Recently, the secretaries of agriculture from 15 southeastern States announced that they would be seeking to establish a Southeastern Dairy Compact, citing the precedent established by the Northeast Compact. So we must ask ourselves, where does it stop? A 6-State dairy cartel in the Northeast, a 15-State dairy cartel in the Southeast. This disintegration of our national economic unity does not come without cost. We may not be able to predict where this new regional cartel movement will stop, but it is clearly dangerous.

So I join my colleagues in introducing this legislation that would repeal the section of the 1996 farm bill that gives the Secretary of Agriculture authority to approve the Northeast Compact. Whether it is stopped legislatively, or by the Secretary of Agriculture, to whom it has been returned by a Federal judge for reconsideration, I believe it should be stopped. And I urge my colleagues to join us in opposing this dangerous precedent for U.S. economic policy.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from Wisconsin under time controlled by the Senator from Minnesota.

Mr. FEINGOLD. Thank you, Mr. President. I, too, am pleased to rise in support of the legislation introduced by the Senator from Minnesota, and also by my friend and colleague, the senior Senator from Wisconsin, Senator KOHL.

I was prepared to give a longer speech but I am informed that the mother-in-law of the Senator from Vermont, Mr. LEAHY, has passed away, and he is not able to be here today because of that. For that reason, I simply associate my remarks with the Senator from Minnesota, and the senior Senator from Wisconsin so we can take this debate up on another day when Senator LEAHY is able to respond. He is very able to respond himself. We have a strong disagreement on this issue, but I am a great friend of his and I believe he is a fine Senator and prefer at this point to wait.

Mr. President, I rise in support of the legislation introduced by the Senator from Minnesota, Senator GRAMS, to repeal the Northeast Interstate Dairy Compact. The Northeast Dairy Compact was included in the 1996 farm bill during conference negotiations after it had been struck from the Senate version of the farm bill during floor consideration of the farm bill early last year.

Mr. President, the Northeast Interstate Dairy Compact establishes a commission for six Northeastern States—Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut—empowered to set minimum prices for fluid milk above those established under Federal Milk Marketing Orders. Ironically, the Federal milk marketing order system already provides farmers in the designated compact region with minimum milk prices higher than those received by most other dairy farmers throughout the nation. The compact not only allows the six States to set artificially high fluid milk prices for their producers, it also allows those States to keep out lower priced milk from producers in competing States and provides processors within the region with a subsidy to export their higher priced milk to noncompact States.

Mr. President, the arguments against this type of price-fixing scheme are numerous: It interferes with interstate commerce by erecting barriers around one region of the Nation; It provides preferential price treatment for farmers in the Northeast at the expense of farmers nationally; It encourages excess milk production in one region without establishing effective supply control which may drive down milk prices for producers throughout the country; It imposes higher costs on the millions of consumers in the Compact region; It imposes higher costs to taxpayers who pay for nutrition programs such as food stamps and the national school lunch programs which provide for milk and other dairy products in their programs; and as a price-fixing compact it is unprecedented in the history of this Nation.

Most important to my home State of Wisconsin, Mr. President, is that the Northeast Dairy Compact exacerbates the inequities within the Federal milk marketing orders system that already discriminates against dairy farmers in Wisconsin and throughout the upper Midwest. Federal orders provide higher fluid milk prices to producers the further they are located from Eau Claire, WI, for markets east of the Rocky Mountains.

Wisconsin farmers have complained for many years that this inherently discriminatory system provides other regions, such as the Northeast, the Southeast, and the Southwest with milk prices that encourage excess production in those regions. Of course, that excess production drives down prices throughout the Nation and results in excessive production of cheese, butter, and dry milk. Cheese and other manufactured dairy products constitute the pillar of our dairy industry in Wisconsin. Competition for the production and sale of these products by other regions spurred on by artificial incentives under milk marketing orders has eroded our markets for cheese and other products.

Mr. President, my State of Wisconsin loses more than 1,000 dairy farms per year either through bankruptcy or attrition. The number of manufacturing plants has declined from 400 in 1985 to less than 230 in 1996. These losses are due in part, to the systematic discrimination and market distortions created by Federal dairy policies that provide artificial regional advantages that cannot be justified on any rational economic grounds.

Mr. President, my colleague from Minnesota, Senator GRAMS and I are on the floor today offering this legislation because the Northeast Dairy Compact reinforces the discrimination that has so damaged the dairy industry in our States. We have fought to change Federal milk marketing orders and we will fight to prevent the Northeast Dairy Compact from ever going into effect.

Less damaging but more insulting to Wisconsin dairy farmers than the increase in regional inequities is the inherent assumption of the compact proponents that either the financial distress of Northeast dairy farmers is worse than that experienced by farmers in other regions or that farmers in the Northeast are more important than farmers elsewhere. Either assumption is ludicrous.

As all Senators are aware, when milk prices plummet, as they did last fall by 26 percent in 3 months, the financial pain is felt by farmers throughout the Nation, no worse and no less by any particular region.

And yet the Northeast Compact provides price protection for dairy farmers in six States, insulating them from

market conditions which noncompact farmers must confront and to which they must adjust. Compact proponents have never been able to explain how conditions in the Northeast merit greater protection from market price fluctuations than other regions of the country. The fact that there are no compelling arguments made in favor of the compact that justified special treatment for the Northeast was emphasized by a vote in the full Senate to strike the compact from the 1996 farm bill. It was the only recorded vote on approval or disapproval of the Northeast Dairy Compact—and it killed the compact in the Senate. The way in which the compact was ultimately included in the 1996 farm bill also illustrates the weak justification and the lack of support for its approval. It was never included in a House version of the farm bill and yet emerged as part of the bill after a closed door Conference negotiation. Legislation which is difficult to defend must frequently be negotiated behind closed doors rather than in the light of day.

The 1996 farm bill provided authority to approve the compact to the Secretary of Agriculture if he found a compelling public interest for the compact in the Northeast. Congress, still unwilling to accept responsibility for what I believe to be an unjustifiable compact, delegated their authority to the Secretary. The Secretary approved the compact last August but even he, with his teams of economists and marketing specialists, was unable to come up with an economic justification for the compact. The Secretary's finding of "compelling public interest" justifying his approval of the compact was so weak and unsupported by the public record that a suit was filed by compact opponents in Federal court charging that the Secretary violated the Administrative Procedures Act. Last December, a Federal District Court judge found that, in fact, the plaintiffs in that suit were likely to prevail on their claim that the Secretary's decision was arbitrary and capricious. More recently, the same Federal judge told USDA to review the public record and determine whether in fact that compact should have been approved.

Mr. President, the Northeast Dairy compact can't be justified because it is just plain bad policy. It is bad public policy because it increases costs to taxpayers nationally and consumers in the Northeast to benefit few. It is bad dairy policy because it exacerbates regional discrimination of existing Federal milk marketing orders by providing artificial advantages to a small group of producers at the expense of all others. And it is bad economic policy because it establishes barriers to interstate trade—barriers of the type the United States has been working hard to eliminate in international markets.

Mr. President, Congress should never have provided Secretary Glickman with authority to approve the compact. That in my view, was an improper and potentially unconstitutional delegation of our authority and it was irresponsible. It is the role of Congress to approve interstate compacts and we irresponsibly abrogated our responsibility in this matter. It is time to make it right.

I hope the Secretary rescinds his earlier decision to approve the compact in the additional time the courts have provided him. If he does not, I hope the courts strike down the compact both on the grounds that it violated the APA and on constitutional grounds. However, in any event, it is incumbent upon Congress to undo the mistake it made in the 1996 farm bill. Congress can and should act independently of both the administrative and judicial process to repeal the Northeast Interstate Dairy compact. As the other branches of Government are doing their jobs, we must continue to do ours.

I urge my colleagues to support this legislation.

By Mr. SHELBY (for himself, Mr. BYRD, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. LUGAR, Mr. SANTORUM, Mr. THURMOND, Mr. SESSIONS, Mr. COCHRAN, Mr. MURKOWSKI, Mr. ENZI, and Mr. HAGEL):

S. 323. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Governmental Affairs.

THE LANGUAGE OF GOVERNMENT ACT OF 1997

Mr. SHELBY. Mr. President, I rise today to introduce what I consider to be one of the most important pieces of legislation that will be offered this year. It is the Language of Government Act of 1997, which designates English as the official language of the U.S. Government. I have as original cosponsors on that legislation Senators BYRD, COVERDELL, CRAIG, FAIRCLOTH, GREGG, HELMS, HUTCHINSON of Arkansas, INHOFE, LUGAR, SANTORUM, THURMOND, COCHRAN, and SESSIONS.

Mr. President, language, as we all know, is a powerful factor in society. As de Tocqueville observed more than a hundred years ago, "The tie of language is perhaps the strongest and the most durable that can unite mankind." That was true then, and it is true today.

Just as surely as language has the power to unite us, it has the power to divide us. One year after French-speaking Quebec rejected by a razor-thin margin the referendum to secede from Canada, our neighbor to the north is still grappling with the repercussions of the vote. English-speaking residents of Quebec have threatened to secede if Quebec proceeds with another referendum. There are many examples in the world of what happens to nations that are divided among language and ethnic lines. Bosnia, as we all know, has been decimated by ethnic strife. The countries of the former Soviet Union are in constant internal conflict and turmoil.

Today, more than 320 different languages are spoken in our country. We should respect each of these languages and those individuals who speak them. But in order to assimilate the various cultures and ethnic groups that comprise our great Nation, I believe we must use English. Furthermore, the Federal Government should not, in my opinion, be expected to administer its official business in all of these languages. Yet, the Federal Government continues to expand the number and types of services that it administers in foreign languages.

Layers of bureaucracy have been added as these governmental agencies have evolved into permanent multilanguage service providers. In light of this fact, Mr. President, I believe it is imperative that we establish in America a responsible, coherent language policy for all of us.

The legislation that I offer today, on behalf of myself and the colleagues I mentioned earlier, is simple and straightforward. It designates English as the language of the Federal Government and requires that most Government functions be performed in English. There are exceptions to that rule, Mr. President, for safety, emergencies, and health-related services.

I want to emphasize that "official English" is directed at the Federal Government and its agents, but does not cover private citizens. In no way, Mr. President, does the bill limit an individual's use of his or her native language in home, church, community, or other private communications.

Mr. President, since last December, the Nation has engaged in a heated debate over using "ebonics" in public schools. We are all familiar with that. I do not intend to join that debate today. Instead, I raise this in order to mention a fundamental point. In the words of Maya Angelo, "The very idea * * * can be very threatening, because it can encourage young men and women not to learn standard English." Without mastering English, our children and grandchildren cannot succeed. Indeed, as so many Americans know from their own experiences, proficiency in English propelled them from a life of poverty to a future full of opportunity.

A substantial body of evidence supports that notion and confirms that there is a direct correlation between an individual's ability to speak English in America and that person's economic fortunes.

A recent Ohio University study concluded that if immigrant knowledge of English were raised to that of native-

born Americans, their income levels would increase by $63 billion annually. In 1994, the Texas Office of Immigration and Refugee Affairs published a study of Southeast Asian refugees in Texas. It conclusively demonstrated that in that population, individuals proficient in English earned over 20 times the annual income of those who could not speak English. Analysis of 1990 census data shows that immigrants' incomes rise 30 percent as a result of being able to communicate in English.

So, without question, fluency in the English language will do more to empower people coming to America than all Federal Government services combined. The Federal Government, however, is offering more services and producing more publications in a multitude of foreign languages, at a cost of $14 billion annually. Conducting official Government functions in a foreign language supposedly facilitates assimilation into our society. What began in a piecemeal fashion to facilitate assimilation has mutated into institutionalized and permanent multilingual programs and services.

The effect, Mr. President, is that it destroys the incentive to learn English, which undermines one of the key objectives of integration in this country. As I stated earlier, the plain truth is that immigrants who do not develop proficiency in English will almost always be relegated to a lower rung on the economic ladder, often far below their earnings potential.

By designating English as the official language of our Government, we send a clear and unmistakable message that English is a necessary part of life in America. But it is not just a symbolic gesture. If most communication with the Federal Government is conducted in English, it encourages fluency in English. At the same time, establishing a language policy will stop the frivolous expenditure of printing Government documents in foreign languages. There is no justification for the money wasted to produce, for example, "The Reproductive Behavior of Young People in the City of Sao Paulo" in Portuguese or publication on the U.S. Mint in Chinese. The money squandered on those documents would be better spent teaching English to those who cannot speak it. My bill states that the savings from this initiative be used to teach English in America.

Mr. President, national polling indicates that 86 percent of Americans support making English the official language of this country. In fact, Mr. President, 8 out of 10 first-generation immigrants in America support this legislation. As our Nation becomes more diverse, it becomes more and more important for Congress to deal with the establishment of an official language policy. Our consideration of this bill shows that we take our national heritage and democracy seriously.

By Mrs. MURRAY (for herself and Mr. CAMPBELL):

S. 324. A bill to amend title 32, United States Code, to provide that performance of honor guard functions at funerals for veterans by members of the National Guard may be recognized as a Federal function for National Guard purposes; to the Committee on Armed Services.

NATIONAL GUARD LEGISLATION

Mrs. MURRAY. Mr President, I come to the floor today to introduce a common sense piece of legislation of great importance to the veterans of our country.

Let me begin by thanking the veterans of my State for bringing this important issue to my attention. I particularly want to thank Mr. Fran Agnes, past national chairman, with the Former Prisoners of War veterans service organization. Fran is a champion for the veterans of my State and he never lets an opportunity pass to share with me the views of Washington State veterans.

My State is home to nearly 700,000 veterans, and one of the few States with a growing veterans population. Washington State vets are active; virtually every veterans service organization has chapters, posts, and members all across my State. At the State level, Washington veterans are also blessed with a team of dedicated veterans' advocates. For me, this means I have a statewide "unofficial" advisory team to provide me with regular information about the issues of importance to veterans. I hear from Washington vets in the classroom, in the grocery store, at VA facilities, on the street, in my office and through the mail. My service on the Veterans' Affairs Committee is a genuine partnership with the veterans of my State.

The bill I am introducing today is a direct result of this partnership. Simply stated, my bill proposes to allow the performance of honor guard functions by members of the National Guard at funerals for veterans.

It may shock my colleagues to know why this legislation is so important. Sadly, decorated U.S. veterans are being laid to rest all across this country without the appropriate military honors.

For years, military installations trained personnel to provide color guard services at the funerals of veterans. Oftentimes, as many as 10 active duty personnel were made available by local military installations to provide funeral services for a compatriot and his or her grieving family. These services were immensely important to the veterans community. It allowed veterans to see fellow veterans treated with the appropriate respect and admiration they deserved, and to know that they would also be afforded a dignified service.

As the military has downsized in recent years, many installations are no longer able to provide personnel to perform color guard services and aid the veteran's family. Some installations do provide limited assistance if the deceased served in that branch of the military. In my State, that means very little to the Navy family who loses a loved one near the Air Force or Army installations nearby. And we all know, when a family member passes away there is little time or emotional capacity to plan a funeral. Too often, the result for a veteran is a funeral service without the requested and the deserved military honors. This must change.

Veterans' service organizations have stepped in and tried to provide the color guard services for fellow deceased veterans. By most accounts, they do a very good job. But VSO's cannot meet the need for color guard services. By their own admission, they often lack the crispness and the precision of trained military personnel. Our veterans population is getting older, and we cannot expect a group of older veterans to provide these services day in and day out for their military peers. We are simply asking too much of a generation that has already given so much.

My bill is an important first step toward ensuring that every veteran receives a funeral worthy of the valiant service he or she has given to our country. I believe every single Member of Congress believes our veterans deserve to be remembered with the appropriate military honors during a funeral service. By passing my legislation, the Congress can send a message to veterans that their service to us all will never be forgotten. I urge my colleagues to join me in this effort to pass this legislation at the earliest opportunity.

Mr. President, I also want to thank Senator and Korean war veteran BEN NIGHTHORSE CAMPBELL for joining me in this effort. Senator CAMPBELL also serves on the Veterans' Affairs Committee and I know personally of his great commitment to the veterans of our country. And I'd also like to thank Congressman PAUL KANJORSKI, who has previously introduced this legislation on the House side. As I understand it, his constituents in Pennsylvania originally asked him to get involved in this effort. I look forward to working closely with both Senator CAMPBELL and Congressman KANJORSKI in support of this legislation.

By Mr. BUMPERS (for himself, Mr. FEINGOLD, Mr. LEAHY, and Mr. KOHL):

S. 325. A bill to repeal the percentage depletion allowance for certain hardrock mines; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. LEAHY, and Mr. KOHL):

S. 326. A bill to provide for the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself, Mr. AKAKA, Mr. LEAHY, Mr. FEINGOLD, and Mr. KOHL):

S. 327. A bill to ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and for other purposes; to the Committee on Labor and Human Resources.

HARDROCK MINING REFORM LEGISLATION

Mr. BUMPERS. Mr. President, I rise today to introduce three bills which are intended to reform hardrock mining on public land and recover, for taxpayers, lost revenues resulting from the patenting process under the 1872 mining law.

The 1872 mining law was signed into law by President Ulysses S. Grant during a time when our national policy was to encourage the settlement of the West with the enticement of free land and minerals. However, 124 years have now passed and the mining law has become a relic. Rather than serve the interests of the public, the mining law gives away billions of dollars worth of land and minerals to mining companies for practically nothing.

While there are many flaws with the 1872 law, some of the most outrageous include: allowing the sale of public lands and minerals for $2.50 to $5.00 per acre; allowing the mining of valuable minerals without a dime in royalty payments to the taxpayers for those minerals; allowing patented land bought for $2.50 an acre to be resold at market prices—sometimes thousands of dollars per acre; and not adequately protecting the environment.

Our attitudes toward public resources have changed since the 19th century and so have most of our public policies. While the mining law has been amended indirectly over the years, its basic provisions remain unchanged and are in dire need of reform. Over the years numerous private, government and congressional studies have recommended either revising the mining law or repealing it completely. One of the most thorough modern studies of the mining law was conducted by the Public Land Law Review Commission during the 1960's. The commission's work formed the basis for the Federal Land Policy and Management Act of 1976 [FLPMA]. In "One Third of the Nation's Land—A Report to Congress and the President" the commission stated:

> The general mining law of 1872 has been abused, but even without that abuse, it has many deficiencies. Individuals whose primary interest is not in mineral development and production have attempted, under the guise of that law, to obtain use of public lands for various other purposes. The 1872 law offers no means by which the Government can effectively control environmental impacts.

While the Public Land Review Commission and many others have called for comprehensive mining law reform for some time now, Congress has failed to respond. At a time when the public is clamoring for a more efficient government and a government that treats the taxpayers with dignity and respect, the 1872 mining law instead condones the giveaway of public lands and valuable minerals worth billions of dollars for practically nothing and which permits long-term environmental degradation of our public lands.

In the last four Congresses I introduced legislation which would have comprehensively reformed the mining law. On each occasion the mining industry went to great lengths to successfully ensure that the 1872 mining law would not be comprehensively reformed. However, Mr. President, as we continue to strive to balance the Federal budget, the day of reckoning for beneficiaries of corporate welfare is getting closer. Eventually, Congress is going to enact real mining law reform.

The legislation I am introducing today is an effort to seek to protect the interests of the very people that Members of Congress purport to represent—the American people. One hundred twenty-four years after Ulysses Grant signed the mining law the time has come to bring our Nation's mineral policy into the present.

As always, I am willing to work with people on all sides of this issue in an attempt to develop a solution amenable to all. However, I will not be a party to the efforts of those who, in an effort to end debate on the subject, attempt to enact "sham reform" legislation drafted by the mining industry.

The problems of the mining law and the proposed solutions contained in the three bills I am introducing today are described more fully below.

Under the existing mining law, a patent-fee simple title—to a mining claim on Federal lands may be obtained for the purchase price of $2.50 an acre for a placer claim—or $5 an acre for a lode claim—a price which has not changed since 1872. During the last 124 years, the Government has sold more than 3.2 million acres of land under the patent provision of the 1872 mining law, an area similar to the size of the State of Connecticut. This is a giveaway—pure and simple—and is directly contrary to the national policy enunciated in the Federal Land Policy and Management Act—that, in most cases, public lands should be retained in public ownership.

It doesn't take a rocket scientist to figure out that $5 an acre is far less than the fair market value of the patented land and the minerals thereon. In 1994 we witnessed one of the biggest taxpayer ripoffs in the history of the mining law when the Federal Government was forced to grant patents to a subsidiary of a Canadian-owned mining company. In exchange for 1,800 acres of land in Nevada containing more than $10 billion in gold, the Federal Government received the princely sum of less than $10,000. Mr. President, believe it or not, the taxpayers stand to do worse in the very near future. The Stillwater Mining Co., which is jointly owned by Chevron and Manville, has applied for patents on approximately 2,000 acres of Forest Service land in Montana. In exchange for $10,000, the company will receive fee title to land containing, according to Stillwater's own reserve estimates, $35 billion worth of platinum and palladium.

Congress finally took action in 1994 by imposing a 1-year moratorium on the processing of new patent applications and those applications that were still in the early stages of processing. This moratorium has been renewed the last 2 years, albeit after an effort was made by Senators from the West to repeal it.

Under the Hardrock Mining Royalty Act of 1997, which I am introducing today, mining claim holders would no longer be able to patent their claims. The sale of Federal lands for $2.50 or $5.00 an acre would be permanently halted.

In addition to allowing the sale of lands for far less than fair market value, the mining law also permits corporations to mine valuable minerals from public domain lands without paying a nickel in royalties to the landowner—the taxpayers. While oil, gas, and coal producers all pay royalties to the U.S. Treasury for production on Federal lands, the Government doesn't receive anything for hardrock minerals produced on Federal lands subject to the 1872 mining law.

The hardrock mining companies contend that they would be forced to shut down operations if they were required to pay royalties to the Federal Government. However, these same companies find themselves able to pay royalties for mining operations on State and private lands. In fact, the Newmont Mining Co. pays an 18 percent royalty on land acquired from private interests on a portion of its gold quarry mine in Nevada's Carlin Trend. Ironically, a hardrock miner operating on acquired Federal lands pays a royalty to the Federal Government while his counterpart on lands subject to the mining law pays nothing. There is no justifiable reason for this difference.

Billions of dollars' worth of hardrock minerals are extracted from the public lands. It is absolutely unfair to the taxpayers of this country to permit hardrock mining companies to enjoy the same tax breaks as others, while failing to adequately compensate the public landowners. The legislation I am introducing today seeks to remedy this result. First, the Hardrock Mining Royalty Act of 1997 would require the payment of a royalty of 5 percent of the net smelter return from mineral

production on public lands. Because the royalty would not apply to minerals extracted on lands already patented under the mining law, the Abandoned Mines Reclamation Act of 1997 would required mining companies operating on patented land to pay a net-income-based reclamation fee. Finally, because it makes absolutely no sense to permit mining companies to take advantage of a mineral depletion allowance when they are using taxpayer land without compensating the taxpayers, the elimination of double subsidies for the Hardrock Mining Industry Act of 1997 would repeal the depletion allowance for mining operations on land subject to the 1872 mining law.

Originally, the mining law required claimants to certify that they performed 100 dollars' worth of work on their mining claims each year in order to maintain their claims. Because many claimants were not serious about mining their claims, Congress replaced the work requirement with a $100 per claim maintenance fee. In conjunction with the administration's proposal the Hardrock Mining Royalty Act increases the fee for new claims to $125.

Mr. President, past mining activities have left a legacy of unreclaimed lands, acid mine drainage, and hazardous waste. More than 50 abandoned hardrock mining sites are currently on the Superfund national priority list. Some estimate that it could cost taxpayers upward of $70 billion to clean all the abandoned mining sites.

The legislation I am introducing today would create an abandoned mine reclamation fund to help reclaim the many hardrock mining sites which have been abandoned. Money for the fund would come from the royalties and holding fees collected under the Hardrock Mining Royalty Act of 1997 and the reclamation fees collected under the Abandoned Hardrock Mining Reclamation Act of 1997.

Mr. President, the mining industry knows that the public is slowly learning about the 1872 mining law and the associated atrocities and believe me, the industry is worried. As they have done in the past, I suspect the mining industry will once again raise a smokescreen by proposing so-called reforms. For instance, the mining industry has proposed that instead of paying $2.50 or $5.00 an acre for patents, that instead they pay the fair market value of the surface, regardless of the value of the minerals located on the land. While the concept of fair market value is certainly a good one, it is absurd to argue that the Stillwater Mining Co. would really be paying fair market value if they paid for the surface—probably worth less than $100 an acre—and ignored the value of the platinum and palladium—estimated to be $35 billion. Mr. President, if you or I ran a company which sold land for such fair market value, we would be fired in a New York minute. Mr. President, I urge my colleagues to beware of such sham reform.

Mr. President and colleagues, I urge you to support the long overdue reform of the 1872 mining law and to cosponsor my three bills. Both Republicans and Democrats are always talking about change and the need to end business as usual in Washington. My legislation is intended to end business as usual and bring the 1872 mining law into the 20th century. I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 325

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 "Elimination of Double Subsidies for the Hardrock Mining Industry Act of 1997."

SEC. 2. REPEAL OF DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) IN GENERAL.—The first sentence of section 611(a) of the Internal Revenue Code of 1986, 26 U.S.C. 611(a), is amended by inserting immediately after "mines" the following: "(except for hardrock mines located on land currently subject to the general mining laws or on land patented under the general mining laws)".

(b) DEFINITIONS.—Section 611 of the Internal Revenue Code of 1986 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) DEFINITIONS.—For purposes of subsection (a)—

"(1) 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to taxable years beginning after December 31, 1996.

S. 326

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 "Abandoned Hardrock Mines Reclamation Act of 1997".

SEC. 2. RECLAMATION FEE.

(a) RESERVATION OF RECLAMATION FEE.—Any person producing hardrock minerals from a mine that was within a mining claim that has subsequently been patented under the general mining laws shall pay a reclamation fee to the Secretary under this section. The amount of such fee shall be equal to a percentage of the net proceeds from such mine. The percentage shall be based upon the ratio of the net proceeds to the gross proceeds related to such production in accordance with the following table:

Net Proceeds as Percentage of Gross Proceeds	Rate of Fee as Percentage of Net Proceeds
Less than 10	2.00
10 or more but less than 18	2.50
18 or more but less than 26	3.00
26 or more but less than 34	3.50
34 or more but less than 42	4.00
42 or more but less than 50	4.50
50 or more	5.00

(b) EXEMPTION.—Gross proceeds of less than $500,000 from minerals produced in any calendar year shall be exempt from the reclamation fee under this section for that year if such proceeds are from one or more mines located in a single patented claim or on two or more contiguous patented claims.

(c) PAYMENT.—The amount of all fees payable under this section for any calendar year shall be paid to the Secretary within 60 days after the end of such year.

(d) DISBURSEMENT OF REVENUES.—The receipts from the fee collected under this section shall be paid into an Abandoned Minerals Mine Reclamation Fund.

(e) EFFECTIVE DATE.—This section shall take effect with respect to hardrock minerals produced in calendar years after December 31, 1996.

SEC. 3. ABANDONED MINERALS MINE RECLAMATION FUND.

(a) ESTABLISHMENT.—

(1) There is established on the books of the Treasury of the United States an interest-bearing fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to in this section as the "Fund"). The Fund shall be administered by the Secretary.

(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgment, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and from a part of, the Fund.

(b) USE AND OBJECTIVES OF THE FUND.—The Secretary is, subject to appropriations, authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

(1) Reclamation and restoration of abandoned surface mined areas.

(2) Reclamation and restoration of abandoned milling and processing areas.

(3) Sealing, filling, and grading abandoned deep mine entries.

(4) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

(5) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

(6) Control of surface subsidence due to abandoned deep mines.

(7) Such expenses as may be necessary to accomplish the purposes of this section.

(c) ELIGIBLE AREAS.—

(1) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this title;

(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

(2) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

SEC. 4. DEFINITIONS.

As sued in this Act:

(1) The term "gross proceeds" means the value of any extracted hardrock mineral which was:

(A) solid;

(B) exchanged for any thing or service;

(C) removed from the country in a form ready for use of sale; or

(D) initially used in a manufacturing process or in providing a service.

(2) The term "net proceeds" means gross proceeds less the sum of the following deductions:

(A) The actual cost of extracting the mineral.

(B) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(C) The actual cost of reduction, refining and sale.

(D) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(E) The actual cost of maintenance and repairs of:

(i) All machinery, equipment, apparatus and facilities used in the mine.

(ii) All milling, refining, smelting and reduction works, plants and facilities.

(iii) All facilities and equipment for transportation.

(F) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in subseciton (E).

(G) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in subsection (E).

(H) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(I) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(J) All royalties and severance taxes paid to the Federal government or State governments.

(3) The term "hardrock minerals" means any mineral other than a mineral that would be subject to disposition under any of the following if located on land subject to the general mining laws:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "patented mining claim" means an interest in land which has been obtained pursuant to sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for placer claims, or section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims.

(6) The term "general mining laws" means those Acts which generally comprise Chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.

S. 327

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 "Hardrock Mining Royalty Act of 1997".

SEC. 2. ROYALTY.

(a) RESERVATION OF ROYALTY.—Each person producing locatable minerals (including associated minerals) from any mining claim located under the general mining laws, or mineral concentrates derived from locatable minerals produced from any mining claim located under the general mining laws, as the case may be, shall pay a royalty of 5 percent of the net smelter return from the production of such locatable minerals or concentrates, as the case may be .

(b) ROYALTY PAYMENTS.—Each person responsible for making royalty payments under this section shall make such payments to the Secretary not later than 30 days after the end of the calendar month in which the mineral or mineral concentrates are produced and first placed in marketable condition, consistent with prevailing practices in the industry.

(c) REPORTING REQUIREMENTS.—All persons holding mining claims located under the general mining laws shall provide to the Secretary such information as determined necessary by the Secretary to ensure compliance with this section, including, but not limited to, quarterly reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, and amount of all minerals extracted from the mining claim.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all persons holding mining claims located under the general mining laws as he deems necessary for the purposes of ensuring compliance with the requirements of this section.

(e) DISPOSITION OF RECEIPTS.—All receipts from royalties collected pursuant to this section shall be deposited into the Fund established under section 3.

(f) COMPLIANCE.—Any person holding mining claims located under the general mining laws who knowingly or willfully prepares, maintains, or submits false, inaccurate, or misleading information required by this section, or fails or refuses to submit such information, shall be subject to a penalty imposed by the Secretary.

(g) EFFECTIVE DATE.—This section shall take effect with respect to minerals produced from a mining claim in calendar months beginning after enactment of this Act.

SEC. 3. ABANDONED MINERALS MINE RECLAMATION FUND.

(a) ESTABLISHMENT.—

(1) There is established on the books of the Treasury of the United States a trust fund to be known as the Abandoned Minerals Mine Reclamation Fund (hereinafter referred to as the "Fund"). The Fund shall be administered by the Secretary.

(2) The Secretary shall notify the Secretary of the Treasury as to what portion of the Fund is not, in his judgement, required to meet current withdrawals. The Secretary of the Treasury shall invest such portion of the Fund in public debt securities and maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketplace obligations of the United States of comparable maturities. The income on such investments shall be credited to, and from a part of, the Fund.

(b) AMOUNTS.—The following amounts shall be credited to the Fund for the purposes of this Act:

(1) All moneys received from royalties under section 1 of this Act and the mining claim maintenance fee under section 4 of this Act.

(2) All donations by persons, corporations, associations, and foundations for the purposes of this title.

(c) USE AND OBJECTIVES OF THE FUND.—The Secretary is, subject to appropriations, authorized to use moneys in the Fund for the reclamation and restoration of land and water resources adversely affected by past mineral (other than coal and fluid minerals) and mineral material mining, including but not limited to, any of the following:

(1) Reclamation and restoration of abandoned surface mined areas.

(2) Reclamation and restoration of abandoned milling and processing areas.

(3) Sealing, filling, and grading abandoned deep mine entries.

(4) Planting of land adversely affected by past mining to prevent erosion and sedimentation.

(5) Prevention, abatement, treatment and control of water pollution created by abandoned mine drainage.

(6) Control of surface subsidence due to abandoned deep mines.

(7) Such expenses as may be necessary to accomplish the purposes of this section.

(d) ELIGIBLE AREAS.—

(1) Land and waters eligible for reclamation expenditures under this section shall be those within the boundaries of States that have lands subject to the general mining laws—

(A) which were mined or processed for minerals and mineral materials or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to the date of enactment of this Act;

(B) for which the Secretary makes a determination that there is no continuing reclamation responsibility under State or Federal laws; and

(C) for which it can be established that such lands do not contain minerals which could economically be extracted through the reprocessing or remining of such lands.

(2) Notwithstanding paragraph (1), sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 and following) or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 and following) shall not be eligible for expenditures from the Fund under this section.

(e) FUND EXPENDITURES.—Moneys available from the Fund may be expended directly by the Director, Bureau of Land Management.

The Director may also make such money available through grants made to the Chief of the United States Forest Service, and the Director of the National Park Service.

(f) AUTHORIZATION OF APPROPRIATIONS.—Amounts credited to the Fund are authorized to be appropriated for the purpose of this title without fiscal year limitation.

SEC. 4. LIMITATION ON PATENT ISSUANCE.

No patents shall be issued by the United States for any mining or mill site claim located under the general mining laws unless the Secretary determines that, for the claim concerned a patent application was filed with the Secretary on or before September 30, 1994, and all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36 and 37) for place claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

SEC. 5. MINING CLAIM MAINTENANCE REQUIREMENTS.

(a) IN GENERAL.—

(1) Effective October 1, 1998, the holder of each mining claim located under the general mining laws prior to the date of enactment shall pay to the Secretary an annual claim maintenance fee of $100 per claim per calendar year.

(2) The holder of each mining claim located under the general mining laws subsequent to the date of enactment shall pay to the Secretary an annual claim maintenance fee of $125 per claim per calendar year.

(b) PURCHASING POWER ADJUSTMENT.—The Secretary shall adjust the amount of the claim maintenance fee payable pursuant to subsection (a) for changes in the purchasing power of the dollar after the calendar year 1993, employing the Consumer Price Index for all urban consumers published by the Department of Labor as the basis for adjustment, and rounding according to the adjustment process of conditions of the Federal Civil Penalties Inflation Adjustment Act of 1990.

(c) TIME OF PAYMENT.—Each claim holder shall pay the claim maintenance fee payable under subsection (a) for any year on or before August 31 of each year, except that for the initial calendar year in which the location is made, the initial claim maintenance fee shall be paid at the time the location notice is recorded with the Bureau of Land Management.

(d) OIL SHALE CLAIMS SUBJECT TO CLAIM MAINTENANCE FEES UNDER ENERGY POLICY ACT OF 1992.—The section shall not apply to any oil shale claims for which a fee is required to be paid under section 2511(e)(2) of the Energy Policy Act of 1992 (30 U.S.C. 242(e)(2))

(e) CLAIM MAINTENANCE FEES PAYABLE UNDER 1993 ACT.—The claim maintenance fees payable under this section for any period with respect to any claim shall be reduced by the amount of the claim maintenance fees paid under section 10101 of the Omnibus Budget Reconciliation Act of 1993 with respect to that claim and with respect to the same period.

(f) WAIVER.—

(1) The claim maintenance fee required under this section may be waived for a claim holder who certifies in writing to the Secretary that on the date the payment was due, the claim holder and all related parties held not more than 10 mining claims on land open to location. Such certification shall be made on or before the date on which payment is due.

(2) For purposes of this subsection, with respect to any claim holder, the term "related party" means each of the following:

(A) The spouse and dependent children (as defined in section 152 of the Internal Revenue Code of 1986), of the claim holder.

(B) Any affiliate of the claim holder.

(g) CO-OWNERSHIP.—Upon the failure of any one or more of several co-owners to contribute such co-owner or owners' portion of the fee under this section, any co-owner who has paid such fee may, after the payment due date, give the delinquent co-owner or owners notice of such failure in writing (or by publication in the newspaper nearest the claim for at least once a week for at least 90 days). If at the expiration of 90 days after such notice in writing or by publication, any delinquent co-owner fails or refused to contribute his portion, his interest, in the claim shall become the property of the co-owners who have paid the required fee.

SEC. 6. DEFINITIONS.

As used in this Act:

(1) The term "affiliate" means with respect to any person, each of the following:

(A) Any partner of such person.

(B) Any person owning at least 10 percent of the voting shares of such person.

(C) Any person who controls, is controlled by, or is under common control with such person.

(2) The term "locatable minerals" means minerals not subject to disposition under any of the following:

(A) the Mineral Leasing Act (30 U.S.C. 181 and following);

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following);

(C) the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following); or

(D) the Mineral Leasing for Acquired Lands Act (30 U.S.C. 351 and following).

(3) The term "net smelter return" has the same meaning provided in section 613 of the Internal Revenue Code of 1986 (26 U.S.C. 613) for "gross income from mining".

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "general mining laws" means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30, United States Code.

By Mr. HUTCHINSON (for himself, Mr. NICKLES, Mr. WARNER, Mr. MACK, Mr. KYL, Mr. BROWNBACK, Mr. COCHRAN, Mr. ROBERTS, Mr. HATCH, Mr. GORTON, Mr. ENZI, Mr. GREGG, Mr. ALLARD, Mr. LOTT, Mr. SESSIONS, and Mr. FAIRCLOTH):

S. 328. A bill to amend the National Labor Relations Act to protect employer rights, and for other purposes; to the Committee on Labor and Human Resources.

TRUTH IN EMPLOYMENT ACT OF 1997

Mr. HUTCHINSON. Mr. President, I am pleased to introduce today an important piece of legislation which will enable thousands of businesses in my home State of Arkansas, and across the Nation, to avoid an unscrupulous practice which is literally crippling business.

The Truth in Employment Act will protect these businesses and curtail the destructive union tactic known as salting. It may not be in the same magnitude of issues as the balanced budget amendment, which I am deeply concerned about and in which we have had prolonged debate, but it is nonetheless a very, very significant issue that is affecting the economic well-being of thousands of businesses across America. So I am glad to be able to introduce this today with 14 cosponsors joining me on S. 328.

Salting is the calculated practice of placing trained union professional organizers and agents in a nonunion workplace whose sole purpose is to harass or disrupt company operations, apply economic pressure, increase operating and legal costs, and ultimately the purpose of putting that company out of business. The objectives of these union agents are accomplished through filing frivolous and unfair labor practice complaints or discrimination charges against the employer with the National Labor Relations Board [NLRB], the Occupational Safety and Health Administration [OSHA], and the Equal Employment Opportunity Commission [EEOC]. Salting campaigns have been used successfully to cause economic harm to construction companies and are quickly expanding into other industries across the country as well.

To my colleagues I would say, Mr. President, the average cost to the employer to defend himself or defend herself against this practice runs upwards of $5,000 per case.

Salting is not merely a union organizing tool. It has become an instrument of economic destruction aimed at nonunion companies. This is what happens. Unions send their agents into nonunion workplaces under the guise of seeking employment. Hiding behind the shield of the National Labor Relations Act, these salts use its provisions offensively to bring hardship on their employers. They deliberately increase the operating costs of their employers through actions such as sabotage and frivolous discrimination complaints.

In the 1995 Town & Country decision, the U.S. Supreme Court held that paid union organizers are employees within the meaning of the National Labor Relations Act. Because of their broad interpretation of this act, employers who refuse to hire paid union employees or their agents violate the act if they are shown to have discriminated against the union salts.

This leaves employers in a precarious and vulnerable situation. If employers refuse to hire union salts, they will file frivolous charges and accuse the employer of discrimination. Yet if salts are employed, they will create internal disruption through a pattern of dissension and harassment. They are not there to work—only to disrupt. For many small businesses this means that whenever hiring decisions are made, the future of the company may actually be at stake. A wrong decision can

mean frivolous charges, legal fees, and lost time, which may threaten the very existence of their business.

I have received many accounts from across the Nation of how salting is affecting small businesses. In Carmel, IN, John Gaylor, of Gaylor Electric, is a favorite target of the local International Brotherhood of Electrical Workers. Mr. Gaylor has to budget almost $200,000 annually to defend himself against frivolous charges. In fact, Gaylor has been forced to defend himself against at least 80 unfair labor practice complaints. However, in each case the charges against him were dismissed as frivolous. Nonetheless, he is bound to pay hundreds of thousands of dollars to attorneys to defend himself.

In a classic example of salting tactics, Gaylor had to fire one employee after his refusal to wear his hardhat on his head. This employee would strap the hardhat to his knee and then dare Gaylor, his boss, to fire him because he said the employee manual stated only that he had to wear the hardhat, it did not state where he had to wear it.

Another common salting practice is for salts to actually create Occupational Safety and Health Administration [OSHA] violations and then report those violations to OSHA. When the employer terminates these individuals, they file frivolous unfair labor practice violations against the employer. This results in wasted time and money, as well as bad publicity for the company.

These are just a few of the many examples of how devastating this practice can be to small businesses. What makes this practice even more appalling is how organized labor openly advocates its use. According to the group, "Workplaces against Salting Abuse," the labor unions are even advocating this practice in their manuals.

The Union Organizing Manual of the International Brotherhood of Electrical Workers explains why salts are used. Their purpose is to gather information that will

> * * * shape the strategy the organizer will use later in the campaign to threaten or actually apply the economic pressure necessary to cause the employer to * * * raise his prices to recoup additional costs, scale back his business, leave the union's jurisdiction, go out of business, * * *

The International Vice President of the United Food and Commercial Workers Union has been quoted as saying that:

> If we can't organize them, the best thing to do is erode their business as much as possible.

That is what we are facing. The balance of rights must be restored between employers, employees, and labor organizations. The Truth in Employment Act seeks to do this by inserting a provision in the National Labor Relations Act establishing that an employer is not required to employ a person seeking employment for the primary purpose of furthering the objectives of an organization other than that employer. Furthermore, this legislation will continue to allow employees to organize and engage in activities designed to be protected by the National Labor Relations Act.

This measure is not intended to undermine those legitimate rights or protections that employees have had. Employers will gain no ability to discriminate against union membership or activities. This bill only seeks to stop the destructive practice of salting. Salting abuses must be curtailed if we are to protect the small business owners of this Nation. This legislation will ensure these protections are possible.

I am glad that Senator NICKLES, Senator WARNER, Senator MACK, Senator KYL, Senator BROWNBACK, Senator COCHRAN, Senator ROBERTS, Senator HATCH, Senator GORTON, Senator ENZI, Senator GREGG, Senator ALLARD, Senator SESSIONS, Senator FAIRCLOTH, and the majority leader, Senator LOTT, have joined as original cosponsors of this legislation.

It is for these reasons I am introducing the Truth in Employment Act. I ask more of my colleagues to support this bill and restore fairness to the American workplace.

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. 328

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 "Truth in Employment Act of 1997".

SEC. 2 FINDINGS.

Congress finds the following:

(1) An atmosphere of trust and civility in labor-management relationships is essential to a productive workplace and a healthy economy.

(2) The tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace (a practice commonly referred to as "salting") has evolved into an aggressive form of harassment not contemplated when the National Labor Relations Act (29 U.S.C. 151 et seq.) was enacted and threatens the balance of rights that is fundamental to the collective bargaining system of the United States.

(3) Increasingly, union organizers are seeking employment with nonunion employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put nonunion competitors out of business.

(4) While no employer may discriminate against employees based upon the views of the employees concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing the skills of the applicants to further the goals of the business of the employer.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to preserve the balance of rights between employers, employees, and labor organizations that is fundamental to a system of collective bargaining;

(2) to preserve the rights of employees to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; and

(3) to alleviate pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace of the employer or otherwise inflict economic harm designed to put the employer out of business.

SEC. 4. PROTECTION OF EMPLOYER RIGHTS.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by adding at the end the following flush sentence:

"Nothing in this subsection shall be construed as requiring an employer to employ any person who seeks or has sought employment with the employer in furtherance of the objectives of an organization other than the employer.".

By Mr. ABRAHAM:

S. 329. A bill to provide that pay for Members of Congress shall be reduced whenever total expenditures of the Federal Government exceed total receipts in any fiscal year, and for other purposes; to the Committee on Governmental Affairs.

• Mr.ABRAHAM. Mr. President, today I am introducing legislation to reduce the salaries of Members of Congress by 10 percent for every year that the budget remains out of balance or Congress fails to enact a balanced budget amendment to the Constitution. Since the Senate is currently debating a balanced budget to the Constitution, I think it is an appropriate time to renew this legislation.

Mr. President, the Federal budget has been out of balance since 1969. If you exclude trust fund surpluses—as some argue we should—then the Federal Government has not had a surplus since the Kennedy administration. Since that time, the on-budget deficit has risen from $4 billion in 1961 to $26 billion in 1971, $74 billion in 1981, and $321 billion in 1991. According to the CBO, despite recent improvements, the deficit will continue to be a problem—over $200 billion per year out into the future.

Uninterrupted deficits mean rising debt and debt service costs. The gross debt right now is over $5 trillion. By 2002, it will be over $6 trillion. At that time, as we all have been warned, interest payments on the debt will be the largest single portion of the Federal budget. A child born today faces close to $200,000 in extra taxes over his/her lifetime just to pay interest on the Federal debt.

In other words, Mr. President, after 35 years of uninterrupted presence, I think we can call the Federal deficit an institution here in Washington and admit that there's an institutional bias toward operating in the red. The legislation I am reintroducing today would create an institutional bias in the other direction—toward balance.

Specifically, the bill provides that the salary of Members of Congress be reduced by 10 percent whenever the Federal Government is unable to balance the budget at the close of a fiscal year. It further provides that such a reduced salary level remain in effect until the Government is successful in achieving a balanced budget. The bill's requirements would sunset, however, upon passage of a balanced budget constitutional amendment by both Houses of the Congress.

Mr. President, I believe it is a fundamental responsibility of Government to live within its means. Yet, Members of Congress find it tempting to spend more money than they are willing to take from taxpayers. On the one hand, they reap the benefits by pleasing their constituents. On the other hand, they avoid displeasing the taxpayers who have to foot the bill. In the end, it is future generations of taxpayers who will pick up the tab.

Last Congress, we came close to reversing this destructive trend. We came within one vote of adopting a balanced budget amendment to the Constitution, and we came within one Presidential veto of instituting a plan to reduce spending, cut taxes, and balance the budget by the year 2002. As we all know, however, close does not count, and the debt we impose upon our children continues to rise.

For that reason, I will continue to fight for a balanced budget constitutional amendment and I will continue to work as a member of the Budget Committee to enact a balanced budget plan. Until either of these initiatives is adopted, however, I will continue to propose holding Members collectively responsible for year-end deficits by reducing their pay.

Mr. President, as I said last year, the Congressional Fiscal Policy Act of 1997 is not a panacea for our current fiscal problems. However, until such time as a balanced budget amendment is placed into the Constitution, it would effect a small but potentially important step toward more responsible Government.●

By Mr. DORGAN (for himself, Mr. KEMPTHORNE, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAIG, Mr. DOMENICI, Mr. THOMAS and Mr. DASCHLE):

S. 331. A bill to amend title 23, United States Code, to provide a minimum allocation of highway funds for States that have low population densities and comprise large geographic areas; to the Committee on Environment and Public Works.

Mr. DORGAN. Mr. President, I come to the floor today to introduce a piece of legislation on behalf of myself, Senator KEMPTHORNE, Senator BINGAMAN, Senator CONRAD, Senator CRAIG, Senator DOMENICI, Senator THOMAS, and Senator DASCHLE.

At the conclusion of my remarks I will send a copy of the bill and the statement to the desk.

Mr. President, we will have in this Congress a lot of debates about a lot of issues. One of them that will be very interesting and have great consequence will be the issue of reauthorizing the highway bill. And the question of how much money is available to which States and under what conditions will the money be available to build, to construct, and to maintain highways, roads, and bridges across our country. And to some that may seem like kind of a dull uninteresting subject. But the development, the building, and the maintenance of highways and bridges is critically important to regions of our country. It determines where people live, and where people can travel. It determines economic development, jobs and opportunity.

I come from a rural State. I recognize that there will be a formula fight, as there always is—a formula fight about how to apportion the highway dollars, and who gets what. I do not intend to take sides between one big State and another big State. But I come from a State that is rather large in geography but small in population simply to say that when all of the fighting is over we want to make certain that States like North Dakota and others, where you have large expanses of territory and relatively few people living in those States, are not left out of this process.

Some may not understand the frame of reference to North Dakota. Let me describe it, if I might, as I begin talking about this bill.

I come from southwestern North Dakota, a town of 300 people, and graduated from a high school class of 9. The county I come from is called Hettinger County. The county next to Hettinger is Slope County, a wonderful territory. Southwestern North Dakota is ranching country with wonderful people. Slope County has fewer than 1,000 people. It is a land mass the size the State of Rhode Island. Slope County is the size of the State of Rhode Island but has fewer than 1,000 people.

There were a lot of births in Slope County last year. There were 7,900 calves born. There were 2,500 pigs born. There were about 1,500 lambs born. And there were seven children born in Slope County; seven children born in Slope County, a land expanse the size of the State of Rhode Island.

I have said—and I do it just I guess because it is obvious—that there is not a lot of childbearing going on in the Medicare years. The fact is that the average age of the population in counties like Slope County, a rural county, is increasing, and there just are not a lot of children born in those counties. In North Dakota, we have 11 counties that are growing and 42 counties that are shrinking. Slope County is an example of that.

I mention all of this to you for one reason. Roads are important. How hard do you think it is to support road building or road maintenance in a county that size with so few people? I can say the same thing about Hettinger County not only in North Dakota, but in South Dakota, New Mexico, Wyoming, Montana, and other States as well. It is very hard with a small population base and a lot of miles of road to support them with our current circumstance.

As we have a fight about highway funding here in the Congress—and the fight is a big-stakes fight over billions and tens of billions of dollars to be sliced up and divided between 50 States, and the big States have an enormous amount of money at stake, New York, Florida, California, and others—an enormous amount of money is at stake for these States. I am going to be someone who helps move this along by saying that I think highway building, highway maintenance, highway construction, and bridge repair is very important for our country's future. We must rebuild our country's infrastructure. We must pay attention to these kinds of things. All you have to do is go to some less-developed country and drive the first mile and understand how important infrastructure is and what we have here versus what they have in many other areas of the world.

But much of our infrastructure is in trouble, and we must reauthorize a highway funding bill that gives us the resources across this country to rebuild our infrastructure.

How do we divide up the money? Well, that then becomes part of this formula fight. How much does one State get versus another?

There are about eight States in this country where you have a large land mass, and only a few people. That makes it very difficult for the few people living in those States to maintain the network of highways necessary. Why is it necessary? It is necessary for the country. It is necessary for an entire transportation system.

You can imagine perhaps President Eisenhower sitting at the White House probably having Speaker Rayburn down to talk about his idea of an Interstate Highway System across our country connecting various parts of our country. And, if someone in that meeting when they talked about building an interstate highway program had said, "Well, gee, how could you conceivably support building a four-lane, expensive interstate highway that goes among other places from Fargo, ND, in the east and exits at Beach, ND, in the west as it enters Montana, for the number of people it serves in North Dakota, how on Earth could this country justify that investment in the interstate highway program?" The answer was simple. It was a national program. And the fact that you build a highway across a State with low populations such as North Dakota means that frozen fish and fresh fruit move from Boston to Seattle, not across gravel roads

in the center of the country because there are only a few people living there, but across an interstate highway system that is part of a national network of highways and roads that are important for our entire country. That is the purpose of all of it this.

Those of us that come from the less-densely populated States drive a lot. Gas taxes mean a lot to us. The price of gasoline means a lot to us. In North Dakota, for example, we drive exactly twice as much per person as they do in New York.

Why? Well, if you are going to go someplace in North Dakota, it is not two blocks to the hospital. It might be 50 miles to the hospital. It might not be a block and a half to a movie. It might be 10 miles or 15 miles from the farmstead to the small town with a theater.

The fact is we drive just almost exactly twice as much in North Dakota per person as they do in New York City. Therefore, per person we pay twice as much in highway taxes as they do, for example, in New York City or the State of New York. Is that unfair, unfortunate? Probably unfortunate. We do not like that necessarily, but we choose where we live.

The point I am making with that is that in terms of burden, we have a very substantial burden with respect to highway taxes. Our burden is much higher than the burden per person in other States.

The contribution to the Federal highway trust fund in terms of gas taxes by the average North Dakotan is $116 a year; the average Florida resident, $73; Massachusetts, $61; Rhode Island, $55, and the list goes down. We are fourth from the top in per person contribution to the Federal highway trust fund.

Some will come to this floor in all of this fight about money and they will say, well, there are donor States and donee States, and the donor States are the ones that pay more into the highway trust fund than they get back and that ought to change; it is unfair. The donee States are the recipient States and they are the ones that get more back than they paid in and they ought not to.

That is one way of looking at it. I suppose if you want to look at that in the context of funding the Coast Guard, we do not have any coast to guard up in North Dakota so whatever our taxpayers in North Dakota are paying into the Federal Government for the purpose of running a Coast Guard, I suppose we are a donor State. We are a donor State for the Coast Guard. But so what. That is not the way you ought to measure this, nor should you measure it that way from a highway funding standpoint. Measure it in terms of what citizens are having to contribute to the highway trust funds relative to the amount of driving they are doing and the amount of tax they are having to pay, and what you will see is a State such as North Dakota is right near the top.

A group of us who come from States similarly situated, States with very large expanses of land and not as many people, and therefore not having the tax base to raise the funds necessary to meet the needs of road maintenance and road building and bridge making, and so on, want to be a part of this debate on the reauthorization of ISTEA or the highway reauthorization bill in a manner that says the following. We want at the end of this discussion for these eight States that are situated in this manner not to be a part of the juggling between the formula fights that will go on on this floor from time to time this year on highway funding, but instead to be a part of a solution that says with respect to those States with unique circumstances, we will provide a guarantee that those States will receive what they have received in the past in terms of the percentage of the highway funds that have gone to these eight States with large expanses of land, many miles of highway to maintain and a lower population base, and in addition to that we will have a highway preservation fund of 1 percent—1 percent out of 100 percent of the money that is available—to be put in a pool to be distributed back to those eight States on a need basis to preserve those highways, roads and bridges, build and maintain and preserve that infrastructure in those eight States that face this unique challenge and face these unique circumstances.

That is all we say in this legislation—two things. One, North Dakota's share, for example, of the current formula is about .62 of 1 percent. North Dakota and the other seven States would be guaranteed that allocation at the end of the reauthorization bill for the coming years, plus we would be the recipients on a need basis of a pool equal to 1 percent of the highway fund that would then be reallocated on a need basis to the eight States that face these special and unique challenges.

There are a number of us, 16 Senators specifically that come from these 8 States, who have already cosponsored this legislation. I hope others will. And when we do, I hope we will be able to make a case to the rest of the Congress that we want to be helpful to others. We want to be helpful to all of those who believe there ought to be a robust highway funding program, that funding for it ought to be certain, that funding for it ought to be adequate to meet the needs in this country and we are prepared to support that. But that when the larger formula fights are completed, those eight States, uniquely situated, the eight States which include North Dakota, situated in a circumstance where their population base does not allow them to raise the resources to meet their infrastructure and transportation needs, they will be dealt with in a fair and equitable way. That is what our legislation does. It is what it would provide. And we hope that when this is over at the end of this Congress, we will look back and say we did something that was important for our States.

I want to mention one additional point. Some say let us not have a Federal highway program anymore. Let us abolish the Federal gas tax, and then say to the States, you go ahead and raise your own money. All that I have been discussing so far describes the unique problem we have raising our own money with a large road network to deal with and a smaller population base. If we were required under a program like that, a devolution of the highway program, saying we will not have a Federal program, let us let the States do it, and therefore a State like North Dakota, we were told, you go ahead and raise this yourself, just to meet the current revenue stream we now have from the Federal highway program in North Dakota, we would be required to raise the current State gas tax by 27 cents per gallon simply to replace the revenue the State currently receives. Other States would not fare the same way. Other States would be able to decide they could raise their gas tax at the State level by a very small amount of money.

For example, Florida would have to raise their State gas tax 11 cents to raise the amount of money they now have under their road program. So when you take a look at the impact and the burden on taxpayers here, that approach, the devolution approach, saying let us not have a Federal highway program, let us tell the States raise your own money by your own gas tax, would say to Florida, you raise your gas tax by 11 cents, and would say to North Dakota, you raise yours by 27 cents.

That is the inequity of it. That moves us away from the notion that highways represent a national need, that transportation is a national system and is part of a unifying force in this country that we have always felt should work to meet our country's universal needs, and that includes especially the area of transportation.

Mr. President, this year the Congress will be debating the reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA]. Some have focused the debate around the question of the ratio between how much States receive in highway funding related to what they pay in. However, framing the debate around the donor verses donee State concept fails to address the real issues in the reauthorization of ISTEA: that is, how do we allocate resources to maintain a national transportation system and ensure that all States have the necessary resources to participate in that system. If the heavily populated States want to ship their

frozen fish and fresh fruit from coast to coast in trucking convoys, they don't want to be shipping it on gravel roads in parts of the country where the local tax base is not sufficient to maintain a national network of good roads. It is in the interest of all Americans to have a national network. That is why the donor verses donee formula fights are so counterproductive.

If we are interested in maintaining a national transportation system, the question should be how do we allocate resources to meet all the Nation's highway needs. This includes meeting the unique needs of rural States with low-density populations and large geographic areas. If there is a national need, there's a national responsibility and we ought not to have formula fights in ways that hurt small population States with large networks of highways to maintain.

I am not a bit uncomfortable that North Dakota receives more money back in highway funding than it sends into the highway trust fund through gas taxes. In fact, if measured on a per capita basis, North Dakota is actually one of the highest contributors to the Federal highway trust fund. Some of the so-called "donor States" contribute as much in gas taxes per capita than many of the "donee States" contribute. That happens because we have a small population and are required to maintain a large highway system on a small local tax base. Without a Federal program to make up for scarce local resources in low-density States, we could not have a national network of highways.

Those who frame the debate as one between donor or donee States beg the question as to why does this notion only apply to highway funding. Should we treat all transportation programs the same way? Why single out only highway funding? Why not apply the same "return to the states" approach for mass transit, disaster relief for hurricanes and earthquakes, or the Airport Improvement Program? Should the same principle be applied to funding the Coast Guard and the Maritime Administration whose services are almost entirely used by coastal States? We don't have much of a Coast Guard in North Dakota, but our taxpayers still help pay for it. Thus, North Dakota is a donor State when it comes to these programs. Why should landlocked States support these programs?

The reason is simple—we have a national economy, not a State-by-State economy. If such approaches were adopted, it would represent a dramatic abandonment from the basic principle that has been vital to our national economic and social well being: a quality national transportation system. And that is why the debate about the reauthorization of ISTEA must meet the unique needs of rural States.

A network of efficient and well-maintained roads in rural areas is just as important to densely population urban centers that export products across the country as the roads are to middle America.

We need a national transportation system that reflects a commitment to all regions of the Nation as the principle priority. To do this, highway funding formulas must provide for the unique needs of every region. Currently, the needs of States with small populations but that maintain highways for large geographic areas are not reflected under ISTEA formulas and this ought to be changed. ISTEA formulas need to reflect the needs of the national system and the unique circumstances of various geographic regions. While major urban areas need support for relieving congestion and heavy traffic loads, rural States with low populations need additional assistance to maintain long stretches of roads with smaller local tax bases.

Mr. President, I am introducing legislation to ensure that rural States with low-density populations and large geographic land areas get an adequate share of Federal support under the Federal Aid to Highways Program. There are two major provisions under this legislation. First, low-density States with large geographic land areas will be held harmless under the same percentage distribution of total highway funds as they received under ISTEA. In addition, these same States would qualify for a rural State adjustment, which would be established by setting aside 1 percent of the total highway program for rural States. These funds would be distributed by a formula that takes into account the number of National Highway System [NHS] miles of road in a qualifying State and the number of NHS vehicle miles traveled in that State. Certainly, this legislation does not resolve the matter as to how Federal highway funds will be distributed to all States. Rather, this bill only focuses on one aspect of the picture—that is, it emphasizes the unique circumstances of a small number of States that ought to have their needs recognized in the final formula.

Those of us from rural States are not suggesting that all we care about is meeting our unique needs. Much to the contrary. We desire to work cooperatively with all our colleagues to develop a strong and effective highway bill that meets the needs of all regions. Our objective is to have a fair formula that ensures that our Nation maintains a truly national system. To that end, we pledge our good faith and determination to develop the best reauthorization of ISTEA possible.

I urge my colleagues to join Senator KEMPTHORNE, Senator CONRAD, and I in supporting this legislation. It is our hope that the Congress will succeed this year in passing a strong reauthorization of ISTEA and hopefully, that legislation will reflect the concerns raised in the bill we are introducing today.

So, Mr. President, I am sending the legislation to the desk, and I hope in the coming week or so to add cosponsors to the legislation. I hope when the debate occurs on the reauthorization of the highway program, the ideas embodied in this bipartisan piece of legislation will be ideas that we will see incorporated in the final legislation passed by this Congress.

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. 331

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 "Rural States Highway Preservation Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) a national surface transportation system that includes a national network of highways and that provides for efficient and safe interstate travel in every State is vital to the economic and social wellbeing of the United States;

(2) Federal policy for allocating resources to maintain an efficient and safe national surface transportation system should reflect the unique needs and circumstances of each State's ability to participate in the transportation system;

(3) low-density States that comprise large geographic land areas—

(A) bear unique financial burdens in maintaining their share of the national surface transportation system; and

(B) typically support higher per-mile costs of maintaining highways and contribute more per capita to the Highway Trust Fund than other States;

(4) many rural States have to maintain large highway systems, which provide interstate access between major population centers, but have small local populations to support their highways;

(5) since the approval and implementation of the North American Free Trade Agreement, many rural States along the northern border of the United States have experienced increased use of, and demands on, their share of the national surface transportation system due to increased international trade activities;

(6) Federal funding for surface transportation should include adjustments that reflect reasonable and appropriate resource allocations to ensure that rural, low-density States that comprise large geographic land areas can adequately participate in the national surface transportation system; and

(7) contributions from all States permit the Federal Government to provide support for essential intermodal national priorities, such as a national system of highways, mass transit, maritime activities, airports and air service, and passenger rail service.

SEC. 3. MINIMUM HIGHWAY FUNDING ALLOCATION FOR CERTAIN TYPES OF STATES.

Section 157(a)(4) of title 23, United States Code, is amended—

(1) by striking "In fiscal" and inserting the following:

"(A) IN GENERAL.—In fiscal"; and

(2) by adding at the end the following:

"(B) LOW-DENSITY, LARGE-GEOGRAPHIC-AREA STATES.—

"(i) DEFINITION OF ELIGIBLE STATE.—In this subparagraph, the term 'eligible State' means a State that—

"(I) has a population density of less than 20 individuals per square mile; and

"(II) comprises a land area of 10,000 square miles or more.

"(ii) HISTORICAL APPORTIONMENTS.—Notwithstanding any other provision of law, for fiscal year 1998 and each fiscal year thereafter, the Secretary shall increase the amount of funds that, but for this clause, would be apportioned to an eligible State under section 104(b)(3) so that each eligible State receives not less of the apportioned and allocated funds described in section 1015(a)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943) (as in effect on October 1, 1996) than the percentage listed for the State in section 1015(a)(2) of that Act (as in effect on October 1, 1996).

"(iii) SET-ASIDE.—Notwithstanding any other provision of law, on October 1 of fiscal year 1998 and each fiscal year thereafter, the Secretary shall—

"(I) before making any funds available out of the Highway Trust Fund (other than the Mass Transit Account) for the fiscal year, set aside from the amounts authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the fiscal year an amount equal to 1 percent of the funds that were made available out of the Highway Trust Fund (other than the Mass Transit Account) for the preceding fiscal year;

"(II) after making any increase for an eligible State necessary to carry out clause (ii), allocate 50 percent of the amount set aside under subclause (I) among eligible States in the ratio that—

"(aa) the number of miles of highways on the National Highway System in the eligible State; bears to

"(bb) the number of miles of highways on the National Highway System in all eligible States; and

"(III) after making any increase for an eligible State necessary to carry out clause (ii), allocate 50 percent of the amount set aside under subclause (I) among eligible States in the ratio that—

"(aa) the number of vehicle miles traveled on the National Highway System in the eligible State during the latest 1-year-period for which data are available; bears to

"(bb) the number of vehicle miles traveled on the National Highway System in all eligible States during the latest 1-year-period for which data are available.".

Mr. KERRY. Mr. President, I might say to my friend from North Dakota that he raises a most important issue, and it is obviously one that we are going to have a tremendous tug-of-war on around here. It is my hope, representing a State with very old infrastructure and with enormous public works projects, a very large population in an urban area, that as we approach this we are not going to get dragged into a fractionalized, regionalized, State-versus-State, haves-versus-have-nots issue. But, rather, that we are going to think this through in terms of the overall needs of the Nation which he has appropriately addressed with respect to his State and his region. I think the key here is to make sure we come out with an adequate amount of infrastructure investment for the country as a whole and with an appropriate division of that. I certainly intend to work with him and others, but I think we need to guarantee that.

• Mr. BINGAMAN. Mr. President, I rise to speak briefly about the Rural States Highway Preservation Act. This is an act that would ensure fairness in the distribution of funds from the Highway Trust Fund. But more importantly, Mr. President, this bill ensures that we continue our commitment to maintain a national transportation system, that in doing so, we meet all the Nation's transportation needs and, just as importantly, the unique needs of our States that have small populations and very large geographic areas, States such as New Mexico, North Dakota, South Dakota, Idaho, Alaska, Nevada, Montana, and Wyoming.

My home State of New Mexico has only 14 people per square mile and its total land area is 121,335 square miles. Residents of large, rural States like New Mexico pay more per person in gas taxes because of the long driving distances. It is not uncommon for New Mexicans to travel 50 or more miles to their nearest large town or country seat, where they have to go to get essential supplies, health care, school, or interact with their government. To maintain this infrastructure, New Mexicans currently pay one of the highest per capita State taxes to maintain the same highways used by interstate trucks or the tourists who visit our beautiful State. Under any eventual ISTEA reauthorization that does not address these unique characteristics, New Mexico and similar States would lose highway funding that it could never recover. Under devolution, for example, New Mexico would have to impose at least a 17.8-cent gas tax just to generate the same revenue as it received from the Highway Trust Fund in 1995. Such a proposal would be devastating not only for our residents, but for the many trucks that cross our State, and for the increasing traffic between Mexico and the United States. Such a proposal would impair new Mexico's highways, but because we are but one part of a national transportation system, it would impair our national system.

The Rural States Highway Preservation Act would ensure that transportation funds that will be distributed under a reauthorized ISTEA will be done fairly, with consideration to the uniqueness of States with low population density and high geographic area, and with our national transportation needs as a priority.

Thank you, Mr. President.•

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. KENNEDY, Mr. DORGAN, Ms. MIKULSKI, and Mr. LEVIN):

S. 332. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on Finance.

THE CHILD LABOR DETERRENCE ACT OF 1997

• Mr. HARKIN. Mr. President, I introduce the Child Labor Deterrence Act of 1997. The bill I am introducing today prohibits the importation of any product made, whole or in part, by children under the age of 15 who are employed in manufacturing or mining. This is the fourth time I have come to the floor of the Senate to introduce this bill, and I will continue to introduce it until it becomes law.

Mr. President, recently, the International Labor Organization [ILO] released a very grim report about the number of children who toil away in abhorrent conditions. The ILO estimates that over 200 million children worldwide under the age of 15 are working instead of receiving a basic education. Many of these children begin working in factories at the age of 6 or 7, some even younger. They are poor, malnourished, and often forced to work 60-hour weeks for little or no pay.

Child labor is most prevalent in countries with high unemployment rates. According to the ILO, some 61 percent of child workers, nearly 153 million children, are found in Asia; 32 percent, or 80 million, are in Africa and 7 percent, or 17.5 million, live in Latin America. Adult unemployment rates in some nations runs over 20 percent. In Latin America, for example, about 1 in every 10 children are workers. Furthermore, in many nations where child labor is prevalent, more money is spent and allocated for military expenditures than for education and health services.

The situation is as deplorable as it is enormous. In many developing countries children represent a substantial part of the work force and can be found in such industries as rugs, toys, textiles, mining, and sports equipment manufacturing.

For instance, it is estimated that 65 percent of the wearing apparel that Americans purchase is assembled or manufactured abroad, therefore, increasing the chance that these items were made by abusive and exploitative child labor. In the rug industry, Indian and Pakistan produce 95 percent of their rugs for export. Some of the worst abuses of child labor have been documented in these countries, including bonded and slave labor.

Venezuela and Colombia exported $6,084,705 and $1,385,669 worth of mined products respectively to the United States in 1995. Both were documented by the Department of Labor as using child labor in mining. Mining hazards for children include exposure to harmful dusts, gases, and fumes that cause respiratory diseases that can develop into silicosis, pulmonary fibrosis, asbestosis and emphysema after some

years of exposure. Child miners also suffer from physical strain, fatigue and musculoskeletal disorders, as well as serious injuries from falling objects.

Children may also be crippled physically by being forced to work too early in life. For example, a large scale ILO survey in the Philippines found that more than 60 percent of working children were exposed to chemical and biological hazards, and that 40 percent experienced serious injuries or illnesses.

These practices are often underground, but the ILO report points out that children are still being sold outright for a sum of money. Other times, landlords buy child workers from their tenants, or labor contractors pay rural families in advance in order to take their children away to work in carpet weaving, glass manufacturing or prostitution. Child slavery of this type has long been reported in South Asia, South East Asia and West Africa, despite vigorous official denial of its existence.

Additionally, children are increasingly being bought and sold across national borders by organized networks. The ILO report states that at least five such international networks trafficking in children exist: from Latin America to Europe and the Middle East; from South and South East Asia to northern Europe and the Middle East; a European regional market; an associated Arab regional market; and, a West African export market in girls.

In Pakistan, the ILO reported in 1991 that an estimated half of the 50,000 children working as bonded labor in Pakistan's carpet-weaving industry will never reach the age of 12—victims of disease and malnutrition.

I have press reports from India of children freed from virtual slavery in the carpet factories of northern India. Twelve-year-old Charitra Chowdhary recounted his story—he said, "If we moved slowly we were beaten on our backs with a stick. We wanted to run away but the doors were always locked."

Mr. President, that's what this bill is about, children, whose dreams and childhood are being sold for a pittance—to factory owners and in markets around the globe.

It is about protecting children around the globe and their future. It is about eliminating a major form of child abuse in our world. It is about breaking the cycle of poverty by getting these kids out of factories and into schools. It is about raising the standard of living in the Third World so we can compete on the quality of goods instead of the misery and suffering of those who make them. It is about assisting Third World governments to enforce their laws by ending the role of the United States in providing a lucrative market for goods made by abusive and exploitative child labor and encouraging other nations to do the same.

Mr. President, unless the economic exploitation of children is eliminated, the potential and creative capacity of future generations will forever be lost to the factory floor.

Mr. President, the Child Labor Deterrence Act of 1997 is intended to strengthen existing U.S. trade laws and help Third World countries enforce their child labor laws. The bill directs the U.S. Secretary of Labor to compile and maintain a list of foreign industries and their respective host countries that use child labor in the production of exports to the United States. Once the Secretary of Labor identifies a foreign industry, the Secretary of the Treasury is instructed to prohibit the importation of a product from an identified industry. The entry ban would not apply if a U.S. importer signs a certificate of origin affirming that they took reasonable steps to ensure that products imported from identified industries are not made by child labor. In addition, the President is urged to seek an agreement with other governments to secure an international ban on trade in the products of child labor. Further, any company or individual who would intentionally violate the law would face both civil and criminal penalties.

This legislation is not about imposing our standards on the developing world. It's about preventing those manufacturers in the developing world who exploit child labor from imposing their standards on the United States. They are forewarned. If manufacturers and importers insist on investing in child labor, instead of investing in the future of children, I will work to assure that their products are barred from entering the United States.

Mr. President, as I said when I first introduced this bill 4 years ago, it is time to end this human tragedy and our participation in it. It is time for greater government and corporate responsibility. No longer can officials in the Third World or U.S. importers turn a blind eye to the suffering and misery of the world's children. No longer do American consumers want to provide a market for goods produced by the sweat and toil of children. By providing a market for goods produced by child labor, U.S. importers have become part of the problem by perpetuating the impoverishment of poor families. Through this legislation, importers now have the opportunity to become part of the solution by ending this abominable practice.

Mr. President, countries do not have to wait until poverty is eradicated or they are fully developed before eliminating the economic exploitation of children. In fact, the path to development is to eliminate child labor and increase expenditures on children such as primary education. In far too many countries, governments spend millions on military expenditures and fail to provide basic educational opportunities to its citizens. As a result, over 130 million children are not in primary school.

In conclusion, Mr. President, my bill places no undue burden on U.S. importers. I know of no importer, company, or department store that would willingly promote the exploitation of children. I know of no importer, company, or department store that would want their products and image tainted by having their products produced by child labor. And I know that no American consumer would knowingly purchase something made with abusive and exploitative child labor. These entities take reasonable steps to ensure the quality of their goods; they should also be willing to take reasonable steps to ensure that their goods are not produced by child labor.

Mr. President, I urge my colleagues to support this legislation.•

By Mrs. BOXER:

S. 333. A bill to increase the period of availability of certain emergency relief funds allocated under section 125 of title 23, United States Code, to carry out a project to repair or reconstruct a portion of a Federal-aid primary route in San Mateo, CA.

THE DEVIL'S SLIDE TUNNEL ACT

• Mrs. BOXER. Mr. President, today I am introducing the Devil's Slide Tunnel Act to allow previously appropriated funds to be used for a tunnel project in San Mateo County, CA. This bill is essentially a technical change to a 1984 emergency spending bill to provide relief for heavy winter storms that occurred during the winter of 1982–83. These rains caused a mountain mud slide to block the use of California Highway 1, a key coastal highway linking San Mateo County to San Francisco.

This section of highway has become known as Devil's Slide because it crosses a sea cliff 600 feet above the Pacific Ocean surf about 12 miles south of San Francisco. Perennial closures because of mud slides have cut off coastal communities, particularly access to emergency services during disasters as well as to local businesses. Congress approved the supplemental appropriations for permanent repair after exhaustive study, including field hearings by the House Surface Transportation Subcommittee.

The California Department of Transportation [Caltrans] made temporary repairs and proposed a bypass construction. The bypass was opposed by environmental interests and construction was blocked in court for years. This battle fortunately ended in November when voters overwhelming approved a referendum calling for construction of a mile-long tunnel as a project alternative.

Congressman TOM LANTOS has introduced legislation in the House to carry out the voters' request. I am introducing an identical bill. Our legislation

simply amends the law to allow for previously appropriated funds to be used for a project alternative and that the amount is available until expended.

It is time that we fix this dangerous highway section that threatens many people's lives and livelihoods. I urge my colleagues to join me and take swift action to allow the project alternative to proceed.

I ask unanimous consent that the legislation be printed in the RECORD.

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

S. 333

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 "Devil's Slide Tunnel Act".

SEC. 2. PERIOD OF AVAILABILITY.

Section 6 of the Act entitled "An Act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes", approved March 9, 1984 (98 Stat. 55), is amended—

(1) by inserting "(a) IN GENERAL.—" before "A project"; and

(2) by adding at the end the following:

"(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, sums that are allocated under section 3 for any project alternative selected under this section before, on, or after the date of enactment of this subsection shall remain available until expended.".•

By Mr. MOYNIHAN:

S. 334. A bill to amend section 541 of the National Housing Act with respect to the partial payment of claims on health care facilities; to the Committee on Banking, Housing, and Urban Affairs.

PARTIAL PAYMENT OF CLAIMS LEGISLATION

• Mr. MOYNIHAN. Mr. President, I introduce a bill that makes a small but significant change in the hospital mortgage program and the nursing home mortgage program administered by the Department of Housing and Urban Development. The Section 242 Program, as it is known, enables HUD to guarantee to private lenders that they will not lose money on a construction loan to a hospital. If the hospital cannot make its payments, HUD will assume the mortgage. The program insures loans for renovation, modernization, and new construction, and also covers the refinancing of existing mortgages. The Section 232 program does the same for nursing home projects.

In August, 1995 the portfolio included 100 projects in 18 States. It is particularly important in New York where State regulations require hospitals to secure such insurance and where construction costs are high. Further, because New York is deregulating its hospitals, in the next few years the hospitals need as much flexibility as possible, including the ability to refinance existing debt. The program will be more important than ever.

Ensuring hospital mortgages may seem to be a risky venture, but this program is successful. Since 1969 it has made a net contribution to the government of $221 million through fees it charges the hospitals, and in only three years has it had a negative net cash flow. The most recent was 1991.

The bill I am offering today would strengthen the program by giving HUD partial payment of claims authority. Currently, if a hospital or nursing home cannot make a mortgage payment, HUD must assume the entire mortgage at considerable cost and administrative effort. Partial payment of claims would prevent this. If, for example, a hospital owes a $10 million payment and only has $6 million available, HUD would simply provide the $4 million shortfall. There would be no requirement nor necessity of assuming the mortgage.

HUD already has partial payment of claims authority in most of its other mortgage insurance programs, such as the multifamily housing program, and it works well. There is no reason for the Agency not to have this authority in the hospital and the nursing home program, and in fact it makes eminent sense.

My friend and colleague, Senator D'AMATO, joins me as a cosponsor of this bill. I ask my other colleagues to join us in supporting this bill.

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. 334

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

SECTION 1. PARTIAL PAYMENT OF CLAIMS ON HEALTH CARE FACILITIES.

Section 541(a) of the National Housing Act (12 U.S.C. 1735f-19) is amended—

(1) in the section heading, by adding "AND HEALTH CARE FACILITIES" at the end; and

(2) in subsection (a)—

(A) by inserting "or a health care facility (including a nursing home, intermediate care facility, or board and care home (as those terms are defined in section 232)), a hospital (as that term is defined in section 242), or a group practice facility (as that term is defined in section 1106))" after "1978"; and

(B) by inserting "or for keeping the health care facility operational to serve community needs," after "character of the project,".•

By Mr. WARNER (for himself, Mr. GRAHAM, Mr. HOLLINGS, Mr. FAIRCLOTH, Mr. LUGAR, Mr. FORD, Mrs. HUTCHISON, Mr. INHOFE, Mr. NICKLES, Mr. BREAUX, Mr. HELMS, Mr. COATS, Mr. MCCONNELL, Mr. SHELBY, Mr. BOND, Mr. THURMOND, Mr. SESSIONS, Mr. HUTCHINSON, Mr. GRAMM, Mr. ROBB, Mr. COVERDELL, Mr. CLELAND and Mr. GRAMS):

S. 335. A bill to authorize funds for construction of highways, and for other purposes; to the Committee on Environment and Public Works.

THE STEP-21 ISTEA INTEGRITY RESTORATION ACT

• Mr. WARNER. Mr. President, I am pleased to be joined today by Senator BOB GRAHAM and so many of my colleagues in introducing the STEP-21, ISTEA Integrity Restoration Act, to reauthorize our Nation's surface transportation programs.

The current legislation—commonly known as ISTEA—expires on September 30 of this year. New legislation must be passed for our States and local governments to receive any transportation funds on the beginning of the new fiscal year on October 1.

Mr President, my bill presents a regionally balanced, multimodal approach for establishing a new transportation policy that will successfully carry us into the 21st century.

STEP-21 is a 5-year authorization bill that maintains a strong Federal role in transportation. It responds to the mobility and accessibility needs of all Americans to a modern and safe transportation system. It provides the resources and policies necessary for our American products to compete in a global marketplace. And, we continue the guiding principles of ISTEA committed to a system that is economically efficient and environmentally sound.

Our STEP-21 proposal is grounded in two fundamental principles—funding equity and a streamlined program.

Already much attention has focused on the regional disparities in the funding distribution formulas. But, our legislation recognizes that all regions of the Nation have important transportation needs. We are committed to devising a program that—for the first time—responds to our transportation demands using current needs information. In doing so, we provide a program that acknowledges that sparsely populated States with large land areas or States with small populations cannot go it alone. We are committed to continuing a national transportation system—to provide effective connections among the States. I believe the needs of these States must be addressed and we do so in our legislation.

STEP-21 has a much broader focus than just the single issue of funding distribution.

STEP-21 moves us beyond the advances of ISTEA with further streamlining of the current bureaucratic maze of Federal programs. We reduce the number of program categories, thus increasing the flexibility permitted for our State and local partners to determine their own transportation priorities.

STEP-21 also continues and builds upon the many successes of ISTEA.

Mr. President, this legislation maintains our national focus on multimodal solutions to moving people and goods efficiently.

We continue the flexibility of State and local decisionmakers to invest their resources in nonhighway alternatives—such as transit or commuter rail options.

We continue the important role of metropolitan planning organizations and their need to have an identified funding source.

We recognize a full and open planning process that stimulates public participation at both the State and local level will foster transportation solutions that respond to larger community goals.

We provide a program that is environmentally sound, recognizing that transportation plays an important part in our national goal to improve the quality of the air we breathe. States can continue to invest in those transportation choices that move people and goods without degrading air quality. The enhancements program that invests in alternative forms of transportation—bike paths and pedestrian walkways—and mitigates the impacts of past transportation choices on our communities quality of life will be continued.

In brief, STEP-21 ensures that we have a national multimodal transportation policy that is ready to meet the economic demands of a global marketplace. It provides solutions to the regional disparities of the current program and the Federal second-guessing of State and local transportation choices. It does not retreat from the principles of ISTEA to provide for an open decisionmaking process permitting States and localities to invest in different modes of transportation.•

By Mr. SARBANES:

S. 336. A bill to convert certain excepted service positions in the United States Fire Administration to competitive service positions, and for other purposes; to the Committee on Governmental Affairs.

U.S. FIRE ADMINISTRATION LEGISLATION

• Mr. SARBANES. Mr. President, today I am introducing legislation to convert eight remaining excepted service positions at the U.S. Fire Administration to competitive service status.

During its first few years of operation, the Federal Emergency Management Agency used an excepted service authority provided under the Fire Prevention and Control Act of 1974 in order to quickly staff the National Fire Academy with personnel who were uniquely qualified in fire education.

In the early 1980's, after the Academy's original vacancies had been filled and the Academy was up and running, it became FEMA's policy to fill openings at the NFA through a competitive civil service hiring system. Today, 91 of the NFA's 99 employees are under the general schedule with only eight employees who were hired in the 1970's and early eighties remaining in excepted service status. As a result, these remaining eight are subject to significant limitations within the USFA. Although they each average over 17 years of Federal service and were hired solely because of their strong backgrounds and unique qualifications in fire education, they are legally barred from competing for management positions within the Fire Administration. The remaining eight excepted service employees are not even allowed to serve on details to competitive service jobs—even within their own organization—without an official waiver from the Office of Personnel Management.

Mr. President, I am proposing to remedy this situation. The legislation which I am introducing will enable the Director of the Federal Emergency Management Agency and the Director of the Office of Personnel Management to convert any employees appointed to the Fire Administration under the Federal Fire Protection and Control Act, to competitive service—without any break in service, diminution of service, reduction of cumulative years of service, or requirement to serve any additional probationary period with the Administration. Those converted under this legislation shall also remain in the Civil Service Retirement System and retain their seniority. This practice is consistent with other federally supported training academies. The Congressional Budget Office has indicated that there would be no cost for this conversion, and I urge my colleagues to join me in support of this legislation.•

By Mr. HUTCHINSON (for himself, Mr. HAGEL, Mr. ABRAHAM, Mr. NICKLES, and Mr. HELMS):

S. 337. A bill to amend the Foreign Assistance Act of 1961 to restrict assistance to foreign organizations that perform or actively promote abortions; to the Committee on Foreign Relations.

THE FOREIGN ASSISTANCE ACT OF 1961 AMENDMENT ACT OF 1997

Mr. HUTCHINSON. 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. 337

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

SECTION 1. RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.

(a) IN GENERAL.—Section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b) is amended by adding at the end the following new subsection:

"(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(A) RESTRICTION.—Notwithstanding any other provision of law, no funds appropriated for population planning activities under subsection (b) or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies to the President that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(B) STATUTORY CONSTRUCTION.—Nothing in subparagraph (A) may be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(A) RESTRICTION.—Notwithstanding any other provision of law, no funds appropriated for population planning activities under subsection (b) or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies to the President that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, except as provided in subparagraph (B).

"(B) EXCEPTION.—Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) APPLICATION TO SUBCONTRACTORS AND SUBGRANTEES.—The prohibitions of this subsection shall apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by this subsection shall apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.".

(b) APPROPRIATIONS COVERED.—The amendment made by subsection (a) shall apply to appropriations made before, on, or after the date of enactment of this Act.

Mr. ABRAHAM, Mr. President: I rise to join my colleague, Senator HUTCHINSON, as an original cosponsor of S. 337, his amendment to the Foreign Assistance Act of 1961.

This legislation, Mr. President, will subject our nation's funding of international population control programs to appropriate restrictions, seeing to it that American monies are not used to promote or perform abortions.

In adopting this amendment we will continue our country's long established policy of opposing the use of our taxpayer's money to fund controversial procedures. First, this bill prohibits funding to any foreign organization, whether nongovernmental, multilateral or private, that performs or actively promotes abortion. Second, it prohibits organizations receiving U.S. funds from violating any of the host country's laws concerning abortion and

from engaging in efforts to alter the host country's abortion laws. There is an exception for activities in opposition to coercive abortions or involuntary sterilizations. Third, this legislation extends these prohibitions to subcontractors and subgrantees of foreign organizations which receive funding under the population assistance program.

I strongly support this legislation because I believe that it will be insure that U.S.-funded population planning programs are administered in an appropriate manner. By this I mean that they will abide by the guidelines Congress laid down for 10 years, under both the Reagan and the Bush administrations. S. 337 will continue our established practice of protecting taxpayers from misuse of their funds and protecting unborn children around the world. It is a worthy piece of legislation. I urge my colleagues to support it.

By Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. HELMS and Mr. ROBB:)

S. 339. A bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL PRISON INDUSTRIES COMPETITION IN CONTRACTING ACT

• Mr. LEVIN. Mr. President, I am pleased to introduce the Federal Prison Industries Competition in Contracting Act. This bill, which is cosponsored by Senators ABRAHAM, AKAKA, HELMS, and ROBB, would implement the recommendation of the National Performance Review that we should "require [Federal Prison Industries] to compete commercially for federal agencies' business" instead of having a legally protected monopoly. Our bill would ensure that the taxpayers get the best possible value for their Federal procurement dollars. If a Federal agency could get a better product at a lower price from the private sector, it would be permitted to do so—and the taxpayers would get the savings.

Mr. President, many in both Government and industry believe that FPI products are frequently overpriced, inferior in quality, or both. For example, I understand that the Veterans Administration has sought repeal of FPI's mandatory preference on several occasions, on the grounds that FPI pricing for textiles, furniture, and other products are routinely higher than identical items purchased from commercial sources. Most recently, VA officials estimated that the repeal of the preference would save $18 million over a 4-year period for their agency alone, making that money available for veterans services.

Similarly, the Deputy Commander of the Defense Logistics Agency, wrote in a May 3, 1996, letter to Members of the House that FPI has had a 42 percent delinquency rate in its clothing and textile deliveries, compared to a 6 percent rate for commercial industry. For this record of poor performance, FPI has charged prices that were an average of 13 percent higher than commercial prices.

On July 30, 1996, the master chief petty officer of the Navy testified before the House National Security Committee that the FPI monopoly on Government furniture contracts has undermined the Navy's ability to improve living conditions for its sailors. Master Chief Petty Officer John Hagan stated, and I quote:

> In order to efficiently use our scarce resources, we need congressional assistance in changing the Title 18 statute that requires all the Services to obtain a waiver for each and every furniture order not placed with the Federal Prison Industry/UNICOR. * * * Speaking frankly, the FPI/UNICOR product is inferior, costs more, and takes longer to procure. UNICOR has, in my opinion, exploited their special status instead of making changes which would make them more efficient and competitive. The Navy and other Services need your support to change the law and have FPI compete with GSA furniture manufacturers. Without this change, we will not be serving Sailors or taxpayers in the most effective and efficient way.

In the last Congress this bill was supported by the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Federation of Independent Business, the Business and Industrial Furniture Manufacturers' Association, the American Apparel Manufacturers' Association, the Industrial Fabrics Association International, and the Competition in Contracting Act Coalition. It has also received support from hundreds of small businesses from Michigan and around the country that have seen FPI take jobs away from their businesses and give them to FPI with a guaranteed purchase—regardless of price and quality.

We all want to do what we can to ensure that we make constructive work available for Federal prisoners, but the way we are doing it is wrong. As one small businessman in the furniture industry put it in emotional testimony at a House hearing last year:

> Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran who was twice wounded fighting for our country and give that work to criminals who have trampled on honest citizens' rights, therefore effectively destroying and bankrupting that hero's business which the Veteran's Administration suggested he enter?

At the end of the last Congress, I received a letter indicating the Administration's agreement that the process by which Federal agencies purchase products from Federal Prison Industries needs to be reformed. That letter states:

> The Administration favors reform of Federal Prison Industries to improve its customer service, pricing, and delivery while not endangering its work program for Federal inmates. * * * The Administration will present reform proposals for the House and Senate Judiciary Committees in the next session of Congress.

With this letter, the administration has promised to join us in a serious reevaluation of the process by which Federal Prison Industries sells its products to other Federal agencies. The heart of that process is, of course, FPI's mandatory source status. The administration has made a commitment to work with us on reforming the Federal Prison Industries procurement process in this Congress, and I intend to hold the administration to that commitment.

Mr. President, our bill would not require FPI to close any of its facilities, force FPI to eliminate any jobs for Federal prisoners, or undermine FPI's ability to ensure that inmates are productively occupied. It would simply require FPI to compete for Federal contracts on the same terms as all other Federal contractors. That is simple justice to the hard-working citizens in the private sector, with whom FPI would be required to compete.

Mr. President, I am a supporter of the idea of putting Federal inmates to work. A strong prison work program not only reduces inmate idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to productive society upon their release.

However, I believe that a prison work program must be conducted in a manner that does not unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its work force by continuing to displace private sector jobs in its traditional lines of work. We need to have jobs for prisoners, but it is unfair and wasteful to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for FPI, better for the taxpayer, and better for working men and women around the country.

I had hoped to get a vote on this bill last year, but the parliamentary situation at the end of the Congress made that impossible. However, this issue is not going to go away. The issue is too important to the taxpayers, and too important to the many small businesses adversely affected by unfair competition from Federal Prison Industries, to be ignored. I look forward to working with my colleagues to make reform of the Federal Prison Industries procurement process a reality in this Congress.•

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

S. 341. A bill to establish a bipartisan commission to study and provide recommendations on restoring the financial integrity of the Medicare Program

under title XVIII of the Social Security Act; to the Committee on Finance.

THE NATIONAL BIPARTISAN COMMISSION ON THE FUTURE OF MEDICARE

Mr. ROTH. Mr. President, I rise today with my distinguished colleague, Senator MOYNIHAN, the ranking member of the Senate Committee on Finance, to introduce legislation establishing a National Commission on the Future of Medicare.

This Medicare Commission will serve as an essential catalyst to congressional action, and ultimately lead to a solution that will preserve and protect the Medicare Program for current beneficiaries, their children, grandchildren, and great-grandchildren.

Mr. President, we have two immense challenges presented by the Medicare crisis. First, we have the short-term problem, the looming insolvency date of 2001. Second, in the not distant future, the vast numbers of baby boomers will challenge the long-term viability of Medicare. Congress must take action immediately on the short-term bankruptcy crisis, where the Commission will help us solve the longer term problem.

I am encouraged that President Clinton has moved in our direction by offering in his budget package a $100 billion reduction in Medicare spending growth over the next 5 years. I must admit, however, that I was somewhat concerned when the President, in his State of the Union Address last week, devoted only one sentence to discussing his plans for Medicare. And half of that sentence was devoted to expanding the program.

The President stated that his plan extends the life of the Medicare trust fund until 2007. However, in order to achieve this, the President's budget resorts to a budgetary sleight of hand. If we truly are to consider taking steps to preserve and protect the Medicare Program as a whole for future generations, shifting money from one trust fund account to the other does nothing for its long-term health. It only buys us a little extra time. Instead, we should take steps to extend the short-term solvency without budget accounting gimmicks.

Relying on a gimmick like the home health transfer has a certain appeal—it buys us some time by extending the short-term life of the Medicare hospital insurance, HI or part A, trust fund which is headed for bankruptcy in 2001. Quite simply, Medicare is spending more than it collects from all sources of revenues. Transferring the majority of the outlays for home health care extends the life of the HI trust fund without having to make any real decisions.

Gail Wilsnsky, a well-known health economist, stated recently "[t]he terms of the transfer of 480 billion of home care should be considered carefully because of the precedent it sets in transferring an obligation into what effectively is the general revenue of the Treasury. Normally, when an expense is brought into part B, a portion of the total spending becomes part of the premium paid by the elderly and the expense itself is subjected to a 20 percent coinsurance charge. This is not being done for the home health care transfer. While an argument can be made that the separation of Medicare into parts A and B, with two separate streams of funding is an archaic holdover from Medicare's inception, removing the limited cost constraints that now exist without reforming the entire program is very risky."

The anticipated bankruptcy of the trust fund in 2001 means there will not be money to pay the hospital, skilled nursing care, home health care, and hospice care bills of our senior citizens and disabled individuals who reply on Medicare. If we change current law, Medicare trends will continue on a collision course.

In 1995, expenditures out of the HI trust fund exceeded all sources of revenues into the trust fund. The Congressional Budget Office predicts that in 2001 Medicare will out spend its revenues and spend down its current surplus, becoming insolvent with a $4.5 billion shortfall. This shortfall grows rapidly to over one half trillion dollars—$556 billion—in 2007. And, this is before the baby-boomers begin to retire in 2010.

In the long-term, demographic trends will continue to increase financial pressure on the trust fund, challenging its ability to maintain our promise to beneficiaries. Today, there are less than 40 million Americans who qualify to receive Medicare. By the year 2010, the number will be approaching 50 million, and by 2020, it will be over 60 million. While these numbers are increasing, the number of workers supporting retirees will decrease. Today, there are almost four workers per retiree, but in 2030 there will be only about two per retiree.

The supplemental medical insurance [SMI] trust fund does not have the same solvency problem, as it has an unlimited claim on the U.S. Treasury. The SMI trust fund is financed by a monthly premium paid by beneficiaries, which covers 25 percent of the cost of Medicare part B. The remaining costs are paid by general revenues. The SMI trust fund is solvent because the Federal Government is obligated to make up the difference between beneficiary premium amounts and part B costs.

Spending for the SMI trust Fund is unsustainable. According to CBO, SMI spending is expected to increase at an annual rate of 9.1 percent between 1997 and 2007, while its premium receipts will grow by only 4.5 percent a year. Under current law, the percentage of costs paid from general revenues will steadily increase. In recent testimony, Joseph Antos, the Assistant Director for Health and Human Resources at CBO, described this situation precisely, "The SMI program is no more financially sound than the HI program, in the sense that both components of Medicare are growing more rapidly than the economy's capacity to finance them."

The Commission should also consider that since Medicare's enactment in 1965, there has been a great deal of change in the private health care system in the United States, yet Medicare has remained fundamentally unchanged. Indeed, Medicare beneficiaries do not enjoy the same benefits private sector plans often offer their enrollees. This rigid 31-year-old program is unable to offer the private sector improvements in alternative systems of delivery of care or many technological advances. If Medicare were a television, it would be a 30-year-old, 12-inch black and white model.

Mr. President, the legislation I am introducing today is modeled after two well-known previous bipartisan, bicameral national commissions.

First, the mission of the Commission is similar to the 1983 National Commission on Social Security Reform, established by President Reagan by Presidential Executive Order, December 16, 1981. As was the charge to this 1983 Blue Ribbon Commission, the Medicare Commission is directed to thoroughly review Medicare and make appropriate recommendations. The Medicare Commission will review and analyze the long-term financial condition of both the Federal hospital insurance, HI or Part A, trust fund and the Federal supplementary medical insurance, SMI or Part B, trust fund.

Second, the structure of the 15-member Medicare Commission follows more closely the model established by the 1990 U.S. Bipartisan Commission on Comprehensive Health Care, known as the Pepper commission. The Pepper commission was chaired by Senator ROCKEFELLER and issued a report making recommendations on comprehensive health care reform.

The Medicare Commission will facilitate our ability to address the Medicare crisis. Ultimately, I hope to see the Medicare Commission put forward a proposal after thoroughly analyzing the options that will truly preserve and protect the Medicare Program, not just through the next 5 years, but for the next generation so that we can leave a legacy of a robust Medicare Program for our children and our grandchildren.

Mr. President, now is the time to put partisanship aside. Time is running short, and we need to work together to avert the crisis.

Given the very short time that Medicare will remain solvent, and given the demographic facts of the American population, we cannot afford more

delay. We need to preserve and protect the Medicare Program. We need to make sure we leave a solid legacy for the next generations. It is no longer time for rhetoric, but time for action. Playing politics with Medicare is simply wrong. Putting off what needs to be done is the cruelest tactic.

I encourage my colleagues to join us in cosponsoring this important legislation.

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:

SUMMARY OF LEGISLATION ESTABLISHING THE NATIONAL BIPARTISAN COMMISSION ON THE FUTURE OF MEDICARE

Establishes a 15 member commission.

Based on the membership structure of the 1990 US Bipartisan Commission on Comprehensive Health Care (also known as The Pepper Commission), the 15 members are appointed in the following manner: 3 by the President; 6 by the House of Representatives (not more than 4 from the same political party); 6 by the Senate (not more than 4 from the same political party); and the Chairman is designated by the joint agreement of the Speaker of the House of Representatives and the Majority Leader of the Senate.

Duties are similar to the 1983 National Commission on Social Security Reform:

1. review and analyze the long-term financial condition of both Medicare Trust Funds;
2. identify problems that threaten the financial integrity;
3. analyze potential solutions that ensure the financial integrity and the provision of appropriate benefits;
4. make recommendations to restore solvency of the HI Trust Fund and the financial integrity of the SMI Trust Fund;
5. make recommendations for establishing the appropriate financial structure of the program as a whole;
6. make recommendations for establishing the appropriate balance of benefits covered and beneficiary contributions; and
7. make recommendations for the time periods during which the Commission recommendations should be implemented.

Must submit a report to the President and Congress no later than 12 months from the date of enactment.

Commission terminates 30 days after report is submitted.

Funding authorized to be appropriated from both Medicare Trust Funds.

Mr. MOYNIHAN. Mr. President, I rise to join my colleague, the chairman of the Senate Committee on Finance, in introducing a bill that would establish a commission to address the long term problems confronting the Medicare Program.

In 1983, I joined with then-Senator Bob Dole as a member of the Greenspan Commission, which proposed a series of reforms and improvements in the Social Security program. Congress' ability to resolve the complex and controversial issues facing Social Security at that time were in doubt up until the last minute. In the end, it was the bipartisan nature of the Greenspan Commission that allowed Congress to agree on a solution.

This year, combined tax income to the Medicare and OASDI trust funds has been less than the amount paid out of these trust funds. The trustees of the Federal hospital insurance trust fund, the independent actuaries at the Health Care Financing Administration [HCFA] and the Congressional Budget Office all agree that the HI trust fund will run out of money in the year 2001.

Near-term insolvency can be resolved by reducing the rate of growth in the Medicare Program in legislation implementing the federal budget for fiscal year 1998. Yet current proposals do not address the demographic and structural factors that threaten the solvency of the Medicare Program over the longer term. Approaching changes in our Nation's demographics are well known. The so-called "baby boom," consisting of individuals born between 1946 and 1964, will begin turning 65 in the year 2011. The sheer number of people in this demographic bulge will be overwhelming to the Medicare Program.

At the same time, the number of people in the generations that follow is significantly smaller, such that by the year 2030 there will be only 2.2 workers for each individual over 65, and thus eligible for Medicare. In 1995 there were 3.9 workers per beneficiary. These demographic changes, combined with projected growth in program costs under its current structure, guarantee an imbalance between the amount of money we will have to pay for the program and the cost of the benefits that it is expected to cover.

During the recent Presidential campaign, the Republican candidate, Bob Dole, asked if I would sit on a Medicare Commission that he wanted to set up if he were elected President. I responded that I would be happy to serve on any such commission, regardless of which candidate won the White House. In the meantime, President Clinton has also called for a bipartisan process to address the long term difficulties facing Medicare. The President's most recent call for such a process came in his State of the Union Address last week.

The bipartisan bill we are introducing today will begin this process. We urge our colleagues to join this important effort.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 98

At the request of Mr. HUTCHINSON, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 98, a bill to amend the Internal Revenue Code of 1986 to provide a family tax credit.

S. 197

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 197, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 239

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 239, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 263

At the request of Mr. MCCONNELL, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 278

At the request of Mr. GRAMM, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the names of the Senator from Texas [Mr. GRAMM] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE JOINT RESOLUTION 16

At the request of Mr. ASHCROFT, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Georgia [Mr. CLELAND] were added as cosponsors of Senate Joint Resolution 16, a joint resolution proposing a constitutional amendment to limit congressional terms.

At the request of Mr. ASHCROFT, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Alaska [Mr. MURKOWSKI] were withdrawn as cosponsors of Senate Joint Resolution 16, supra.

SENATE RESOLUTION 53

At the request of Mr. CAMPBELL, his name was added as a cosponsor of Senate Resolution 53, a resolution to express the sense of the Senate concerning actions that the President of the United States should take to resolve the dispute between the Allied Pilots Association and American Airlines.

SENATE RESOLUTION 55—RELATIVE TO MILK PRICES

Mr. SPECTER (for himself, Mr. SANTORUM, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, Mr. LEAHY, Mr. WELLSTONE, Ms. SNOWE, Ms. COLLINS, and Mr. GRAMS) submitted the following resolution; which was considered and agreed to:

S. RES. 55

Whereas, during the last few months farm milk prices have experienced substantial volatility, dropping precipitously from $15.37 per hundredweight in September, 1996 to $11.34 per hundredweight in December, 1996;

Whereas, the price of cheese at the National Cheese Exchange in Green Bay, Wisconsin influences milk prices paid to farmers because of its use in the Department of Agriculture's Basic Formula Price under Federal Milk Marketing Orders;

Whereas, less than one percent of the cheese produced in the United States is sold on the National Cheese Exchange and the Exchange acts as a reference price for as much as 95 percent of the commercial bulk cheese sales in the nation: Now, therefore, be it

Resolved, That it is the Sense of the Senate of the United States that the Secretary of Agriculture should consider acting immediately pursuant to his legal authority to modify the Basic Formula Price for dairy by replacing the National Cheese Exchange as a factor to be considered in setting the Basic Formula Price.

SENATE RESOLUTION 56—RELATIVE TO A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. SPECTER (for himself, Mr. SANTORUM, Ms. SNOWE, Mr. WARNER, Mr. GRASSLEY, Mr. SHELBY, Mr. THURMOND, Mr. ROTH, Mr. D'AMATO, Mr. COCHRAN, Mr. DOMENICI, Mr. GREGG, Mr. ABRAHAM, Mr. JEFFORDS, Mr. FAIRCLOTH, Mr. THOMPSON, Mr. COVERDELL, Mr. CHAFEE, Mr. KENNEDY, Mr. DURBIN, Mr. GLENN, Mr. KOHL, Mr. GRAHAM, Mr. BIDEN, Mr. ROBB, Mr. REID, Ms. MOSELEY-BRAUN, Mr. KERRY, Ms. MIKULSKI, Mr. REED, Mr. LEVIN, Mr. HOLLINGS, Mr. INOUYE, Mr. LIEBERMAN, Mrs. BOXER, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. WYDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mr. BYRD, Mr. SARBANES, Mr. DODD, and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 56

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only three nations in the world, beyond the former British Empire, that has been allied with the Untied States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II.

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas March 25, 1997 marks the 176th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved, That March 25, 1997 is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, today I am pleased to submit a resolution along with 43 of my colleagues to designate March 25, 1977, as "Greek Independence Day: A Celebration of Greek and American Democracy."

The Greeks began the revolution 176 years ago, that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks * * * we are all indebted for the light which led ourselves our of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science, and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.

SENATE RESOLUTION 57—CONCERNING THE BICENTENNIAL OF THE LEWIS AND CLARK EXPEDITION

Mr. DORGAN (for himself, Mr. BOND, Mr. BURNS, Mr. CONRAD, Mr. COCHRAN, Mr. CRAIG, Mr. DASCHLE, Mr. GORTON, Mr. KERREY, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. SMITH of Oregon, and Mr. REID): submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 57

Whereas the Expedition commanded by Meriwether Lewis and William Clark, which came to be called "The Corps of Discovery", was one of the most remarkable and productive scientific and military exploring expeditions in all American history;

Whereas President Thomas Jefferson gave Lewis and Clark the mission to "¿. . . explore the Missouri River & such principal stream of it, as, by its course and communication with the waters of the Pacific ocean, whether the Columbia, Oregon, Colorado or any other river may offer the most direct & practicable water communication across this continent for the purposes of commerce. . .";

Whereas the Expedition, in response to President Jefferson's directive, greatly advanced our geographical knowledge of the continent and prepared the way for the extension of the American fur trade with Indian tribes throughout the area;

Whereas President Jefferson directed the explorers to take note of and carefully record the natural resources of the newly acquired territory known as Louisiana, as well as diligently report on the native inhabitants of the land;

Whereas Lewis and Clark and their companions began their historic journey to explore the uncharted wilderness west of the Mississippi River at Wood River, Illinois on May 14, 1804, and followed the Missouri River westward from its mouth on the Mississippi to its headwaters in the Rocky Mountains;

Whereas the Expedition spent its first winter at Fort Mandan, North Dakota, crossed the Rocky Mountains by horseback in August 1805, reached the Pacific Ocean at the mouth of the Columbia River in mid-November of that year, and wintered at Fort Clatsop, near the present city of Astoria, Oregon;

Whereas the Expedition returned to St. Louis, Missouri, on September 23, 1806, after a 28-month journey covering 8,000 miles during which it traversed 11 future States: Illinois, Missouri, Kansas, Nebraska, Iowa, North Dakota, South Dakota, Montana, Idaho, Washington, and Oregon;

Whereas the explorers faithfully followed the President's directives and dutifully recorded their observations in their detailed journals;

Whereas these journals describe many plant and animal species, some completely

unknown to the world of science or never before encountered in North America, and added greatly to scientific¿ knowledge about the flora and fauna of the United States;

Whereas accounts from the journals of Lewis and Clark and the detailed maps that were prepared by the Expedition enhanced knowledge of the western continent and routes for commerce;

Whereas the journals of Lewis and Clark documented diverse American Indian languages, customs, religious beliefs, and ceremonies; as Lewis and Clark are important figures in American history, so too are Black Buffalo, Cameahwait, Sacajawea, Sheheke and Watkueis;

Whereas the Expedition significantly enhanced amicable relations between the United States and the autonomous Indian nations, and the friendship and respect fostered between the Indian tribes and the Expedition represents the best of diplomacy and relationships between divergent nations and cultures;

Whereas the Native American Indian tribes of the Northern Plains and the Pacific Northwest played an essential role in the survival and the success of the Expedition;

Whereas the Lewis and Clark Expedition has been called the most perfect Expedition of its kind in the history of the world and paved the way for the United States to become a great world power;

Whereas the President and the Congress have previously recognized the importance of the Expedition by establishing a 5-year commission in 1964 to study its history and the route it followed, and again in 1978 by designating the route as the Lewis and Clark National Historic Trail administered by the Secretary of the Interior through the National Park Service; and

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups are preparing commemorative activities to celebrate the bicentennial of the Expedition beginning in 2003: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the work of the National Lewis and Clark Bicentennial Council and all the Federal, State, and local entities as well as other interested groups that are preparing bicentennial activities to celebrate the 200th anniversary of the Lewis and Clark Expedition during the years 2004 through 2006;

(2) expresses its support for the events to be held in observance of the Expedition at St. Louis, Missouri in 2004 and Bismarck, North Dakota in 2005, and many other cities during the bicentennial observance; and

(3) calls upon the President, the Secretary of the Interior, the Director of the National Park Service, American Indian tribes, other public officials, and the citizens of the United States to support, promote, and participate in the many bicentennial activities being planned to commemorate the Lewis and Clark Expedition.

BICENTENNIAL OF THE LEWIS AND CLARK EXPEDITION

• Mr. DORGAN. Mr. President, today I am submitting a Senate resolution to focus national attention to the Bicentennial of the Lewis and Clark Expedition which will be celebrated during the years 2003–2005. I am pleased that Senators BOND, BURNS, CONRAD, COCHRAN, CRAIG, DASCHLE, GORTON, JEFFORDS, KERREY, MOSELEY-BRAUN, MURRAY, GORDON SMITH, and REID have joined me as cosponsors of this resolution.

The Lewis and Clark Expedition is one of the most remarkable events in our history. In the words of historian Paul Cutright, "the Lewis and Clark Expedition stands, incomparably, as the transcendent achievement of its kind in this hemisphere, if not the entire world." Known as the Corps of Discovery, the expedition traversed a vast expanse of largely unknown territory that was just added to the United States through the Louisiana Purchase.

The expedition was conceived by Thomas Jefferson at his home in Monticello, VA. His primary motivation was to find a water route to the Pacific Ocean for commercial reasons. But President Jefferson was interested in far more than trade routes. He was equally interested in expanding the Nation's knowledge of the flora, fauna, geology, geography, and the native peoples who inhabited this vast expanse of unexplored territory that was recently added to the United States. He specifically instructed Lewis and Clark to carefully record what they found. The historic Lewis and Clark Journals were the result of that Presidential directive. The journals, maps, drawings, and specimens which Lewis and Clark produced vastly enhanced the Nation's scientific knowledge and created a lasting cultural legacy for the Nation.

During their 28-month journey, the expedition crossed 11 future States. All along the route—from St. Louis, MO, to Mandan, ND, to Fort Clatsop, OR—preparations are already underway to celebrate this epic exploration. The National Lewis and Clark Bicentennial Council was formed to stimulate and coordinate bicentennial activities across the Nation. Its mission is "to commemorate that journey, rekindle its spirit of discovery, and acclaim the contributions and goodwill of the native peoples." In cooperation with, Federal, State, tribal, and local governments as well as other interested groups, the council will undertake educational programs, re-enactments of historical events, essay competitions, symposia, athletic events, and other commemorative activities in observances of the bicentennial of this historic journey.

I hope this resolution will help to focus public attention on this great American adventure and its remarkable achievements.•

SENATE RESOLUTION 58—RELATIVE TO THE TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN THE UNITED STATES AND JAPAN

Mr. ROTH (for himself, Mr. THOMAS, Mr. MACK, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 58

Whereas, the Senate finds that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is critical to the security interests of the United States, Japan and the countries of the Asian Pacific region;

Whereas, the security relationship between the United States and Japan is the foundation for the security strategy of the United States in the Asia-Pacific region;

Whereas, strong security ties between the two countries provide a key stabilizing influence in an uncertain post-Cold War world;

Whereas, this bilateral security relationship makes it possible for the United States and Japan to preserve their interests in the Asia-Pacific region;

Whereas, forward-deployed forces of the United States are welcomed by allies of the United States in the region because such forces are critical for maintaining stability in the Asia-Pacific region;

Whereas, regional stability has undergirded economic growth and prosperity in the Asia-Pacific region;

Whereas, the recognition by allies of the United States of the importance of United States armed forces for security in the Asia-Pacific region confers on the United States irreplaceable good will and diplomatic influence in that region;

Whereas, Japan's host nation support is a key element in the ability of the United States to maintain forward-deployed forces in that country;

Whereas, the Governments of the United States and Japan, in the Special Action Committee on Okinawa Final Report issued by the U.S.-Japan Security Consultative Committee estalished by the two countries, have made commitments to reducing the burdens of United States forces on the people of Okinawa;

Whereas, such commitments will maintain the operational capability and readiness of United States forces;

Whereas, the people of Okinawa have borne a disproportionate share of the burdens of United States military bases in Japan; and

Whereas, gaining the understanding and support of the people of Okinawa in fulfilling these commitments is crucial to effective implementation of the Treaty;

Now, therefore, it is the sense of the Senate that:

(1) the Treaty of Mutual Cooperation and Security Between the United States of America and Japan remains vital to the security interests of the United States and Japan, as well as the security interests of the countries of the Asia-Pacific region; and

(2) the people of Okinawa deserve special recognition and gratitude for their contributions toward ensuring the Treaty's implementation and regional peace and stability.

• Mr. ROTH. Mr. President, I rise today on behalf of myself and Senators THOMAS, MACK, and ROCKEFELLER to submit a sense-of-the-Senate resolution expressing our gratitude to the Okinawan people for their contributions toward ensuring the viability of the Treaty of Mutual Cooperation and Security between the United States of America and Japan. My friend and colleague, Rep. LEE HAMILTON, is submitting a similar resolution in the House of Representatives today.

Mr. President, the Security Treaty forms the core of our bilateral security arrangements with Japan and of our overall security strategy for the Asia Pacific region. Those arrangements have helped provide the peace and stability that have undergirded the region's economic success—from which the United States has benefitted directly.

To help ensure the viability of the Treaty, this past December, the United States and Japan agreed on terms to return roughly 20 percent of the land used by the American military. The Special Action Committee on Okinawa Final Report issued by the United States–Japan Security Consultative Committee sets out timetables for the return of the land. It also calls for training and operational procedures aimed at lessening the intrusiveness of American forces in Okinawa and improvements in certain procedures of the Status of Forces Agreement.

Even with the coming changes, Japan will continue to provide our forces based in that country with significant amounts of host nation support. And no one in Japan shoulders a more disproportionate share of that burden than the people of Okinawa.

For their many contributions to the United States-Japan relationship and the peace and stability of all the Asia Pacific region, the Okinawan people justly deserve our recognition and our sincerest thanks. That is precisely what this resolution does. But it also goes further: the resolution makes it clear that the continued support of the Okinawan people is crucial if we are to maintain a bilateral relationship that serves both our countries' interests, as well as those of the Asia Pacific and the entire world.

In light of the need for the support and understanding of the Okinawan people, and of the prefecture's continuing economic problems, I hope the Government of Japan gives serious consideration to some of the ideas that have been circulating on making the prefecture into a bastion of free trade and investment. The surest cure for Okinawa's economic ills is a dose of fundamental market reform.

Mr. President, I submitted a similar resolution at the end of the 104th Congress. While that resolution was cleared for passage, Congress adjourned before we could take the measure up for final consideration. Because of the importance of the United States–Japan relationship, I urge all my colleagues to join me in making passage of this resolution possible this year.●

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President I would like to announce for the information of the Senate and the public that a series of five workshops have been scheduled before the Subcommittee on Forests and Public Land Management to exchange ideas and suggestions on the proposed "Public Land Management Responsibility and Accountability Restoration Act."

The first workshop will take place on Tuesday, February 25, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building. The topic for this workshop will be titles I (part A), III, and V focusing on how we would restructure the resource management planning, eco-region planning, and Resource Planning Act systems.

The second workshop will take place on Wednesday, February 26, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building. The topic for this workshop will be subpart B, title II which addresses changes to administrative appeals and judicial review procedures.

The third workshop will take place on Wednesday, March 5, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building. The topic for this workshop will deal with administrative and related provisions of title IV.

The fourth workshop will take place on Thursday, March 6, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building. The topic of this workshop will be mechanisms for transfer of management responsibility of Federal lands to the States in Title VI.

The fifth and final workshop will take place on Tuesday, March 25, in the State of Idaho. The exact time and place have not been determined, but will be announced in a subsequent notice. This workshop will deal with title II, which addresses coordination and compliance with other environmental laws.

Testimony at these workshops is by invitation only. They are open to the public and the press. For further information please write to the Subcommittee on Forests and Public Land Management, U.S. Senate, Washington, D.C. 20510 or call Mark Rey or Judy Brown of the subcommittee staff at (202)–224–6170.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on February 27, 1997, entitled "S. 208, The HUBZone Act of 1997." The hearing will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, February 13, 1997, at 9 a.m. in SR–328A to discuss reform to the Commodity Exchange Act.

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

COMMITTEE ON ARMED SERVICES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, February 13, 1997, in open session, to receive testimony on the Defense authorization request for the fiscal year 1998 and the future years Defense Program.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, February 13, at 1:45 p.m. for a business meeting, for the purpose of considering issuance of subpoenas.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, February 13, at 2 p.m. for a hearing on S. 207, the Corporate Subsidy Reform Commission Act of 1997.

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

COMMITTEE ON FINANCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the full Committee on Finance be permitted to meet to conduct a hearing on Thursday, February 13, 1997, beginning at 10 a.m. in room 215–Dirksen.

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

COMMITTEE ON FINANCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Finance Committee be permitted to meet to conduct a hearing on Thursday, February 13, 1997, beginning at 1 p.m. in room 215–Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 13, 1997, at 8 a.m. to hold a hearing.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session on Thursday, February 13, 1997 at 9:30 a.m. in SR–301 to mark up the recurring budgets contained in the Omnibus

Committee Funding Resolution for 1997 and 1998.

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

SUBCOMMITTEE ON TRANSPORTATION AND INTRASTRUCTURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, February 13, at 2 p.m., hearing room (SD–406), on the Intermodal Surface Transportation Efficiency Act and Transportation trends, infrastructure funding requirements, and transportation's impact on the economy.

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

ADDITIONAL STATEMENTS

EULOGY TO PRESIDENT WASHINGTON

• Mr. CRAIG. Mr. President, I ask that a eulogy written in honor of President George Washington be printed in the RECORD in recognition of President's Day on Monday, February 17. My constituents from Cocolalla, ID, brought this piece to my attention, and I believe it is an appropriate tribute to our first President.

The eulogy follows:

Washington,
The Defender of his Country,
The Founder of Liberty,
The Friend of Man
History and Tradition are explored in vain
For a Parallel to his Character.
In the Annals of Modern Greatness
He stands alone,
And the noblest Names of Antiquity
Lose their Lustre in his Presence.
Born the Benefactor of Mankind,
He was signally Endowed with all the Qualities
Appropriate to his Illustrious Career,
Nature made him great,
And, Heaven-directed,
He made himself Virtuous.
Called by his Country to the Defence of her Soil,
And the Vindication of her Liberties,
He led to the Field
Her Patriot Armies;
And, displaying in rapid and brilliant succession
The United Powers
Of Consummate Prudence and Heroic Valor,
He triumphed in Arms
Over the most powerful Nation of Modern Europe;
His Sword giving Freedom to America,
His Counsels breathing Peace to the World.
After a short repose
From the tumultuous Vicissitudes
Of a sanguinary War,
The astounding Energies of
Washington
Were again destined to a New Course
Of Glory and Usefulness.
The Civic Wreath
Was spontaneously placed
By the Gratitude of the Nation
On the Brow of the Deliverer of his Country.
He was twice solemnly invested
With the Powers of Supreme Magistracy,
By the Unanimous Voice of
A Free People;
And in his Exalted and Arduous Station,
His Wisdom in the Cabinet
Transcended the Glories of the Field.
The Destinies of Washington
Were now complete.
Having passed the Meridian of a Devoted Life,
Having founded on the Pillars
Of National Independence
The Splendid Fabric
Of a Great Republic,
And having firmly Established
The Empire of the West,
He solemnly deposited on the Altar of his Country
His Laurels and his Sword,
And retired to the Shades
Of Private Life.
A Spectacle so New and so Sublime,
Was contemplated by Mankind
With the Profoundest Admiration;
And the Name of Washington,
Adding new Lustre to Humanity,
Resounded
To the remotest Regions of the Earth.
Magnanimous in Youth,
Glorious through Life,
Great in Death,
His highest Ambition
The Happiness of Mankind,
His noblest Victory
The Conquest of Himself.
Bequeathing to America
The Inheritance of his Fame,
And building his Monument
In the Hearts of his Countrymen,
He Lived,
The Ornament of the Eighteenth Century;
He Died,
Lamented by a Mourning World.•

HONORING GWENDOLYN BROOKS

• Ms. MOSELEY-BRAUN. Mr. President, tomorrow evening, Howard University will be honoring and celebrating one of our Nation's most treasured poets, Gwendolyn Brooks. There, they will highlight her lifetime of accomplishment: Many awards, over 70 honorary degrees, and her status both as the first black Pulitzer Prize winner and Poet Laureate of Illinois. I would like to take a moment to add a few words of my own to the many that will be saluting her tomorrow.

Like myself, Miss Brooks grew up on the south side of Chicago and attended Chicago public schools. Her parents loved literature and nurtured her early talent. She published her first poem when she was 11, and the world of poetry was forever changed. Her work gave voice to an entire class of people who had not yet been heard, and who had so much to say.

Her poetry has a soul of its own, sometimes whimsical, sometimes mournful, but always full of truth, and beauty. She writes of love and life and loss and liberty and lunacy and laceration. Her work is often provocative, and always inspirational. One of her most clever poems challenges its readers, shaking them out of complacence, preventing them from passively enjoying her art:

A poem doesn't do everything for you.
You are supposed to go on with your thinking.
You are supposed to enrich the other person's poem with your extensions,
your uniquely personal understandings,
thus making the poem serve you.

However, Gwendolyn Brooks doesn't merely challenge readers, she challenges writers. For more than half a century, she has dedicated herself to nurturing the talent of young writers through her teaching. She sponsors annual poetry contests, using her own money for cash prizes. She is as generous with her time as her money, dispensing advice and answering questions posed by aspiring writers.

Gwendolyn Brooks is not only one of America's greatest poets and a living legend, but an inspiration to many, myself included. One of the highlights of the day I was sworn in as a Senator 4 years ago was her reading of Aurora to me. Her words from that day live on in me as they do in anyone who has ever heard her speak.•

FEDERAL SURPLUS PROPERTY DONATION ACT

• Mr. MCCONNELL. Mr. President, I wish to speak about S. 307, the Federal Surplus Property Donations Act introduced earlier in the week by Senators LUGAR, HARKIN, LEAHY, and myself.

This legislation will enable food banks and other charities, which primarily serve low-income persons, to receive surplus Federal property such as computers, office furniture, copiers, warehouse equipment, and trucks. Items like these are often not available because of their expense. Such equipment can contribute to efficient and effective food bank operations.

I want to thank Second Harvest, Habitat for Humanity, and other major charities which serve needy families and children every day for their support of this legislation and their commitment in responding to hunger in our communities.

Mr. President, Second Harvest and Habitat for Humanity work with food banks serving all 50 States and Puerto Rico. In my home State of Kentucky, this legislation will assist Dare to Care Food Bank in Louisville, God's Pantry Food Bank in Lexington, and Kentucky Food Bank in Elizabethtown in accessing Federal surplus property.

This is a modest but important bill. It can make a real difference in the lives of those who are served by these valuable programs.

I urge my colleagues to support both this legislation and the food banks across the country that serve needy families and children.•

GAO'S REPORT ON THE IMPACT OF THE YEAR 2000 PROBLEM

• Mr. MOYNIHAN. Mr. President, we are now at the height of a contentious

debate on whether or not Social Security payments will be made in the 21st century if we pass the balanced budget amendment. The question is moot.

According to a report released yesterday by the General Accounting Office [GAO], come January 1, 2000, the "Year 2000 Computer Problem" will render all Social Security funds impounded. On the first day of the new millennium thousands of computer systems at the Social Security Administration as well as all the other Federal Agencies—Defense included—could malfunction.

It is February 13, 1997; we have 1,051 days remaining until January 1, 2000. Not only does the Year 2000 Computer Problem render our balanced budget debate moot, but its extent and impact will have consequences unseen in history. I have introduced a bill, S. 22, that would set up a commission to address the problem. This issue should be the No. 1 priority of the Governmental Affairs Committee, and of the 105th Congress.

If this matter lingers unaddressed, I can only imagine what else besides Social Security will fail in our computer-dependent society.•

TRIBUTE TO UTAH'S MOTHER OF THE YEAR

• Mr. BENNETT. Mr. President, I rise today to pay tribute to Sybil Shumway Stewart, Utah's 1996 Mother of the Year. I want to recognize her for the decades of service to her community, her church, and her family. We have been proud to have her represent our State this past year.

Sybil Shumway was born in Trenton, UT, on April 1, 1920, the youngest of four daughters, raised under the most humble of circumstances during the Great Depression. Sybil's father was a schoolteacher who taught in Cache County schools and was respected throughout the community. From the earliest age, her parents instilled in her the fundamental values of hard work, honesty and integrity, sacrifice and service.

As a student in junior high school, Sybil recalls her civics teacher detailing the rise of Hitler and Nazi Germany and subsequently learned to cherish and value the freedoms many of us often take for granted. She committed herself at that time to serving her community and country. She also recognized the importance that she teach her own children to cherish these same values.

Sybil graduated from Logan High School and Utah State University in 1942. Her desire to give something back to her community led her to pursue an occupation as a schoolteacher. While she only taught for a short while, she sees many of her students today. Her students never fail to express their appreciation for the skills they learned in her home economics class.

On Valentine's Day 1943, Sybil Shumway received an engagement ring in the mail from a young Army Air Corps lieutenant named Boyd Stewart, whom she had dated in college. They were married on May 21, 1943, while Boyd was home on weekend leave. They embarked on their life together and left that night for Randolph Field in Texas where Boyd was stationed as a flight instructor. After 20-plus years of Air Force duty and more than 30 years of running two farms, their marriage is still going strong almost 54 years later.

Sybil and Boyd raised 10 children; 6 boys and 4 girls. They taught their children the value of hard work and service to their fellow men. They instilled in each of them a love of God, country, community, and family. Sybil and Boyd's children went on to become schoolteachers, government administrators, successful business owners, elected officials, community activists, farmers, Scout leaders, a published author, and a world record holder. Five of their six sons served in our Nation's Armed Forces. Four of those sons served as missionaries for their church. Most important, following the example of their mother, those 10 children are now devoted parents to 41 grandchildren and 8 great-grandchildren. Indeed, Sybil's legacy and example will live on for generations to come.

In our world today, success is unfortunately often measured by great wealth, an expensive education, and the recognition and honors of men. Sybil Stewart has proven that the greatest success one can have is within the walls of their own home. I congratulate her on the completion of her term as Utah's 1996 Mother of the Year. I know that to her family however, she will always be the Mother of the Year.•

AUDITOR RESPONSIBILITIES UNDER THE 1995 PRIVATE SECURITIES LITIGATION REFORM ACT

• Mr. WYDEN. Mr. President, when a certified public accountant provides an opinion on a company's financial statements, investors and consumers rely on that statement. This role is vital to the efficient workings of our capital markets, which are the envy of the world. To keep our markets the best, investors must have confidence in them. That is why I have worked over the years for stronger rules to protect investors from corporate fraud.

In recent years, corporate fraud has been perpetrated in the health care arena, military contracting and in the savings and loan fiasco, costing taxpayers billions of dollars. As a Member of the House and as a new Senator, I have worked to put in place clear procedures for early detection of fraud and illegal acts so as to protect the public from huge losses of their hard-earned tax dollars.

To strengthen the fight against fraud, I worked as part of a bipartisan coalition that was successful in adding a new Section 10A to the Securities Exchange Act of 1934. I wish to take a moment today to update my colleagues on the status of that section's implementation.

Since the enactment of this law in December 1995, I have been interested in how the Securities and Exchange Commission (SEC) and the accounting industry would respond to the new requirements and the spirit of the law. I am pleased that both the industry and the Securities and Exchange Commission have taken positive steps to assure that both the letter and the spirit of the law are fully adhered to. Within the industry, I would note that the American Institute of Certified Public Accountants (AICPA) last year issued a revised statement of Auditing Standards (SAS) Number 82 "Consideration of Fraud in a Financial Statement Audit." The new SAS supersedes Statement of Auditing Standards (SAS) Number 53 relating to "The Auditor's Responsibility to Detect and Report Errors and Irregularities." The previous AICPA Statement of Auditing Standards Number 53 required auditors to report errors and irregularities. The new SAS takes an important step forward by making clear for the first time an auditor's responsibility to detect material fraud in financial statements and by offering various fraud risk factors to be considered in planning and performing all audits. The new revised SAS, read in conjunction with the AICPA's SAS Number 54 relating to an auditor's responsibility to detect illegal acts, is not only consistent with Section 10A but also promotes the intent of that provision to put procedures in place to help detect fraud early.

To date, the SEC has only limited experience with Section 10A because it becomes effective in two stages. For companies that file selected quarterly financial data with the SEC, Section 10A applies to annual reports for fiscal years beginning on or after January 1, 1996. For companies that do not file these reports, the provision applies to annual reports for fiscal years beginning on or after January 1, 1997. Many financial reports are filed at the end of the calendar year, meaning that most company audits for the 1996 fiscal year have not yet been completed. The SEC has assured me that it will evaluate and report on its experience with implementation of Section 10A in a timely manner.

In addition, I wrote SEC Chairman Arthur Levitt seeking his views on whether the AICPA's new SAS Number 82 and existing SAS 54 relating to illegal acts are consistent with the purpose and intent of Section 10A. In his reply, Chairman Levitt states: "We believe that both these standards improve the ability of auditors to detect management fraud and are consistent with the purposes of Section 10A."

Mr. President, the vast majority of accountants are honest, capable professionals. The number of audit failures is actually quite low compared to the amount of work they do. The AICPA's new revised SAS No. 82 and section 10A are added protection for investors and corporations against such failures.

I am pleased with both the work of the AICPA in clarifying the role of auditors in detecting fraudulent acts and with Chairman Levitt's reply assuring us that the SEC and AICPA procedures should work well together to promote the early detection of corporate fraud.

I submit for the RECORD my letter to SEC Chairman Levitt and his reply of January 31, 1997, and ask that they be printed.

The material follows:

U.S. SENATE,
Washington, DC, January 10, 1997.

Hon. ARTHUR LEVITT, Jr.,
Chairman, Securities and Exchange Commission, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to seek your views as Chairman of the Securities and Exchange Commission on the status of implementation of Section 10A of the Private Securities Litigation Reform Act of 1995 and particularly the relationship between Section 10A and the American Institute of Certified public Accountants' (AICPA) revised Statement of Auditing Standards (SAS) Number 53 relating to fraud.

As the sponsor of Section 10A of the legislation, my goal was to clarify the auditor's role in detecting fraud in financial statements and to put in place clear procedures for early detection of fraud and illegal acts so as to avoid the need for strike suits in the first place. I would appreciate your views on whether the AICPA's revised SAS 53 and existing SAS 54 relating to illegal acts are consistent with the purpose and intent of Section 10A in seeking early detection of illegal acts that are material to the financial statements being audited. I would also appreciate knowing whether you have encountered any problems in implementing and enforcing the requirements of new Section 10A.

I look forward to your prompt response to this request.

Sincerely,

RON WYDEN,
U.S. Senator.

SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, January 31, 1997.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for your letter seeking information on the implementation of section 10A of the Securities Exchange Act of 1934, which was adopted as Title III of the Private Securities Litigation Reform Act of 1995.

In connection with this legislation, the American Institute of Certified Public Accountants (AICPA) revised SAS No. 53, entitled "The Auditor's Responsibility to Detect and Report Errors and Irregularities." To implement the reporting provisions of section 10A(b), the Commission issued proposed rules, a copy of which are enclosed. Final action is expected soon.

The AICPA's revised standard clearly requires auditors to assess the risk of material misstatements in financial statements due to fraud. In discharging this duty, auditors must consider various fraud risk factors in planning and performing the audit. It also requires that working papers document both the auditor's assessment of those risk factors and any responsive action taken.

Additional guidance for auditors discharging their responsibilities under section 10A(a) is found in existing SAS No. 54, since this standard is not limited to fraudulent conduct. SAS No. 54, as you know, served as a template in drafting certain provisions of section 10A. We believe that both these standards improve the ability of auditors to detect management fraud and are consistent with the purposes of section 10A.

The Commission's experiences under section 10A have been limited due to the provision's relatively recent effectiveness.[1] Section 10A becomes effective in two stages, depending on whether a company files selected quarterly financial data with the SEC. For those companies who file this information, the provision applies to annual reports for fiscal years beginning on or after January 1, 1996. For companies who do not file these reports, the provision applies to annual reports for fiscal years beginning on or after January 1, 1997. Since most companies file at calendar year-end, the audit for the 1996 fiscal year for most companies has not yet been completed.

After we have had time to evaluate our experiences for this period, we would be pleased to furnish you with additional information. Thank you again for your continuing interest in these important issues.

Sincerely,

ARTHUR LEVITT.●

[1] During an enforcement investigation, however, an accounting firm provided certain information and requested that it be deemed to be submitted under section 10A.

ROGERS H. CLARK

Mr. FAIRCLOTH. Mr. President, I rise today to congratulate Mr. Rogers H. Clark, the president of Sampson-Bladen Oil Co., Inc., on his recent election as president of the Petroleum Marketers Association of America [PMAA]. Rogers is a true leader who will bring decades of experience and insight to this important position, all to the benefit of our Nation's independent petroleum marketers, whose interests the PMAA represent.

Rogers graduated from East Carolina University with a degree in business education. He joined the U.S. Army National Guard, contributing his spare time to our community and State until he retired. He was a Sunday schoolteacher and was a chairman of the Board of Deacons in the First Baptist Church. He is also a past president of the Clinton [NC] Rotary Club, and a recipient of the Silver Beaver Award from the Boy Scouts of America. He served on the advisory boards of several local financial institutions, and he presently serves on the board of trustees for Meredith College in Raleigh.

In addition to running the Sampson-Bladen Oil Co. in Clinton, Rogers is the president and CEO of Waccamaw Transport, which brings petroleum products to the people of Virginia and the Carolinas.

Rogers is not new to PMAA. He has just completed a term as the association's senior vice president. He also served as president of the North Carolina Petroleum Marketers Association and received that group's esteemed Will Parker Memorial Award.

I am pleased to offer this tribute to my friend and fellow citizen of Clinton. I am sure that his family is very proud of this latest of so many accomplishments.

ENHANCING THE COMPETITIVENESS OF CHICAGO FUTURES EXCHANGES: IMPORTANT FOR ILLINOIS AND AMERICA

● Ms. MOSELEY-BRAUN. Mr. President, the Monday, February 10, 1997, Chicago Tribune contained an editorial entitled: "Nurturing Chicago's Exchanges." The editorial, talking about the Chicago Board of Trade, the Chicago Mercantile Exchange, and the Chicago Board of Options Exchange, made the point that:

> the Chicago exchanges' global market share in future and options plunged from 60 percent in 1987 to 31 percent in 1995. The business is going overseas, where regulatory costs are lower, and off exchanges, where banks and other companies can engineer innovative contracts in a day or two without government approval.

The Tribune had it exactly right. As in so many other areas of financial policy, the law has not kept up with economic reality. The world has changed. There is a revolution underway in finance, and, if the United States sits back and ignores the new realities of the marketplace, the result will be to seriously damage American financial marketplaces vis-a-vis their global competition, and to increasingly warp and distort the competition between and among various American financial markets.

We must respond; we must respond vigorously; and we must respond now. Chicago's future and option exchanges are an American treasure; their innovations literally created this industry and are in no small part responsible for American leadership in finance. And the creativity of the Chicago exchanges has had a huge pay off for the Chicago area. As the Tribune editorial pointed out:

> the commodities and securities businesses have been strong job machines here, accounting for 50,000 direct jobs and total employment of 151,500, up 31 percent from a decade ago. The industry also keeps about $35 billion in Chicago banks.

It is imperative, therefore, that we act quickly to reauthorize the Commodity Futures Trading Act as quickly as possible, and that we do so in a way that enhances the ability of the American futures and options industry to meet both their less regulated competition here in the United States, and

their evermore formidable competition abroad. I intend to work for quick enactment of the legislation put forward by the distinguished chairman of the Senate Agriculture Committee, Senator LUGAR. I urge my colleagues to join me, and to ensure that a procompetitive, commonsense approach that allows the futures exchanges to meet and compete with all comers passes this body before the snow melts in Illinois.

Mr. President, I ask that the full text of the Tribune editorial be printed in the RECORD.

The editorial follows:

[From the Chicago Tribune Feb. 10, 1997]

NURTURING CHICAGO'S EXCHANGES

The Chicago Board of Trade will soon inaugurate a new $182 million trading floor, which will triple its space and seemingly prepare the nation's oldest futures exchange for continued growth into the 21st Century.

Instead of celebrating, however, Board of Trade honchos are bemoaning their inability to compete against foreign exchanges and bankers who sell customized financial products in largely unregulated, off-exchange markets.

Indeed, unless the CBOT can create innovative products and lower costs to attract new customers, and unless it can get fair regulatory treatment from Washington, the new floor may turn out to be a monument to the past, not a springboard to the future.

CBOT leaders are confident they can invent new contracts and a joint committee of the Board of Trade and the Chicago Mercantile Exchange is working on cutting costs. (That group should push for consolidation of the two exchanges' clearing operations.)

But Congress also needs to update the Commodity Exchange Act to reflect the realities of today's financial markets. If it doesn't, Chicago will quickly lose its place as the world's center for managing financial risk.

That would be a severe blow to the city. According to a recent study the commodities and securities businesses have been strong job machines here, accounting for 50,000 direct jobs and total employment of 151,500 up 38 percent from a decade ago. The industry also keeps about $35 billion in Chicago banks.

Despite all that, the Chicago exchanges' global market share in futures and options plunged from 60 percent in 1987 to 31 percent in 1995. The business is going overseas, where regulatory costs are lower, and off exchanges, where banks and other companies can engineer innovative contracts in a day or two without government approval. The Board of Trade must wait six months to get a new contract approved.

That and other rules were enacted years ago, when most customers of the exchanges were farmers using futures to hedge against swings in crop prices. Today 95 percent of the trades are between large financial institutions and professional investors, who are interested in efficiency, not government protection.

Senate Agriculture Committee Chairman Richard Lugar of Indiana has introduced a bill to speed approval of new contracts and require regulators to do cost-benefit analyses before imposing new rules. It also would continue to deny commodity regulators authority to oversee off-exchange trades—a step the Treasury Department strongly supports.

But Lugar's bill would give the Chicago exchanges a chance to compete on an equal footing in the "professional" markets by allowing unregulated products for institutional customers to be developed while still insisting on protection for small retail customers.

It carefully balances the need to safeguard individual investors with the need to free the exchanges to compete in global markets. A similar House bill has been proposed by Rep. Tom Ewing (R-Ill.). Congress must debate these measures, reconcile and then pass them if Chicago is to have the chance to preserve its global leadership in financial risk management.•

LOCKWOOD GREENE DONATES RARE ARCHITECTURAL DRAWINGS TO THE SMITHSONIAN

• Mr. HOLLINGS. Mr. President, today I recognize Lockwood Greene, and its chairman, Donald R. Lugar, for the company's donation of 5,000 original engineering drawings to the Smithsonian's National Museum of American History.

The Lockwood Greene Collection dates to the mid-1800's and is the largest single holding of early American engineering and architectural drawings. The drawings offer a window into the U.S. industrial history and the changes that occurred with the harnessing of electricity and the invention of the automobile.

The donated drawings, mostly on linen using India ink and still in mint condition, reveal the skills and talent of 19th and early 20th century draftsmen. They document information unrecorded elsewhere such as: The first application of electric drive to an 1893 manufacturing operation in Columbia, SC; modifications providing for the transition from horse and buggy to automobile to the important east west route, the Lincoln Highway in Lake County, IN; designs for WWII era radio stations; and drawings of the Androscoggin textile mill in Lewiston, ME, from the 1890's depicting power transmission through the factory prior to the introduction of electricity.

The official ceremony for the donation will take place at the Smithsonian's Ceremonial Court Hall on February 19, 1997. Museum officials are delighted by the gift and they have begun compiling a computerized index of them.

I congratulate Lockwood Greene's generous decision to make this priceless gift to the Smithsonian Institution, thus securing it for future generations. Lockwood Greene, one of the country's most prominent consulting, design, and construction firms, was founded in New England in 1832 and is now headquartered in Spartanburg, SC.•

NEED FOR CHILD SAFETY LOCKS ON AMERICAN-MADE HANDGUNS

• Mrs. BOXER. Mr. President, I wish to call to the attention of the Senate a terrible tragedy that occurred yesterday in Bridgeport, CT. The death of 8-year-old Tynisha Gathers demonstrates once again the need for child safety locks on American-made handguns.

Yesterday, Tynisha was playing at her grandmother's house when one of her friends found a small 38-caliber handgun. In the course of acting out a scene from a popular movie, Tynisha was shot in the forehead and killed. Her 10-year-old playmate has been charged with manslaughter. If the handgun used to kill Tynisha Gathers included adequate safety features, this tragedy could have been prevented.

I have introduced legislation to require all American-made handguns to meet the same quality and safety standards currently required of imports. President Clinton has recognized this crisis, calling in his State of the Union Address for Congress to pass legislation requiring "child safety locks on handguns to prevent unauthorized use."

Mr. President, I urge all Senators to read this Associated Press story about the tragic death of Tynisha Gathers and consider cosponsoring S. 70.

I ask that the Associated Press article be printed at this point in the RECORD.

The article follows:

POLICE SAY MOVIE LINKED TO FATAL SHOOTING OF YOUNG GIRL

(By Brigitte Greenberg)

BRIDGEPORT, CT.—A movie that authorities have linked to shootings in California and Missouri apparently instigated a fatal shooting of an 8-year-old girl here, police said.

Tynisha Gathers was shot in the forehead as she and other children imitated scenes from the movie "Set It Off," police said Wednesday. The little girl was shot by one of three other children playing with a small pistol a .380-caliber semiautomatic handgun, police said.

Detectives were investigating how the children got access to the weapon, said police Capt. John Donovan. A 10-year-old girl was taken into custody and charged with manslaughter.

The shooting occurred after the four children watched a videotape of the movie Tuesday evening, police said. Donovan said the tape apparently was a bootleg copy; the film, which arrived in theaters in November, is not yet in video stores.

The children said they were replaying a scene from the movie, said police Lt. Frank Resta.

The suspect was taken to a juvenile detention center, Resta said.

Donovan was circumspect about the movie's impact on the children.

"I'll leave that to the sociologists. We have charges lodged against a 10-year-old," he said.

Police said the shooting occurred in the victim's grandmother's house; the grandmother was home at the time but was not in the room.

The R-rated "Set It Off," which features rap star Queen Latifah, is about four desperate women who go on a bank robbery spree.

Authorities in California and Missouri have linked the movie to several shootings. The film was canceled at an Independence, Mo., theater after a moviegoer fired a gun inside a theater.

In Torrance, Calif., one man was killed outside a theater showing the movie and two teen-agers were wounded. In Los Angeles, three people were injured during a shootout between rival gangs inside a theater where the film was playing.•

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

• Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 8, 1997, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Indian Affairs.

The rules follow:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Acts are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Committee by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 48 hours in advance of the hearing, an original and 50 copies of his or her written testimony.

(c). Each Member shall be limited to five (5) minutes in questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such inclusion have been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subjects on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

QUORUMS

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only on the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in committee hearings may be required to give testimony under oath whenever the Chairman or vice chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee: *Provided*, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.•

RULES OF THE COMMITTEE ON FINANCE

• Mr. ROTH. Mr. President, in accordance with rule XXVI of the Standing Rules of the Senate, I hereby submit for publication in the RECORD the rules of the Committee on Finance.

The rules follow:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted January 28, 1997)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials

prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the

ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.●

RULES OF PROCEDURE—U.S. SENATE COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, today I report to the Senate the rules adopted by the Committee on the Judiciary as provided for in rule 26.2 of the Standing Rules of the Senate. These rules were unanimously adopted by the committee in open session on January 23, 1997, and I ask that they be printed in the RECORD.

The rules follow:

COMMITTEE ON THE JUDICIARY

JURISDICTION

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(1) Committee on the Judiciary, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Apportionment of Representatives.
2. Bankruptcy, mutiny, espionage, and counterfeiting.
3. Civil liberties.
4. Constitutional amendments.
5. Federal courts and judges.
6. Government information.
7. Holidays and celebrations.
8. Immigration and naturalization.
9. Interstate compacts generally.
10. Judicial proceedings, civil and criminal, generally.
11. Local courts in the territories and possessions.
12. Measures relating to claims against the United States.
13. National penitentiaries.
14. Patent Office.
15. Patents, copyrights, and trademarks.
16. Protection of trade and commerce against unlawful restraints and monopolies.
17. Revision and codification of the statutes of the United States.
18. States and territorial boundary lines.

RULES OF PROCEDURE

139 Cong. Rec. S1645 (daily ed. Feb. 16, 1993)

I. Meetings of the Committee

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any Member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. Quorums

1. Ten Members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. Proxies

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a Member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. Bringing a Matter to a Vote

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. Subcommittees

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

VI. Attendance Rules

1. Official attendance at all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.●

PROVIDING FOR ADJOURNMENT OF BOTH HOUSES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 21, the adjournment resolution.

I further ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 21) providing for an adjournment of both Houses.

Mr. WELLSTONE. Mr. President, reserving the right to object, I shall not object, I just wanted to bring up two quick questions with the majority leader.

Last time after the swearing-in ceremony, the majority leader will remember that I said I might object and I asked the majority leader whether I could get some kind of a commitment for a clear timeframe for taking up comprehensive campaign finance reform. I do not know whether the majority leader is prepared to make that commitment tonight, but I do want to be clear that if by March when we come back there has been no commitment made as to when we will have a bill on the floor and how we will move forward on it—because otherwise I fear delay and delay and delay, much like we did with gift ban—I will start to take amendments, campaign finance reform amendments, and attach those amendments to other bills because I believe we have to move this discussion forward. I think people want action.

I am interested in the response of the majority leader. I want to make clear to colleagues, because I think you need to give people a warning, that when we come to our next recess it may be the case that I will not agree to a unanimous consent. So I am using the model

the majority leader and I worked out together at the end on gift ban and we came up with reform. I am using that model, and I think it is important for Senators to be out here on the floor really pushing very hard for this. I wonder whether the majority leader could tell me whether he has any plan now, whether we could get a specific time when we could have a bill—again, I am not trying to predetermine what the piece of legislation would be—on this floor.

Mr. LOTT. Mr. President, if I could respond to the Senator's question. First of all, it is very hard to pick a date, to say by a date certain we will get something done. For instance, on the matter that has been pending before the Senate, Senate Joint Resolution 1, the constitutional amendment requiring a balanced budget, we had hoped we could have a reasonable and fair debate and amendments being offered—I believe the Senator from Minnesota has had three or so and maybe he had some more—and that by the end of the month we would have a vote on that after having had a good, fair debate and amendments being offered.

But now we are having trouble getting amendments up and getting a time agreed to. Now I understand we may have, I do not know, 20 or 25 amendments lurking around out there. So now I have to begin to consider filing cloture on something that—we do not want to start the cloture wars this year. So I try to take into consideration everybody's needs, and we have problems we have to take into consideration, like funerals of relatives or the Ambassador today. So it is very hard to say a time certain.

Another example is, before we have reform, I think we ought to find out, first of all, what laws have been violated already on the books. Today we have in the paper that China is working, perhaps, on trying to get some foreign contributions, illegal contributions in the Presidential campaign. There seems to be an article every day—every day.

Before we start trying to reform a law, I think we ought to see a law that is already on the books that I voted for back in 1973 or 1974 that is being used or abused. Yet we are seeing an all-out fight to stop the funding for the Governmental Affairs Committee to begin its work to find out what happened so we will know what laws have been violated, so we will know what kind of reform we may or may not need. Unfortunately, as it is being delayed and the appearance of obstruction in getting that hearing started, that has an impact on when we might get to a vote on legislation here in the Senate.

The next thing is we would like to have hearings on this issue in the Rules Committee. In fact, we will have. And yet the Rules Committee has been tied up for almost 2 weeks on trying to get the committee funding resolution and the resolution of the question with regard to the alleged illegal contributions in the Presidential campaign in 1996.

Then, also, I have to say to the Senator, are we ready now to begin to work on a bill that maybe both sides can agree to, or will it be one where you want to stick it to our side? Are you ready now to begin to get some language in there that would say that we must have paycheck equity? In other words, when I talk to my friends in my hometown, union members, some of which I used to represent when I practiced law, and my father was one, they get irate that their dues are being used for campaign purposes across this country without their approval or designation.

So, there is not going to be a campaign finance bill that does not address a question like that. So, is the Senator ready to include something like that in the legislation?

Mr. WELLSTONE. I am pleased to respond to the majority leader. I did not know we would have quite this debate but I understand——

Mr. LOTT. Do I have the floor?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I try to be calm and respond gently, but when the Senator pricks me a little bit, I have to try to respond in a way that explains why I can't just say, "April 15 on tax day we are going to take this bill up." I need help. I need cooperation on your side. We have done that.

The Senator from Minnesota knows that last year I worked with him, I kept my word to him even one time when there was a little misunderstanding, but we worked through it and got it done. I am willing to do that, but you have to keep in mind what we are trying to accomplish here on a number of issues that do interrelate.

I am happy to yield for a response to that.

Mr. WELLSTONE. I shall be brief, Mr. President. The majority leader, I appreciate his graciousness. I actually like his passion. It does not trouble me at all.

Mr. President, I actually made it very clear that I am not trying to—he has his own ideas about what should be in a bill. I did not insist on a particular piece of legislation. We have the McCain-Feingold bill that has been much talked about and could be a vehicle that people could work with.

My point is I learned through the gift ban we only finally took action when we just started putting that piece of legislation on other bills. The majority leader is, after all, the majority leader, and, yes, we are now on the constitutional amendment to balance the budget, but the majority leader, I think, can be a real leader on this if we can get a commitment that says, look, we will not have delay and delay and delay. We will have a bill on the floor and resolve this by July 4 or whatever date the majority leader picks out, and that makes it clear to people in the country that we are not going to just stall and stall.

The majority leader is talking about today's piece in the Washington Post, but the point is we do not really need to find out that there are problems in the way campaigns are financed. This has been going on for a long time. There is plenty to be fixed. People in the country are experts at what they do not like. There is no reason whatever that we cannot move forward with a bill. I just would like to get a commitment. I take it from what the majority leader has said today and the way he said it that he is not ready to make such a commitment. That is fine, but I want to be clear that if that is the case come March, I think the majority leader can expect to see at least on my part as a Senator from Minnesota, some different parts of campaign finance reform as amendments on other bills. I want colleagues to know that this time I am not objecting to the UC for recess. But, come next spring—and this is plenty of warning—that may very well happen.

Mr. LOTT. Mr. President, I reclaim my time. I understand. As I have said earlier this year, and again here today, every Senator is within his or her rights to offer amendments. I know, as we go forward, there will be disagreements, and I know that the Senator from Minnesota is going to pursue this issue. He is entitled to do that. I appreciate his comments today and that he is not going to object. We will have to see how it moves forward in the future.

The PRESIDING OFFICER. If there is no objection, the resolution is agreed to.

The concurrent resolution (H. Con. Res. 21) was agreed to, as follows:

H. CON. RES. 21

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 1997, it stand adjourned until 12:30 p.m. on Tuesday, February 25, 1997, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns or recesses at the close of business on Thursday, February 13, 1997, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until 11:30 a.m. on Monday, February 24, 1997, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the

Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

UNANIMOUS-CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 36

Mr. LOTT. Mr. President, I ask unanimous consent that at 1:30 on Monday, February 24, the Senate begin consideration of House Joint Resolution 36 under the statutory limitations. I further ask that following the expiration or yielding back of the 2-hour debate limit, the resolution be considered read the third time and set aside; and, finally, beginning at 2:10, Tuesday, February 25, there be 5 minutes of debate, equally divided in the usual form, prior to a vote on the resolution, which would begin at 2:15 on Tuesday, February 25, with no further intervening action or debate.

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

Mr. LOTT. Mr. President, this is the population planning language. In our continuing resolution, last year, we included statutory language that would require a vote before funds could be released. This is dealing with that issue. Therefore, there will be a vote around 2:15 on Tuesday on that population planning issue.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 1

Mr. LOTT. Mr. President, I ask unanimous consent that on Monday, February 24, immediately following the vote on or in relation to the Byrd amendment, Senator REID be recognized to offer an amendment relative to Social Security. I further ask unanimous consent that when the Senate convenes on Tuesday, February 25, the time between 9 a.m. and 12:30 p.m. be equally divided in the usual form on the Reid amendment.

I also ask unanimous consent that following the vote at 2:15 on Tuesday, February 25, the Senate resume debate on the Reid amendment until 6 p.m., with a vote occurring on or in relation to the Reid amendment beginning at 6 p.m. on Tuesday, February 25.

I finally ask that on Wednesday, February 26, Senator FEINSTEIN be recognized at 9 a.m. to offer an amendment, with the time between 9 a.m. and 11 a.m. divided equally in the usual form for debate on the Feinstein amendment; and, finally, a vote to occur on or in relation to the Feinstein amendment at 11 a.m. on the 26th.

I also ask that no amendments be in order to Reid or Feinstein or any language proposed to be stricken.

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

PROGRAM

Mr. LOTT. Mr. President, that means we will have a vote on the Byrd amendment around 5:30 on Monday. We will come in at 9 on Tuesday, the week of the 24th and 25th, and we will have debate during the morning of Tuesday on the Reid amendment. We will recess for the policy luncheons then and come in at 2:15 for a vote on the population planning issue. We will continue to debate the Reid amendment after that, with a vote at 6 o'clock on Tuesday, the 25th. We will come in at 9 o'clock on Wednesday and begin the debate on the Feinstein amendment and vote at 11 o'clock.

I thank the Democratic leader for his cooperation in getting these three amendments to the constitutional amendment for a balanced budget scheduled. Because of that cooperation, I did not file a cloture motion this afternoon. That is somewhat risky, because if we don't get good cooperation, if we don't work through these amendments with time agreements, that will mean that I could not file a cloture motion and require a vote until Wednesday of that week. But if the Members will work with us in good faith, on both sides, if we make progress and we move toward completion of the constitutional amendment that first week that we are back, ending the 28th, then maybe a cloture motion will not be necessary. But we must have cooperation on these amendments to either get the ones that are not serious dispensed with, or to get a vote scheduled quickly on Wednesday of that week.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MEASURE READ THE FIRST TIME—H.R. 581

Mr. COVERDELL. Mr. President, I understand that H.R. 581 has arrived from the House. I would ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows.

A bill (H.R. 581) to provide that the President may make funds appropriated for population planning and other population assistance available on March 1, 1997, subject to restrictions on assistance to foreign organizations that perform or actively promote abortions.

Mr. COVERDELL. Mr. President, I would now ask for its second reading and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The bill will be read for a second time on the next legislative day.

OMNIBUS COMMITTEE FUNDING RESOLUTION FOR 1997 AND 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 16, Senate Resolution 54.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows.

A resolution (S. Res. 54) authorizing biennial expenditures by committees of the Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. COVERDELL. Mr. President, I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 54) was agreed to, as follows:

S. RES. 54

Resolved,

SHORT TITLE

SECTION 1. This resolution may be cited as the "Omnibus Committee Funding Resolution for 1997 and 1998.".

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1997, through September 30, 1998, in the aggregate of $50,569,779 and for the period March 1, 1998, through February 28, 1999, in the aggregate of $51,903,888 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, for the Committee on Indian Affairs, the Special Committee on Aging, and the Select Committee on Intelligence.

(b) Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

(c) Any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees of the committee who are paid at an annual rate, (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications, (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, (4) for payments to the Postmaster, United

States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1997, through September 30, 1998, and March 1, 1998, through February 28, 1999, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,747,544, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,792,747, of which amount (1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,953,132, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $5,082,521, of which amount (1) not to exceed $175,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,704,397.

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,776,389.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,853,725, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,928,278, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,105,190, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,188,897, of which amount (1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science and Transportation is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30,

1998, under this section shall not exceed $3,448,034, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,539,226, of which amount (1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,637,966.

(c) For the period of March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,707,696.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,431,871, of which amount (1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,494,014, of which amount (1) not to exceed $8,000, be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $3,028,328, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $3,106,591, of which amount (1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,710,573, of which amount (1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,782,749, of which amount not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,533,600, of which amount (1) not to exceed $375,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,653,386, of which amount (1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and

corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relationships or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly —mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental –relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate–statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and –other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs: *Provided*, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this subsection, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1997, through February 28, 1999, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the session, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 73 of the One Hundred Fourth Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,362,646, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,480,028, of which amount (1) not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Labor and Human Resources is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $4,113,888, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $4,223,533, of which amount not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed

$1,339,106, of which amount (1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,375,472, of which amount (1) not to exceed $200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,084,471, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,112,732, of which amount (1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,123,430, of which amount (1) not to exceed $250,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and (2)not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,153,263, of which amount (1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and (2) not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,133,674 of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,162,865 of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $2,114,489, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $2,171,507, of which amount not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Committee on Indian Affairs is authorized from March 1, 1997, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) The expenses of the committee for the period March 1, 1997, through September 30, 1998, under this section shall not exceed $1,143,715.

(c) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this section shall not exceed $1,171,994.

SPECIAL RESERVES

SEC. 22. (a) Of the funds authorized for the Senate committees listed in sections 3 through 21 by Senate Resolution 73, agreed to February 13, 1995 (104th Congress), for the funding period ending on the last day of February 1997, any unexpended balances remaining shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in subsection (b). During March 1997, obligations incurred but not paid by February 28, 1997, shall be paid from the unexpended balances of committees before transfer to the special reserves and any obligations so paid shall be deducted from the unexpended balances of committees before transferred to the special reserves.

(b) The reserves established in subsection (a) shall be available for the period commencing March 1, 1997, and ending with the close of September 30, 1997, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1997, and which were not deducted from the unexpended balances under subsection (a), and (2) meeting expenses incurred after such last day and prior to the close of September 30, 1997.

SPACE ASSIGNMENTS

SEC. 23. The space assigned to the respective committees of the Senate covered by this resolution shall be reduced commensurate with the staff reductions funded herein

and under S. Res. 73, 104th Congress. The Committee on Rules and Administration is expected to recover such space for the purpose of equalizing Senators offices to the extent possible, and to consolidate the space for Senate committees in order to reduce the cost of support equipment, office furniture, and office accessories.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 26 and 27. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Janet L. Yellen, of California, to be a Member of the Council of Economic Advisers.

SMALL BUSINESS ADMINISTRATION

Aida Alvarez, of New York, to be Administrator of the Small Business Administration.

NOMINATION OF JANET YELLEN

Mr. D'AMATO. Mr. President, I urge the Senate to approve Dr. Janet Yellen, the distinguished nominee, for the position of the Chairman of the Council of Economic Advisers. The nomination was approved by the Banking Committee by a vote of 17–0.

Dr. Yellen last appeared before the Senate nearly 3 years ago when she was nominated and confirmed to serve on the Board of Governors of the Federal Reserve System. While on the board of governors, Dr. Yellen focused on the important issues of consumer credit and small business lending and provided useful congressional testimony on these topics.

Prior to her tenure at the Federal Reserve Board, Dr. Yellen was the Bernard T. Rocca Jr. Professor of International Business and Trade at the Haas School of Business of the University of California at Berkeley where she taught since 1980. Dr. Yellen has also served as a senior adviser to the Brookings Panel on Economic Activity and as a member of the Economics Panel of the Congressional Budget Office.

Dr. Yellen has written on a wide variety of macroeconomic issues, including the causes and implications of unemployment. She is also a recognized scholar in international economics, recently focusing on the trade balance and reforms in Eastern Europe.

Dr. Yellen has distinguished herself in academia and at the Federal reserve. She will bring to this position competence and a record of excellence. I believe the administration and the Congress will both benefit from her wise counsel.

I am pleased to support this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE INDEFINITELY POSTPONED

Mr. COVERDELL. Mr. President, I ask unanimous consent that Senate Resolution 52 be indefinitely postponed.

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

AUTHORITY FOR COMMITTEES TO REPORT

Mr. COVERDELL. Mr. President, I ask unanimous consent that committees have from the hours of 10 a.m. to 2 p.m. on Tuesday, February 18, to file any legislative or executive matters.

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

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Connecticut [Mr. DODD] as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 105th Congress.

The Chair, on behalf of the Vice President, pursuant to the provision of Public Law 99–661, appoints the Senator from Michigan [Mr. LEVIN] as a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, vice the former Senator from Georgia, Mr. Nunn.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, appoints the following Senators to the U.S. Holocaust Memorial Council: The Senator from California [Mrs. BOXER], vice the former Senator from Rhode Island, Mr. Pell, and the Senator from New Jersey [Mr. LAUTENBERG].

The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, reappoints the following Senators to the U.S. Holocaust Memorial Council: The Senator from Utah [Mr. HATCH], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Alaska [Mr. MURKOWSKI].

ORDERS FOR MONDAY, FEBRUARY 24, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate adjourns under the provisions of House Concurrent Resolution 21 until the hour of 11:30 a.m. on Monday, February 24, that immediately following the prayer, Senator FRIST be recognized to read George Washington's Farewell Address, under a previous order.

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

Mr. COVERDELL. I further ask that following the address, the various routine requests through the morning hour be granted and the Senate then proceed to a period of morning business until the hour of 1:30 p.m., with the time equally divided between the two leaders or their designees.

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

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, at 1:30 p.m., the Senate will begin 2 hours of consideration on House Joint Resolution 36, dealing with the U.N. population measure. At 3:30 p.m., the Senate will resume consideration of the balanced budget constitutional amendment and the Byrd amendment for 2 hours of debate. At 5:30 p.m., the Senate will conduct a rollcall vote with respect to the Byrd amendment, and immediately following that 5:30 Monday vote, the Senate will begin debate on the Reid Social Security amendment.

Under a previous order, a rollcall vote will occur at 2:15 p.m. on Tuesday on passage of the U.N. population measure, and a second vote will occur at 6 p.m. on Tuesday with respect to the Reid Social Security amendment.

Also, at 11 a.m. on Wednesday, the Senate will conduct a rollcall vote with respect to the Feinstein amendment.

Therefore, Members should be aware of the 5:30 p.m. Monday vote and the two votes on Tuesday and the early Wednesday vote.

I thank all Members in advance for their continued cooperation.

ADJOURNMENT UNTIL 11:30 A.M., MONDAY, FEBRUARY 24, 1997

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of House Concurrent Resolution 21 until 11:30 a.m. on Monday, February 24.

There being no objection, the Senate, at 6:11 p.m., adjourned until Monday, February 24, 1997, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 13, 1997:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH E. HURD, 5386.

FOREIGN SERVICE

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:

DEPARTMENT OF STATE

KATHLEEN THERESE AUSTIN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN WESLEY HARRISON, OF VIRGINIA
CAROL R. KALIN, OF NEW YORK
KAREN EASTMAN KLEMP, OF ILLINOIS
RONNA SHARP PAZDRAL, OF CALIFORNIA
ROBERT WALTER PONS, OF NEW JERSEY

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

BRIAN D. GOGGIN, OF VIRGINIA

DEPARTMENT OF STATE

GREGORY JON ADAMSON, OF CALIFORNIA
CHERRIE SARAH DANIELS, OF TEXAS
MARTHA J. HAAS, OF TEXAS
PAUL HOROWITZ, OF OREGON
JOHN KEVIN MADDEN, OF ARKANSAS
DEBORAH RUTLEDGE MENNUTI, OF TEXAS
MANISH KUMAR MISHRA, OF PENNSYLVANIA
WILLIAM E. MOELLER III, OF FLORIDA
WILLIAM E. SHEA, OF FLORIDA
MARCO AURELIO RIBEIRO SIMS, OF THE DISTRICT OF COLUMIBA
MARK L. STREGE, OF FLORIDA
JONI ALICIA TREVISS, OF MASSACHUSETTS
DAVID H.L. VAN CLEVE, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, 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 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 UNITD STATES OF AMERICA:

JAMES ROBERT ADDISON, OF VIRGINIA
AMY MARIE ALLEN, OF ARIZONA
EMILY JANE ALLT, OF CONNECTICUT
GREGORY R. ALSTON, OF VIRGINIA
MARGARET JANE ARMSTRONG, OF VIRGINIA
WILLIAM H. AVERY, OF FLORIDA
CHARLES R. BANKS, OF VIRGINIA
STEPHEN B. BANKS, OF VIRGINIA
STEPHEN A. BARNEBY, OF NEVADA
WILLIAM G. BASIL, OF MARYLAND
STEPHAN BERWICK, OF VIRGINIA
MARK W. BLAIR, OF VIRGINIA
JOSHUA BLAU, OF CALIFORNIA
CHRISTOPHER J. BORT, OF MARYLAND
BRIDGET A. BRINK, OF MICHIGAN
JENNIFER CHINTANA BULLOCK, OF PENNSYLVANIA
DAVID W. CAREY, OF VIRGINIA
PAUL M. CARTER, JR., OF MARYLAND
JOSEPH F. CHERNESKY, OF VIRGINIA
RACHEL M. COLL, OF VIRGINIA
COLIN THOMAS ROBERT CROSBY, OF OHIO
ROBERT CLINTON DEWITT, OF TEXAS
ALI DIBA, OF VIRGINIA
JOSEPH A. DOGONNIUCK, OF VIRGINIA
FRED D. ENOCHS, OF FLORIDA
NAOMI CATHERINE FELLOWS, OF CALIFORNIA
BARBARA J. FLESHMAN, OF VIRGINIA
MARY ANNE FLAUTA FRANCISCO, OF VIRGINIA
ROBERT R. GABOR, OF CALIFORNIA
JEFFREY E. GALVIN, OF COLORADO
KATHERINE GAMBOA, OF VIRGINIA
ROGER Z. GEORGE, OF VIRGINIA
LISA M. GRASSO, OF VIRGINIA
GREGORY S. GROTH, OF CALIFORNIA
EDWARD G. GRULICH, OF TEXAS
DOUGLAS E. HAAS, OF VIRGINIA
MARK W. JACKSON, OF VIRGINIA
KIPLING VAN KAHLER, OF TEXAS
CRAIG K. KAKUDA, OF VIRGINIA
YURI KIM, OF GUAM
JENNIFER A. KOELLA, OF VIRGINIA
HENRY P. KOHN, JR., OF VIRGINIA
PAULA J. LABUDA, OF VIRGINIA
JOHN T. LANCIA, OF PENNSYLVANIA
JENNIFER M. LEE, OF VIRGINIA
GLENN A. LITTLE, OF VIRGINIA
GREGORY MICHAEL MARCHESE, OF CALIFORNIA
WILLIAM M. MARSHALL III, OF VIRGINIA
ROBERT B. MOONEY, OF CALIFORNIA
KEVIN L. O'DONOVAN, OF VIRGINIA
ANN A. OMERZO, OF PENNSYLVANIA
ROBERT ANTHONY PITRE, OF WASHINGTON
JENNIFER L. SAVAGE, OF VIRGINIA
BRANDON P. SCHEID, OF VIRGINIA
CARMEN A. SELTZER, OF VIRGINIA
RUSSELL SCHIEBEL, OF TEXAS
MICAELA A. SCHWEITZER, OF THE DISTRICT OF COLUMBIA
STEFANO G.J. SERAFINI, OF THE DISTRICT OF COLUMBIA
ROBERT E. SETLOW, OF WASHINGTON
ANDREW SHAW, OF NEW YORK
SCOTT A. SHAW, OF ILLINOIS
DAVID WILLIAM SIMONS, OF COLORADO
JAMES DOUGLAS SMITH III, OF VIRGINIA
MATTHEW ALEXANDER SPIVAK, OF CALIFORNIA
DAISY D. SPRINGS, OF VIRGINIA
CHERYL S. STEELE, OF MASSACHUSETTS
HECTOR J. TAVERA, OF THE DISTRICT OF COLUMBIA
MARTINA ANNA TKADLEC, OF TEXAS
BONNIE J. TOEPER, OF VIRGINIA
BRYANT P. TRICK, OF CALIFORNIA
MARK E. TWAMBLY, OF VIRGINIA
PATRICK TIMOTHY WALL, OF ALABAMA
MARK A. WEAVER, OF WASHINGTON
MICHAEL EDWARD WIDENER, OF VIRGINIA
CHRISTINE WILLIAMS, OF VIRGINIA
THOMAS A. WITECKI, OF VIRGINIA
WILLIAM H. S. WRIGHT, OF VIRGINIA
RONDA S. ZANDER, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR THE 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:

KENTON W. KEITH, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

GEORGE FREDERIC BEASLEY, OF MARYLAND
JOHN P. DWYER, OF CONNECTICUT
HARRIET LEE ELAM, OF MARYLAND
MARY ELEANOR GAWRONSKI, OF NEW YORK
DAVID P. GOOD, OF NEW YORK
TERRANCE H. KNEEBONE, OF UTAH
JOHN K. MENZIES, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR THE 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 COUNSELOR:

JOHN H. BROWN, OF THE DISTRICT OF COLUMBIA
GUY BURTON, OF NEW YORK
HELENA KANE FINN, OF NEW YORK
STEDMAN D. HOWARD, OF FLORIDA
GERALD E. HUCHEL, OF VIRGINIA
MARILYN E. HULBERT, OF FLORIDA
MARK B. KRISCHIK, OF FLORIDA
NICHOLAS ROBERTSON, OF CALIFORNIA
CHARLES N. SILVER, OF VIRGINIA
MARCELLE M. WAHBA, OF CALIFORNIA
LAURENCE D. WOHLERS, OF WASHINGTON
MARY CARLIN YATES, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

TERRENCE W. SULLIVAN, OF NEW YORK

THE FOLLOWING-NAMES CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR THE 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:

DANIEL B. CONABLE, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER-COUNSELOR:

WILLIAM L. BRANT, II, OF OKLAHOMA
WARREN J. CHILD, OF MARYLAND
MATTIE R. SHARPLESS, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR THE PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

NORVAL E. FRANCIS, OF VIRGINIA
FRANCIS J. TARRANT, OF VIRGINIA

CONFIRMATIONS

Executive nominations confirmed by the Senate February 13, 1997:

EXECUTIVE OFFICER OF THE PRESIDENT

JANET L. YELLEN, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

SMALL BUSINESS ADMINISTRATION

AIDA ALVAREZ, OF NEW YORK, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

HONOR THE FLAG AND THE CONSTITUTION

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SKAGGS. Mr. Speaker, as a veteran and an American, I am proud to introduce on behalf of myself and the gentleman from Arizona [Mr. KOLBE], a resolution expressing the strong support of the Members of Congress and the American people for what the flag represents: freedom, tolerance, and the right to dissent.

Mr. Speaker, the overwhelming majority of our fellow citizens agree that the American flag, as the symbol of our Nation's values and ideals, commands the deepest respect from all Americans. The flag commands that respect because it stands for a people and a Government strong enough to tolerate diversity and to protect the rights even of those expressing unpopular views. Our strong commitment to these values, not the colors and design of our flag, is what makes our country unique and an international model for freedom.

Mr. Speaker, this resolution reaffirms the place of honor the American flag rightly holds in our country and states that respect for the flag should not be mandated, especially at the expense of the first amendment guarantee of free speech.

Mr. Speaker, I urge my colleagues to join me in honoring our flag and the Constitution by cosponsoring this resolution.

INTRODUCTION OF LEGISLATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TRAFICANT. Mr. Speaker, today I am reintroducing legislation to ensure that Federal grants for the hiring of local police officers actually result in a net increase in the number of "cops on the beat." I invite all of my colleagues to become a cosponsor of this important legislation.

As a former sheriff, I know that in too many instances Federal law enforcement grants result in the hiring of numerous generals but not enough foot soldiers at the local level. In other words, policing grant funds are often spent hiring clerks and dispatchers instead of hiring uniformed officers to patrol the streets. Specifically, my bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that Federal funds made available to hire or rehire law enforcement officers are used to produce a net gain in the number of law enforcement officers who perform nonadministrative public safety services—i.e. street cops. This legislation will ensure that Federal police grants will result in a real increase in the number of street officers on the street fighting crime.

My bill is identical to an amendment I successfully attached to legislation in the 104th Congress, H.R. 728, the "Local Government Law Enforcement Block Grants Act," which was passed by the House in February 1995, and the fiscal year 1996 Commerce, Justice, and State appropriations bill. Unfortunately, both bills were vetoed by the President. By reintroducing that amendment in bill form, an important crime-fighting measure can be debated without the politics associated with an all-encompassing bill.

Mr. Speaker, let's help give our communities a fighting chance against crime by putting more police officers on the street than more clerks behind desks. I ask that all members take a look at my bill and give it their full support.

SUPPORT HOUSE JOINT RESOLUTION 36: PROTECT THE LIVES AND WOMEN AND CHILDREN WORLD-WIDE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. CONYERS. Mr. Speaker, I rise today in support of House Joint Resolution 36, The International Family Planning Funds Release. This Resolution will right a wrong which Congress created in the high-politics of the fiscal year 1997 Omnibus Appropriations Act. It will also unquestionably help to save the lives of countless women and children world-wide. We have no choice but to support it. This resolution does nothing more than move forward the release date of international family planning funds from July 1, 1997 to March 1, 1997. This resolution does nothing less than save lives.

Unfortunately, there are some among us who have chosen to turn this humble proposal into a battle-ground for one of the most controversial of all policy issues—abortion. It is true that abortion has a role in this resolution. That role can be found in the fact that family planning unequivocally reduces the use of abortion world-wide. The use of abortion is closely associated with the unmet need for contraception and with reliance on less effective methods. Therefore, abortion rates are lower in countries where more effective modern methods of contraception are used than in countries where less effective methods predominate. International family planning funds are used to provide women with access to these much needed alternatives. When women are provided with alternatives to abortion, they use abortion less. This fact has been shown again and again world-wide. In addition, as I am sure all of my colleagues are well-aware, the 1973 Helms amendment of the Foreign Assistance Act prohibits the use of any U.S. funds for abortion, or to motivate or coerce any person to practice abortion. Therefore, this resolution is about the reduction of abortion, not its funding.

Most importantly, however, this resolution is about saving the lives of women and children through-out the developing world. According to CARE, family planning is as essential to saving the lives of infants as their programs in immunization, respiratory disease, diarrheal disease, and nutrition. They have also found the scientific evidence to be overwhelming that a woman's ability to space births and avoid births at the extremes of the reproductive years is critical to ensuring child survival. In fact, in many countries, birth spacing alone could prevent one in five infant deaths.

Nearly 600,000 women die each year from pregnancy-related causes—leaving thousand of motherless children behind. Another 18 million women suffer long-term reproductive health complications that are excruciatingly painful and often result in life-long disabilities. According to UNICEF, just meeting the existing demand for family planning in the developing world would reduce unintended pregnancies by one-fifth, which would be expected to prevent at least 100,000 of the 600,000 annual maternal deaths. Put simply, family planning saves lives. Therefore, I urge my colleagues to be on the side of life and vote in favor of House Joint Resolution 36. I can not imagine a better use of this institution's time. Thank you.

IS THE INS MAKING CRIMINALS OUT OF BOATERS ON THE GREAT LAKES?

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LATOURETTE. Mr. Speaker, I rise today to introduce legislation to correct what are well intentioned, but misguided efforts by the United States Immigration Service to protect our northern border against United States citizens who seek to reenter their own country after a recreational boating trip to Canada.

In what appears to be a federally sanctioned game of waterway robbery, the Immigration Service is willing to forego its legal obligation to inspect all vessels returning to a United States port from Canada, if boaters are willing to pay a $16 per-person per-year fee to purchase what is known as the I–68 Canadian border boat landing permit. The I–68 permit program was established in 1963 but was not implemented nationally until a few years ago when Congress directed Federal agencies to

begin charging a fee for some Federal programs. I have no problem with the fee-for-service approach, but where is the service? The I–68 program would have the boating public paying the INS for the convenience of not inspecting their boats. Its difficult to see how this approach would stem the tide of illegal immigration from Canada on recreational boats, a problem that is not well documented by the INS—if it exists at all. We do know, however, that the number of United States boaters visiting Canada from the Great Lakes Region fell 15 percent in the 1996 boating season to just under 40,000. This translates to a loss of over $2 million in destination spending on the Canadian side and it can be assumed that similar losses were felt on the United States side.

It is unfortunate that the recreational boating community has been on the receiving end of some bad Government programs in recent years. We all remember the ill-conceived boat luxury tax, the FCC radio license fee and, most recently, the marine diesel fuel tax. Fortunately, all of these programs have been repealed by Congress as detrimental to boater safety and the recreational boating economy. However, once again, we are making it harder and more expensive for law-abiding boaters to enjoy their chosen form of recreation.

I must confess that with all the complex issues to address during my first term in Congress, somehow the news of illegal immigrants cruising across the Great Lakes in power and sailboats got by me. Ever mindful of the problems experienced on our southern borders and with images of illegal aliens coming into Florida, California, and Texas burned into my memory. I rushed down to one of the many marinas in my congressional district, the Ashtabula Yacht Club. That Sunday afternoon was a sight to behold. Sure enough I witnessed 40 some sailboats boldly entering the harbor.

At this point the threat became clear to me. Men, women, and children of United States and Canadian descent docked their sailboats and came ashore illegally. They were barely clothed, sunburned, and the worst among them were telling lies.

While I expected the illegal aliens to soon depart to taste freedom in the interior of our great country—they did not. In fact, the next morning I watched as all of the Canadian boats returned to Port Stanley, ON. Soon after, I spoke to the Commodore of the Yacht Club to see how long this problem has been going on. He informed me that it was the 25th year of the Lake Erie International Sailboat Race between Ashtabula, OH and Port Stanley, ON, and that he hoped to expect the same type of trouble next season. I use this example to illustrate that things are not always as they appear. The cash registers of our local harbor district depend on this annual visit from our Canadian friends to help one of our most promising growth industries—recreational boating.

Mr. Speaker, my bill would not eliminate the I–68 program, but would simply allow recreational boaters the option of using their U.S. passport in lieu of the I–68 permit in order to reenter the United States after returning from Canadian shores. It seems to me that if a U.S. passport is good enough for all other international travel purposes, that boaters traveling between two friendly countries should also be afforded this option.

I would like to thank Representative STUPAK and my colleague from Ohio, Representative TRAFICANT for being original cosponsors of this simple yet important piece of legislation. I look forward to enthusiastic support from all Members of Congress bordering the Great Lakes.

JAMES GILMORE NAMED 1997 PERSON OF THE YEAR BY THE COUNCIL OF SOUTH SIDE ADVANCEMENT ASSOCIATIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate my friend, Mr. James Gilmore, on being named one of the 1997 Persons of the Year by the Council of South Side Advancement Associations.

In selecting Jim, the Council of South Side Advancement is honoring a man who has done much to maintain and improve the quality of life of Milwaukee's south side. Through his 25 years of service to the south side of Milwaukee, Jim has made a direct impact on the lives of many people in our community.

Over the years Jim Gilmore has shown his dedication to his neighborhood through his involvement in several community organizations. In addition, to serving on the board of directors for the Council of South Side Advancement, Jim is also involved in the Bay View Business Association, the South Side Scholarship Foundation, and St. Veronica's Parish. His involvement in these organizations demonstrates his desire to help his fellow neighbor in any way he can.

Jim Gilmore has clearly set an example for our entire community. I join the Council of South Side Advancement Associations in commending him on his outstanding dedication to the south side of Milwaukee, and I congratulate him on being named one of the 1997 Persons of the Year.

THE ACCREDITATION ACCOUNTABILITY ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. STARK. Mr. Speaker, today I am introducing a bill that requires all Medicare-accrediting organizations to hold public meetings and to ensure that at least a third of the governing board consists of members of the public.

Healthcare facilities must comply with certain conditions in order to participate in the Medicare Program. Through a process termed "deemed status," the Health Care Financing Administration relies on accrediting organizations to assure that Healthcare facilities are providing quality services to Medicare beneficiaries. The Joint Commission on Accreditation of Healthcare Organizations is one such organization. If a facility is accredited by the joint commission, for example, it is deemed to meet Medicare's conditions of participation.

When facilities are wrongly accredited, Medicare beneficiaries suffer. A 1988 Wall Street Journal investigation found that "accreditation masks serious failings in possibly hundreds of the 5,100 hospitals in America that are inspected and approved by the joint commission." The Journal also reported that many patients died as a result of receiving substandard care in hospitals that were considered "marginal" and that "many accredited hospitals had actually failed inspections but remained accredited for months, even years, as they sought to correct their problems."

At a 1990 hearing, witnesses agreed on the need to improve the hospital accreditation process. Participants reported that accrediting organizations' survey standards lacked compatibility with Medicare's conditions of participation and that follow-up with noncompliant facilities was lacking.

Today, I am focusing on the importance of an accrediting organization's accountability to the public. Accrediting bodies should be managed and directed by a balanced combination of healthcare professionals and community representatives and consumers. Currently, many accrediting bodies are directed solely by leaders of the same organizations which they accredit. This is nothing more than the fox watching the chicken house.

The joint commission has attempted to increase its commitment to the public. Currently, 6 of its 28 accrediting board members are members of the public. Although a good start, it is not enough.

We should reconsider the dependence of accrediting organizations on funding and direction from the same healthcare organizations which they survey and accredit. A July 1996 report from the public citizen health research group charged that the joint commission is "a captive of the industry whose quality of service it purports to measure."

Further, the group concluded that the joint commission "fails to recognize the often conflicting interests of hospitals and the public" and puts the interest of healthcare institutions first when conflicts arise. I question the credibility of accrediting bodies, because their income currently depends on the facilities they are supposed to be monitoring. Until a balance of representation is brought to the boards which lead accrediting organizations, we cannot assure the interests of the public are truly being considered.

As the number of accrediting organizations increases, so does the need for public accountability. For this reason, I am introducing a bill that requires all Medicare-accrediting organizations to hold public meetings and to ensure that at least a third of the governing board consists of members of the public.

This bill is a first step in assuring quality of care for our Nation's Medicare beneficiaries through the accreditation process. I am currently working on a more comprehensive bill that will make accrediting organizations more accountable—accountable to the public as well as to the health care financing administration. The upcoming bill will require the following:

Accrediting organizations must release the status of all accredited facilities to the general public within a reasonable time frame.

HCFA must scrutinize all advertising claims which use data from accrediting organizations, and must deny accreditation to all healthcare organizations which falsify accreditation-related information.

Accrediting organizations must allow employees of healthcare organizations to meet with survey teams off-premises, must accept confidential testimony from healthcare workers during surveys, and must provide whistleblower protection for workers who report violations of accreditation rules.

Accrediting organizations must publicly disclose all payments received from organizations that are being accredited.

HCFA must work with accrediting organizations to develop a comprehensive crosswalk between the organization's and Medicare's standards and must resolve any differences.

Accrediting organizations must notify HCFA when facilities are found to be noncompliant and must work with HCFA to assure that hospitals promptly correct identified problems and that HCFA is immediately informed of these actions.

Some accrediting organizations are attempting to increase public accountability. For example, the joint commission publicly releases information about the performance of specific health care organizations so that beneficiaries are able to make educated decisions concerning their health care providers. the commission also has a site on the World Wide Web through which the public will be able to access status information about specific organizations by late this year. However, the joint commission is only one of the many organizations that accredits Medicare facilities.

The goal of the bill I am introducing today is to begin the debate . . . accrediting organizations must be accountable to the public. We must guarantee that the public voice is represented in the organizations responsible for safety and quality in Medicare's healthcare facilities. When this is achieved, we can begin to assure beneficiaries that they will receive high quality treatment in all Medicare-approved facilities.

REV. THEODORE CARL MELINATE; SPREADING JOY ALONG THE WAY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to a man who has blessed us all with his commitment and generosity to our Nation's children, the Reverend Theodore Carl Melinat. Reverend Melinat epitomizes the qualities of selflessness, dedication, and devotion that all members of our Society should aspire to.

On Saturday, February 22, The Lutheran Child and Family Services of Michigan will hold its annual meeting, "Joy Along the Way," and honor Rev. Theodore Carl Melinat for his 30 years of dedication to Lutheran Child and Family Services and the people of Michigan. Reverend Melinat joined the Lutheran Child and Family Services of Michigan in 1967 when it was still called the Lutheran Children's Friend Society of Michigan and served as its executive assistant until 1971. In 1972, Reverend Melinat became the executive director of the agency, a post he continues to hold. In 1981, under the Reverend's directorship, the agency switched to its current name, the Lutheran Child and Family Service of Michigan.

Ted Melinat was born in Crockston, MN and attended Concordia College, Concordia Seminary, and the University of Michigan before becoming a Missionary-at-Large for the Michigan District of LC–MS in northwest Grand Rapids. During his long and varied career, Theodore Carl Melinat has been the first pastor of Zion Lutheran Church in Comstock Park, MI, the vacancy pastor at Grace Lutheran Church in Auburn, MI, and served as an advisory pastoral delegate for the Convention of Lutheran Church-Missouri Synod in Anaheim, CA. Always willing to give of himself, Reverend Melinat over the years has served on numerous boards of directors for Michigan Children associations such as the Michigan Federation of Private Child and Family Agencies.

Never seeking the limelight, Reverend Melinat has quietly contributed his time and energy to a wide variety of charitable causes for the sake of our children. Causes such as the Child Welfare League of America and the Governor's Task Force on Children's Issues have been fortunate enough to have the Reverend working tirelessly on behalf of their organization. Through the years, the Reverend has served on numerous boards to assist the Lutheran Church in their outreach efforts in Michigan. Reverend Melinat is a humble, decent citizen who has embodied the Christian work ethic throughout three decades of dedicated public service.

Mr. Speaker, moral courage and dedication to service are only two of the myriad of admirable qualities that Theodore Carl Melinat teaches us by example every day. For three decades Michigan's children and you and I have been fortunate enough to have him as an advocate. For these reasons, I ask you and the rest of our colleagues to join me in congratulating Reverend Melinat for 30 years of dedicated service to the people, and most importantly the children, of Michigan.

IT IS TIME FOR AN AFRICAN-AMERICAN MUSEUM

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LEWIS of Georgia. Mr. Speaker, once again I am introducing a bill to establish an African-American Museum on the Mall in Washington, DC as part of the Smithsonian. I submit this bill during Black History Month to highlight the significance, urgency and importance of such a museum.

The story of black people in America has yet to be told in its entirety. African-American history is an integral part of our country, yet the richness and variety of that history is little-known and little-understood. As tourists from all over the world come to visit our Nation's Capital, they will not be able to learn the full history of black people in America. This museum presents a great opportunity—to showcase our history in its diversity and breadth, and to make the understanding of American history more complete.

Did you know that Dr. Daniel Hale Williams was a pioneering heart surgeon that played a vital role in the discovery of open-heart surgery? And that Ernest Everett Just, Percy Julian, and George Washington Carver were all outstanding scientists? Educators such as W.E.B. DuBois and Benjamin E. Mays left an indelible mark on this country. The Harlem Renaissance produced poets, writers, and musicians like Countee Cullen, Langston Hughes, and Duke Ellington. The civil rights movement changed the face of this country and inspired movements toward democracy and justice all over the world producing great leaders like Martin Luther King, Jr., and Whitney Young. Too few people know that Benjamin Benneker, an outstanding mathematician, along with Pierre L' Enfant, designed the District of Columbia. There are many more and their stories must be told.

Until we understand the African-American story in its fullness and complexity, we cannot understand ourselves as a nation. We must know we are and where we have come from so that we may move forward together. And we recognize the importance of all our people and all of our history. The establishment of this museum would be one important step toward achieving greater understanding as a nation and as a people.

It is my hope and prayer that as we preserve these important moments in history, we will inspire future generations to dream, to write, to march and to teach. As they are able to look back at all that has been accomplished, they will be able to look forward and believe in the future of our great country.

I am pleased and delighted that many of my colleagues have joined me in cosponsoring this bill. I urge all my colleagues of the 105th Congress to support this worthwhile and important legislation.

IMMIGRATION REFORM

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TRAFICANT. Mr. Speaker, in the last Congress, excellent progress was made on immigration reform. I was proud to be an active participant. However, we did not go far enough. Much more needs to be done to stem the ever increasing tide of illegal aliens flowing across the U.S.-Mexico border. That's why today I am introducing legislation which would authorize the use of Department of Defense personnel to assist the U.S. Border Patrol and other Federal law enforcement agencies working to stop illegal immigration.

With current estimates reporting thousands of illegal immigrants entering our country each day, Congress has an obligation to make available to Federal law enforcement agencies all possible resources in securing our borders.

My bill authorizes the Secretary of Defense to assign Department of Defense personnel to

assist the Immigration and Naturalization Service and the United States Customs Service in patrolling the borders and stopping illegal immigration. The bill does not mandate the use of troops on our border. It simply authorizes the Pentagon to supply troops at the request of the Attorney General or the Secretary of the Treasury. In addition, if employed, the troops would only provide support to law enforcement. They would have no arrest powers.

For the last 8 years, the Department of Defense has rapidly and dramatically expanded its role in the "war on drugs." Today's military is well-equipped to handle law enforcement functions. The military's role in combating drug smuggling along our southern border is a perfect example. Given the continuing problem we have with illegal immigrants, Federal law enforcement officials should be given the option of using the military to support their efforts.

I would urge my colleagues to support my legislation. It is a positive step in closing the door on illegal immigration.

AN EVENING HONORING ANDREW P. POTOS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to Andrew P. Potos as he retires from WITI–TV in Milwaukee, WI, after a successful career that spans over three decades.

Andy was born and raised in Milwaukee, and throughout his career he has demonstrated a love for our community through his active role in making Milwaukee a better place to live. Before he began his career at WITI–TV, Andy served his community as a history and English teacher at Washington High School in Milwaukee. He then went on to join WITI in 1961, the beginning of a 36 year commitment to making WITI a topnotch news organization.

When Andy Potos joined channel 6 in 1961 as an account executive, he decided that someday he would serve as General Manager. As it turns out, that goal would be met in 1981, and he would serve as one of Milwaukee's longest tenured television general managers. Even when his career path took him to Chicago or New York, he knew he would some day be back in Milwaukee. Since 1981, Andy has been at the helm of WITI and has made it one of the best television stations in the country. His leadership and managerial skills are second to none.

However, there is much more to Andy than just television. He is as committed to Milwaukee as anyone I know. Over the years he has taken a proactive role in improving our community at all levels. He has served as a board member of Junior Achievement of Southeast Wisconsin, the Wisconsin Heart Association, the Muscular Dystrophy Association, and the Milwaukee Chapter of the NAACP just to name a few. Whether it was managing a television station, or raising funds for charity, Andy Potos has been there for Milwaukee.

I would like to join everyone at WITI–TV in saying that Andy will surely be missed by all. May you enjoy a very healthy, happy retirement, and all the best in your future endeavors.

TRIBUTE TO KNOX PRESBYTERIAN CHURCH

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. DIXON. Mr. Speaker, I rise today to salute the Knox Presbyterian Church on the occasion of its 100th anniversary of providing outstanding ministry and spiritual leadership to the people of the city of Los Angeles. On February 2, I had the distinct pleasure of attending the church's 100th anniversary service.

The Knox Church is exceptional in its service to the community in many ways, providing spiritual leadership to an ethnically diverse parish and congregation. Embedded in its mission statement is a commitment to utilizing our existing diversity to attract, welcome and retain persons of various backgrounds who are accepting of ethnic diversity. The Knox Church truly fulfills the ideals of the Christian faith in its welcoming embrace of all peoples. I personally bore witness to this at the 100th anniversary service. The congregation is comprised of people of all ethnicities coming together in the glory of God. In this way, the Knox Church is a praiseworthy example of coexistence and mutual support for the city of Los Angeles, the Nation, and the world.

Rev. Mark F. Buchanan is the current pastor of the Knox Presbyterian Church. He is a graduate of Princeton Theological Seminary and has brought to Knox youth, enthusiasm, and a strong vision of the future. Under his guidance Knox has developed and is implementing its new long range plan that will take the church into the new millennium.

The Knox Church takes great pride in the quality and scope of its music program. The program is led by music director Glenn Riske, who has served as music director for over 26 years. The church's handbell choir is one of the many highlights of the music program. It has performed all over southern California, including at the Easter sunrise service at the Hollywood Bowl and the televised Christmas program at the Music Center Los Angeles. In recognition of the Knox church's century of exemplary service to the community, I would like to take this opportunity to share with my colleagues the historical retrospective of this great church.

On November 8, 1896, a small group of people came together for a worship service held in Cutler Hall in what is now downtown Los Angeles. They were led by Rev. William Stewart Young, a pioneer of Presbyterianism in southern California. The church soon moved to a new location at the Southgate Masonic Hall at Main Street and 30th Street. The Knox Presbyterian Church was formally organized at this location on Sunday, January 10, 1897. Reverend Young was officially installed as the first pastor on November 25, 1902. During his tenure the Reverend Young increased the church's membership and oversaw the erection of its first home on 30th Street. This location was officially dedicated on January 12, 1902. Reverend Young continued to lead the Knox Church until 1907. The Reverend Young was succeeded by the Reverend Edward J. Harper who served Knox from January 13, 1907, until June 1910.

The Reverend Henderson C. Shoemaker was called as supply pastor on July 7, 1910, and was officially installed as pastor on March 2, 1911. During Rev. Shoemaker's tenure, the Knox congregation moved to a new location at the corner of Figueroa and 43d Streets. The building was completed and formally dedicated on November 30, 1913. The Reverend Harry Hillard followed Reverend Shoemaker serving as pastor from July 19, 1914, through September 25, 1918. During Reverend Hillard's pastorate, Knox membership rose to 300.

On March 9, 1919, Rev. Leslie Logue Boyd was called to Knox and on April 27, 1919, was installed. Under his leadership Knox celebrated its 25th anniversary. He was followed by Rev. William Hiram Manshardt, who was installed as the rector on February 24, 1924. It was during his ministry that the church debts were cleared and a manse was purchased at 557 West 46th Street. Pastor Manshardt served Knox for 15 years.

The Reverend Chester M. Buley was installed as pastor on January 29, 1939. On that same day the congregation heard, for the first time, the Dr. William and Sarah Young Memorial Organ. Rev. Calvin A. Duncan took over leadership of the Knox Church in May 1944. He presided over the church's 50th anniversary on February 2, 1947. On May 23, 1954, Rev. Arthur P. Rech was installed. Under his 25 years tutelage the Knox Church moved to its current location in Ladera Heights and all of the facilities as they now exist were constructed. During this period numerous projects, which continue to flourish today, were instituted. Among them are the LAX Food Pantry, Masters Mates and Laderians. Rev. Rech stepped down as pastor on December 2, 1979.

On June 28, 1981, Rev. James E. Kenney was installed as pastor and served for 10 years. Interim pastors, Rev. Jack Peters, Rev. Gary Wilburn, and Rev. John Dean, served until the February 20, 1994, installation of Rev. Mark F. Buchanan.

Few would argue about the increasingly important correlation that exists between the church and a healthy community. For over a century, the Knox Presbyterian Church has contributed to that prosperity by offering a ministry that nurtures the soul and empowers the mind. By providing spiritual empowerment to the community it continues to shine as a beacon of hope for the future. I am proud to recognize and commend Rev. Mark Buchanan and the congregation of the Knox Presbyterian Church for their ministry and leadership to the Los Angeles community. Please join me in extending our profound best wishes for continued success in the future.

THE TRUTH IN EMPLOYMENT ACT OF 1997

HON. HARRIS FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FAWELL. Mr. Speaker, I have no doubt that many of our colleagues have now heard of the union organizing tactic known as salting. I am equally sure that most of them have been greatly disturbed by what they have heard; and, for good reason. In recent years, salting has evolved into an abusive practice which, sadly, has little to do with legitimate union organizing. Instead, salting has become a tool—or perhaps better stated; a weapon—for putting nonunion companies out of business.

This unfortunate fact was made clear during the 104th Congress, when the Committee on Economic and Educational Opportunities held three hearings which highlighted the problems associated with union salting. The testimony from those hearings included stories about union organizers and agents who had sought or gained employment with a nonunion employer when, in fact, they had little, if any, intention of truly working for that company. In many cases, the organizers and agents were there simply to disrupt the employer's workplace or to increase the cost of doing business by forcing the employer to defend itself against frivolous charges filed with the National Labor Relations Board [NLRB]. For most of these companies—many of which were small businesses—the economic harm inflicted by the union's salting campaigns was devastating.

Equally troubling, Mr. Speaker, is the brazen manner in which union salts go about their business of inflicting economic harm on nonunion employers. Indeed, most union salts make clear when they apply for a job that their loyalties lie elsewhere and that they have no interest in working to promote the interests of the company.

One might ask why an employer would hire an individual that he knows is there to hurt his company. The complicated answer to this question, Mr. Speaker, lies in broad interpretations of who is covered by provisions of the National Labor Relations Act [NLRA], which prohibits employers from discriminating against employees because of their union interests or activities. These interpretations have had the practical effect of presenting employers with a Hobson's choice: either hire the union salt who is sure to disrupt your workplace and file frivolous charges resulting in costly litigation; or, deny the salt employment and risk being sued for discrimination under the NLRA. Either way the employer is faced with a hiring decision that may threaten the very survival of his or her business.

In an effort to remedy this situation, Mr. Speaker, last year I introduced the Truth in Employment Act of 1996. And, while I was disappointed that we concluded the 2d session of the 104th Congress without addressing the problems of union salting, I was pleased that a significant number of our colleagues were also sufficiently concerned to join me as cosponsors of that legislation.

Unfortunately, Mr. Speaker, the problems of abusive salting persist today; and, they continue to take a heavy toll on employers in the form of costly litigation, lost productivity, and destroyed property. For those reasons, I am today reintroducing for consideration by the 105th Congress the Truth in Employment Act of 1997. This legislation is virtually identical to the bill I introduced during the last Congress. In short, the bill would amend section 8 of the National Labor Relations Act to make clear that an employer is not required to hire any person who seeks a job in order to promote the interests of another employer or organization for whom that person is acting as an agent. When enacted, the bill will help restore of the balance of rights that salting upsets and that is fundamental to our system of collective bargaining.

I want to again make clear, Mr. Speaker, as I did during the last Congress, that this bill is in no way intended to infringe upon any rights or protections otherwise accorded employees under the NLRA. Employees will continue to enjoy their right to organize or engage in other concerted activities protected under the act. And, employers will still be prohibited from discriminating against employees on the basis of union membership or union activism. The bill merely seeks to alleviate the legal pressures imposed upon employers to hire individuals whose real purpose for seeking the job is to disrupt the employer's workplace or otherwise inflict economic harm designed to put the employer out of business.

Mr. Speaker, at its core, the National Labor Relations Act—indeed, our entire collective bargaining system—is about balancing the rights and protections of both employers and the men and women who work for them. At its worst, salting upsets that balance in a way not contemplated when the NLRA was enacted. Surely, Congress could not have intended the NLRA to be used as the legal shield that union salts now commonly invoke in defense of their abusive behavior. Moreover, common sense tells us that employers should be entitled to some measure of confidence when making hiring decisions that the job applicants they consider are motivated by their desire for work and promote the interests of that employer—not another organization bent on disrupting or putting that company out of business.

The Truth in Employment Act will help restore that confidence, Mr. Speaker, while at the same time protecting the rights of employees and their union representatives. Once again, I urge my colleagues to support its passage.

CONGRATULATIONS TO THE USCG AIR STATION, SAVANNAH, GA, FOR A JOB WELL DONE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KINGSTON. Mr. Speaker, when no one else was able to help, U.S. Coast Guard helicopter 6573, based at the USCG Air Station in Savannah, GA, swung into action to carry a 3-year-old burn victim from Statesboro, GA to much needed treatment in Savannah, GA. The air station staff's heroic actions are detailed in the following letter from Bulloch Co. EMS/Rescue Director Lee Eckles:

BULLOCH COUNTY EMS/RESCUE,
Statesboro, Ga, October 27, 1996.

Adm. ROBERT E. KRAMEK,
Commandant, U.S. Coast Guard, Washington, DC.

DEAR ADMIRAL KRAMEK, I realize how busy you must be, but when it comes to expressing ones thanks for saving the life of a child, I felt like you just might have a few minutes to read this letter.

On September 25, 1996, our department was dispatched to respond to a "burn patient" some ten (10) miles away from our station. With no other information available, we responded. Arriving at the scene, our staff found a three year old female with second and third degree burns covering over seventy percent of her body. Within twenty-five minutes of our dispatch time, the child was receiving primary care treatment at our local hospital.

It was clear from first observations that this three year old would need the specialized care of the "Burn Center" ninety miles to our west, in order to have any chance of survival. Due to the extent and severity of the burns and the fact that she had suffered extensive airway burns, transport time to the burn center would have a significant impact on her survival. Air transport was the only option. The regional Trauma Center in Savannah, fifty miles to our east has the only civilian medivac helicopter available in all of South Georgia. Upon making the request, I was notified that their helicopter was out of service for maintance. They did however, quickly refer us to the military M.A.S.T. helicopter unit at Fort Stewart. As I dialed the phone, I remembered from my military tour of duty with the Coast Guard (1978–1981), the bureaucratic process that would have to be overcome in order for a military aircraft to be approved for use on a civilian medivac mission. The desk sergeant quickly transferred my call to the duty officer. My first comment to the Major was to apologize for my sense of urgency, but a child's life was on the line. Simply stated, I ask if his M.A.S.T. Helicopter could be airborne in five minutes or less for a medivac flight. His response was brief and very direct "It will take me at least thirty minutes to find someone who is capable of giving authorization," I thanked him for his time, and hung up the phone.

I realized at that point we were out of options. One of my staff members, feeling helpless said "why don't you call the Coast Guard, I know they have a helicopter." With nothing but the cost of a phone call to lose, I called the Coast Guard Air Station in Savannah Georgia. One again, I explained the urgency of my request. This time however, the response was different. With-in five minutes, USCG 6573 was airborne and enroute to the Statesboro Municipal Airport. To make a long story short, the Coast Guard answered the call for help when no one else was available. The medivac mission was carried out without a hitch. Our every request was quickly accommodated.

Every one involved, from the pilots and air crew to the individuals operating the telephone played an extremely crucial role in the critical care transport of Stacie Martin. At this point in time, I am not certain about Stacie's outcome because of the extent and severity of her injuries. One thing I certainly know, is the role played by All Coast Guard

Personnel involved will be credited with every positive milestone that Stacie overcomes on her long road to recovery.

For four years, stationed at USCG Group Charleston, being a SAR small boat coxswain, the Coast Guard Motto, Semper Paratus, seldom took on a very significant meaning. However, on Wednesday, September 25, 1996, being "Always ready" had a much greater meaning than each and every day of my brief Coast Guard career. On that Wednesday, it seemed that the bureaucracy worked against Stacie, until Coast Guard assistance was requested. No bureaucracy, no delay, no excuses, simply immediate response, few questions, and extraordinary execution of duty and responsibility by all USCG personnel involved. I have always been proud of the many roles that I was involved in while a member of the Coast Guard, but never as impressed as I was on Wednesday the 25th.

I realize how truly insignificant our language and my own vocabulary really is when trying to express my sincere gratitude and thanks to everybody at the Coast Guard Air Station in Savannah, and to the personnel at the District Office in Miami. This is truly a case of one of the most outstanding humanitarian missions ever undertaken by my former branch of service.

There were probably many people who were involved whose names I did not have a chance to document, but those names I do have are as follows:

Captain Clark—OSR Miami.
Captain Thomas W. Sechler—OIC, Coast Guard Air Station Savannah.
Lieutenant Richard Craig—Pilot.
Lieutenant Thomas Gaffney—Pilot.
Glenn Boggs—AD1.
William (Bill) DeCamp—ASM2.
Lieutenant Pat Ryan.
Rob Jerger—AM3.
Mike Forchette—AE1.

I know these people and all others involved in this mission were only doing their job, but, speaking in behalf, of the family of Stacie Martin, the Bulloch County Department of Public Safety, Bulloch County EMS/RESCUE, and our entire community, I wish again to express a very heartfelt thanks. The entire United States Coast Guard came through in our time of need. It was truly an answered prayer.

I know we at EMS/RESCUE in Bulloch County will never be able to repay all those involved, but, if you ever have any need here in our community, please don't hesitate to call.

Very Sincerely,

LEE ECHIES,
Director.

UNITED STATES-JAPAN SECURITY RELATIONS AND OKINAWA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HAMILTON. Mr. Speaker, I am pleased on behalf of myself and Representatives BEREUTER, and BERMAN, to introduce a resolution recognizing the vital role of the Treaty of Mutual Cooperation and Security between the United States and Japan in ensuring the peace and prosperity of the Asia Pacific region, and expressing gratitude to the people of Okinawa for the special role they have played in ensuring the implementation of this treaty.

My friend and colleague, WILLIAM V. ROTH, Jr., is introducing a similar resolution in the other body today.

I agree with former Member of this House, and former U.S. Ambassador to Japan, Mike Mansfield, who called the relationship between the United States and Japan "the most important bilateral relationship in the world, bar none." The end of the cold war and resulting instability in Asia has only reinforced the fundamental importance of this relationship to our two nations, the Asia-Pacific region, and the world as a whole.

Indeed, as Secretary of State Madeline Albright stated to the House International Relations Committee this week, "our alliance with a democratic and prosperous Japan is one of the great successes of the postwar era." Our security alliance has endured over the years, and remains strong today, because the United States and Japan are united not by a common enemy, but rather, by common interests.

In the formulation of former Assistant Secretary of Defense Joseph S. Nye, security is like oxygen. You tend not to notice it until you begin to lose it. Once you lose it, you would pay any price to have it back.

The alliance between the United States and Japan provides the oxygen which allows the economies and societies of the Asia-Pacific region to thrive. It rightly remains the foundation of American security strategy for the Asia-Pacific region. The United States, as a Pacific power, and world's leading exporter, gains more than any nation from the region's peace and prosperity.

The Treaty of Mutual Cooperation and Security encapsulates the terms of the bilateral alliance. This past December, the United States and Japan agreed to measures to renew our security relationship in the Special Action Committee on Okinawa [SACO] Final Report issued by the United States-Japan Security Consultative Committee. This report set forth a timetable for return to Japanese control of one-fifth of the land used by the U.S. military in Okinawa. This island prefecture, as host to over half of the forward-deployed troops of the United States in Japan, has long borne a major share of the burdens of maintaining regional security.

The SACO Final Report therefore also provided for changes in operational and training procedures and in the Status of Forces Agreement which will maintain the operational capability and readiness of forward-deployed U.S. forces while lessening the impact of the U.S. military presence on the daily life of the Okinawan people.

For centuries Okinawa has been known as the Land of Courtesy. The Okinawan people deserve our gratitude for their many contributions to the United States-Japan relationship, and to the peace and security of the region. Their continued understanding and support are vital to the successful implementation of the SACO Final Report, and the Mutual Security Treaty.

Mr. Speaker, the resolution I introduce today reaffirms that the Treaty of Mutual Cooperation and Security remains vital to the security interests of the United States, Japan, and the countries of the Asia-Pacific region. It acknowledges the achievement of the United States and Japanese Governments in reinvigorating the alliance through the SACO Final Report. It also recognizes the special contributions of the people of Okinawa, to the implementation of the Treaty.

Mr. Speaker, in view of the critical importance to the United States of our relationship with Japan, I urge my colleagues to join me in passing this resolution.

THE SECRET LIFE OF THE SANDINISTAS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BURTON. Mr. Speaker, I would like to bring to the attention of the 105th Congress the newly released book entitled, "The Secret Life of the Sandinistas." This book written by Roberto Arguello, outlines the last decade of Sandinista activity.

Mr. Arguello writes material published in as many as 140 newspapers in Latin America and is a member of the U.S. Senate's Hispanic task force. This latest work is a capstone to his efforts for advocating free enterprise and fighting for the elimination of totalitarian oppression.

Mr. Arguello's, "The Secret Life of the Sandinistas," will be available in the near future through the Library of Congress. I would encourage all of my colleagues who have either a general interest in international affairs or a specific interest in Nicaragua to review this excellent book.

RAYMOND "TIM" GORECKI NAMED 1997 PERSON OF THE YEAR BY THE COUNCIL OF SOUTH SIDE ADVANCEMENT ASSOCIATIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to congratulate Mr. Raymond "Tim" Gorecki, on being named one of the 1997 Persons of the Year by the Council of South Side Advancement Associations.

By honoring Tim, the Council of South Side Advancement is recognizing a man who has served Milwaukee's south side for over 20 years. In that time, he has had a direct impact on the lives of many Milwaukeeans.

Tim Gorecki has shown his dedication to his community through his involvement in several organizations. In addition to serving on the Board of Directors for the Council of South Side Advancement Associations, Tim also served as the Sergeant at Arms for the Milwaukee County Council of the American Legion, and is a member of the South Side Business Club and the George Washington Legion. Tim's involvement in these organizations demonstrates his commitment to Milwaukee.

Tim Gorecki has clearly set an example for all of us to follow. I join the Council of South Side Advancement Associations in commending Tim Gorecki on his outstanding dedication to the south side of Milwaukee, and I

congratulate him on being named one of the 1997 Persons of the Years.

IN SUPPORT OF TRIO PROGRAMS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HILLIARD. Mr. Speaker, I rise today in support of one of the best educational and welfare reform tools available today in the United States, our TRIO programs. The TRIO program is designed to identify students in need and provide them with information on academics; financial aid; tutoring support; and other needed services so they may have a chance to enter and graduate from a postsecondary institution. I can think of no better use of our precious fiscal resources than providing someone with the tools to earn their own way in this world.

I also wish to applaud the efforts of the TRIO program at Stillman College in Tuscaloosa, AL. Under the direction of Stillman's president, Dr. Cordell Wynn, and the director of their TRIO program, Mr. Vernon Freeman, I feel we have one of the more forward reaching programs in the country. In closing, I wish to offer a special commendation to the parents of our TRIO students for the encouragement, participation and love which they have shown to their children. For after all, one of the greatest legacies which we may leave our children, is a sound education in which they may build their future.

REFORM OF THE 1872 MINING LAW

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. MILLER of California. Mr. Speaker, in the long and expensive history of corporate welfare, no law has evaded reform more successfully than the mining law of 1872. For 125 years, since the administration of Ulysses S. Grant, this law has governed hard rock mining in America. And throughout those 125 years, as billions of dollars in public gold, silver, and other valuable resources have been mined, the taxpayers have not received one dime in royalties.

We don't treat any other resource that way—not coal, not water, not oil or gas. No State allows mining on its land without some royalty. No private landowner tolerates it. No foreign nation. "Only in America," as they say, would we give away billions of dollars in gold and ask nothing for the taxpayers who own it.

But it isn't fair to say we get nothing from the mining activity. The mining industry has left behind a legacy of environmental destruction—including hundreds of thousands of abandoned, toxic and contaminated minesites, that threaten our environment, our public health and our public lands and wildlife.

Fifty-nine sites on the Superfund list are the result of hardrock mining. According to the Environmental Protection Agency, mine wastes have polluted more than 12,000 miles of our Nation's waterways and 180,000 acres of lakes and reservoirs. At least 50 billion tons of untreated, unreclaimed mining wastes—including arsenic, cadmium, copper, cyanide, iron, lead, mercury, sulphur, and zinc-contaminate public and private lands. The costs of cleanup is in the tens of billions of dollars.

Those of us who represent western States know there are special problems resulting from past mining activity.

In California, the inactive Iron Mountain mine discharges one-fourth of the entire national discharge of copper and zinc to surface waters from industrial and municipal sources, according to the EPA. The city of Redding can no longer use the Sacramento River for drinking water because of the contamination levels.

In Colorado, a father and son were riding their motorbikes cross-county when they plunged into an unmarked abandoned mine. The son was killed.

In Nevada, long-abandoned Comstock Lode gold and silver mines are leaching heavy metals into the Carson River, not far from Lake Tahoe.

In Montana, windblown heavy metal particulates from old mine tailings forced official to replace high-school baseball fields around Butte.

In Idaho, EPA found lead levels in the area downwind from the abandoned Bunker Hill silver mine to be 30 times higher than the maximum levels deemed "safe." Nearly all of the 179 children living within 1 mile of the site have potentially brain-impairing lead levels in their blood.

This is the legacy—not only of an antiquated mining program that let mining companies run amok, but of a Congress that has ignored the mounting cost to taxpayers, to the environment, and to public health. It has to end.

The bills Senator DALE BUMPERS and I are introducing today will raise $1.5 billion directly from the industry that has profited from the mining program in order to clean-up the legacy of the mining program. Our bills will: Impose a 5-percent net smelter return royalty on all hard rock minerals mined from public lands to that taxpayers will—finally—receive a fair return on the extraction of hard rock minerals from public lands; impose a reclamation fee on all hard rock minerals mined from lands patented under the 1872 mining law; and close the depletion allowance loophole so that mining operators can no longer take a tax credit for depleting taxpayers' mineral wealth.

Overhaul of the mining law is long overdue. Powerful special interests, with the help of a few members of Congress, have literally lined their pockets with gold. And the taxpayer and the environment have paid the price. These bills will finally begin to give a fair return to the taxpayer and restore despoiled public lands.

Why might we succeed in 1997 were we have failed before? Because, I believe, the public is demanding an end to the multi-billion dollar orgy of corporate welfare that swells our deficit every year. Because the Clinton administration has targeted the mining program for reform in its 1998 budget. Because we are winning bipartisan support for ending outdated and expensive Federal subsidies. And because, even in the mining States of the West, four out of five Americans support mining reform.

It is a disgrace that on the eve of the 21st century, taxpayers and the environment continue to be ripped off by an antiquated law from the 19th century. If Congress is serious about reducing wasteful and unjustified corporate welfare, we should begin by reforming the mining law of 1872.

NOT WHOM YOU TELL, BUT HOW YOU KNOW

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. DICKS. Mr. Speaker, several Members of the House of Representatives, including the chairman of the Republican Congressional Campaign Committee, have made some rather hasty public statements concerning the recorded cellular telephone call involving Speaker GINGRICH and all of its legal ramifications. Many claims have been made about the laws that are applicable to disclosure of confidential information, but I am concerned there has been insufficient legal research into the statutes involved and into the legal precedents in existence. In this regard, Mr. Speaker, I am submitting for the RECORD an analysis that was printed in this week's National Law Journal by an expert first amendment lawyer whose practice involved areas of newsgathering, publishing, and broadcasting. In this article, Victor A. Kovner takes issue with an assertion made by allies of Speaker GINGRICH who were involved in the recorded conversation. Specifically, the charge was made that forwarding and publishing information from such a conversation was a felony. In this article, Mr. Kovner explores the Federal wiretap statute (18 U.S.C. 2510 et seq.) as it pertains to recorded conversations and concludes that "there is scant authority for finding a criminal violation based on mere disclosure by a person who had no role in the underlying recording."

I urge my colleagues to carefully consider Mr. Kovner's compelling reasoning as presented in the National Law Journal.

[From the National Law Journal, Feb. 10, 1997]

NOT WHOM YOU TELL, BUT HOW YOU KNOW

(By Victor A. Kovner)

Congressman Jim McDermott has "committed a felony," New York Rep. Bill Paxon charged at his initial press conference, referring to the alleged delivery by Mr. McDermott, D-Wash., of the tape of the Newt Gingrich strategy conference to the New York Times and Atlanta Journal-Constitution. It is sad to see a fine career "disintegrate," said Mr. Paxon.

Strong words, coming as they did from the chair of the Republican Congressional Campaign Committee and a participant in the taped conversation in which, as later found by Special Counsel James M. Cole, Speaker Gingrich violated his promise to the Ethics Committee not to orchestrate an effort to minimize the charges brought against him.

But was there any basis for such a serious charge by Mr. Paxon? Perhaps the Florida couple who overheard the conversation on

their police scanner (equipment that has been for years widely and lawfully available at retail outlets around the country) may have technically violated the Federal Wiretap Statute, 18 U.S.C. 2510 et seq., which was amended in recent years to cover interception of cellular and cordless calls, as well as regular phone calls. Congress apparently intended to provide for an expectation of privacy with the amendments, and the 8th U.S. Circuit Court of Appeals agreed that cordless phone calls made before the amendments did not have a justifiable expectation of privacy. *Tyler v. Berodt*, 877 F.2d 705 (8th Cir. 1989), cert. denied, 110 S. Ct. 723 (1990).

What about the role of Mr. McDermott, who reportedly sent copies to the newspapers? Assuming those reports are accurate (he has declined to define the role, if any, he played), the Paxon theory goes, Mr. McDermott violated the portion of the statute that bars disclosure of an illegal tape or its contents.

This theory proves too much, for if Mr. McDermott's alleged conduct was criminal, why not that of the New York Times or the Atlanta Journal-Constitution? The statute in question makes unlawful not only the unauthorized interception or recording, but also disclosure "knowing or having reason to know" that the recording was unlawful. 18 U.S.C. 2511(1)(c). Why Bill Paxon presumed that Jim McDermott had such knowledge while the newspapers, which examined the tape carefully and transcribed it in its entirety, did not, is unclear. Notably, Mr. Paxon did not charge either newspaper with criminal conduct.

Though, in the context of civil claims for damages, courts have taken various views of the statute's reach, there is scant authority for finding a criminal violation based on mere disclosure by a person who had no role in the underlying recording. In 1993 a number of people associated with Sen. Charles Robb, D-Va., were fined for distributing illegal tapes of personal calls of then-Lt. Gov. Douglas Wilder. Unlike the serendipitous recording of the Gingrich strategy conference, the Wilder tapes were made by a person who had systemically and unlawfully recorded hundreds of cellular calls.

PROTECTIVE PRECEDENT

But any attempt to prosecute people who had no involvement in or knowledge of the unlawful recording, such as Mr. McDermott or the newspapers—neither of whom had any prior association of any kind with the Florida couple—would face serious constitutional problems. In *Landmark Communications* v. *Virginia*, 435 U.S. 829 (1978), the Supreme Court held that the First Amendment prohibits criminal punishment for disclosure of confidential judicial disciplinary proceedings by nonparticipants in the proceedings. The mere publication of truthful information, even though confidential by law, was found protected.

In dismissing a claim for invasion of privacy by a rape victim whose identity had been inadvertently but unlawfully released to a reporter by an employee of a sheriff's office, the Supreme Court later noted, "We hold only that where a newspaper publishes truthful information which it has lawfully obtained, punishment may lawfully be imposed, if at all, only when narrowly tailored to a state interest of the highest order." *Florida Star* v. *B.J.F.*, 490 U.S. 524, 109 S. Ct. 2603 (1989).

Given the extraordinary newsworthiness of Speaker Gingrich's violation of a commitment he had just made as part of his plea bargain, it is hard to imagine the presence of a state interest of the "highest order" warranting the institution of criminal proceedings against Mr. McDermott or the newspapers.

In a case similar to Landmark Communications, a California appellate court has written, "[S]tate law cannot impose criminal or civil liability upon a nonparticipant for breach of the confidentiality required by [law]." *Nicholson* v. *McClatchy Newspapers*, 177 Cal. App. 3d 509,223 Cal. Rptr. 58 (Cal. App. 3d Dist. 1986).

As a matter of common sense, the participants in the recorded conversation plainly had a diminished expectation of privacy when Rep. John A. Boehner, R-Ohio, joined the conversation on his car phone. Surely the others were aware that he was on a car phone. Surely they were aware that cellular phones may be recorded by nonparticipants with equipment that has been sold lawfully in thousands of stores throughout the country. If Speaker Gingrich was aware he was participating in a nonsecure communication and was then caught violating his commitments to the Ethics Committee, he and Ohio Republican Representative Boehner are principally to blame. Under these circumstances, any claim that the conduct of Jim McDermott (or the newspapers) was felonious would be reckless and irresponsible.

INTRODUCTION OF THE NATIONAL CLEAN WATER TRUST FUND ACT OF 1997

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. VISCLOSKY. Mr. Speaker, today, I am introducing legislation to expedite the cleanup of our Nation's waters. This bill, the National Clean Water Trust Fund Act of 1997, would create a trust fund established from fines, penalties, and other moneys collected through enforcement of the Clean Water Act to help alleviate the problems for which the enforcement actions were taken. This legislation is identical to a measure I introduced with bipartisan support in the last Congress, and it was the model for an amendment that received 156 votes in 1995 during House consideration of legislation to reauthorize the Clean Water Act.

Currently, there is no guarantee that fines or other moneys that result from violations of the Clean Water Act will be used to correct water quality problems. Instead, some of the money goes into the general fund of the U.S. Treasury without any provision that it be used to improve the quality of our Nation's waters.

I am concerned that Environmental Protection Agency [EPA] enforcement activities are extracting large sums of money from industry and others through enforcement of the Clean Water Act, while we ignore the fundamental issue of how to pay for the cleanup of the water pollution problems for which the penalties were levied. If we are really serious about ensuring the successful implementation of the Clean Water Act, we should put these enforcement funds to work and actually clean up our Nation's waters. It does not make sense for scarce resources to go into the bottomless pit of the Treasury's general fund, especially if we fail to solve our serious water quality problems due to lack of funds.

Specifically, my bill would establish a national clean water trust fund within the U.S. Treasury for fines, penalties, and other moneys, including consent decrees, obtained through enforcement of the clean Water Act that would otherwise be placed into Treasury's general fund. Under my proposal, the EPA Administrator would be authorized to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from violations of the Clean Water Act. However, this legislation would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects [SEP's] as part of settlements related to violations of the Clean Water Act and/or other legislation.

For example, in 1993, Inland Steel announced a $54.5 million multimedia consent decree, which included a $26 million SEP and a $3.5 million cash payment to the U.S. Treasury. I strongly support the use of SEP's to facilitate the cleanup of serious environmental problems, which are particularly prevalent in my congressional district. However, my bill would dedicate the cash payment to the Treasury to the clean water trust fund. The bill further specifies that remedial projects be within the same EPA region where enforcement action was taken. Northwest Indiana is in EPA region 5, and there are 10 EPA regions throughout the United States. Under my proposal, any funds collected from enforcement of the Clean Water Act in region 5 would go into the national clean water trust fund and, ideally, be used to clean up environmental impacts associated with the problem for which the fine was levied.

To illustrate how a national clean water trust fund would be effective in cleaning up our Nation's waters, I would like to highlight the magnitude of the fines that have been levied through enforcement of the Clean Water Act. Nationwide, in fiscal year 1996, EPA assessed $85 million in penalties for violations of the Clean Water Act.

My bill also instructs EPA to coordinate its efforts with the States in prioritizing specific cleanup projects. Finally, to monitor the implementation of the national clean water trust fund, I have included a reporting requirement in my legislation. One year after enactment, and every 2 years thereafter, the EPA Administrator would make a report to Congress regarding the establishment of the trust fund.

My legislation has garnered the endorsement of several environmental organizations in northwest Indiana, including the Grand Calumet Task Force, the Indiana Division of the Izaak Walton League, and the Save the Dunes Council. Further, I am encouraged by the support within the national environmental community and the Northeast-Midwest Congressional Coalition for the concept of a National Clean Water Trust Fund. I would also like to point out that, in a 1992 report to Congress on the Clean Water Act enforcement mechanisms, and EPA workgroup recommended amending the Clean Water Act to establish a national clean water trust fund.

In reauthorizing the Clean Water Act, we have a unique opportunity to improve the quality of our Nation's waters. The establishment

of a national clean water trust fund is an innovative step in that direction. By targeting funds accrued through enforcement of the Clean Water Act—that would otherwise go into the Treasury Department's general fund—we can put scarce resources to work and facilitate the cleanup of problem areas throughout the Great Lakes and across this country. I urge my colleagues to support this important legislation.

ADDRESS TO THE PARLIAMENT OF THE NAGORNO-KARABAGH REPUBLIC

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. PALLONE. Mr. Speaker, as the cochair of the Congressional Caucus on Armenian Issues, I traveled to the Republics of Armenia and Nagorno-Karabagh in late January to learn more about the courageous struggle of the Armenian people as they try to build self-sustaining economies and protect their land and freedom.

In Armenia, I met with government officials to discuss the role of the United States and Armenia in preserving the security and economic viability of Nagorno-Karabagh, where peace is threatened by the territorial aggression of Azerbaijan.

Earlier in the week, on January 27, I was most honored to be the first Member of Congress from the United States to speak before the Nagorno-Karabagh Parliament. I am providing my colleagues with a text of the speech in hopes that it will help educate them to the serious problems faced by the Armenian people and enable Members to cast votes in the future that could ease the suffering in that troubled part of the world.

Mr. President, Mr. Foreign Minister, Mr. Chairman and ladies and gentlemen.

It is a great honor for me to address the elected legislature of the Republic of Nagorno-Karabagh. As an elected legislator myself, I see you as my colleagues and friends, fellow-Parliamentarians and fellow-democrats. Yet, to my deep regret, your service to your homeland is not generally granted the same recognition and respect that my status as an elected official of my country grants me around the world. This situation must change. You have earned the right to be accorded the respect of the international community as the legitimate representatives of your land and your people.

I hope that my visit to Karabagh, and especially my presence in your legislative chamber today, will contribute in some small way to a growing international recognition that the Republic of Nagorno-Karabagh is a reality.

Just about one year ago today, I had the privilege of meeting with President Kocharian and Foreign Minister Ghoukasian during their visit to Washington. While the President and Foreign Minister were accorded meetings with Members of Congress, I regret that they were not accorded the type of official welcome from the U.S. Administration that they deserve. Despite the lack of official recognition, the visit of the President and Foreign Minister did a great deal to advance the cause of the Republic of Nagorno-Karabagh, solidifying support among the Armenian-American community, educating many U.S. foreign policy leaders, and forging new bonds of friendship and understanding. When we met, the President expressed his hope that he would be able to return the hospitality that was shown to him by friends of Karabagh during his visit to the U.S. last year. I am proud to accept that offer now. I appreciate the hospitality that has been shown to me, and I look forward to reporting back to the American people about the courageous struggle of the people of Karabagh to defend their land, their independence and their freedom.

Before I outline some of my ideas and hopes for how our two peoples can grow closer in friendship and partnership, let me tell you a little bit about myself and why I have come here to your seat of government. I represent the Sixth Congressional District of the State of New Jersey. The densely populated, ethnically diverse State I represent includes a significant number of Americans of Armenian descent. Survivors of one of history's most monstrous crimes, the Genocide perpetrated against the Armenian people by the Ottoman Turkish Empire, thousands of Armenians came to America in search of a new life. Many arrived with little more than the shirts on their backs. Yet these immigrants, these survivors, and their sons and daughters, grandsons and grandaughters, have flourished and thrived, becoming one of America's most successful, well-educated and affluent ethnic groups.

While there has for many years been widespread support for the Armenian people among U.S. lawmakers, I felt that these efforts lacked a certain focus and cohesion. So, two years ago, I founded an organization within the Congress of the United States known as the Congressional Caucus on Armenian Issues. I invited my colleague, Congressman John Porter of the State of Illinois to serve with me as co-chairman. Although I am a Democrat and Mr. Porter is a Republican, we put aside our partisan differences to work for common approaches to support the Armenian people. In just two years' time, the membership of the Caucus increased to 54—Democrats and Republicans, from all regions of the vast United States of America. Always there to support our efforts is the Armenian Assembly, whose support has made my visit here possible.

The Caucus has provided a forum to educate Congress and the public about developments in the Republics of Armenia and Nagorno-Karabagh, and a vehicle to advocate in support of the interests of the Armenian people.

From the time of the collapse of the Soviet Union, Americans have demonstrated their solidarity with the Armenian people—in the Diaspora, as well as in the Republics of Armenia and Nagorno-Karabagh. America has sought to provide support for the people of the newly declared Republic of Armenia, through humanitarian assistance, development aid, the leveraging of capital investment and the facilitation of cultural and educational contacts. The Freedom Support Act of 1992 contains many important provisions intended to engage the U.S. with the Republics of the former U.S.S.R. One provision of that law has made it possible for hundreds of Armenian students to visit the U.S., stay with families, go to schools and even come to Capitol Hill in Washington. Meeting with these bright young people, talking about democracy and hopes for the future, has been one of the real pleasures of my job.

Another very serious and significant provision of that landmark law, Section 907, prohibits direct U.S. Government assistance to the Government of the Republic of Azerbaijan until that country lifts its blockade of Armenia and Nagorno-Karabagh.

Preserving this law has been one of the major goals of the Congressional Caucus on Armenian Issues. We have had to withstand very strong opposition from the well-financed Azerbaijan lobbying campaign. In the summer of 1995, during the debate on the Foreign Operations Appropriations bill, the legislation that provides for America to honor its commitments and protect its interests overseas, Congressional friends of Armenia were successful in maintaining the law. I want to pay particular tribute to my friend and colleague, Congressman Pete Visclosky of the State of Indiana, a member of the Armenian Issues Caucus, for his leadership in maintaining the ban on aid to Azerbaijan.

While I support diplomatic solutions, blockades not sanctioned by International bodies must be regarded as illegal. Current law prohibiting direct non-humanitarian U.S. government assistance to the Government of Azerbaijan is the correct policy. I will continue to lead the opposition to all attempts to weaken these sanctions until and unless Azerbaijan stops strangling Armenia and Karabagh.

I regret to report to date that the U.S. Government has not provided any direct humanitarian assistance to the people of Karabagh. As many of you are aware, in 1996 the House of Representatives overwhelmingly approved legislation that would have authorized direct U.S. humanitarian assistance to Karabagh. Unfortunately, the final version of the legislation that was signed into law did not allow for U.S. humanitarian assistance to be provided to Karabagh.

This was a mistake for several reasons. First, the fact that the final political status of Nagorno-Karabagh has not yet been determined should not be an obstacle to providing humanitarian assistance. The objective of humanitarian assistance is to save lives and is not intended to bestow political status or challenge the sovereignty of a state. Whatever the nature of a conflict, humanitarian operations must be clearly, distinguished from political and military efforts to achieve peace. Second, humanitarian assistance should be provided on the basis of need anywhere in the world. And I know that there are serious needs that are not being met in Karabagh. Third, in order to be an honest and impartial broker, the United States should provide humanitarian aid to all in the region who need it. Such a policy would send a strong message that the United States is dealing fairly with all sides. The unimpeded, unencumbered flow of humanitarian assistance is a universal principle. I will work in the coming year to ensure that U.S. humanitarian aid to Karabagh is provided on the basis of expected needs.

While on the subject of the delivery of humanitarian assistance, I wanted to point out another major initiative of the Congressional Caucus on Armenian Issues: passage of the Humanitarian Aid Corridor Act. This law states quite simply that countries which block the delivery of U.S. humanitarian assistance to another country will themselves be ineligible for receiving humanitarian assistance. While the legislation does not single out any country, it would clearly include the Republic of Turkey. Turkey is a recipient of huge amounts of U.S. military and civilian aid. Yet this country is engaged in the unconscionable blockading of the Republic of Armenia. The Corridor Act has become a matter of law. Unfortunately, a waiver provision in the law has made enforcement less

effective. Our task is to step up enforcement, to keep the pressure on Turkey to do the right thing and lift the blockade. Removal of the blockade would go a long way toward relieving the suffering of the people of Armenia and Karabagh, and would form the first major confidence building measure to bring peace, stability and, ultimately, economic prosperity to the Caucasus region.

My friends, in America we have an expression that our differences amongst ourselves must end at the water's edge. Travelling as both a citizen and an elected representative of the United States of America, I am conscious of a certain obligation to defend the policies and positions that my country holds. Yet, as a citizen of a democracy, I believe in the need to speak out against those policies and positions with which I disagree. More than 20 years ago, when I was studying international law and diplomacy, I learned that there are two major guiding principles in resolving disputes: territorial integrity and self-determination. In the case of Karabagh, I am concerned that U.S. policy, and that of other nations, leans too heavily on the side of territorial integrity—even though the borders were drawn by the dictator Stalin to divide the historically Armenian region of Karabagh from the rest of the Armenian nation, and despite the fact that the Helsinki Final Act allots equal value to self-determination and territorial integrity. Of course, the economic clout of oil interests seeking to curry favor with Azerbaijan is a very strong factor influencing policy in the region. I am not opposed, in fact, I specifically support the exportation of Caspian Sea oil across Armenia—but not at the expense of the freedom and independence of the people of Karabagh. Indeed, upon my return home, it is my intention to meet with our new Secretary of State, the Honorable Madeleine Albright, to report on my findings and to urge greater support for the interests and needs of the people of Armenia and Nagorno-Karabagh. I have met on several occasions with the U.S. Special Negotiator for Karabagh, who recognizes that the situation in Karabagh is essentially without precedent and will require creative diplomacy to solve. I intend to maintain that dialogue. People of good will can have principled differences, yet continue to work toward a common ground. America truly wants to play a helpful role in resolving this dispute—and I mean an honorable resolution, not a solution dictated upon the people of Karabagh.

We must see to it that the people of Karabagh are guaranteed their security and right to self-determination. Never again should the Armenian people be subjected to the pogroms, massacres and deportations that occurred in Azerbaijan in 1988. It is my belief that if the question of Karabagh were settled on the basis of principles proposed by Azerbaijan, the people of Nagorno-Karabagh would be in constant fear of genocide, deportation and massacre. It seems to me that the only way to promote long-term peace and stability is to respect the right of self-determination for the people of Nagorno-Karabagh. Unfortunately, the international community almost categorically rejects all self-determination claims. This approach is not only ineffective, but it often can prolong conflicts. A blanket rejection of all self-determination claims does not take into account that self-determination movements, such as the Karabagh movement, are not all alike and therefore ought to be treated differently. With respect to the negotiations, the OSCE Minsk Group's mandate makes clear that the final status of Nagorno-Karagagh's status is to be negotiated. I believe that any predetermination by the negotiators jeopardizes prospects for a peaceful and negotiated settlement.

Furthermore, no substantial progress can be made in negotiations without the direct participation of Nagorno-Karabagh. Clearly, Azerbaijan's refusal to recognize Nagorno-Karabagh as a direct party to the conflict defies logic and precludes serious negotiations. Currently, a cease-fire is in effect, and I hope it holds for the foreseeable future. Azerbaijan and Karabagh have exchanged prisoners of war and accomplished other agreements. Yet this cease-fire is fragile, and does not constitute the basis for a permanent solution. Azerbaijan's current refusal to recognize Nagorno-Karabagh as the second party to the dispute is neither constructive nor realistic. To the extent that the positions taken by the U.S. and the international community are contributing to Azerbaijan's intransigence, we must reassess those policies in light of the effect they might be having.

The Republic of Armenia must play a special role in the peace process. I am spending most of this week in Yerevan in meetings with government officials, and discussions over Armenia's future role as guarantor of Nagorno-Karabagh's security and economic viability, pursuant to international agreements.

The people of Armenia and Nagorno-Karabagh have turned adversity and devastation into advancement, economic progress and the hope for a future based on long-term peace. Surrounded by hostile neighbors, Armenia and Nagorno-Karabagh look to the United States and the international community for support in their commitment to democratic principles and a market economy. As the co-chair of the Congressional Caucus on Armenian Issues, I am here to learn more abut the plight of the Karabagh people and to promote a peaceful solution to the conflict.

Clearly, the people of Karabagh have shown their courage and determination to fight for their homeland—to die for it, if necessary. Nagorno-Karabagh's Army of Defense has shown the ability to control strategic territory. Your sovereignty is not just a matter of future discussion or negotiation—it is a matter of fact. In establishing an independent homeland, you have won the war. My goal and my pledge is to help you win the peace.

HONORING VIKTOR CHERNOMYRDIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BERMAN. Mr. Speaker, last week an extraordinary event took place here in the United States. The Prime Minister of the Russian Federation, Viktor Chernomyrdin, was the special guest of a dinner hosted by the Russian Jewish Congress and attended by business and political Jewish leaders all across America. During the ceremony, Prime Minister Chernomyrdin was presented an award from the president of the Russian Jewish Congress, Mr. Vladimir Goussinsky, in recognition of his commitment and efforts to insure religious freedom and liberty in today's Russia, particularly the 1.5 million Jewish citizens now living in that country.

Many of my colleagues in the Senate and House also attended the dinner. Congressman TOM LANTOS who moderated and offered some poignant remarks about his own experience as a survivor of the Holocaust, was also presented an award along with former U.S. Senator Sam Nunn.

For many of us in Congress who attended the event and have been actively involved in Soviet Jewry over the years, this was a long-awaited and richly satisfying moment. It was not expected in our lifetime to see the establishment of a Russian Jewish Congress in Moscow, nor did we ever expect to see a Russian Prime Minister on our soil proclaiming support for the fundamental rights of the Jewish inhabitants of that country.

Mr. Speaker, the Russian people and their leaders are coping with the challenges and even hardships inherent in forming a democracy and market economy. It is not a pretty picture, to be sure, by what we see in the daily press. We know democracy is in its infant stage and largely untested as is the economy, which is undergoing a painful transformation and still lacks full public support. However, Russia has made surprising strides in respecting the inalienable rights of its citizens. Where once there was suppression of religious beliefs, we now see churches and synagogues being restored. The old state prohibition on immigration has been replaced with relative freedom of movement both inside and outside Russia.

The Russian Jewish Congress choose to publicly recognize Mr. Chernomyrdin's record in full view of United States Congressmen and high ranking officials and business and organizational leaders and present an award to him for his public commitment to preserving Jewish culture and rights in that country.

In presenting the special award, Mr. Goussinsky made reference to a recent event which took place at a sacred Site, which is the burial place for the millions who perished in what is in Russia called the Great Patriotic War. At this place a new synagogue has been built and at the commemoration ceremony, Prime Minister Chernomyrdin laid the first stone and concluded his remarks with the word "Shalom." Mr. Goussinsky also noted that in today's Russia there are still different opinions and attitudes and the fact that Prime Minister Chyernomyrdin would make such an appearance carried historic importance.

Mr. Speaker, I would like to add a second historic event, which is the establishment of the Russian Jewish Congress in January 1996. At the urging of Jewish leaders in the United States and Israel, Mr. Vladimir Goussinsky assumed the leadership for its formation and is now serving as its first president. As such, it is the first attempt to unite the country's foremost Jewish business, public, religious, political, academic and cultural leaders and will also give identity and purpose to the Jewish culture, which has so long been repressed in that nation. The congress has approximately forty branches throughout the Russian Federation that contribute to their own communities.

During 1966, the congress launched the construction of a Holocaust memorial synagogue as part of the national World War II Memorial Park in Moscow. The Congress held

the ground-breaking ceremony for the Holocaust memorial synagogue in October of 1996, which was attended by Viktor Chernomyrdin. It was the first Jewish event in Russian history attended by a Russian Prime Minister.

I applaud Mr. Goussinsky, Rabbi Pinchas Goldschmidt and other leaders in Russia for their efforts to create self sustaining, proud and independent Jewish communities in Russia, just as they exist all over the world.

ETHICS PROCESS REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HAMILTON. Mr. Speaker, today I am introducing, along with Representative DAVID DREIER, a resolution to reform the House ethics process by having private citizens help investigate charges of Member misconduct.

It has been clear for some time that the process under which the House considers disciplinary action against Members is in need of serious reform. Major breakdowns in the process over the last several months may mean that the House is finally ready to make the needed changes.

The reform that Representative DREIER and I are urging was develop during our work on the Joint Committee on the Organization of Congress, which we led during the 103d Congress. The joint committee was charged with considering and recommending institutional changes that would make Congress more effective and help restore public confidence in the institution. Ethics process reform was a major focus of the joint committee, and we considered it at length. The proposal that the joint committee recommended with broad, bipartisan support is the one we are introducing today.

Our proposal would help restore the integrity of the House ethics process by involving outsiders in the investigation of ethics complaints against Members. The Speaker and the minority leader would jointly appoint a pool of 20 independent factfinders to be called on by the Standards Committee for ethics investigations as needed, on a case-by-case basis. These individuals would be private citizens, and might include, for example, former Members or retired judges. Lobbyists and other individuals with business before the House would not be eligible. In a particular case, the Standards Committee could call upon four or six of these independent factfinders to investigate charges of misconduct against a Member. They could question witnesses, collect and examine evidence, and then report their findings of fact and recommendations to the full committee. The committee would then make recommendations to the full House, and the full House would make the final decision on whether sanctions are appropriate.

This proposal still retains an appropriate role for the Standards Committee and it does not remove from the House its constitutional responsibility to police its Members for official misconduct. It simply turns over the investigatory phase of the ethics process to private citizens. Involving outsiders in the process in a meaningful way has several advantages. First, it will help restore public confidence in the process by reducing the inherent conflicts of interest involved when Members judge fellow Members—either that they are protecting a friend and colleague or are misusing the ethics process to attack an opponent. Second, it will help ensure that ethics complaints are acted on by the House more quickly. The addition of ordinary citizens to the process would force action on cases that could be held up indefinitely under the current system. Third, it will alleviate the enormous time burdens on Members who serve on the Standards Committee, and will make serving on the committee much less onerous. Various other professions are increasingly calling on outsiders to help them police their membership; the House should too.

Our reform, as I mentioned, received strong bipartisan support on the Joint Committee on the Organization of Congress, and it is strongly supported by congressional scholars including Norm Ornstein of the American Enterprise Institute, Tom Mann of the Brookings Institution, and Dennis Thompson, director of the program in ethics and the professions at Harvard.

Mr. Speaker, it is essential that complaints of unethical conduct by a Member of Congress be investigated fully, impartially, and promptly. We owe that to the accused Member and we also owe that to the institution of the House. I believe that this reform will help insulate the ethics process from the partisan rancor which sometimes exists in the House, and will make the process fairer and more credible to the public. It is an important step in making the House more effective and in restoring public confidence in the institution.

COMPREHENSIVE WOMEN'S PROTECTION ACT OF 1997

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to introduce the Comprehensive Women's Protection Act of 1997.

Senator MOSELEY-BRAUN and I introduced this legislation last year and were extremely gratified that several provisions were enacted. We hope to build on those successes because there is much more work to be done, particularly for the women of America.

For instance, less than one-third of all women retirees over age 55 receive pension benefits compared to 55 percent of male retirees. Yet the typical American woman who retires can expect to live approximately 19 years. Sadly, over one-third of elderly women living alone live below the poverty line and three-fifths live within 150 percent of the poverty line. Women's pension benefits depend on several factors including: participation in the work force, lifetime earnings relative to those of current or former husbands, and marital history.

There has been a long-term trend toward greater labor market participation by women. In 1940, only 28 percent of all women worked and less than 15 percent of married women worked. By 1993, almost 60 percent of all women worked and married women were slightly more likely than other women to be working. The growth of women in the work force is even more pronounced for women in their prime earning years—ages 25–54. The labor force participation rate for these women increased from 42 percent in 1960 to 75 percent in 1993. For married women in this age bracket labor force participation increased from 35 percent in 1960 to 72 percent in 1993.

Not only are more women working, they are staying in the work force longer. For instance, 19 percent of married women with children under age 6 worked in 1960; by 1993 60 percent of these women were in the work force. Similarly, 39 percent of married women with children between the ages of 6 and 17 were in the work force in 1960 and by 1993, fully 75 percent of these women were in the work force.

Women's median year-round, full-time covered earnings were a relatively constant 60 percent of men's earnings until about 1980. Since that time, women's earnings have risen to roughly 70 percent of men's. This increase will, in time, increase pension benefits for women although this change will be slow because benefits are based on average earnings over a lifetime.

A woman's marital status at retirement is also a critical factor in determining benefits. The Social Security Administration projects that the proportion of women aged 65 to 69 who are married will remain relatively constant over the next 25 years, and that the proportion who are divorced will more than double over this period. There are tremendous inequities in the law with respect to the pension of a widow or divorced spouse. For instance, only about 54 percent of married private pension plan recipients have selected a joint and survivor option, which, in the event of their death, will continue to provide benefits to their spouse.

The face of women in America today has changed; it's time our pension laws recognize those changes. The bill before us today does just that. Representatives CONNIE MORELLA, ELIZABETH FURSE, CORRINE BROWN, JULIA CARSON, SHEILA JACKSON-LEE, MARCY KAPTUR, NITA LOWEY, CAROLYN MALONEY, CARRIE MEEK, JUANITA MILLENDER-MCDONALD, and LORETTA SANCHEZ have agreed to be original cosponsors. We would welcome others. A section by section follows. Thank you.

SECTION-BY-SECTION SUMMARY

SECTION 101—INTEGRATION

Problem—Social Security integration is a little known, but potentially devastating mechanism whereby employers can reduce a portion of employer-provided pension benefits by the amount of Social Security to which an employee is entitled. The Tax Reform Act of 1986 limited integration so as to guarantee a minimum level of benefits, but the formula only applied to benefits accrued in plan years beginning after December 31, 1988. Low wage workers are disproportionately affected by integration and are often left with minimal benefits.

Solution—Apply the integration limitations of Tax Reform Act of 1986 to all plan years prior to 1988, thereby minimizing integration for low and moderate wage workers.

In addition, eliminate integration entirely for plan years beginning on or after January 1, 2004. The lag between enactment and 2004 is designed to be a transition period for employers. No integration would be permissible for Simplified Employee Pensions for taxable years beginning after January 1, 1998.

SECTION 102—APPLICATION OF MINIMUM COVERAGE REQUIREMENTS WITH RESPECT TO SEPARATE LINES OF BUSINESS

Problem—Current law allows companies with several lines of business to deny a substantial percentage of employees pension coverage. The employees denied coverage are disproportionately low-wage workers.

Solution—Require that all employees within a single line of business be provided pension coverage to the extent the employer provides coverage and the employee meets other statutory requirements such as minimum age and hours.

SECTION 103—DIVISION OF PENSION BENEFITS UPON DIVORCE

Problem—Pension assets are often overlooked in divorce even though they can be a couple's most valuable asset.

Solution—Using COBRA as a model for the process, provide for an automatic division of defined benefit pension benefits earned during the marriage upon divorce, provided that the couple has been married for five years. The employee would notify his or her employer of a divorce. The employer would then send a letter to the ex-spouse informing him or her that he or she may be entitled to half of the pension earned while the couple was married. The ex-spouse would then have 60 days, as under COBRA, to contact the employer and determine eligibility. If a Qualified Domestic Relations Order (QDRO) dealt with the pension benefits, then this provision would not apply.

SECTION 104—CLARIFICATION OF CONTINUED AVAILABILITY OF REMEDIES RELATING TO MATTERS TREATED IN DOMESTIC RELATIONS ORDERS ENTERED INTO BEFORE 1985

Problem—In response to both the greater propensity of women to spend their retirement years in poverty and the fact that women were much less likely to earn private pension rights based on their own work history, the Retirement Equity Act of 1984 gave the wife the right to a share of her husband's pension assets in the case of divorce. This law only applied to divorces entered into after January 1, 1985.

Solution—Where a divorce occurred prior to 1985, allow the Qualified Domestic Relations Order (QDRO) to be reopened to provide for the division of pension assets pursuant to a court order.

SECTION 105—ENTITLEMENT OF DIVORCED SPOUSES TO RAILROAD RETIREMENT ANNUITIES INDEPENDENT OF ACTUAL ENTITLEMENT OF EMPLOYEE

Problem—Under the Railroad Retirement System a divorced wife is automatically entitled to 50% of her husband's pension under Tier I benefits as long as four conditions are met: 1) the divorced wife and her husband must both be a least 62 years old; 2) the couple must have been married for at least 10 consecutive years; 3) she must not have remarried when she applies; and 4) her former husband must have started collecting his own railroad retirement benefits. There have been situations where a former husband has delayed collection of benefits so as to deny the former wife benefits.

Solution—Eliminate the requirement that the former husband has started collecting his own railroad retirement benefits.

SECTION 201—EXTENSION OF TIER II RAILROAD RETIREMENT BENEFITS TO SURVIVING FORMER SPOUSES PURSUANT TO DIVORCE AGREEMENTS

Problem—The Tier I benefits under the Railroad Retirement Board take the place of social security. The Tier II benefits take the place of a private pension. Under current law, a divorced widow loses any court ordered Tier II benefits she may have been receiving while her ex-husband was alive, leaving her with only a Tier I annuity.

Solution—Allow payment of a Tier II survivor annuity after divorce.

SECTION 202—SURVIVOR ANNUITIES FOR WIDOWS, WIDOWERS, AND FORMER SPOUSES OF FEDERAL EMPLOYEES WHO DIE BEFORE ATTAINING AGE FOR DEFERRED ANNUITY UNDER CSRS

Problem—In the case of a husband dying before collecting benefits, his contributions to the Civil Service Retirement System are paid to the person named as the "beneficiary." The employee may name anyone as the beneficiary. A divorce court cannot order him to name his former spouse as the beneficiary to receive a refund of contributions upon his death, even if she was to receive a portion of his pension.

Solution—Authorize courts to order the ex-husband to name his former wife as the beneficiary of all or a portion of any refunded contributions.

SECTION 203—COURT ORDERS RELATING TO FEDERAL RETIREMENT BENEFITS FOR FORMER SPOUSES OF FEDERAL EMPLOYEES

Problem—Currently, under CSRS, if the husband dies after leaving the government (either before or after retirement age) and before starting to collect retirement benefits, no retirement or survivor benefits are payable to the spouse or former spouse.

Solution—Make widow or divorced widow benefits payable no matter when the ex-husband dies or starts collecting his benefits.

SECTION 301—SMALL 401(K) PLANS REQUIRED TO PROVIDE ANNUAL INVESTMENT REPORTS TO PARTICIPANTS

Problem—Current law requires that pension plans file an annual detailed investment report with the Treasury Department and make it available to any participant upon request. Pension plans, including 401(k)s, with fewer than 100 participants and beneficiaries are not required to file or make detailed investment reports available to participants. 401(k)s, unlike traditional pension plans, do not have the plan sponsor guaranteeing their pension benefits nor do they have PBGC pension insurance. Consequently small 401(k) participants bear the investment risks, but are not told what the investments are.

Solution—The Secretary of Labor must issue regulations requiring small 401(k) plans to provide each participant with an annual investment report. The details of the report are left to the Secretary.

SECTION 302—SECTION 401(K) INVESTMENT PROTECTION

Problem—Under federal law, a traditional defined benefit pension plan may not invest more than 10% of its assets in the company sponsoring the plan. The purpose of the limitation is to protect employees from losing their jobs and pensions at the same time. The 10% limitation does not apply to 401(k) plans, despite their having become the predominant form of pension plan, enrolling 23 million employees and investing more than $675 billion.

Solution—Apply the 10% limit to employee contributions to 401(k) plans—unless the participants, not the company sponsoring the plan, make the investment decisions.

SECTION 401—MODIFICATIONS OF JOINT AND SURVIVOR ANNUITY REQUIREMENTS

Problem—Under current federal law, traditional defined benefit pension plans can offer unequal survivor benefit options. That option can pay the surviving spouse (most often the wife) only half the survivor's benefit paid to the spouse who participated in the plan. Plans may, but are not required, to offer more equitable options. Current law also requires that pension plans disclose retirement benefit options to one spouse, the spouse who participated in the plan. This leaves the other spouse (usually the wife) uninformed about an irrevocable decision that affects her income for the rest of her life.

Solution—Require that pension plans offer an additional option that provides either surviving spouse with two-thirds of the benefit received while both were alive. Require that both spouses be given a illustration of benefits before any benefit can be chosen.

SECTION 501—SPOUSAL CONSENT REQUIRED FOR DISTRIBUTIONS FROM SECTION 401(K) PLANS

Problem—Under current federal law, in order for a plan participant to take a lump sum distribution from a defined benefit plan, the participant must have the consent of his or her spouse. This is not true of a 401(k) plan.This means that a participant can, at any time, drain his or her pension plan and leave the spouse with no access to retirement savings.

Solution—Require that 401(k) plans be covered by the same spousal consent protections as defined plans when it comes to lump-sum distributions.

SECTION 601—WOMEN'S PENSION TOLL-FREE PHONE NUMBER

Problem—One of the key obstacles to women's pension security is lack of information. Too many women do not know whether or not they are eligible for retirement income, the implications of the decisions they are asked to make regarding divorce and survivor benefits, the steps they should take to provide for a secure retirement, or even how to gather the necessary information.

Solution—Create a women's pension hotline that can provide basic information to women regarding pension law and their options under that law.

SECTION 701—PERIODIC PENSION BENEFITS STATEMENTS

Problem—Under federal law, pension plans are required to provide a benefits statement annually, upon request by the employee. Many employees, especially young employees, do not consider pension income or do not feel secure requesting information from their employer. Thus, many employees do not know the amount of their accrued benefits, or payout upon retirement. In addition, there are numerous instances of defined contribution plans misappropriating money by failing to place funds in the employee's account. Unless an employee asks for a statement, he or she does not have a clear idea of the state of his or her retirement security, or if the funds are being properly placed.

Solution—Require that 401(k) plans provide benefits statements automatically at least once year. For defined benefit plans, due to the more complicated calculation required to produce an accurate future benefits statement, require that a statement be automatically provided every three years.

UPON THE INTRODUCTION OF THE "DEPOSITORY INSTITUTION AFFILIATION ACT"

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LAFALCE. Mr. Speaker, I am pleased to be the chief Democratic cosponsor of H.R. 669, the Depository Institution Affiliation Act, introduced by Chairman RICHARD BAKER. The goal of modernizing our financial services industry has been a longstanding objective of mine and many other Members of Congress, as well as many in the financial services industry. Unfortunately, that goal has eluded us to date.

The purpose of any financial modernization legislation should be to encourage the development of a competitive and efficient financial services system. Such a system should provide consumers with financial services at the lowest possible cost, while at the same time ensuring safety and soundness. In fact, a competitive industry providing a broader range of services enhances the safety and soundness of the industry, rather than reducing it. Indeed, it is the narrowness and rigidity of the bank charter that has been responsible for the banking industry's loss of market share over the past several decades.

There are several different approaches to financial modernization being discussed in this Congress, as has been the case in all previous debates. Of all of these, Chairman BAKER's legislation—which is the companion to Senator D'AMATO's bill in the Seante—is the broadest, and therefore I believe offers the best opportunity for Congress to debate the full range of issues related to modernization. It is expected that the administration will soon present its own proposal to Congress, and I believe it also will be broad in scope. In order to get the job done, it is critical that we work on a bipartisan basis and in close cooperation with the Senate and the administration.

If we are to seriously take up the modernization issue, we must not restrict ourselves to considering only delimited legislation which addresses a very finite array of issues. Such legislation is necessary too narrow in scope to reflect the rapidly changing financial services market. Nor should we assume that legislation passed by the Banking Committee in previous years is a model for reform today. As the financial marketplace evolves, Congress must explore that evolution. We must attempt to understand its implications, ask critical questions about the most effective means of regulating new developments, and only then consider the most effective legislative vehicle for achieving reform.

Despite our previous failures to pass legislation, the debate in Congress over financial modernization has been progressing along with the evolution in the marketplace. Indeed, issues on which there was major disagreement in past debates are now a matter of near consensus. For example, many now agree that the total separation between commercial and investment banking is artificial in today's financial world.

No bill before this House has yet found the perfect resolution of the many issues we must address, including this one. But our bill has the advantage of raising the full range of issues we must study if we are to legislate intelligently. First, we need to understand more fully the appropriate relationship between banking and commerce. The affiliation of banks with commercial firms is an issue with a long and controversial history, and one on which many have strong and often contradictory opinions. However, very few of us adequately understand the rationale for allowing affiliations between banking and nonbanking or commercial firms. It is difficult to even agree on the meaning of the word "commercial."

The proposal to allow banks to affiliate with commercial firms should not be an ideological issue requiring one to take sides. There are beneficial aspects to linkages between banking and commercial firms, as well as some very legitimate concerns which should be addressed. I believe it is possible to strike a balance. We can place appropriate limitations on the affiliations between banks and commercial firms, while retaining the benefits of such affiliations and recognizing that companies in which some mix of banking and commerce already exists have posed no harm and done much good.

We also need to recognize that there are a broad range of nonbanking activities that some might consider "commercial." Some of these are clearly financial in nature and have a close relationship to banking. Other nonbanking activities are technological in nature, making them crucial to the ability of banking organizations to compete with nonbank firms offering similar technology-based financial products. Other nonbanking activities involve making passive equity investments in commercial firms.

Before making any definitive decisions about the combination of banking and commercial firms, we need to understand more fully some of the complexities involved. This bill will contribute to that debate.

Second, we need to gain a better understanding of holding company regulation—whether it is needed, and what is its proper scope. In particular, we need to explore the question of whether a holding company is the most effective means of promoting competitiveness in the financial services market. In short, we need to understand the benefits as well as the disadvantages of a holding company structure.

Third, we need a more thorough understanding of how functional regulation would operate in reality. The basic concept is simple, but its application is not. The current regulatory structure mirrors to some degree the truncated system it regulates. A new system cannot so readily be forced back into an old framework.

On all these questions, our goal should be to maintain an openmind, and explore the issues fully. I encourage my colleagues to engage in as far-reaching a debate as possible, because that process will result in a superior legislative product.

I congratulate Chairman BAKER for his ongoing contribution to the vital goal of financial services modernization and pledge my support to work for a bill that addresses the issues in the most comprehensive way possible.

THE CITIZENS' CHOICE ACT

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SABO. Mr. Speaker. It has been clear for many years that our campaign finance system must be reformed. Recent events have raised public awareness of this need, and I am glad that the issue is now near the top of our agenda.

Reforming our campaign finance system is one of the most difficult problems before Congress. In the past, sweeping comprehensive reform has yielded a multitude of unintended consequences. Our campaign system is complex, and it will not yield to easy solutions or quick fixes. That is why I am introducing legislation that takes a small but important step in the right direction—toward limiting campaign spending and leveling the playing field between challengers and incumbents.

My bill, the Citizens' Choice Act, creates a voluntary system of publicly financed general elections to the U.S. House of Representatives. Under my bill, a House of Representatives general election trust fund would be funded by a voluntary $5 check-off on income tax returns, and would consist of one account per political party in every congressional district. Candidates who accepted money from this fund must agree to spend no more than $600,000 on their campaigns. The spending limit would be waived if a candidate's opponent refuses to participate in the public funding and raises at least $100,000. My bill also includes a blanket prohibition on all House general election candidates from loaning more than $500,000 to their own campaigns.

My bill addresses the most common criticism of public financing proposals: that taxpayers should not subsidize the campaigns of candidates they oppose. That is why I would allow people to choose which party would receive their tax dollars. This eliminates the problem, while creating greater opportunity for citizens to get involved in the electoral process.

Mr. Speaker, some Members are too ready to believe that citizens strongly oppose public financing. I believe it is time for Congress to take another look at public financing of campaigns. Widespread frustration with our current system has grown to the point that Americans demand new solutions. People want fair campaigns, and I believe the American people will understand that an appropriate combination of public financing and spending limits is an effective way to govern our campaign system. I also feel that citizens will welcome the opportunity to support our political system through my proposed check-off.

I urge my colleagues to look beyond any preconceived notions they may have about public financing of campaigns, and support legislation that gives citizens a choice in financing our electoral process.

THE DIAMOND ROAR OF THE BAY CITY LION'S CLUB

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BARCIA. Mr. Speaker, in addition to keeping full-time jobs, volunteers spend long and tireless hours helping others while in return they are not paid and receive no financial gain. A truly dedicated and committed group of volunteers, the Lions Club of Bay City, will celebrate its 75th anniversary on February 22, 1997. The Lions Club of Bay City has made an indisputable difference for the citizens of Bay City.

Chartered on December 8, 1921, the club has had more than 1,205 members during its 75 years in existence. Thirty-five local community-spirited men who were committed to improving their community founded the club. They established the club's motto: "We Serve," and serve they did. The club continues their legacy, serving the citizens of Bay City with a dedicated spirit and wholehearted devotion.

The Lions Club of Bay City has raised more than $1 million which they have used to improve the lives of many citizens. Under the capable leadership of the club's president, Leonard Kaczorwoski, the 238 members have completed many incredible projects throughout Bay City, including providing services for vision and hearing impaired individuals. The club also built and developed a park pavilion while at the same time completing work on a playground in Bigelow Park.

The club should be proud of its accomplishments and of its impressive membership numbers. The Bay City chapter is the largest Lions Club in Michigan, the 5th largest in the United States, and the 15th largest in the world.

The loyal volunteers represent the spirit of volunteerism and community service that has made our country one of the greatest Nations in the world. I ask my colleagues to join me in wishing the Bay City Lions Club a hearty congratulations for 75 years of success.

IN HONOR OF ALEX SMITH ON HIS 90TH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to bring to the attention of my colleagues the great achievements of Alex Smith and the East Side Peace Action Committee. This outstanding organization in my district has worked for 40 years on world peace and nuclear disarmament issues.

The East Side Peace Action Committee, which has been led by Mr. Smith for 40 years, was born out of the Committee for a Sane Nuclear Policy in 1957. It was established in a time when Americans first felt fear over the threat of nuclear war. Early on, the members of the East Side chapter recognized the dangers of stockpiling nuclear weapons and banded together to work on ending "mutually assured destruction," or MAD, as a national campaign. Participants in this cause have included Eleanor Roosevelt, Dr. Benjamin Spock, Senator Wayne Morse, Norman Cousins, and many others.

The East Side chapter would not have been so successful if it were not for Mr. Alex Smith, a long time resident of the 14th Congressional District. Mr. Smith has spearheaded the East Side chapter and served our community since 1957. He is a remarkable leader and organizer and has received widespread recognition for his work on peace issues and for ending the threat of nuclear annihilation. His labor and struggle has truly made our world a safer place, especially now that the chances of nuclear war has greatly diminished.

Alex Smith, for the past 40 years, has been an advocate for eliminating nuclear weapons and has provided leadership for the East Side Peace Action Committee. It is for these reasons and many more that I would like to recognize Mr. Smith on his 90th birthday.

SALUTE TO AN OUTSTANDING MILWAUKEEAN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KLECZKA. Mr. Speaker, I want to take this opportunity to salute one of Milwaukee's outstanding citizens, Bonnie Szortyka Peterson.

Ms. Peterson is featured in February's Milwaukee Magazine in a story called "One Woman's War." It's an appropriate title for a remarkable woman. The article calls Ms. Peterson "the State's staunchest advocate for the blind" and "the toughest critic of the system built to help them." I'm sure those who read the article will agree.

I ask that the article be included in the RECORD.

ONE WOMAN'S WAR

(By Mary Van de Kamp Nohl)

The state's staunchest advocate for the blind is the toughest critic of the system built to help them. How Bonnie Peterson became a rebel, "the blind bitch" and the last hope for those who are about to give up hope.

Long after the other teens at the sleepover party had stopped talking about the job fair at New Berlin High School and dozed off, 15-year-old Bonnie Szortyka lay awake. It was 1968, and Bonnie had dreamt of becoming an airline stewardess, but now the dream was dead. A stewardess had to have perfect vision.

She thought of becoming a teacher, but no, a teacher had to see a student with his hand raised and Bonnie could see a hand only if it was held a foot from her face. A teacher had to keep up with all of the paperwork and Bonnie could not.

As hard as she had worked to hide her blindness, the truth was catching up with her. Her Herculean effort to eke out passing grades by putting in three times the hours her classmates did, writing with her nose scraping across a page until the headaches became intolerable, the endless hours spent with her mother reading schoolwork to her—all of it was for naught.

Visions of careers, husbands and children filled the heads of the slumbering teens around her, but as dawn approached, Bonnie could not imagine any job that would allow her to leave home and have a life of her own. Just taking up space and air and food without giving anything back, she thought, was no life at all.

The next night, knowing that it was a sin that would send her straight to hell and disgrace her family, but unable to pretend anymore, Bonnie Szortyka chocked down the contents of a giant economy bottle of aspirin. She went to bed and waited to die.

Her body began to shake uncontrollably, but it was the sudden deathly silence, the nothingness of death that terrified her and she dragged herself to the living room where her parents were watching TV. Bonnie didn't die, but the girl released from West Allis Memorial Hospital the next day to her sobbing father had changed. She didn't want to die anymore; she wanted to fight.

Born of despair and nurtured by anger, the seed planted that night would grow into a lifetime crusade. Today, at age 44, Bonnie Szortyka Peterson, an adjunct public speaking professor at the University of Wisconsin-Parkside and president of the National Federation of the Blind of Wisconsin (NFB), battles negative attitudes toward blindness and the low expectations and wasted lives that grow out of them.

Yet those negative attitudes—held by both the sighted and the blind—are the bedrock of the system Wisconsin has built to help this state's 50,000 legally blind individuals, Peterson ways, "a system that makes the disabled more dependent instead of independent."

Says Peterson: "What happens to blind people in Wisconsin today is just like what happened to the black slaves. We're being kept in our place . . . kept from reading, writing and connecting, from moving up."

Peterson's personal war has taken her to testify before the state Legislature and U.S. Congress. It has made her an enemy of the state teachers' union and a critic of Wisconsin's school for the blind. She has targeted the state's vocational training programs and battled sheltered workshops for the disabled. Her candor has made her both villain and hero. Civil servants call her "the blind bitch"; members of the blind community call her their "last hope."

It's said that blindness and death are the things people fear most, but Peterson ways blindness need not be any more limiting than shortness or obesity. "It just requires alternative ways of doing things: Braille instead of print, a cane instead of using your eyes to get around." With her long white cane, she navigates the maze of state offices with such finesse that less skilled visually impaired civil servants suggest she is faking her blindness. "It is so hard for them to imagine a successful blind person, they have to think that," she says.

A person is legally blind when his vision is 20/200; that is, he has one-tenth the visual acuity of a normal sighted person. Medical records show Peterson's vision, at 20/300, is worse than that. There are 6.4 million visually impaired individuals in the United States: Twenty-seven percent are legally blind like Peterson. Only 6 percent have no vision at all. For most, blindness is not a black-and-white issue, but a shade of gray.

Like the country's revolutionary founders, Peterson believes that an overbearing government eats out the substance of a man. Last fall, when state agencies staged a seminar for rehabilitation workers and their clients, one session was called "Sexuality and

Disabilities." Says Peterson: "Most people have sex with their eyes closed anyway, but these people think we're so helpless we can't even make love without them helping us. It makes me want to cry."

But Peterson doesn't want compassion. When an area charity offered to raise money for the Federation by showing helpless blind children in order to "tug at the heart-strings and loosen donors' purse strings," she turned it down. "We don't need more pictures of pathetic blind people."

Peterson vowed to fight her war without them. But she is fighting a battle against entrenched special interests. She is battling bureaucratic arrogance and incompetence at a time when the public has become so numb to government scandal it may barely notice. But none of this will make Bonnie Peterson stop fighting.

BIRTH OF A REBEL

Bonnie Szortyka was only a few months old when her parents, Chet and Adelaine, realized that their baby's eyes did not follow them when they moved. When Bonnie was 3 years old, a doctor at Mayo Clinic gave them no hope. " 'You have to consider her totally blind and send her away to a school for the blind. Period. That's it,' " her mother recalls the doctor saying. The Szortykas could not bear to send the eldest of their three children away. They raised her the only way they knew, like a normal child who just happened to have very bad vision.

It was the 1950s and Milwaukee Public Schools faced an epidemic of blind children. Most, like Bonnie, had been born prematurely. The oxygen that had helped their underdeveloped lungs function was blamed for destroying their fragile optic nerves. Bonnie was legally blind, but she had enough vision to keep her from getting into MPS' school for blind children immediately. At age 5, she was on a three-year waiting list.

Adelaine worried about what her daughter's future would be if she didn't get a proper education. "Is there a Braille class I can take to teach her?" she asked MPS officials. "They said, 'Not here, maybe in Iowa.' "

The Milwaukee Catholic Archdiocese's schools had no special-education classes, but the nuns at St. Stanislaus School were willing to help. By second grade, Bonnie was reading with a book pressed to her face, focusing laboriously on one word, then the next. Bonnie drank gallons of carrot juice; she visited a faith healer. Doctor after doctor told her parents, " 'I've never seen a girl with this bad of vision [who is] this well-adjusted. She doesn't act like a blind person,' " her mother recalls.

Bonnie was the great pretender. On the Polish South Side of Milwaukee, First Communion Day was a family event. The Szortyka's living room was crowded with relatives when an aunt insisted that Bonnie read her Communion cards aloud. But when Bonnie held the card to her eye to see it, the aunt berated her, "Don't make fun of people like that!" Bonnie burst into tears. Alone in her room, she thought, "I am one of those people. Why don't they know that?"

By sixth grade, severe eye strain caused constant headaches. "I didn't even know that everyone didn't have this pain until I was 30 years old," she says. Eye strain led to nystagmus, a continuous jerky involuntary movement of Bonnie's eye muscles, making reading even more daunting. Bonnie slept with her nose pressed into the pillow, hoping to flatten it and thus get closer to her books.

When Bonnie was 12, a Milwaukee doctor told her parents he could make a special pair of eye glasses. Bonnie eagerly donned the thick lenses and began to read the eye chart. Her mother was ecstatic. The doctor seemed delighted, but then, as she read further, his voice changed. "What's wrong?" her mother asked. "She's memorized the chart," the doctor said.

"My mother was so mad at me. I was only trying to make her happy. She was always so sad when the doctors couldn't help," Bonnie remembers. "I said, 'Why can't you just love me like I am now?' "

Her father said there would be no more eye exams. Still, Bonnie was expected to do chores like everyone else. She scrubbed the floor, and if she missed a spot, her mother would say, " 'You missed something. Rub your hand over the floor to find the spot or wash it all over again until it's done," Bonnie remembers. "You don't find excuses, you find a way to get it done right. . . . My mother told me, 'You can do anything you make up your mind to do.' "

But at school, that wasn't enough. "They'd praise me for being able to write my name—that's how low their expectations were for me," she says. "The other kids knew I was getting praise for things every one did. They called me 'blindy.' " The only way to get her teachers to demand as much of her as they did from her sighted peers, Peterson says now, was to "get them mad." By eighth grade, she was a master at that.

Remembers her teacher, the former Sister Dorothy Roache: "We had constant terrible, I mean really terrible, arguments. I told Bonnie she needed to learn Braille. She wouldn't consider it. She wanted to be like everyone else and she insisted on keeping up with the class, earning good grades in spite of herself."

In high school, Bonnie made friends, dated boys, won gold medals for her singing. She was a finalist in the Miss West Allis pageant. A girlfriend who sold makeup taught her how to apply it. "That girl didn't have any special training in teaching the blind * * * but no one ever told her blind people can't use makeup." Bonnie soon sold Vivian Woodard cosmetics, too. "I couldn't tell people what colors looked good on them, so I said, 'You can experiment.' It turned out no one like being told what to do, and I sold so much I kept winning sales awards," she says.

But as well-adjusted as Bonnie appeared outside, the suicide attempt left her parents with lingering fears. During the summer of 1971, a counselor from the Wisconsin Department of Vocational Rehabilitation (DVR) told the Szortykas that Bonnie needed to attend a three-week residential college prep program at the century-old Wisconsin School for the Visually Handicapped (WSVH) in Janesville. The counselor was blind himself. "I could hear him writing Braille as fast as my mother could talk, and for the first time, I thought, 'I might want to learn this,' " Bonnie remembers.

But when the Szortykas arrived at the school, "students were groping around, making weird undignified gestures, bumping into things," says Bonnie. Her mother didn't want her to stay, but Bonnie shouted over her shoulder, "These are my people now."

Bonnie asked about Braille but was told she didn't need it. Many of the students at the school for the blind were doubly disabled. Coddled by their parents and teachers they had never been expected to observe even rudimentary rules of decorum. The boy across the table from Bonnie ate with his hands, making loud slurping sounds. "Can't you teach him to use silverware?" Bonnie demanded. "He was a smart guy, but how was he going to have any friends at college if he ate like that?"

Bonnie noticed another dichotomy. There were two "classes" of students: the "partials," who had some sight, and the "totals," who were completely blind. The "partials" had more freedom; they were the leaders. "Totals," like a woman Bonnie befriended named Pat, spent their days in their rooms. "They only led her out to eat, just like a dog," she says.

"All they cared about was how much people could see, not how much they could learn," says Bonnie, who refused to let anyone know just how bad her vision was. She couldn't see the steps in front of her, but she marched up the staircase with the "totals" hanging onto each other behind her. She carried serving dishes to the dinner table, where one of the "totals" banged her fork on her plate, demanding Bonnie serve her some peas. "I couldn't believe it," she says. "These were adults and they were treating them like babies, then sending them out in the world. No wonder they can't make it."

Bonnie's college prep classes turned out to be "easy pseudo college stuff." She decided to get a suntan instead. No one complained. "I had never even thought of skipping a class before," she says, but expectations and standards were different at WSVH.

Students warned Bonnie that the principal liked to get girls alone in his office. "They said he had sex with them," she says now. "I thought it was a joke or a scare tactic until the house mother and the nurse warned me, too. It didn't make sense that he would still be there if everybody knew." But one day, he cornered her. "He was talking about how pretty I was * * * trying to rub himself against me," says Bonnie. "I said, 'If you touch me, I'll have your job.' He moved away and said he could see me in 10 years, with a baby in my arms and two tugging at my skirt, implying that I'd never move up. I said, 'Well, at least they won't be yours', and I hurried out of there." (Years later, the principal was charged with sexually assaulting another 17-year-old student, then acquitted.)

Bonnie told another student about her encounter and the two of them took a cab to a liquor store and bought the biggest bottle of Mogan David wine they could find. That night, on the schoolyard grounds, they drank it all. "I had never had a drink before . . . but I was scared I'd end up being led around like these people, without a job, without any purpose in life, I had more doubts about my future than I had ever had," Bonnie says. "I knew then I would never let anyone know I was blind and have people talk down to me like I was a moron. I'd die first."

The police found the pair drunk and returned them to the school. The summer program was drawing to a close, Bonnie recalls, and "they told us to leave and never come back."

BLIND AMBITION

In the summer of 1972, after her freshman year as a music major at (the now-defunct) Milton College near Janesville, Bonnie fell in love with a 23-year-old Milwaukee police aide named Joel Peterson. Bonnie didn't want to go back to college, but if she stayed home, her father said, she had to have a job. She had 24 hours. Bonnie phoned the DVR counselor. He landed her a job assembling pens at Industries for the Blind. Congress had established sheltered workshops like this in 1939 as a stepping stone for the disabled. Because they offer "training," workshops are allowed to pay less than minimum wage and they get priority on government contracts. But the truth is, few of the blind ever leave sheltered workshops for better

jobs. Even today, most spend their entire working lives at substandard wages.

Industries for the Blind was a union shop so the pay was better than most workshops and more than minimum wage. Bonnie married Peterson the next year. By 1979, she was determined not to spend the rest of her life "in a job where management treated me in the same condescending tone I heard at the school for the blind." She told her DVR counselor she wanted to go to Alverno College and major in professional communications. He laughed.

"Then he told Bonnie, 'You're not dealing with your visual impairment,'" remembers Joel, now a Milwaukee police detective. "And he said Bonnie should go to MATC and learn how to keep house first." That prompted Joel to stand up, displaying the full girth of his 6-foot-4-inch frame, and he asked, "Do I look like a guy who hasn't been fed well?" Bonnie baked homemade bread and made fresh pasta, trading some of it for rides and bartering the services of readers who would record printed matter for her.

The counselor told Peterson the DVR would send her to the University of Wisconsin-Milwaukee because it had services for disabled students. "I said I was going to Alverno [even] if I had to work or get school loans to pay for it, and I would major in communication," she says now, "but deep inside, I wondered whether he was right, that maybe I couldn't do it."

For three years, Peterson boarded a city bus five days a week at 5:30 a.m. to go to her 40-hour-a-week job to earn money for college. At night and on weekends, she was a full-time student at Alverno. She spent her lunchtimes at Industries for the Blind studying on the floor of the women's restroom, her co-workers' guide dogs helping themselves to the lunch beside her.

On the day her first daughter, Candice, was born, Peterson worked for eight and a half hours, took an exam, then went home and wrote a paper. "I made a deal with the baby that she wouldn't come until I finished," says Bonnie, who made it to the hospital just in time for a nurse to deliver the baby.

Bonnie graduated from Alverno in December 1983. By then, she had worked at Industries in every position on the pen and pencil line, including quality control, so when the plant superintendent retired and his job was split into two positions, production manager and sales manager, Peterson applied. "The president of the company said, 'We'll call you.'"

No one did. Two white non-handicapped males got the jobs. One was the son of the inspector who approved the workshop's government work. In its 32-year history, the $18-million-a-year 112-employee Industries for the Blind had never employed a handicapped individual in any supervisory, managerial or even clerical position, Peterson discovered. "Maybe I'm not qualified," said Peterson, "but certainly someone in all those years was qualified to be a janitor, a secretary or something besides a laborer."

Peterson hired an attorney and filed a complaint with the federal government, but she was becoming a pariah. Rumors circulated that because of what she'd done, blind people would lose their jobs. Peterson re-read the recommendations her Alverno professors had written, testimonials to her problem-solving abilities, communication skills and "spirited determination," but she was losing faith.

"I think Bonnie believed that if she filed that suit, they'd wake up and give her a chance at that job. We all thought she'd be great at it, but they just ignored her," recalls Carol Farina, a supervisor at Industries.

Peterson knew she was in over her head and turned to the two national organizations that advocate for the blind. An attorney with The American Council for the Blind phoned, asking for Peterson's attorney's name, and sent a letter indicating modest support. The National Federation of the Blind responded with boxes of documentation involving similar cases and asked Bonnie to testify before Congress on the lack of upward mobility for the disabled in the workshops intended to help them.

In January 1985, the U.S. Department of Labor found that Industries for the Blind had violated federal affirmative action rules by failing to recruit and advance women and blind people. It found no evidence that the firm had discriminated against Peterson personally.

Within a year, Peterson left Industries. She earned a master's degree in organizational communication from Marquette University, formed a production company and created the first cable access television show produced by an entirely blind crew. But the newest challenge would come from her own daughter.

THE "BLIND BITCH"

Candice wanted her mother to read Dumbo, but when Bonnie held the book to her eye, then showed the picture to Candice, the 3-year-old pulled the book away, saying, "No, Daddy read."

"I still remember what I heard in her words. It was, 'You are stupid. . . .' It hurt so bad. I didn't care what all those professionals who were trying to help me kept telling me," Peterson says. "I knew I had to learn Braille."

It took only two months with the help of the National Federation of the Blind, which had already taught her to travel with a cane. "It was a turning point," she says. "I learned to be proud of being blind once I had something to be proud of." Peterson's confidence was growing, and in 1986, she was elected president of the Wisconsin NFB. Appointments to the state advisory Council on Blindness and other boards followed, and Peterson became an advocate for others.

For six years, a teacher of the visually impaired had worked with a 9-year-old Burlington girl whose vision was 20/400 and deteriorating, but the girl was falling further and further behind. Peterson and the child's mother sat on one side of the table, the special-education experts on the other. When the woman said she wanted her daughter to learn Braille, the vision teacher shook her fist in the mother's face. "'It's almost like you want your child to be blind!'" the mother remembers the teacher saying. "'Don't you know? Blindness is like a cancer! It's the worst thing that can happen to you.'"

The teacher's remark took Peterson's breath away. "No. No," she said, "the worst thing that can happen to a child is for them to be uneducated." Bonnie remembered the incident years later when Sandy Guerra phoned with a similar case. A Racine School District teacher of the visually impaired had worked with Guerra's 12-year-old daughter, Melissa McCabe, since she was 3. Yet the teacher had never taught the girl Braille.

"She kept trying to make Melissa see. If she stares a long time, five minutes on a word, Melissa can see almost anything, but for only a few seconds and it hurts her eyes so bad, she gets terrible migraines," Guerra says. Melissa was already two and a half years behind her fifth-grade classmates. The vision teacher had read standardized exams to Melissa, helping her get the right answers, so her test scores never revealed just how far behind she was—until Melissa's regular fifth-grade teacher ended the charade. "In good conscience, I could not pass Melissa on to sixth grade," says the teacher, Rose Mikaelian.

Up until then, no one had ever expected much of Melissa. She was given half the class' spelling words, though when Mikaelian recruited a volunteer tutor, the girl could do them all. By middle school, the tutor was gone and Melissa was getting Fs again. Her new vision teacher suggested giving Melissa "10 free bonus points on everything to make her feel better."

At a meeting with school officials, Bonnie urged that the girl be taught Braille. "You'd have thought the district would have thought of that," says Mikaelian. "No one challenged Bonnie. She was always in charge." But Peterson could not guarantee that Melissa would be taught Braille, and there are many others like her.

In 1965, 48 percent of Wisconsin's blind children could read Braille, but by 1993, the literacy rate had plummeted to 4 percent, less than half the national average. No wonder, thought Peterson, that the unemployment rate for legally blind individuals between the ages of 21 and 64 in Wisconsin was 74.4 percent, the worst of any minority group. And nearly half of those working were underemployed. "When sighted people can't get around independently, can't read or have poor social skills, we know that's poor training. When the blind can't get around independently, can't read or have poor social skills, we think that's the way blind people are," she says.

With the rush to embrace new technology, like giant magnifiers and machines that can read a printed page, there was a philosophical shift and many teachers felt children could manage without Braille, says Marsha Valance, librarian at the Wisconsin Regional Library for the Blind and Handicapped. "Unfortunately, that was not always true."

The NFB had looked into the illiteracy of the blind and concluded that many teachers didn't know Braille well enough to teach it. So Peterson asked state Rep. Fred Riser (D-Madison) to introduce a bill requiring all teachers of the visually impaired to pass a test proving they knew Braille. Risser expected it to be a cakewalk. State Sen. Alberta Darling (R-River Hills), a former teacher herself, called it "common sense." But the Braille Bill ran into a blitzkrieg.

The Wisconsin Association for the Education and Rehabilitation of the Blind and Visually Handicapped and the larger state teachers' union had myriad arguments against it: It discriminated against teachers of the visually impaired because other teachers did not have to prove their competence; they didn't like the Library of Congress' National Braille Literacy Test; kids don't like learning Braille; and it's difficult to teach.

The unions insisted the state's 825 teachers of the visually impaired had already learned Braille in college. "Asking teachers of the visually impaired to take courses in Braille is like asking teachers of the sighted to take courses in the alphabet," scoffs Charles Siemers, an MPS teacher of the visually impaired who fought the bill. He calls Peterson "the blind bitch" and says she "slandered me and my profession by saying we're poorly prepared. Besides," insists Siemers, who is legally blind himself, "if we can get people to use what vision they have, it's always much, much better."

It might be easier for the teachers, Peterson says, but not for kids who, being functionally blind, cannot hope to compete with their sighted peers, even working endless hours and straining what little sight they have.

The Department of Public Instruction, under whose watch blind literacy sank so low, hired an outside firm to evaluate the proposed legislation. "The bureaucrats wanted it their way or no way, and Bonnie Peterson wouldn't budge," says Andrew Papineau, administrator of DPI's visually impaired programs. "So I brought in a neutral person."

The "so-called 'independent' consultant had some interesting findings," says Sen. Darling. They argued that children are "better off with an aide and a computer than to be able to use a $5.50 slate and stylus [the plastic ruler-sized implement and point that allows the user to punch out a code of raised dots that can be read using the fingertips]. "If you give people fish," says Darling, "they have food for a day. If you give them a fishing rod, they have food for life. That's Braille. But they told me kids shouldn't learn Braille because then they'd 'look blind,'" Darling remembers, "and they said a lot of kids had multiple disabilities so they couldn't learn Braille." The blind, deaf and mute Helen Keller must have been spinning in her grave.

Peterson told the Legislature: "If only 4 percent of sighted children could read print, no one would dispute the severity of the problem." Opponents of the Braille Bill stumbled and tripped on their way up to the podium to testify. Siemers had broken his glasses and couldn't read his speech. "Those who were in favor of the bill walked to the podium perfectly with their canes, and they had their notes in Braille—nothing could stop them," says Darling.

Few legislators missed the little irony that had been played out before them. The bill passed, but the bill's opponents lobbied DPI and undercut it. Only new teachers would have to pass the test. Existing teachers could take a Braille refresher course or attend a teachers' convention instead. There was one victory. Now, when a legally blind child is not taught Braille in Wisconsin, the school district must put the reason in writing.

But Peterson had made enemies. Says Siemers, who took early retirement last year: "Bonnie Peterson and her Federation members are like dogs who bit the hands that feed them, the professionals who try to help them." Ironically, it was that attitude—"How dare you question me when I'm here to help you"—that Peterson had set out to eradicate.

RETURN TO THE SCHOOL FOR THE BLIND

Even before the Braille Bill took effect in 1995, Peterson was engaged on another battlefront. In the all of 1994, Wisconsin's school for the blind, WSVH, faced the budget cuts affecting all of state government, but the school's staff was painting a picture of suffering blind children. In truth, the school would only have to close one of its under-utilized cafeterias and put younger children in the same half-used educational building with other students.

The school had come under fire before; the preceding June, the Legislative Audit Bureau pointed out that WSVH maintained a staff/student ratio of almost one to three—even when students were sleeping. The school was operating at less than 40 percent capacity, with a staff of 110 to care for just 80 students. (Enrollment is now 75.)

While picketers prepared signs saying the governor didn't care about poor blind kids, Peterson and the NFB cut through their sad refrain. "What does WSVH offer that's worth paying 10 times more per student than school districts spend?" Peterson asked. "You could hire a private tutor for each of these kids for $68,200."

The Federation didn't want the school to close—parents needed options, Peterson said—but it had to operate more effectively. Too many of its graduates end up unemployed or underemployed and "socialized for dependency," she said, describing WSVH graduates as "fodder for government-supported workshops."

William S. Koehler, the school's superintendent, accused Peterson of trying to destroy WSVH, complaining, "She takes direct shots at the school without ever being here." Peterson admits she has not been at the school since Koehler took office in 1992. "I don't need to, I have all kinds of parents and children who have been there. They're my eyes and ears." Peterson relies on people like the mother of a 7-year-old boy, left with 20/2200 vision after surgery to remove a tumor, who withdrew her son because WSVH insisted he use a magnifier instead of teaching him Braille.

Koehler says the school did an "extensive" telephone survey in 1993 that proves its graduates are successful, but when Milwaukee Magazine asked for a copy, repeatedly, from Koehler, his assistant and even from DPI, it was promised but never forthcoming. "If WSVH is doing such a great job making kids independent, why does the state pay tens of thousands of dollars to send so many of its graduates to programs to help them adjust to their blindness?" Peterson asks.

Milwaukee Magazine's won investigation included extensive interviews with parents and students and a day-long visit to WSVH, which revealed some students learning Braille but more struggling to read, some with giant magnifiers. Koehler offered a score of excuses why kids can't or don't want to learn Braille or use a cane, but no ideas on how to get students motivated and excited about learning.

He stressed that the school's goal was producing independent graduates, but subtle signs gave a different message. In classroom after classroom, students waited to be helped. In the first- to third-grade classroom, for example, three staff members supervised just seven students who were painting a rubber fish and pressing it onto a T-shirt to make an impression. Yet the students spent most of their time waiting to be helped, teacher's hand over their hand, instead of learning to do the project themselves.

Koehler supplied the names of two graduates who, he said, would demonstrate just how well WSVH prepares its students. One was Steve Hessen, the school's 1996 valedictorian. But Hessen was hardly the model of an independent blind person. He had just dropped out of the University of Wisconsin-Whitewater because he couldn't manage the financial aide application process. Without the money, Hessen, whose vision is 20/1500, could not hire the tutor he needed nor rent equipment like a talking Braille calculator. He had fallen hopelessly behind. Worse yet, the scholarship he'd won required him to enroll last fall or it would be canceled. Hessen had asked a WSVH counselor to argue that it should carry over to next year.

The school's previous valedictorian was Shannon Gates, now a student at Northcentral Technical College in Wausau. Gates, who was born without optic nerves in her eyes, reads Braille at 250 words per minute, but she dropped courses this year because she couldn't get Braille texts.

State taxpayers pay Northcentral's Visually Impaired Program (VIP) to help students like Gates. The program supplied her with audio tapes of textbooks and hired tutors, but "I can't get a Braille text. It's like asking a print reader not to use print," she says. "I threw a fit the first year, but the VIP says, 'It's easier to use tapes or large print.' Maybe it's easier for them. . . but if I had Braille texts, I wouldn't need tutors. I could take a full class load."

Gates was at WSVH for 10 years, under three different administrators. In the end, she says, "There were so many rules, you had to do what you were told and not ask questions. I wasn't even allowed to cross the street alone. . . . The school doesn't encourage independence, that's for sure . . . they were dragging me down."

Twenty-year-old Brian Brown attended WSVH in 1991 and 1992, then returned to his local school and now runs his own business. "They say they strive to make the students independent, but they don't allow you to do anything alone. The bathroom stalls don't even have doors on them in the education building. The house parent enters your room without knocking . . . they walk right in to verify you're in the shower. . . .

"There are two castes at WSVH," he says, "kids who still want to be somebody and have a life and those who've given up and would rather be told what to do. I was lucky. I left before that happened to me."

Milwaukee Magazine talked to 10 WSVH alums. All gave anecdotes substantiating Peterson's claim that students are "conditioned to be even more dependent."

Observes Peterson: "Like most of these professionals for the blind, they run a program into the ground, then move on. In Koehler's case, he's already applied for the position of superintendent of the New Mexico School for the Blind, but he didn't get it."

BRAD DUNSE'S LIBERATION

Peterson had a long history of dissatisfaction with the state's two post-high school vocational training programs for the blind: the Visually Impaired Programs (VIP) at Northcentral and Milwaukee Area Technical College (MATC). She prompted a state audit of the Milwaukee program by leading picketers protesting its "low standards" and curriculum focused "on housekeeping and grooming skills" instead of on the skills needed to live independently, "like Braille and independent travel." (The state is currently looking for proposals to run that program.)

In 1990, she had fought to get DVR to send a blind man named Bob Raisbeck to a program started by the Federation in Minneapolis called Blindness Learning in New Dimensions (BLIND Inc.). Newspapers there described BLIND Inc.—one of only three programs of its type in the country—as the "Harvard of rehabilitation" and a "boot camp" where the blind learned "to believe in themselves and to be truly independent."

Taxpayers had already sent Raisbeck to the VIP at Northcentral three times and to MATC once, but he still had no job skills. Peterson lobbied legislators. The Madison Capitol Times reported on Raisbeck's story, and still DVR refused. Eventually, Raisbeck moved to Minnesota and that state sent him to BLIND Inc. He found a job and never returned.

All of this was history when Peterson received a phone call in early 1995 from Brad Dunse, who had expected to inherit his father's roofing business until rhetinitus

pigmentosa left him legally blind. DVR helped Dunse set up a home business, but for five years, he sat in his Green Bay home, terrified of using the power woodworking equipment DVR had given him.

Finally, in 1994, DVR sent Dunse to a program to help him "adjust" to his blindness. He moved into a motel in Wausau where his meals were prepared for him and he was bused to Northcentral's VIP. "It was like an expo where you'd just wander around. But I didn't know what I needed. I've never been blind before," he says.

Dunse sat in on a Braille class, but at the end of two weeks, he didn't even know what a slate and stylus were; the teacher in the computer class was too busy to answer his questions. Says Dunse: "He kidded one man about being there as much as he was. . . . The VIP teaches you just enough to get by, but then this guy's vision would get worse and he'd have to come back. There were a lot of people like that."

Dunse didn't want to spend the rest of his life as a repeat customer, dependent on the state. He called the Federation, asking, "Isn't there something better?" Peterson told him about BLIND Inc. Dunse and his wife, Brenda, went for a visit. He was impressed, he says, by the confidence of the blind travel instructor whose students were so well trained they could be left blindfolded (so they could not rely on any residual vision) five miles from the school and get back on their own.

"At the VIP, they do stuff for you; at BLIND Inc., you do things for yourself," Dunse told a supervisor, but DVR was not convinced. Peterson helped Dunse petition for a special hearing. Remembers Peterson: "The DVR supervisor said, 'I can't understand why anyone would want to go to a school run by the blind. That's like the mentally retarded asking the mentally retarded for help.'"

The tone of the meeting was "very condescending," adds Dunse. "It was me telling them why I wanted to go, and they were telling me all the reasons I didn't."

With his petition rejected, Peterson told Dunse he had only one option. Dunse kissed his wife and two young sons goodbye, gave up his Wisconsin residency and moved to Minneapolis for five months of training. When he graduated from BLIND Inc., he had higher aspirations than a home woodworking business that would never get him off of Social Security Disability Income. He continued his education and took over a vending machine business.

The cost of BLIND Inc. is "a little more than the VIP—a few hundred dollars," says Joe Mileczarek, who runs Northcentral's VIP program. Tuition at BLIND Inc. runs $2,495 per month, plus $32.50 per day for housing in an apartment where students prepare their own meals, then travel to classes on their own. For Northcentral's program, hotel, prepared meals and transportation costs another $50 per day. DVR will spend an average $2,333 in tuition per student sent to Northcentral this year, though many of those students will stay just one day. "A lot of people don't want to be away from their families that long," says Mileczarek, noting that DVR recently signed a $280,000 contract to send up to 120 more clients to Northcentral.

Peterson says Wisconsin taxpayers aren't getting their money's worth. But Ole Brackey, supervisor of the Milwaukee District DVR office insists, "You can't measure the effectiveness of VIP programs. There are so many variables, so much is going on in these people's lives." Yet Brackey insists that "out-of-state programs [like BLIND Inc.] have to prove they work."

In 1993, Peterson bet John Conway, director of DVR's Bureau of Sensory Disabilities, $100 that BLIND Inc. provided better training than either MATC or NTC's adjustment-to-blindness programs. Using a study of the Wisconsin programs prepared by the DVR's own Office for the Blind and another conducted by the state of Minnesota, Peterson showed that 86 percent of Blind Inc.'s graduates said they could "do what sighted people do." None of the MATC's grads answered the same question affirmatively and only three of those from Northcentral did. Without that kind of confidence, Peterson argues, blind individuals can't succeed.

Still, Conway says, it's more important that 35 percent of Northcentral's VIP grads were employed; only 14 percent of those from BLIND Inc. (and MATC) were. Peterson argues that many of those jobs are in sheltered workshops. In contrast, graduates of the 10-year-old BLIND Inc. are more than twice as likely to pursue higher education than VIP graduates, she argues.

Peterson fired off a searing letter when Conway refused to see her point and welched on the bet. It said, "Give your past record for honesty, I have always believed you would renege . . . In the unlikely event that you have acquired a conscience . . . I shall give you my terms of payment. I do not accept food stamps. . . ." It might have worked in grade school, but this time, getting someone mad did not produce the desired result. Conway ignored Peterson's offer to have an impartial investigator analyze the reports on the three programs and dropped the matter.

Peterson says Northcentral's VIP doesn't get scrutinized because "the people advising the state on how it should allocate funds to help the blind are the main beneficiaries of that spending." Mileczarek is chairman of the Governor's Committee for People With Disabilities. Asked whether that is a conflict of interest, Mileczarek says, "Geez, I hope not. Everyone on the committee has something to do with disabilities."

As for proof his program works, Mileczarek says, "It's not a researchable thing . . . besides, Bonnie Peterson is like a John Bircher. Real conservative . . . she believes there's only one way to do things and that's with a real structured program. . . . The Federation believes some ridiculous things—like that you can have a totally blind mobility instructor."

Most rehabilitation programs work on a medical model, where goals are set and the program is designed to achieve them, he says. "But people don't want to be told you're going to be proficient in this when you leave, like it or not," says Mileczarek, who describes his program as "more like a smorgasbord."

Copies of Peterson's inflammatory letter circulated throughout the disabled community, bringing calls from more desperate individuals. One, Lisa Mann, had been legally blind since birth. She had spent her entire school life at WSVH, except for two years as an MPS high school student. Her MPS teacher (an opponent of the Braille Bill later) decided Mann didn't need Braille. Especially, he says, since the attractive black girl was "more interested in fashion and boys."

Mann could not meet MPS's graduation standards so she returned to WSVH and graduated in 1992. DVR then sent her to MATC's VIP program. "They told me I'd never be able to travel alone," says Mann. When MATC failed to provide the skills needed for an independent life, Mann wasn't surprised, she says. "I met one girl there who was going through the program for the fifth time."

Next, DVR sent Mann to Northcentral's VIP, then to Western Wisconsin Technical College in La Crosse where, using large-type texts, she was slowed down so much, she says, she couldn't even earn Cs. When a DVR counselor told Mann about BLIND Inc., she visited the school. But when she said she wanted to go there, DVR sent her to Waukesha County Technical College instead.

Peterson enlisted Rep. Leon Young's (D–Milwaukee) office to help Mann get copies of her DVR records, and she accompanied Mann when she filed an appeal. "Before I met Bonnie Peterson," says Mann, "I was ready to give up hope." In November, 23-year-old Lisa Mann, who had never walked around her Sherman Park block alone because she didn't believe a blind person could do that, arrived at BLIND Inc. One week later, she took a bus across Wisconsin and found her way to the state Federation's annual meeting—and she did it alone.

Says DVR supervisor Brackey: "Lisa Mann's case is an anomaly." Says the DVR's top administrator, Judy Norman Nunnery: "If there was anything wrong in Lisa Mann's case, it was that we tried too hard to help her." The fact that DVR eventually sent Mann to BLIND, Inc. "has nothing to do with Bonnie Peterson" says Nunnery. "She uses the tactics of the civil rights and women's movements. . . . She says blind people were being treated like the slaves. As an Afro American, that offends me. . . . She doesn't have credibility with this office."

BLIND ALLEY

When DVR moved into new offices in November 1995, the sign on the door to the department's Office for the Blind read "Blind Alley." It might have been "the first case of truth in labeling" on DVR's part, says Peterson. DVR chief Nunnery laughs off the sign, saying, "It was just one of those silly things."

"How out of touch do they have to be not to know that would be offensive?" Peterson asks, repeating her frequent call for a separate office overseeing all state services for the blind. Federal law provides for as much, and many states, including Minnesota and Michigan, have them, but disrupting the status quo will be difficult.

Pat Brown, director of Badger Association of the Blind, the state contingent of the American Council for the Blind, says Peterson is "a role model for all people—not just the blind—because of her convictions and diligence. She doesn't let obstacles get in her way." But, he adds, "The Council doesn't approve of the Federal's methods—it believes you should work through the system."

But Milwaukee Mayor John Norquist praises Peterson. "Bureaucrats don't like her," he says, "but she has credibility, absolutely, with my office." Says Sen. Darling: "Bonnie Peterson appears to have a hard edge because anger gives her energy, but it is the same kind of energy that fueled the civil rights movement and the American Revolution. I wish there were more people like her."

When the phone rings now in Peterson's office at the South Side bungalow she shares with her husband and daughters, Candice, now 16, and 9-year-old Lindsay, the answering machine says, "This is the National Federation of the Blind of Wisconsin, where we're changing what it means to be blind." Already, Peterson has brought about a revolutionary change, making it impossible for people to say "a blind person don't do that."

Over and over again, she has proved otherwise.

(Reprinted with the permission of Milwaukee Magazine, February 1997.)

INTRODUCTION OF BILL TO BAN ATM SURCHARGE BY ATM OWNERS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SANDERS. Mr. Speaker, I rise today to introduce the Electronic Fund Transfer Fees Act of 1997. This legislation addresses the growing practice of automated teller machine [ATM] operators assessing a surcharge on consumers who use their machines. Specifically, my bill prohibits an ATM operator from imposing an additional surcharge on customers for accessing their bank accounts through the operator's ATM.

On April 1, 1996, the national communication networks for ATM's—Cirrus and Plus—terminated their policy which prohibited ATM owners from surcharging consumers for using their machines. As a result of this policy change, customers may now be charged twice for accessing funds from the customer's own bank account if the customer uses an ATM which is not owned by the bank; the first fee is charged by the customer's bank for using a nonbank ATM and the second fee is charged by the ATM operator.

At the time of this policy change, experts estimated that within the first 18 months, 80 percent of ATM owners would impose a surcharge. In actuality only 6 months after the policy change 71 percent of ATM owners were assessing surcharges in North Carolina, 69 percent in Arizona, 60 percent in Virginia, and 48 percent in Maryland. While the nationwide figure has only reached 23 percent a recent study of banking practices in Texas indicates that the percentage will continue to grow; Texas' largest 10 banks have been allowed to surcharge since 1987 and all 10 banks now assess a surcharge for noncustomer ATM withdrawals.

In practice, banks enjoy tremendous savings by conducting consumer transactions through ATM's because ATM transactions are less costly to a bank then teller transactions. An ATM withdrawal on a nonowned machine may cost a large bank between $.50 and $.60. By contrast, a teller transaction with a customer costs the large bank between $.90 and $1.15. A study by the Consumer Finance Project indicates that in 1995, banks avoided 2.6 billion teller transactions because consumers used ATM's. Because the banks are actually saving money by using ATM's, consumer groups view it as extremely unfair to charge a consumer multiple fees for withdrawing his/her own funds through ATM's. Consumer groups such as U.S. Public Interest Research Group [US PIRG] and the Consumer Federation of America support this legislation.

Mr. Speaker, it is now typical in many parts of the country for a consumer to be charged between $1.50 and $2.50 just to access money on the consumer's own accounts. Whatever costs may be incurred by a bank when a customer uses a nonbank ATM, banks do manage to recover; on average, customers pay $1.18 to their bank for the convenience of using ATM's which are not owned by the bank.

I am especially concerned because, unlike the banks that hold our accounts, the machine owner has no incentive to keep his/her fees reasonable because no relationship exists between the ATM owner and the customer. As such, the more remote the ATM machine, the less incentive for reasonable fees, and the more captive the bank customer.

Mr. Speaker, at a time when banks are making record profits and one-third of those profits—tens of billions of dollars a year—come from fees, it is outrageous that these same banks and other ATM owners are charging consumers even more to access the consumers' money. We must eliminate these additional surcharges and help protect the consumer from another needless expense.

ACKNOWLEDGING AFRICAN-AMERICAN HISTORY MONTH

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Ms. MILLENDER-MC DONALD. Mr. Speaker, let me first thank our chairwoman of the CBC, Congresswoman MAXINE WATERS, the gentlewoman from California, for her leadership and tenacity in moving forthwith on critical issues of importance not only to African-Americans but to all Americans. And to our revered and preeminent leader, the gentleman of Ohio, Congressman LOUIS STOKES for his guidance in advising those of us who have come recently to this great House to do the people's business. My thanks to both my colleagues for allowing us these extended moments to reflect.

Mr. Speaker, I rise today as a proud African-American to acknowledge this month as African-American History Month and to recognize the vast contributions made by distinguished citizens of this Nation who are of African descent.

And as we hold our forbearers in high esteem for their courage, perseverance, morality and faith, we salute them for their relentless efforts in fighting to remove the legal and political disabilities that were imposed upon us. While I represent California's 37th Congressional District with pride, my birth State is Alabama, and I am reminded of the first African-American from Alabama, who was elected to the 42d Congress and who advocated even then the importance of education, Benjamin Sterling Turner. Education has been a cornerstone in the African-American community.

My father, Rev. Shelly Millender, Sr. knew the importance of education. He and my mother, Mrs. Everlina Dortch Millender, advocated a quality education and, gave us a value system that is part and parcel of the true spirit of African-American families. We recognize that a good education is the key to success and should open the doors to opportunity. I am further reminded of my father's teaching when he would say: never subordinate to race bashing, respect yourself and others even though you have differences of opinion, but hold firm to your convictions. These are the teachings of numerous African-American families. And as I listened closely to the President's State of the Union Address as he spoke of education as a No. 1 priority; building strong families and communities; and humanitarian efforts in the assistance of the underpriveledged through volunteerism, I stand tonight to lift up some of my constituents who are role models and great citizens that the President talked about. Their names were never in lights nor on billboards, but they are the unsung heroes of my community. They helped in the education of our children, they built strong families and engaging communities. And they taught us to have a strong value system. Let me share with you these outstanding African-American individuals.

THERESA LAVERNE HARRIS

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Ms. MILLENDER-MCDONALD. Mr. Speaker, the first days of the 105th Congress are clearly historic and momentous days as a new Congress begins to address the myriad of problems that face our Nation. At the same time, however, I would urge all of us to take a moment to reflect on some of the major events which have taken place over the past few months and perhaps more importantly on the millions of strengths that have made us, and this Nation, what we are today.

An example of one of these strengths is Theresa La Verne Harris, who passed away on November 21, 1996. Throughout her life, Theresa LaVerne touched all of us who had the pleasure of knowing her with her humor, her strength, and perhaps most importantly her dignity.

Born in Beaumont, TX, to Armand Rodney and Geraldine Phillips Richard, Theresa LaVerne was the oldest of three children. She spent her early youth in Louisiana and Mississippi until her family moved to California in 1943. She lived in California for the rest of her life, attending Los Angeles public schools and graduating from John H. Francis Polytechnic High School with honor, in 1947.

It was during her college year at UCLA, where she majored in English, that she met and married her husband of 45 years, Robert E. Harris. Together they had three sons, Michael, Vincent, and Trevor.

Following her graduation from UCLA in 1953, Theresa LaVerne began a long distinguished career with the Los Angeles Unified School District [LAUSD] as an educator and personnel administrator. Over the next 16 years, she excelled at her career; she raised three outstanding children; she was a loving and supportive wife; and she went on to earn a master of arts degree in personnel administration from Pepperdine University.

During this time Theresa LaVerne served the LAUSD in a variety of administrative capacities before taking a 2-year leave of absence to serve as assistant superintendent for

personnel services for the Compton Unified School District in 1983. She retired from LAUSD in 1989.

As both an educator and an administrator within the public school system, Theresa LaVerne worked hard to ensure that the students under her charge had the best education available to them. While she was deservedly proud of her personal and academic achievements, she was more interested in using her strengths and her assets to elicit the best from those around her.

In passing, Theresa LaVerne Harris is survived by her husband; Robert Emery Harris, her three sons and their wives: Michael and Anita of Fresno, Vincent and Celeste of Oakland, and Trevor and Kamela of Fresno; her father Armand Rodney Richard of Los Angeles; her brother, Dr. Rodney A. Richard of Pasadena; her sister, Geraldine Constance Speed of Carson; her three grandchildren, Ahmad, Mazisi and Jamila; a great granddaughter, Maya; two aunts, and an uncle; and a host of nieces, nephews, cousins, and extended family.

She is also survived by the thousands of people whose lives she touched and invariably improved, some of whom knew her well and others who simply benefited from her efforts.

Mr. Speaker, I worked with Theresa LaVerne Harris and have had the privilege of knowing her and her family for decades. Theresa LaVerne was a devoted wife, a wonderful and nurturing mother, and a role model for all of us who had the opportunity to know her. She will be sorely missed.

As I said earlier, however, it is up to us to remember people like Theresa LaVerne and to build on their strengths and their legacies. It is people like her who should be our role models.

CAROLYN ANN RICHARDSON CHENEY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Ms. MILLENDER-Mc DONALD. Mr. Speaker, in these early days of the 105th Congress, we face many of the same challenges of governance and public policy development our predecessors had to address as we confront the problems and opportunities before our great nation. As we look forward, we should pause to reflect on the contributions, both large and small, our citizenry, collectively and individually, have made to the development of our great nation.

In doing so, we cannot help but take notice of Carolyn Ann Richardson Cheney, who passed away on December 13, 1996. Carolyn's devotion to family and community service, as well as her generosity, spirituality and faith, served as an inspiration to all who knew her.

Born in Dallas, TX, to Oda Lee Blair and Howard Richardson, she spent her early youth in El Paso, TX, before moving to Tulare, CA. After graduating from Tulare Union High School, she obtained credentials as a dental assistant and began working in Los Angeles. She moved to Compton, CA, where her love of learning, thirst for knowledge and pursuit of higher education continued at Compton Community College. She earned her associate of arts degree and, upon graduation, matriculated to California State University Dominguez Hills. As an honor student, she earned a bachelor's degree in public administration. In 1977, she gained admission to the University of Southern California's master's program in public policy and judicial science. Until health challenges forced her to postpone her graduation, she maintained a 4.0 grade point average as a personal expression of her high standards and expectations for those whom she nurtured and set an example.

Carolyn's ambition, strength, and motivation found expression in her entrepreneurial and managerial talents. For 15 years, she worked at Sears and Roebuck, during which time she was promoted from sales clerk to floor manager for the home furnishings and interiors department. In 1980, she opened her own insurance agency under the auspices of Allstate Insurance Co., where her firm became one of the top agencies in southern California. Despite her busy schedule, Carolyn found time to serve others through her church and community service activities. Throughout her life, Carolyn's leadership and organizational skills found expression in a wide variety of organizations. She served as president of the Compton Rotary Club; director of evangelism and coordinator of the Angel Tree Program at Tower of Faith Evangelistic Church in Compton; and as a teacher at Union Rescue Mission in Los Angeles. She was a member of the Torrance/Lomita Rotary Club; served on the advisory board for the California Women's Commission on Alcohol and Drug Dependencies/Black Women's Media Project as well as the board of trustees of Light of the World Community Church. She volunteered in the Los Angeles Probation Department Chaplain's Office.

Carolyn was named a Paul Harris Fellow by Rotary International in appreciation of her efforts and assistance in the furtherance of better understanding and friendly relations among peoples of the world.

Carolyn was a loving and devoted mother of four children: Vernon, Giselle, Darrell, and Marcus. Through words and deeds, she instilled in them the principals of honesty, integrity, hard work, perseverance, and self sacrifice. These are the values that helped to make our Nation great and our people strong. The attributes and her example are testaments to the enduring strength of motherhood.

Carolyn Ann Richardson Cheney is survived by her sons, Pastor Vernon Lee Ward of Hawthorne, CA; Darrell Delaune Cheney of Dominguez Hills, CA; Marcus Sebastian Mason of Washington, DC; one daughter, Giselle Faune Cheney of Hawthorne, CA; seven grandchildren, including Shelly Fion, Vernisha Leshaun, Fallon Veron, Deijanae Zaire, Delaune Marcus, Jazmin Ayana, and Taelor Chanel; daughters-in-law, Debra Ann Ward and Dionne Patric Cheney; daughter-in-law, Chanel Nicole Troy of Los Angeles, CA; aunts, Mattie Bernice Owens and Elizabeth Anthony and a host of extended family and friends. She is also survived by a loving stepfather, Coyal James Marlin.

Mr. Speaker, Carolyn Ann Richardson Cheney will be sorely missed by all who looked to her for nurturing, leadership and strength. Her example should inspire us all to make the most out of our lives and opportunities.

TRIBUTE TO PRISCILLA LYON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, Mrs. Priscilla Lyon is a diligent worker on behalf of the First Baptist Church of Brownsville, where she organized the first Vacation Bible School. She functioned as director of that position for 5 years. Additionally, she has taught the youth Sunday School, supervised the youth choir, and provided services to the youth missionaries.

Presently, she serves as the chairperson of the Women's Ministry, is the director of the Feeding Ministry, serves as the director of the Shekina & Praise Dancers, and is the instructor of the Senior Missionary Circle. Priscilla Lyon also finds time to perform liaison work for the Women's Fellowship.

Born in South Hampton County VA, she is the third of six children. Her hobbies are sewing, crocheting, drafting, millinery, and decorating. Respected and adored by her fellow church members, she was honored at the Henry House in September 1996. She is a mother, grandmother, and great-grandmother. It is my privilege to highlight her achievements and contributions.

CHAMPIONS OF THE PRAIRIE

HON. JOHN THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. THUNE. Mr. Speaker, lately, football fans across the Nation are talking about the Green Bay Packers. Today, I'd like to inform my colleagues about an outstanding championship team that hasn't received much national attention. They are the NAIA Division II National Football Champions—The University of Sioux Falls Cougars. With their victory in the championship playoff game in December, the Cougars became the first South Dakota college team to win a national football title.

This group of young men had a remarkable season—an exclamation point to their emergence as a football powerhouse. Many of the players spent the last 4 years playing together. While each of these seasons has been significant, the Cougars 2–8 record in 1993, didn't even foreshadow the greatness just around the corner. Head Coach Bob Young was concerned he'd lose many of his talented freshmen. Instead of dwelling on past disappointments, the young players and their coach pulled together and focused on a winning future. They have proven that commitment, loyalty, and hard work can and do pay off. In the three seasons since that disappointing 1993 season, the Cougars compiled and impressive 32–4 record, made three straight playoff appearances, and won the

1996 National Championship. For the last 2 years, the South Dakota Sports Writers Association have selected the Cougar Football Team as the Men's College Team of the Year.

The sportscaster who coined the expression "this is the one for the record books" had no idea how fitting it would be for the 1996 Cougars. Nearly half of the school's individual records were set by that team.

Quarterback Kurtiss Riggs completed the regular season without throwing an interception. He set a national collegiate record 290 pass attempts without an interception. He also holds the NAIA division record for most touchdowns in a season with 55. Yet, when he was asked about his personal records, Kurtiss said he'd give them all up for the national championship. Fortunately, he didn't have to make that sacrifice.

Senior wide receiver Kalen DeBoer finished the year with 17 touchdowns, 99 receptions, and 1,372 yards, including 182 in one game. Sophomore running back David Ruter had 19 touchdowns and 1,726 yards rushing, including 315 in one game. When you have that kind of offensive trio achieving those kind of stats, it means you have an equally impressive offensive line doing the job up front. The Cougar defense led by Phil Porter, Larry Wilson, Chuck Morrell, Travis Dumke, and Ray Smith were ranked in the top 10 nationally both in scoring and rushing defense.

As a team, the undefeated Cougars recorded the 19th best season scoring total in collegiate history with 636 points. They achieved this record by averaging 45 points per game and defeated their opponents by an average of 30 points. These figures are even more impressive considering one game was played in a blizzard and Coach Young's practice of benching the first string players once the game was in hand. It wasn't unusual for starters to play only half the game, giving younger players valuable game experience. With such an overwhelming offense, some may have been tempted to run up the score. But Coach Young's success is grounded in good sportsmanship and an eye toward the future. The Cougars also marched to the record books without much home cooking. They had the home field advantage for only two games this season.

When the Cougars took the field for the Championship game in Tennessee on December 21, they faced Western Washington, a team with a school enrollment 10 times that of University of Sioux Falls. It was a modern-day version of David and Goliath. The outcome was the same as the Biblical tale—Sioux Falls slew Western Washington with a decisive 47-to-25 victory.

The University of Sioux Falls never was ranked No. 1, but the Cougars won their championship on the field, not in the polls. And for his leadership, Coach Bob Young was named the NAIA Division II Football National Coach of the Year.

I also want to pay tribute to the character of the players and the entire coaching staff, which was shown at the end of each game when the entire team would huddle on the field and give thanks to God for their success. This weekly demonstration of faith is a stark and moving contrast to the typical bravado we see sometimes during professional games.

Faith, loyalty, commitment, and teamwork. In a day when many look to sports for heroes, the 1996 University of Sioux Falls Cougar football team have earned two titles: local heroes and national champions. They are champions of the prairie. On behalf of the city of Sioux Falls and the State of South Dakota, I am pleased to say congratulations, Cougars We're proud of you.

ADOPT A FARM FAMILY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. EMERSON. Mr. Speaker, I rise today to pay special tribute to an organization that is working hard to bring about economic and spiritual renewal in rural America. Headquartered in Sikeston, MO in my congressional district, the Adopt a Farm Family of America organization has been a tremendous force for good in southern Missouri and throughout the country. The volunteers and coordinators of Adopt a Farm Family are sponsoring a rural restoration conference in Sikeston next week, continuing their tradition of spiritual outreach and support for farm families.

America's farmers and ranchers are the best in the world, but they face an increasingly complex set of challenges. Uncertain markets, changing environmental conditions, and new government policies all contribute to the challenge of operating a farm in rural America. The job calls for long hours, old-fashioned values, and a strong faith in God. Adopt a Farm Family has stood by our Nation's farmers since its inception in 1988. Today, it continues to provide the kind of assistance and expertise that makes a real difference in the lives of thousands of Americans.

At next week's rural restoration conference, from Sunday February 16 to Tuesday February 18, Adopt a Farm Family will invite farmers to come together as a group to discuss methods of improving farm life. The entire Sikeston community, many of whom are providing financial and other support to the conference, is participating in a concerted effort to make the event educational and rewarding. Seminars and speakers will address a broad variety of topics, including farm finances, soil nutrition, marketing techniques, and family issues. I should also note that I have the high honor of speaking at the conference, and I am looking forward to contributing to the special purpose of the occasion.

Mr. Speaker, Adopt a Farm Family of America is one of the best examples in America of a group of people determined to help, and who then make it happen. You can see it in founder and current director of ministry, Mrs. Mary W. Myers, in her husband and current President Peter, and in the many folks who play a part in Adopt a Farm Family programs—the belief in the idea that through hard work and faith in God, good things are possible. I commend the people who are part of the Adopt a Farm Family of America organization, and express the hope that we can help them fulfill their mission of fighting to keep farm and ranch families on the land.

RECOGNITION OF MAYOR KIERAN O'HANLON

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SCHUMER. Mr. Speaker. I rise today in recognition of the accomplishments of Kieran O'Hanlon, the mayor of Limerick City, Ireland. The mayor has been invited to Queens for the celebration of St. Patrick's Day and to commemorate the 800th anniversary of the signing of the Charter of Limerick City, thereby making it the oldest chartered city in Europe.

As the founding member of the Progressive Democrats in Ireland, Mayor O'Hanlon has served as an inspiration to the members of his party as well as to the rest of the world. Having only entered the formal political arena in 1991, Mr. O'Hanlon has already made an indelible mark on politics in Ireland.

The anniversary of Limerick should remind us of the importance of maintaining the integrity of our own communities. Mr. Speaker, I hope all of my colleagues will join me in wishing Mayor O'Hanlon all the luck in the future. When we look to the future we look for the charisma and political perseverance which is characteristic of Mr. O'Hanlon's leadership.

CONGRATULATIONS TO THE 1997 WESTINGHOUSE SCIENCE TALENT FINALISTS

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to Long Cai, Daniel James Durand, Jonathan William Plaue, and Katheryn Joanna Potenza, all of Long Island, NY. Competing against the most talented young scientific minds that America has to offer, these outstanding high school scholars from Eastern Long Island have all been recognized as Finalists in the 1997 Westinghouse Science Talent Search.

With the guidance of their teachers, the love and support of their parents and each with their own talent and work ethic, these four students have successfully conducted breakthrough scientific experiments while just in high school. Those experiments so impressed the judges at the Westinghouse Science Talent Search that they named Long, Daniel, Jonathan, and Katheryn one of 40 finalists, among 1,652 entrants nationwide.

Three of these students—Long Cai, Jonathan Williams Plaue, and Katheryn Joanna Potenza—attend Ward Melville High School in Setauket, Long Island, where the demanding and competitive WestPrep research program produces Westinghouse science scholars on a yearly basis. Daniel James Durand attends Shoreham-Wading River High School, just a few miles east of Setauket along Long Island's North Shore.

For his Westinghouse project in biotechnology, Daniel Durand of Shoreham, Long Island developed what could be a more effective and cost-efficient method for extracting radioactive uranium from contaminated soil. A 4-

year varsity wrestler and the vice president of the Physical Fitness Club at Shoreham-Wading River, Daniel plans to study biomedical engineering at Rice University.

Long Cai, of East Setauket, deduced that there are mathematical relationships that describe the effects of rotating Fresnel Zone Plates, magnifying glass lenses, on x-ray focusing, which will help scientists understand the effects of misaligned plates. Born in China, 16-year-old Long mastered the English in just the ninth-grade. He plans to study biomedical engineering at the Massachusetts Institute of Technology.

Jonathan Plaue, of Stony Brook, collected materials and services worth more than $125,000 to create his environmental studies project. Landfilling is no longer a permissible waste disposal method on Long Island, so waste-to-energy incineration has become more prominent. Jonathan devised an effective method for replacing sand and gravel with incinerator ash in the manufacture of asphalt, which he calls ASHphalt. Jonathan hopes to attend Massachusetts Institute of Technology, to study chemical engineering.

Katheryn Potenza, of Setauket, examined the effects of parents' marriages and mothers' socialization practices on the romantic relationships of adolescents for her Westinghouse project in psychology. Katheryn collected data from 57 mother-adolescent pairs, then completed her research at the nearby State University of New York at Stony Brook. She hopes to pursue studies in psychology at the University of Virginia.

During the week of March 5, all of the Westinghouse finalists will visit Washington, DC, where they will compete for $205,000 in scholarships. I ask my colleagues in the U.S. House of Representatives to extend their congratulations to all of the 1997 Westinghouse Science Talent Search finalists.

TRIBUTE TO GWENDOLYN BROOKS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RUSH. Mr. Speaker, it is with great honor and reverence that I offer this tribute to a fellow Chicagoan, Poetess Gwendolyn Brooks.

Her writings have painted the picture of African-American people. A picture that is often filled with deep emotion, resounding character, and gallant triumphs. The depth of her talent has allowed her writings to reveal the character and experiences of America as a whole.

The quality and importance of her poetry to this Nation is evidenced by the fact that in 1950 she became the first African-American to win the Pulitzer Prize for poetry. As further evidence of her contribution to American letters she has been awarded two Guggenheim Fellowships, has served as a poetry consultant to the Library of Congress, and currently serves as State of Illinois poet laureate.

My words of praise cannot convey the depth of my gratitude for her contribution to her community and her Nation. The writings of Gwendolyn Brooks have the quality of a hand that rocks a baby's cradle. For the hand that soothes a baby by rocking it to and fro is also the same hand that disciplines the child—both done with love. Her style of writing welcomes and embraces. It is this characteristic of her work that allows her to address difficult if not disturbing issues we have addressed as individuals, as a people, and a nation without being haughty or magnanimous.

Gwendolyn Brooks is an American treasure. A treasure whose brilliance will never fade. It is with deep affection that I offer this tribute.

WORLD NEEDS FAMILY PLANNING FUNDS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues the following editorial regarding funds for international family planning which appeared in the Omaha World Herald on February 5, 1997.

WORLD NEEDS FAMILY-PLANNING FUNDS

The United States government's commitment to population control and support for family-planning services around the world is headed for another test in Congress. Anti-abortion forces have slowed and reduced the U.S. role in the past. We hope they don't do so again.

A vote is approaching on whether to release $385 million to provide family-planning services to women in the world's poorest countries. The funds were allocated last year but tied up by anti-abortion congressmen who demanded stronger restrictions on using the money to promote abortion.

U.S. funding for family-planning programs around the world hit a record $547 million in 1995 but was slashed by 35 percent last year. Ironically, the cut demanded by anti-abortion leaders, which denied access to modern contraceptives to seven million couples, resulted in an estimated 1.6 million more abortions, the Alan Guttmacher Institute has said. The U.S. Agency for International Development, which handles the family-planning programs, said the funding delays have "resulted in programmatic disruption, inefficiencies" and an estimated $1 million in extra administrative costs.

President Clinton has submitted a report to Congress summarizing the negative impact the lack of funding is having. The report notes the unintended consequences of more abortions and more infant and maternal mortality Congress must act on that report sometime this month, either reaffirming its decision to delay the money or allowing it to be paid out.

Since 1973, Congress has forbidden the use of U.S. tax dollars for abortions or abortion-related services overseas. Money sent to the United Nations for family planning and contraceptive services is clearly and unequivocally segregated from any abortion-related expenditures.

But anti-abortion forces have demanded that Clinton return to what is known as the Mexico City policy of the Reagan and Bush administrations. That policy barred funding for any organization that performs or promotes abortion as a means of family planning, even though U.S. money would not be used for those activities. Clinton canceled the policy when he took office.

Werner Fornos, president of the Population Institute, has suggested that the wider availability of family-planning services in developing nations could actually reduce abortions, which now number 32 million a year.

Further delays in family-planning funding would result in even more unintended pregnancies and more abortions. Anti-abortion forces will have caused the very thing they say they abhor most if they continue to delay the release of family-planning money.

Population control is vital. Fast population growth underpins most of the worst problems facing the world—pollution, erosion and soil depletion, loss of the rain forests and a growing shortage of fresh water for domestic and agricultural use. Modern, easily available family-planning services can make a big difference. Congress ought to release the funds needed to keep the international programs going.

INDEPENDENT FACT FINDERS NEEDED TO STRENGTHEN HOUSE ETHICS PROCESS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. DREIER. Mr. Speaker, I am pleased today to join my distinguished colleague, Representative LEE HAMILTON, in introducing House Resolution 61. This resolution would for the first time give private citizens a meaningful role in the House's ethics process. Our fundamental goals are to further enhance the openness of the House to make this institution more responsive to the public, and to bolster citizen confidence in Congress.

LEE HAMILTON and I developed this proposal during our service as House co-chairmen of the 1993 Joint Committee on the Organization of Congress. Our resolution is based on the testimony of many Members and outside experts about the strengths and weaknesses of the current ethics process.

Let me first make a comment about LEE HAMILTON's recent announcement that this will be his last term in Congress. LEE's retirement will be a big loss to this institution and the American people. He has been a model legislator for us all, and I wish him all the best in whatever activity he chooses to pursue when he leaves the House. In the meantime, I am delighted to join with LEE once again in our mutual interest to improve the work and reputation of the legislative branch.

Specifically, House Resolution 61 would make several important changes in the House ethics process. First, it would authorize the Speaker and minority leader to appoint jointly 20 independent fact finders at the beginning of each Congress. These private citizens could then be called upon to conduct ethics investigations for the Standards of Official Conduct Committee. The definition of private citizens includes, among others, former Members, staff aides, and officers of Congress, but not lobbyists.

Second House Resolution 61 grants discretionary authority to the Ethics Committee to decide, on a case-by-case basis, when to request that private citizens be used to conduct investigations involving allegations of ethical

misconduct. Our resolution provides that an even number of fact finders—four or six—shall be appointed jointly from the standby pool by the chairman and ranking minority member of the Standards Committee. Daily pay, travel, and per diem costs are provided the fact finders when they are engaged in ethics investigative work. Staff aides of the Standards Committee are authorized to assist the fact finders in carrying out their responsibilities.

Third, the job of the fact finders is to conduct a preliminary review of the ethical complaint. They are to make the detailed inquiries, accumulate relevant background materials, gather pertinent evidence, and so on—all activities that usually consume enormous amounts of time. A benefit that inheres in the Hamilton-Dreier approach to ethics reform is that it will alleviate time burdens on members who will not have to do this pick and shovel investigative work. Another benefit is to increase public confidence that allegations of ethical misconduct are being fully and independently explored.

Fourth, after the preliminary review of the ethics complaint has been completed, the private citizens would report their finds and recommendations to the full Ethics Committee. If the fact finders determine that their findings justify further formal action by the Ethics Committee, they may, by majority vote, transmit a statement of alleged violations to the ethics panel.

Finally, in the event that a statement of alleged violations is sent to the Ethics Committee, that panel will then act as an adjudicatory subcommittee as provided in the Committee's rules. The full Ethics Committee will then conduct its own review of the information transmitted to it by the fact finders, including, if required, the convening of public hearings.

In our judgment, House Resolution 61 provides an innovative and flexible approach to revamping the House's ethics process. On those high profile and complex cases, the Ethics Committee can turn to a pool of private citizens to conduct the investigations. For ethics complaints that appear minor, the committee can continue to appoint its own subcommittee to conduct the preliminary inquiry.

Everyone who serves in Congress understands that public trust in the legislative branch is not especially high. To be sure, many factors have contributed to this development, such as heightened cynicism in the body politic, but public misgivings about how Congress handles ethical charges against its own Members also contribute to the lack of citizen confidence. This institution must devote more time and attention to congressional ethics, which is why I strongly endorse the recent establishment of a bipartisan House ethics task force to revise and improve our ethics process. This initiative by our Republican and Democratic leaders deserves everyone's support and encouragement.

Members and citizens alike have a large stake in an improved ethics process. The strength of representative government rests fundamentally on public confidence in the integrity of our proceedings. In our view, there is an inherent conflict-of-interest when only members are involved in evaluating ethics complaints against their peers. House Resolution 61 will address this issue by allowing private citizens to assist in ethics investigations on a case-by-case basis. Adoption of our resolution will further demonstrate that the House and its Members care deeply about improving and strengthening their ethical processes and responsibilities.

FOR THE RELIEF OF FRANK NOTREM

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to ask the assistance of all my colleagues in aiding a constituent in my district, Mr. Frank Notrem.

Mr. Notrem is now 82 years old. Before World War II he was in the National Guard; when the war broke out he went to Europe to fight. In all, he served in the Army for 40 years.

In civilian life he has dedicated his life to his community, serving as a member of the Chelsea Fire Department for 32 years.

Seventeen years ago, Mr. Notrem was injured on the job, breaking both his legs. He was forced to retire due to those injuries.

At that time, Mr. Notrem's wife, concerned about the hospital bills that would soon come due, hid 10 of Mr. Notrem's veteran's checks, totaling $8,242.20. She hid them so well that she forgot where they were. It was only recently that they were discovered after Mrs. Notrem passed away and her children were cleaning up the house.

Though the money is owed, the checks are no longer valid. Nonetheless, I believe this Nation owes Mr. Notrem a debt of gratitude for his service. Therefore, I have introduced legislation requiring the Treasury Department to pay Mr. Notrem the $8,242.20 he is owed.

Please join me in meeting our obligations to Mr. Notrem.

SAN DIEGO HOSPICE: 20 YEARS OF EXEMPLARY SERVICE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise today to pay tribute to San Diego Hospice. In 1977, local citizens, clergy members, and medical professionals, motivated by a shared concern for the plight of terminally ill patients, joined together to create the San Diego Hospice.

As one of the first hospice programs in the country, San Diego Hospice set the standard by which we provide care for the terminally ill and their families. Now caring for more than 1,600 people a year, San Diego Hospice is not only an integral part of our regional health care system, it is an innovator, constantly working to better its outreach and care.

San Diego Hospice has effectively employed San Diego's large medical community to foster education, and it was the first hospice to bring palliative medicine into the curriculum of a medical school—the University of California, San Diego, School of Medicine.

San Diego Hospice continues to develop cutting edge programs that serve as an example to other hospices. These include the Acute Care Center, the Center for Palliative Studies, and exceptional programs in pediatrics and bereavement support.

Mr. Speaker, each and every day the San Diego Hospice brightens the lives of terminally ill patients and their loved ones. San Diego has been blessed by the care provided by the San Diego Hospice, and I am sure that it will continue to serve as an excellent model of people helping people and working together for the betterment of their shared community.

SALUTING BEVERLY BRITTON FRASER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I rise today to recognize the many years of invaluable community service of Beverly Britton Fraser, Esq. Ms. Britton Fraser, an attorney, has committed her life to winning justice for the poor. Despite numerous opportunities offered by corporate law firms and government agencies, Ms. Britton Fraser, a University of Buffalo School of Law graduate, has zealously worked as a trial attorney for the Legal Aid Society.

This native Brooklynite was also a "Partner in Education." As such, she visited inner-city schools and talked with students of all ages about her profession, substance abuse avoidance, and attaining personal goals through education. As a person who has always been influenced by an intense desire to give back to her community, Ms. Britton Fraser has wholeheartedly pursued her goals.

In 1992, in the course of her career as a lawyer, Ms. Britton Fraser met and married Errol Fraser, a certified public accountant. The couple currently resides in Brooklyn where she is a court attorney for Judge Bernard Fuchs of the New York City Civil Court. She continues to pursue that the belief that "justice is being served for all," but particularly for those who are poor and downtrodden in our community.

For these reasons, it gives me great pleasure to Salute Ms. Beverly Britton Fraser, a community hero. I ask my colleagues to join me in saluting Ms. Britton Fraser.

LET THE CHILDREN PRAY

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. STEARNS. Mr. Speaker, prayer in schools has moved to the front burner in American politics, and for good reason. Today, in many communities across the country, children are forbidden to pray in schools. Not just forbidden to participate in organized prayer,

which most constitutional scholars believe would violate the U.S. Constitution, but forbidden to pray voluntarily, which is well within every child's constitutional rights.

For this reason, I have introduced a resolution in the House of Representatives that would amend the Constitution to make it perfectly clear that voluntary school prayer is a fundamental right that all school children enjoy. The amendment, which is just 33 words, simply states:

Nothing in this Constitution shall prohibit the inclusion of voluntary prayer in any public school program or activity. Neither the United States nor any State shall prescribe the content of any such prayer.

It is a sad commentary on the state of American jurisprudence that such an amendment is necessary. it should be obvious to all that the Government has no business, and no right, to prohibit voluntary prayer by anyone. Nevertheless, liberal activists have succeeded in propagating the idea that any school prayer violates the separation of church and state.

Nothing could be further from the truth. If anything, my amendment would restore a proper understanding of the church-state separation issue. School children would be permitted to pray voluntarily, but no Government entity could determine the content of such prayer—which is as it should be.

There are those in America who would like to see not only prayer, but all other religious expression banished from public life altogether. They will not succeed. Our Nation was founded on Judeo-Christian principles and values that have just as much right to expression in the public arena as the culture relativism so fashionable today.

It is amazing that in a time when civility seems to be breaking down all around us that school prayer could be regarded as a threat. On the contrary, it is the removal of moral influences from public life that has contributed to our Nation's social ills. By introducing a constitutional amendment to ensure the rights of school children to voluntary pray in school, I hope I have made a small contribution toward a restoration of the legitimate place of religion in society.

BILL TO PROVIDE FOR PERMANENT RESIDENT STATUS FOR CERTAIN PERSIAN GULF EVACUEES

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RAHALL. Mr. Speaker, I rise today to introduce a bill to provide for the permanent resident status for certain Persian Gulf War Evacuees.

During the Persian Gulf War, the United States decided to evacuate some 200 families, approximately 2,000 individuals, the majority of whom are stateless Palestinians, who had been living in Kuwait. The United States Government evacuated these families to the United States after Iraq's invasion of Kuwait but before the United States military intervention in that conflict, because the families all had American children and some had harbored American citizens during Iraq's occupation.

The families initially were given temporary protected status, and before President Bush left office he approved deferred enforced departure [DED] for the families. This status was continued each year thereafter by President Clinton. However, on December 31, 1996, the White House did not continue the DED status. Once in the United States, these families began making a life, including having additional children. The majority of the families have received permanent residency status. However, approximately 47 families have not received permanent residency status and have now suddenly found themselves faced with deportation. Kuwait will not accept them back into the country. Most of the parents hold Jordanian passports, but are not necessarily Jordanian citizens. Even if Jordan could accept them, Jordan is already burdened with tens of thousands of Palestinians who left Kuwait during the War. In addition, in Jordan the families will have no economic assistance, no jobs in an economy that is already burdened with unemployed people, and no health care for their children. This will all work to create severe hardship on the children who are American citizens and essentially will sentence them to a life of impoverishment.

These families are principally composed of professionals and technical people who are dependent upon no one for their support in the United States except by their own labor. They have maintained an excellent record of citizens training. They are a definite asset to this country.

Mr. Speaker, going through with the deportation would be an act of great injustice for a small group of people who did not ask to be evacuated here in the first place. But now that they are here, fairness would require that they be permitted to adjust their status so that they may continue to raise their American citizen children in this society.

Mr. Speaker, I call upon my colleagues to join me in cosponsoring this legislation to allow this small group to adjust their status to permanent residents [immigrants]. Many of the families placed themselves at grave risk by harboring American citizens during Iraq's occupation of Kuwait—keeping them safe until they could leave or until American intervention could drive the Iraqi's out.

Deporting these few [47] families with American-born children is not the way for a grateful Nation to show its thanks. Enacting this bill, granting them permanent immigrant status, is.

CALIFORNIA CIVIL RIGHTS INITIATIVE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. GINGRICH. Mr. Speaker, I am pleased to submit into the CONGRESSIONAL RECORD the remarks of five citizens given last night in a tribute to Ward Connerly, the chairman of the recent campaign for the California Civil Rights Initiative. These five people shared with us their own personal experiences dealing with racial preferences. I would like to recognize them for their courage in speaking out on such a divisive issue.

REMARKS BY JANICE CAMARENA

Good evening ladies and gentlemen. My name is Janice Camarena, and I am glad to be here to honor Ward Connerly.

The first time I called Ward's office, I wanted to find out how I could get involved in proposition 209, and I was very nervous. Here I was, talking to a man who was not only a University of California regent, but also the chairman of an initiative that would have a great effect on the future of my children. Later, after I met Ward for the first time, I just had to hug him—he probably thought I was crazy, but that was okay with me * * *

Over the last year and a half, Ward has gone from being someone I was nervous about talking with, to being a great speaker whom I respect, to being my mentor, my friend and a hero.

I met Ward at a very difficult time in my life. I was in the middle of a lawsuit I had filed against the State of California, challenging the racially segregated programs in our community college system. I had been kicked out of an English 101 class after meeting every requirement except one—my skin was the wrong color.

On the first day of class, the teacher told me and one other white female student that there was a problem, that there were a couple of students who did not belong, that the class was for African-American students, and that we would have to leave. I later learned that this class was part of something called the "Black Bridge Program" designed for black students only.

What happened at school affected not only me, but my two daughters as well. My first daughter was born when I was sixteen and her father is white. The following year, I married a Mexican man; he died two weeks after my second daughter was born. From the beginning, I taught my daughters that most people are basically good, that most people will judge them by who they are as individuals, and not by their color.

But when I walked into that federally-funded English class and was ordered to walk out of it, I realized that I had misled my children. I realized that my daughters would not be treated equally—not by their government, their public education system, their teachers or their counselors. And I wondered what kind of future this country held for my multi-racial children.

My daughters had asked me if discrimination is wrong, and I had always said yes, it is always wrong. After I was kicked out of class because of my color, my daughters had new questions—if discrimination is wrong, they asked, how come your school doesn't know that? If discrimination is wrong, they asked, how come our government doesn't know that? I told my daughters that I did not have the answers, but that I would find out.

The following semester, I enrolled in a non-segregated English class and decided to write my research paper on segregated programs. I found that we had two different segregated programs in our community colleges—the "Black Bridge Program" I mentioned before, and the "Puente Program" for Mexican-Americans. These programs were closed to everyone except black or Mexican-American students. I thought: About nine years from now, both of my daughters could be going to this same school, but one will be

eligible for a special program and one will not—and only because my daughters have different colors.

I filed my lawsuit, and later I came to meet Ward Connerly and work on the CCRI campaign. On November 6, 1996 I got to tell my children what I had been longing to tell them for two and one-half years. I got to tell them that big people make mistakes, and that race-based policies were a really bad mistake on our government's part * * * but because as Americans we had stood and fought together, I told them, now their government, their public education system, their teachers and counselors had to treat them as they were created, * * * equally.

I owe a big part of that to Ward. If it were not for his courage and love for the human race as a whole, I would not have been able to tell my children that.

In the very short time I have known him, I have learned many things from Ward Connerly. I have learned the meaning of dignity and integrity. I have learned the value of freedom and equality. And I have learned never to take life, liberty and justice for granted. Most importantly, I have learned about the kind of person I would like to be someday.

To a man who has chosen to take up the fight and bear the burden for the sake of our children, for the sake of my children, I say: You have touched our lives and our hearts in a tremendous way. And you will always, always be a hero to me.

REMARKS BY DAVID ROGERS

Ward Connerly often speaks with reverence about early civil rights heroes, including Rosa Parks and Martin Luther King, Jr., and it is right that he does so. Indeed, it is Mr. Connerly's frequent invocation of Rosa Parks that most captures my imagination, because she has long been a particular hero of mine.

Like Mrs. Parks, my friend Cheryl Hopwood, I and others were forced to sit in the back of the bus, and forced to sit there by deliberate, malicious and unconstitutional state action. The bus in question was the admissions process at the University of Texas at Austin Law School, and it was on this bus that I—not unlike many others here and all around the country—became a victim of affirmative action in the virulent form of racism.

In her struggle to integrate the buses of Montgomery, Mrs. Parks had the help of the National Association for the Advancement of Colored People. To its eternal discredit, the NAACP did not see fit to help me. Fortunately I had another, equally tenacious ally. His name is Steve Smith, and he is the determined, idealistic and extraordinarily competent young lawyer who took the place of the NAACP for me and my co-plaintiffs. Steve uncovered the secret machinations at the University of Texas that constituted what I have come to call affirmative racism.

Unlike the old segregationism, affirmative racism—the selective inclusion or exclusion of people on the basis of assigned race or ethnic group membership—operates behind a veil of secrecy, halftruths and even lies. In the law school admissions case, we plaintiffs were able to expose the race preferences of the Texas system, although we were not able to achieve appropriate monetary redress—or admission to the UT Law School according to individual qualifications based on merit rather than accidents of birth. Sadly, following a ruling in our favor in the fifth circuit, the university's appeal to the U.S. Supreme Court resulted in a vague statement of "no genuine controversy." Meanwhile, the UT Law School replaced its affirmatively racist admissions process with one that has no objective standards whatsoever. So affirmative racism can still proceed under the cloak of vagueness.

Our exposure-without-victory experience demonstrates why initiatives like proposition 209—the California civil rights initiative—are so important to this nation's future. While all of us stand upon the shoulders of the giants who dismantled America's original racism, and are proud to do so, not a few invoke the legacy of Rosa Parks and Martin King to justify a perfidious agenda of deliberate race discrimination. Ward Connerly stands with the giants, and against the corrupt—and we should all stand with him against the corrupt, until even the University of Texas is colorblind.

REMARKS BY VALERY PECH

Good evening, I am glad to be with you.

In August 1989, the small family business that my husband Randy and I started lost yet another Federal highway subcontract on which we had submitted the lowest bid. We didn't like it, and we fought the decision. Six year later, in June 1995, the Supreme Court ruled against the quota-based decision-making used against us.

We celebrated our victory in Adarand vs. Pena, not least by recalling that above the entrance to the Air Force Academy near our home in Colorado Springs appear the words, "Bring me men to match my mountains." Always blessed, America has been blessed most of all because it has always had men to match her mountains—men like William Pendley at Mountain States Legal Foundation, who argued our case, and men like Ward Connerly, who matches every peak of the majestic Rockies.

Randy and I are so thankful for what Ward Connerly has done—not just because he had the courage to take the discrimination issue to the people of California, but because of the manner in which he did it. I don't know what is the most impressive: The success at the ballot box, the victory over the politics of hatred and division, or Ward Connerly's mastery of the language in explaining it all. I don't know, so you take your pick. I will say only that the Bible teaches that if we speak without love we are only "a clanging cymbal." Ward Connerly's words were always of love, even in an often hateful, vicious campaign.

Randy and I know what it is like to conduct such a campaign. During our long fight, the most insulting thing was the portrayal of Randy as a "angry white man"—and not just because Randy is the most gracious, even-tempered and genuinely nice guy I ever met, although that's why I married him! The "angry white male" slogan was insulting because this battle was not Randy's alone. It never was and isn't now. It is our battle, all of us.

When we started our company in 1976, we had more women than men owners, all family except one close friend. We were told many times that we should be certified as a "WBE", a women-business-enterprise, and so qualify for our piece of the quota pie. We refused to do that because we believe quotas are wrong.

We didn't and don't want to be judged by the sex or race of the owners or operators of our company. We did and do want to be judged on the basis of the quality and timeliness of our work, and the reasonableness of its cost. A good highway guardrail is a good highway guardrail, regardless of the race or sex of its builder—that's what we believe.

The battle we fought was Randy's and my battle for yet another reason. Men, being men, bear the injuries and insults of the business world stoically. Women are not so similarly inclined. We women have seen the pain suffered when our sons and husbands are judged not by who they are and what they can do, but instead by their race—and we don't like it one bit.

If anyone is angry, it is we mothers and wives. As Ward Connerly has explained, the so-called political equation of people-of-color-plus-white-women, versus white-men, just doesn't add up.

In my heart I believe that the greater sisterhood of women of all colors rejects and repudiates racism, whatever its course, on behalf of husbands, sons, and daughters as well. As a mother, I am grateful to Ward Connerly for another reason. I paraphrase Mr. Connerly in saying that we will not pass racial guilt along like a baton, from our generation to the next. We will not do so because we have the example of how Ward Connerly conducted the CCRI campaign, and its success with the youth of California. Remember, in a mock ballot held before last November's election, California's high school students voted 60–40 in favor of CCRI. What a wonderful message of hope for this great country.

Mr. Connerly, you fostered that message of hope. Randy and I salute you, and we thank you on behalf of our children, Kendra and Ted. God bless you.

REMARKS BY STANLEY DEA

Mr. Connerly, ladies and gentlemen, good evening.

My grandfather came to Chinatown, San Francisco, from southern China in the 1890's. Later he moved to Arizona, where he was followed by my father in 1914 and my mother in 1939. Those early Chinese immigrants all encountered discrimination and bad treatment. However, my forebears believed that America's bright hope for opportunity and freedom far outweighed any setbacks and they had no thought of expecting—much less relying on—racial preferences or quotas to make their way. Despite ill treatment, in two generations my family caught up with everyone else, due to hard work, sacrifice and perseverance.

My family did not believe that equal opportunity means equal results. I grew up in a Chinese home, went through university, received a Ph.D. in engineering, and became a professional engineer. In 1977 I accepted an executive position with the Washington Suburban Sanitary Commission, or WSSC, a public water and wastewater utility in the Maryland suburbs. From 1977 to 1990, I was director of WSSC's bureau of planning and design, where I supervised approximately 250 employees. I saw WSSC's personnel and contracting policies escalate into preferences and quotas. I took an uncompromising stand for the principles of merit and equal opportunity for all.

In 1989, my department offered a promotion to a white female, the highest ranking candidate. She declined, and my superiors denied my request to re-advertise the position, to broaden the pool of candidates. When I then offered the position to the second-highest ranked candidate, a white male, I was suspended without pay for five days for alleged "gross insubordination" in not hiring a minority and not supporting the so-called affirmative action plan. After a hearing, the charge was reduced to mere "insubordination," but WSSC did not change any of its discriminatory policies.

In 1990, I attempted to fill another opening, determining that the three most-qualified candidates were white males. Because I failed to recommend a minority or female, I was demoted. WSSC took away my office, secretary, company car and all supervisory responsibilities. I was moved to a specially created staff position, banished to the equivalent of corporate Siberia, solely because I refused to discriminate by using race and sex as the primary selection criteria.

In 1993, I filed a civil rights suit against WSSC, represented *pro bono* by the Institute for Justice and a private attorney, Douglas Herbert. I will always be profoundly grateful to Chip Mellor, the institute's president, to Clint Bolick, its litigation director, and to Douglas Herbert for the magnificent job done in representing my case, not only in Federal court, but also in the court of public opinion. The lawsuit alleges that WSSC's retaliation against me violated the Civil Rights Act of 1964 and infringed upon my first amendment free speech rights. It seeks an end to WSSC's quota system as well as reinstatement and damages. The suit is believed to be the first challenge to Government actions that punish opposition to quotas. The case was tried in September 1995; sixteen months later, a verdict is still pending.

Tonight we gather to honor an individual who has worked tirelessly to dismantle the machinery spawned by the false premise that we should use discrimination to cure discrimination—a man who knows that spoils systems based on race and sex imply that those favored are inferior and thus stigmatize competent people as incompetent. Ward Connerly knows that affirmative action doesn't work, that it is morally wrong, and that it must be abolished. He stands on the ledge of allegiance to "liberty and justice for all," and on the principle of the Declaration of Independence, that "all men are created equal." Because of his vision, heroic courage and leadership on proposition 209, he has endured and persevered against vicious *ad hominem* attacks. I am inspired and greatly honored to offer tribute to Ward Connerly tonight.

REMARKS BY LOU ANN MULLEN

Good evening. I want to share the story of our family because it shows how wrong it is when the government uses race to classify individuals.

My family is a so-called multi-racial family. We are often described that way, but I don't think of us that way. To me, we are just my family. It's government that highlights racial differences to keep families like mine apart. That is wrong.

In 1992 we are blessed with our little boy Matthew. When he was nine days old, the Department of Protective and Regulatory Services put him in our foster care, and each day we grew to love him more.

Matthew was, as they say, something else. He would look out the window and smile so big at his beautiful world, as if it were there for him alone to view. He made all our lives matter a little more than they had before. We told the social worker from the department that we wanted Matthew in our lives forever, but she quickly said: "No, don't even think about it. He is black and he will go to a black home." The words still echo in my mind.

For the two years we had Matthew, the social worker and the department searched for a black home. At that time, Matthew's brother, Joseph, was in another foster home. In 1994 the state finally found a black home for both boys, a family that seemed to come from nowhere.

I'll never forget the day that Matthew had to leave. He took the world we had come to love with him that day, except for one treasured memory: His soft little handprint, which had graced his window so many times when he'd look out at his world from our home, the world he had come to know. That little handprint was all I had to hold on to, and I wouldn't let anyone wash it away.

Our family tried to return to our old life, but it wasn't the same without Matthew. After two and one-half months of grieving and wondering what he must be going through, our phone rang. It was the department, calling to say that Matthew's and Joseph's adoptive placement had broken up. The family didn't want Matthew and Joseph anymore, so the department put them back in foster care—but not with us!

We asked once more, "Please! Let us adopt! Let us have Joseph, too!" We were told: "No, it would be in the best interest of the children to have a same-race home." If a same-race home weren't found, they said, they'd put Matthew and Joseph in a group home.

My pain was greater than any I had ever experienced in my life. I prayed and asked God to please make it stop. God answered, and led us to the Institute for Justice, which helped us stand up to the Department and made them consider us as an adoptive family. The department said they had to quote-review-unquote for application, but hopes grew really dim when we saw the boys on TV and in a newspaper ad stating "Brothers need a loving home." The department advertised even though they knew we could give Matthew and Joseph a loving home.

The the foster family fell apart. The department needed a place to put the boys, and they called us . . . but they said they would place Matthew and Joseph only as a foster placement, not an adoptive one. We were happy to have the boys, but we knew that department was looking again for a same-race family. We held on to each day with the boys, fearing each would be the last. It was such a harsh punishment for simply wanting to be a family.

In April 1995, the Institute for Justice filed suit. Only then—finally—did the department agree to let us adopt.

I thank God every night for giving me the honor to be Matthew's and Joseph's mother, and for the people at the Institute for Justice. They gave a voice to our boys so that other children might one day look through their windows with a smile, secure that they have a family and love in all the colors of the world.

I am honored to be here tonight, and I am proud to honor a man who sees beyond color and who fights so that all of us can be heard as individuals. God bless you, Ward Connerly.

THE CHILD PASSENGER SAFETY ACT OF 1997

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HOYER. Mr. Speaker, it gives me great pleasure to rise today to introduce the Child Passenger Safety Act of 1997 with my colleague from Maryland, Mrs. MORELLA. This legislation, put simply, seeks to save the lives of thousands of children across the country. Every day, parents, grandparents, and concerned citizens take the time and responsibility to place young children in child safety seats. Unfortunately, the National Highway Traffic Safety Administration [NHTSA] estimates that nearly two-thirds of all child safety restraints are misused.

Because of this alarmingly high rate of misuse and the benefits that can be seen by the proper use of child safety seats, NHTSA commissioned a blue ribbon panel in 1995 to study this issue and make recommendations on ways to solve the problem of misuse. Impressively, safety experts, Government agencies, safety seat manufacturers, and several auto manufacturers sat down together with a common interest and concern, and explored options for communicating the issues of compatibility and proper and secure installation of child restraint systems.

Representing thousands of conscientious and responsible parents who place their children in safety seats every day, unaware of the risks and dangers that their children may face, I took great interest in this issue. I have worked closely with Congresswoman MORELLA for the past 2 years to raise awareness of the issue, encourage and support the auto manufacturers' voluntary efforts, and participate in education drives. In fact, I have attended two child safety seat check events in my district and the turnout by the public was most encouraging and impressive. I also attended the signing ceremony of a partnership between General Motors and the National Safe Kids Campaign last year which created a major, national grass roots campaign to educate parents about child passenger safety issues. General Motors, and now Chrysler, have voluntarily committed millions of dollars and considerable manpower to this cause and are to be commended for their efforts.

However, Mr. Speaker, resources are scarce and all of the concerned child safety organizations and consumer groups are stretched for dollars to sponsor safety seat check events. Therefore, this legislation would provide $7.5 million in fiscal years 1998 and 1999 to the Secretary of Transportation for the purpose of awarding education and training program grants to agencies and associated organizations on the local, State, and national level.

Mr. Speaker, NHTSA is to be commended for their leadership on this issue. We must support their efforts as they continue to develop guidelines under which there would be a single, uniform attachment system. In the meantime, we must commit the necessary funding to ensure that we inform and educate the public on how to best protect their children.

The number of children who die each year in motor vehicle crashes is truly devastating. However, this number is made all the more egregious because so many young children die as a result of unknown misuse of these devices.

Mr. Speaker, I strongly urge my colleagues to cosponsor this very important legislation in the days and weeks ahead. And, as Child Passenger safety awareness week, and all of the attention it has received, winds down, we must not relinquish our zeal to ensure that all parents, grandparents, and concerned adults

receive any and all of the information and educational tools necessary to protect our Nation's children. Thank you.

INTRODUCTION OF LEGISLATION

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LAZIO. Mr. Speaker. The aftermath of the tragic crash of TWA Flight 800 has placed an enormous burden on the resources of the people of New York. Today my colleagues GARY ACKERMAN and MIKE FORBES join me in introducing legislation directing FEMA to reimburse Suffolk County, Nassau County, the city and the State of New York for the expenses they incurred as a result of the crash. These expenses include the State and local costs for salvage operations, investigation of the crash and identification of the victims.

State officials break down the costs as follows: New York State, $5 million; Suffolk County, $5.8 million; Nassau County, $325,000; and New York City, $1.1 million, totaling over $12.4 million. New York, especially my home county, Suffolk County, has been at the forefront of the efforts to find the answers to this catastrophe for the victims families and for the American people. State and local governments provided a strong foundation and infrastructure to enable the Federal agencies involved to operate effectively and efficiently. State and local officials provided a number of helicopters and support personnel, divers, housing for Federal officials, morgue services, mental health and crisis counseling for the victims' families. All of which placed a tremendous strain on State and local budgets. It also has taken its toll on the dedicated men and women who have devoted long hours to the salvage operation sometimes under dangerous conditions. Our legislation will ensure that these efforts do not translate into cuts in other needed State and county services.

The cause of the crash remains unknown, and since it happened over the ocean, finding out why it occurred has been extremely difficult. It is not known whether the crash is the result of terrorism—if so, the Federal Government will bear the costs, negligence—then those at fault are responsible for paying, the action of a private party, or something else. Nevertheless, simply because the cause of the crash is inconclusive, the financial burden of the recovery, investigation and identification of the victims should not fall unfairly upon the residents of the State of New York and the County of Suffolk. President Clinton recognized the unusual circumstances surrounding the crash, personally visited the site and pledged his support.

Last September, I asked the President to reimburse New York for the costs it incurred from the disaster. Further, Governor Pataki and other New York Republicans have formally requested the Federal assistance. Our legislation will ensure that the people of New York will receive the financial relief they deserve, and I ask all members of this chamber to support this important bill.

IN RECOGNITION OF THE CENTER FOR AIDS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Center for AIDS upon the dedication of its new location in Houston on Friday, February 14, 1997. This larger, better-equipped center will ensure that HIV/AIDS patients and physicians have comprehensive and up-to-date information about AIDS treatment and research. I wish to thank and congratulate the founders of the center, L. Joel Martinez, Chris Kerr, and Michael Peranteau, for their life-saving leadership.

With tremendous medical advances such as protease inhibitors, AIDS is becoming more and more a treatable and survivable disease. But successful treatment depends on obtaining the right medical information as quickly as possible. That is what the Center for AIDS is all about.

This new center will provide critical sources of information, including a publicly accessible computer to search the Internet free-of-charge; a collection of medical and scientific journals specifically targeting HIV/AIDS; and a daily bulletin board on HIV/AIDS treatment options that patients can review. Through the work of its founders, the Center for AIDS created a newsletter called Research Initiative Treatment Action [RITA] to distribute to patients and advocates on a weekly basis. Each week, advocates, patients, and medical professionals receive the latest information about world-wide research and treatment options.

The center also provides free literature from AIDS organizations and pharmaceutical companies about various treatment options. With this information, patients and their doctors can make better decisions about their health and be better consumers of health care services. This will save lives and reduce treatment costs.

The center will also serve as a gathering place for community forums and monthly treatment meetings. With more space, the center will be able to serve more clients and help more people.

The Center for AIDS was founded in 1995 by three dedicated individuals, L. Joel Martinez, Chris Kerr, and Michael Peranteau. Both Michael and Joel are HIV positive. These individuals recognized that there was a need for accurate, up-to-date information about HIV and AIDS treatment. The center was created to fill this void. The center currently has a budget of $238,000 all of which is privately funded.

Mr. L. Joel Martinez, a founder of the center, serves as the scientific and medical expert who analyzes and gathers relevant medical information about HIV/AIDS. Mr. Martinez also works with local medical professionals to ensure that HIV/AIDS patients are included in research protocols at the Texas Medical Center.

I commend the founders, staff, and volunteers of the Center for AIDS for their life-saving work. They are a vital link in our increasingly successful fight against AIDS.

MAKING CHANGES TO THE COASTAL BARRIER RESOURCES ACT

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SANFORD. Mr. Speaker, I strongly support the intent of the Coastal Barrier Resources Act [CBRA] to remove Federal incentives for new construction on undeveloped coastal barriers. However, we should not deny Federal flood insurance to individuals who purchased property in developed communities. One example is Huntington Marsh, SC, which was erroneously included in the 1990 Coastal Barrier Improvement Act. For this reason, I am introducing a bill to make technical corrections to maps relating to the Coastal Barrier Resources System.

In 1988, the Department of Interior issued a report to Congress recommending coastal property for inclusion in the Coastal Barrier Resources System. In a letter I received from Noreen Clough with the Fish and Wildlife Service [FWS], she stated: "The service [FWS] did not recommend inclusion of Huntington Marsh area into the CBRS (report to Congress in 1988)." There is no information indicating why Huntington Marsh or the surrounding area known as SC–03 was included in the final map approved by Congress.

According to her letter, "Neither the Department nor the service contacted individual landowners that were potentially affected." Had this community been allowed the opportunity to voice objection, they would not have been included in the act because the property qualified as a developed rather than an undeveloped area. Under the description of the bill, developed communities are exempt from inclusion in the act. A community is considered undeveloped if it contains less than one structure per 5 acres. In 1990, more than 10 homes were built on the 20 acres located in the Huntington Marsh subdivision and many other property owners had plans for construction of homes on their property. This illustrates that the community would have been considered developed under the law.

Adding or removing areas from a CBRA unit requires an act of Congress. This bill does not amend the CBRA, it merely redraws the boundary to omit the 20 acres of Huntington Marsh from the restrictions under the act. This change will only affect property on the southwestern edge of SC–03 along Highway 17 that was erroneously included in the first place. I urge your support for this legislation.

BLACK HISTORY MONTH

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. McNULTY. Mr. Speaker, because I was unable to participate in Tuesday's Special Order commemorating Black History Month, I respectfully submit this extension of remarks on behalf of Sgt. Henry Johnson's candidacy for the Congressional Medal of Honor.

Sgt. Henry Johnson, an African-American soldier from Albany, NY, performed extraordinary acts of bravery during World War I. However, he has yet to receive the honor and recognition he deserves from the Nation he so heroically served.

According to the Department of the Army, on the night of May 15, 1918, near Verdun, France, then Private Johnson, a member of the all-Black 369th Infantry Regiment, gallantly fought off an attack from an enemy patrol of at least 12 German soldiers. On that night, Johnson killed four German soldiers, wounded numerous others, rescued a wounded comrade, and captured a stockpile of weapons. He accomplished this feat by using grenades, rifle fire, and engaging in hand-to-hand combat with both the butt of his rifle and his French bolo knife. In the midst of the fighting, Johnson was severely wounded.

To acknowledge and reward this act of valor, the French Government honored Johnson on May 24, 1918—just 9 days after the engagement. Citing "his magnificent example of courage and energy," it awarded Johnson with the Croix de Guerre, for all intents and purposes the highest strictly military honor a foreign soldier can receive. Last year, 78 years after the fact, the Department of Defense finally awarded Henry Johnson the Purple Heart. Mr. Speaker, he deserves the Congressional Medal of Honor.

During this celebration of African-American History, I need not remind you of the great injustices that took place in our Nation during the years of legalized racial segregation. No one disputes that the values for which American stands were undermined during that period. I simply urge that those who bravely fought for those values, in spite of the then-existing practices of American society, receive their just reward.

The fact is that Sergeant Johnson and many other African-American soldiers performed heroic service during World War I. To date, only one of these men has received the Medal of Honor—and that was awarded 73 years after his death on the battlefield. This is wrong. We must correct this blemish on our history.

If we as a Nation are going to realize, as President Clinton noted in his State of the Union, that our "diversity is our greatest strength," we must settle the errors of our past. If we are going to "give all of our citizens, whatever their background, an opportunity to achieve their greatness," we must honor those who have already earned great distinction.

To be sure, as our colleague, the gentleman from Oklahoma, reminded us just a week ago, "Government can't ease all the pain" of racial division. But when Government can effectively act, it should; when Government has been part of the problem, it must be part of the solution. I therefore urge all the Members of this House to do justice to the memory of St. Henry Johnson and support the effort to award him the Congressional Medal of Honor.

DISASTER ASSISTANCE LOANS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MINK of Hawaii. Mr. Speaker, today I am introducing legislation that will help our Nation's farmers survive disastrous outbreaks of plant viruses and diseases which virtually wipe out entire crops. This bill would ensure that crop losses resulting from plant viruses and other devastating plan diseases are included under the crop insurance program as well as the noninsured crop assistance programs and that agriculture producers who suffer these losses are eligible for emergency loans.

The current U.S. Department of Agriculture crop insurance and noninsured assistance programs do not specify which crops are eligible for insurance. This makes our farmers very vulnerable to administrative reviews on whether a particular crop is eligible for assistance usually with negative results.

Under current law, crop diseases are not eligible for low-interest emergency loans. Agriculture producers can only qualify for emergency loans when crop damages are caused by adverse weather conditions and other natural phenomena which have caused severe physical property damage or production losses. Since the USDA does not consider plant disease-virus a natural disaster, farmers are limited to USDA funds-resources which are due to weather as causing production or physical losses.

In Hawaii, nearly 300 farmers are suffering from the disastrous effects of the Papaya Ringspot Virus [PRV]. The disease produces lumpy, tasteless fruit and severely reduces production and eventually kills the plants. Papaya farmers estimate that they will incur $27 million of losses due to the loss of these PRV-infested trees.

A similar situation is taking place in the Southwest and Southeast United States where wheat producers are battling the Karnal bunt fungus. This disease gives a fishy odor and taste of flour made from affected wheat. In one State alone, producers have already lost an estimated $25 million.

Mr. Speaker, our Nation's farmers are the envy of the world. They provide us with the highest quality food and ensure that we will always have a stable food supply. We need to provide financial assistance when they are hit by disaster, natural or disease. I strongly urge my colleagues to support this legislation and help our farmers survive these natural borne disasters.

COMMEMORATION OF MALIBU CHILDHOOD CANCER AWARENESS DAY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commemorate February 14 as Childhood Cancer Awareness Day in the city of Malibu, CA. I would also ask that you join me in honoring the American Cancer Fund for Children and its founder Steve Firestein for their diligent work helping children. The tireless work of this organization has not only highlighted the issue of childhood cancer in the United States, but has provided a positive influence on hundreds of young lives effected with cancer. I am pleased to offer my highest congratulations for the deep sense of community the American Cancer Fund for Children has given to the city of Malibu. I would also like to commend the city of Malibu as it adds itself to the growing number of communities who have adopted a Childhood Cancer Awareness Day in the Los Angeles area. I am very proud to have community-based efforts of this caliber in my district, and am thrilled to have the opportunity to bring such accomplishments to the attention of this body.

Each year approximately 10,000 more American children will be diagnosed with cancer, making cancer the leading cause of death by disease among children in the United States. Motivated by these losses the American Cancer Fund for Children has worked tirelessly to heighten community awareness of childhood cancer. All too often the costs incurred in the treatment of cancer far exceeds the average family's financial resources. The American Cancer Fund for Children has established itself to provide financial assistance to such families who find themselves experiencing financial hardship with a child undergoing a bone marrow transplant. The organization understands the importance of communities coming together to provide social services to those families in need, not wanting one child in need of treatment to be turned away because their families could not afford them. As the demands for cancer treatment grow each year, the organization has also taken on greater challenges to meet the demand for patient and family services to help ensure the quality of care to better promote the chances of survival. These services have provided an assortment of patient psychosocial services designed to nurture self-esteem, encourage peer interaction and better generate special patient communication. The Main Street Children's Services Program has received praise from across the United States for their efforts in providing gifts via visits for the emotional support of the children. These efforts have lifted the spirits of children nationwide through the simple gift of giving with a human touch.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the accomplishments of the American Cancer Fund for Children in cooperation with the city of Malibu, in highlighting childhood cancer with the establishment of a Childhood Cancer Awareness Day.

"TOWNSHIP OF THE YEAR" BESTOWED ON MAINE TOWNSHIP

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the recent news

that Maine Township, IL was named our State's "Township of the Year."

Bestowed annually by the Illinois Township Association, the award was presented to Maine Township for its very innovative programs for senior citizens. The award follows a similar one awarded to the township last year for its programs for youths.

Maine Township's Adult and Senior Services Department was created in 1985. Today, the department provides a wide range of programs and services for the estimated 40,000 adults over the age of 55 who live in Maine Township. In addition to a wide array of social activities, the township also sponsors the Senior Citizen Information and Assistance Service. The service provides a comprehensive guide to available resources including senior housing, medical services, social and mental health services, nutrition, home delivered meals, employment, energy assistance, social activities, and tax information.

In recent years the township has also placed growing emphasis on intergenerational programs that bring together seniors, children and young adults in numerous educational activities.

No programs as comprehensive as those offered to Maine's seniors could exist without the dedication of many great people. Permit me to offer a note of congratulations to the many hard-working and dedicated township officials including Supervisor Mark Thompson; Trustees Robert Provenzano, Willard "Bill" Bell, Regan D. Ebert and Carol A. Teschky; Clerk Gary K. Warner; Assessor Thomas E. Rueckert; Collector Anita D. Rifkind; and Highway Commissioner Bill Fraser.

THE AMERICAN FLAG—A TRIBUTE TO THE SYMBOL OF AMERICA'S FREEDOM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the great symbol of freedom in these United States, the American flag. The American flag is nationally and internationally recognized as the symbol of the United States and all that it stands for. Today, my colleague, Congressman GERALD SOLOMON and I introduced a resolution to amend the Constitution in order to prohibit the physical desecration of the U.S. flag. I am proud to say that as of today more than 200 of my colleagues have agreed to cosponsor this important and historic piece of legislation.

For more than 200 years the American flag was the proud symbol of our great Nation. Most important, the flag was protected by law from any type of desecration. Today, though it still serves as the symbol, it is no longer protected by law. In 1989, the Supreme Court ruled in Texas versus Johnson, that the violent and destructive act of burning and spitting, and trampling on the U.S. flag was a form of expression which is protected by the freedom of speech. In the time since that ruling more than 49 States, including my home State of Illinois, have passed memorializing resolutions which request that Congress ratify a constitutional amendment protecting the flag. Clearly, this body has been called upon to protect the flag from any further desecration by voting for a constitutional amendment. Deliberate desecration of the American flag is truly an insult to those who fought and died to preserve and protect the rights of all Americans. Deliberate desecration of the flag should no longer be tolerated. That is what we seek to accomplish by introducing this important amendment.

During times of war, the flag became more than a symbol of the United States, it provided comfort and encouragement to our soldiers abroad. Though they were miles away from home, the flag reminded them of the great land and freedom that they were fighting for. The sight of the flag reinforced their strength of belief in the war they were fighting. American soldiers were reminded of the basic rights that they were protecting. The rights that don't exist in other countries; rights that make America the land of freedom that it is today.

Congressman SOLOMON and I are both committed to fighting this fight. My colleague and I, believe that this amendment, which has received bipartisan support is long overdue. Americans all over the world recognize the American flag as the symbol of freedom, fairness, and equality. We must do everything in our power to have the law protect the flag from desecration. I am proud to join Congressman SOLOMON in bringing this amendment before the Congress. I hope that all of my colleagues will join Congressman SOLOMON and I, in passing this historic and important amendment.

SALUTING SALENA GLENN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, I rise today to salute the accomplishments of Ms. Salena Glenn who has dedicated her life to public service. For numerous years, she has strived to ensure that Brooklyn resident's concerns are heard. As chief of staff for Enoch Williams, Ms. Glenn oversees the daily operations of his office and attends community meetings of school boards, district service cabinets, and community precinct councils.

In addition to her work as chief of staff, Ms. Glenn coordinates various community projects throughout Brooklyn. Born in Orangeburg County, SC, she enjoys a reputation as a community leader. As president of the Unity Democratic Club, Ms. Glenn has worked to enlighten the central Brooklyn community about the advantages of participating in the political process.

Ms. Glenn truly serves as a shining beacon of hope for the Brooklyn community. A resident of Bedford-Stuyvesant, Ms. Glenn has a daughter Delores, and a son, Nathaniel. She also enjoys a reputation as an outstanding soloist in the Antioch Baptist Church Choir.

Mr. Speaker, it is with great pleasure that I rise today to recognize the many years of invaluable assistance she has provided youth and the community-at-large. I ask my colleagues to join me in saluting Salena Glenn.

CHILDHOOD CANCER AWARENESS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. WAXMAN. Mr. Speaker, Los Angeles County has designated the week of February 24, 1997 as "Childhood Cancer Awareness Week." In honor of this proclaimation, I ask my colleagues to join me in calling attention to the tragedy of childhood cancer and in working to to defeat this debilitating enemy of our children.

Cancer is the leading cause of death in the United States today. Each year, approximately 10,000 American children are diagnosed with cancer. Moreover, it is the leading cause of death by disease among children in our country. While great strides are made each year in research, treatment, and prevention of childhood cancer, we must remain vigilant in our efforts to search for cures and more effective treatments.

I ask my colleagues to reaffirm their dedication to eliminating childhood cancer and to take a moment to express their appreciation to the devoted individuals working in the fight against this dreaded disease.

INVOLUNTARY LIVESTOCK CONVERSION RELIEF ACT

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. THUNE. Mr. Speaker, today I am introducing legislation to give farmers and ranchers tax relief when they need it most. I thank my colleagues, Representatives Smith, Latham, Hill, Barrett, Emerson, and Pomeroy for joining me in this effort.

As you may know, extremely harsh storms have pounded the upper Great Plains this winter. As a result, I have been flooded with calls from South Dakotans who want to know what we can do in Washington to help them deal with this horrid winter. The agricultural producers—farmers and ranchers—have been hit the hardest of all. To date, cattle losses are estimated to exceed 100,000 head. With the prospect of spring flooding eminent, further losses seem certain. While producers in the Midwest qualify for some assistance, additional relief is still needed.

The tremendous amount of snow has blocked access to feed and has limited space in livestock yards. As a result, some producers would like to sell some of their stock now. The result would be a stiff tax liability at a time when they can not afford it.

The Involuntary Livestock Conversion Relief Act will allow income derived from the sale of livestock to be deferred up to 1 year. The bill will also allow a producer to sell livestock and, within 2 years, repurchase similar livestock without realizing a gain as a result of the sale. Livestock producers must show that such a sale is not a usual business practice but is a result of floods or blizzards. The conditions have to be severe enough to trigger Federal assistance in relief of that condition.

Under current tax law a producer can do this only in drought conditions. This is why I propose changing the wording of the code to include "flood or other weather-related conditions."

I believe it is time we give ranchers some options in how they do business during a time of need. This bill represents a common-sense approach to lending our dedicated livestock producers a hand when they need it. Instead of a cash payment, the Federal Government can provide a capital gains tax break. I realize this legislation may not help all in need, but it is an important piece of the relief puzzle.

I hope my colleagues will join me in their support of this bill. If they do, they will be joining several others concerned with the economic viability of the Nation's heartland.

TRIBUTE TO LITHUANIA

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the country of Lithuania. In just a few days, on February 16, Lithuania will celebrate its sixth year as a truly free and independent country. Since proclaiming its independence Lithuania has implemented a Democratic policy. Democracy, for this country, is a vast change from its previous 50 years of forced annexation by the former Soviet Union.

Although it has been, to some degree, a struggling progression, the overall picture is a steady one with greater potential on the horizon. In the past 6 years, Lithuania has seen monumental revision from drafting its own constitution, holding elections for its own Parliament and President, to developing a market economy.

The old Soviet methodology and regularity of bureaucracy has dwindled almost to the point of extinction as privatization has taken a strong hold. Because of their privatization priority policy, 85 percent of state-owned enterprises have been transmitted to the private sector. In addition the development of a western-oriented program of reform regarding trade and banking has led to an increase in trade with western countries, gaining from just 15.3 percent in 1990 to over 60 percent in 1995.

Another indication of Lithuania's progression toward Democracy and a market economy is that about two-thirds of the economic product is now industrial. There has also been so much growth potential emerging that foreign interest and investment has increased substantially.

Just before the collapse of the Soviet regime in 1991 Soviet troops attacked Lithuania's capital city, Vilnius. During the initial invasion several Lithuanians were wounded, some resulting in fatalities. For those who perished, they will be remembered as the "Defenders of Freedom." I stand before you today to commend these defenders and all of Lithuania for what has become their common goal so eloquently stated by President Algiras Brazaukas, "Now all people have a common goal: to live in an independent and free country."

REFORM TERM LIMITS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. EMERSON. Mr. Speaker, term limit supporters across Missouri—like me—are rightfully disappointed that the vote on congressional term limits is doomed to failure. I am a cosponsor of a constitutional amendment calling for tough, 12-year term limits for Senators and Representatives, alike. It had been my hope that a united stand for term limits would finally lead to real limits with teeth. On Wednesday, the House of Representatives will vote on term limits and it appears my vote in favor will be for naught, thanks to a problem that has grown out of control—division among conservative ranks.

Last November, voters in Missouri and eight other States approved so-called scarlet letter constitutional amendments. These scarlet letter amendments require Members of Congress from Missouri and the other affected States to vote for term limits of 6 years in the House and 12 in the Senate. If Members don't vote for these particular limits, or if Members vote for different limits, the phrase "disregarded voter instruction on term limits" will appear next to their names on the next ballot if they choose to seek re-election. Disregarding for a moment the fact that ballots will soon be cluttered with inaccurate information, this sounds like a good idea. Why not put a little muscle behind the campaign to enact term limits which, after all, are supported by 70 percent of Americans, ourselves included.

A not-so-funny thing happened on the way to the vote on term limits. As sure as the Mississippi flows south, the vote on term limits today will fail. It won't fail for lack of general term limit support, but will fail because of the handcuffs placed on the 30 Members of Congress who come from States where the scarlet letter initiative passed. Each State constitutional amendment—they are all different—requires that Members from those States vote for different versions of term limits. Even though term limit supporters garnered 227 votes in the last Congress (it takes two-thirds of Congress, or 290 votes, to pass a constitutional amendment) and even though more supporters of term limits were elected to Congress last November, there's no chance that tough, commonsense congressional limits can not pass. Missouri's scarlet letter amendment has joined with similar, but different, amendments in other States and backfired against the shared goal of conservatives to enact tough term limits.

So how did this mess come to be? Most Missouri voters will probably be surprised to learn that the scarlet letter amendment, when it appeared on the ballot in the voting booth, deceptively asked if voters support term limits, but did not state that Members would be prohibited from supporting other term limit bills if the three term limit fails. In fact, the fine print of this amendment explicitly instructs Members to vote against all other term limit bills. Put simply, the amendment reburies limits of three terms in the House, or nothing at all.

With that in mind, I intend to vote for every single reasonable measure that would limit congressional terms to either 6, 8, 10 or 12 years when the House considers term limit legislation. I campaigned in support of term limits and intend to carry through on that commitment.

Term limit supporters should consider this farce. The scarlet letter will likely be invoked even if I vote for the 6-year term limit, which is certain to fail despite my support. The scarlet letter will be invoked simply because I later vote for a different term limit bill that has a realistic chance of passing.

As if that weren't enough, different versions of the scarlet letter laws passed in each of the nine States. Thus, if Members from those States precisely follow those instructions, they must all vote for a different version of term limits—and against any others. It's the equivalent of asking the offensive line of the St. Louis Rams to sack their own quarterback each time they take to the field.

In the end, I will vote in favor of each and every serious term limit amendment brought before the House this week. If that means I invoke a misleading scarlet letter, then so be it. Those of us charged with the responsibility of dealing with the legislative agenda of the people on a practical basis are duty-bound to deliver what is feasible, and that includes term limits that stand a chance of passing Congress. We will never succeed in passing real term limits as long as outside groups continue to divide conservatives who support them. In our efforts to pass term limits with teeth, we should remember that when united, we win, when divided, we fail.

THE CROP INSURANCE IMPROVEMENT ACT OF 1997

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. POMEROY. Mr. Speaker I rise today to introduce a desperately needed piece of legislation, the Crop Insurance Improvement Act. This bill will restore fairness to the crop insurance system and make crop insurance a reasonable risk management tool for producers in North Dakota.

In my State farmers have suffered through three successive seasons of disastrous crop production and the fourth is already on its way. Abnormally high rainfall and wet conditions have prevented farmers from planting crops and have ruined crops that were planted. Through no fault of their own, these farmers have seen their crops destroyed and livelihood threatened year after year.

Now producers are being told that they will have to pay higher premiums for lower coverage as a result of these losses. Many producers are now faced with unaffordable insurance bills that provide little coverage. Nothing could be more unfair to the farmers of my State or any farmers who have suffered crop losses due to natural disasters.

Last year 172 producers in North Dakota were placed on the nonstandard classification list following 3 years of successive losses. Nonstandard classification results in higher premiums and lower coverage. This year, hundreds more producers face a similar situation

because of the continued disaster. Even if the flooding and wet conditions were to stop today, many farmers would not be able to afford the crop insurance they need because of losses in previous disaster years.

My bill would ease this situation and restore some fairness and sanity to the crop insurance program. The Crop Insurance Improvement Act would provide exceptions for producers farming in areas declared a disaster by the President or the Secretary of Agriculture. It would prevent the listing of producers on the nonstandard classification list if they had losses related to a major declared disaster.

This bill would also prevent FCIC from counting losses in disaster years in the calculation of insurable yields. Poor yields in years of natural disaster should not affect a producer's future insurance. Disasters represent abnormal, uncontrollable forces of nature and should not cripple a farmer for years to come with higher insurance premiums and inadequate coverage.

The ultimate goal of the bill is to keep crop insurance as a viable risk management tool for our Nation's farmers. If producers cannot afford crop insurance, or if the insurance will not cover a reasonable yield, then we have left them without a safety net.

Participation in crop insurance has increased since Congress reformed the program in 1994. Farmers have taken more responsibility for their risk management and will have to take even more now that the price safety net has been removed by the 1996 farm bill. Now it is time to improve the program so that we are not slamming the door on a valuable tool responsible producers use to manage their risk. I encourage my colleagues to support this necessary and commonsense improvement in the crop insurance program.

"FOUR POINTS OF THE COMPASS" BALINT VAZSONYI'S DIRECTION FOR AMERICA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RADANOVICH. Mr. Speaker, my friend and adviser, Dr. Balint Vazsonyi, delivered a lecture today at the Heritage Foundation, which was entitled "Four Points of the Compass: Restoring America's Sense of Direction." The lecture drew a wide cross section of men and women who are in the forefront of Americans concerned about our constitutional underpinnings. Those taking part included Senator ROD GRAMS of Minnesota, who delivered an insightful evaluation of Dr. Vazsonyi's lecture, Matthew Spalding of the Heritage Foundation, and Daniel McDonald of the Potomac Foundation.

As many of our colleagues know, Dr. Vazsonyi's thesis is one to which I strongly subscribe. Indeed, I am pleased to acknowledge the significant role he has played in helping advance new America, the vision expression that we launched last year. That vision is about restoring civil society through structural reform that focuses on revitalizing society's nongovernment institutions—family, business, religious/civic.

Mr. Speaker, Balint Vazsonyi's lecture is recommended reading for all who are working to assure that government's grasp doesn't exceed its constitutional reach. I am pleased to make it part of the CONGRESSIONAL RECORD at this point.

FOUR POINTS OF THE COMPASS: RESTORING AMERICA'S SENSE OF DIRECTION

Although the press appeared not to notice, President Clinton, in his Inaugural Address, called for a new Constitution. He borrowed language from the Declaration of Independence where in 1776 Thomas Jefferson presented the argument for new government. On January 20th, 1997, Mr. Clinton proclaimed, "We need a new government for a new century." He proceeded to set forth all the things this new government would give the American people.

Today, I come before you to argue that we need just the opposite. We, at the Center for the American Founding, believe that a tool is necessary to guide us back to the path of our existing Constitution. We offer this tool to the decision makers, legislators and judges of America and ask all of you to help us develop it to its full potential. Because it points the way, we think of it as a compass.

What kind of country will exert its best efforts for the benefit of all mankind? Or engage in war without expectation of gain? What kind of country makes it possible that a person who did not grow up in it feel sufficiently at home to step forward with a major initiative? What kind of country has longtime professionals come together to hear a relative novice with a foreign accent speak on national issues? What kind of country? A country which is one of a kind.

As we contemplate the future, it is essential that we keep in mind that America, indeed, is one of a kind. Some believe with all their heart that people, and their aspirations, are the same everywhere. This may be so. But the nation established here more than two hundred years ago has neither precedent nor a parallel in the known history of this planet. Not its capacity for success; not its capacity for strength; not its capacity for goodness. It is one of a kind.

One-of-a-kind. A big word. You hear it and think of Shakespeare. Or Beethoven. Or George Washington. We look at their work and try to understand what makes it so. It is a hopeless endeavor. But with America, there are definite ingredients we can identify quite easily: the rule of law, individual rights, guaranteed property and so forth. A funny thing, ingredients. We acknowledge their importance in all sorts of scenarios, yet ignore them when it comes to matters of life and death. If we eat something memorable, we want the recipe. With food, we know without the shadow of a doubt that the ingredients make the thing.

Chocolate ice cream, for example, takes chocolate, cream and sugar. If, instead, you use ground beef, mustard and "A1" sauce, you don't expect chocolate ice cream to come out of the process. Whatever else it will be, chocolate ice cream it will not be. Ice creams come in many varieties. America is one of a kind. Do we honestly expect it to remain America if the ingredients are changed?

Over the past decades, the Rule of Law has been displaced by something called "social justice." Group rights and arbitrary privileges make a mockery of the constitutional rights of the individual. Where not so long ago all Americans could feel secure in their right to acquire and hold property, government today is no longer discussing whether—only how much of it to confiscate, and how to redistribute it. As you see, the ingredients have already undergone drastic change. Is it reasonable to hope that America will nevertheless remain America?

And the greatest variety of assaults is launched against something I have come to refer to as "national identity." Now, I realize that some people might have a reaction to that phrase because the term has been used by others as a wedge. I use it as a magnet. As such, it is a necessity. Something needs to bind people together, especially when they have converged, and continue to converge upon a place from every corner of the globe.

Identity is about being similar or being different. Since our differences have been amply provided for by nature, we have to agree about those aspects of our lives which will make us similar. For the shared history which other nations have, Americans have successfully substituted a shared belief in, and adherence to, certain principles. A common language took the place of a shared culture. No state religion was established, but a Bible-based morality taken for granted. Add to this a certain work ethic, an expectation of competence in your field of work (whether you split the atom or sweep the floor), a spirit of voluntary cooperation, insistence on choice, a fierce sense of independence—and you have the ingredients of the American identity. And, if you prefer to call it American character or, as George Washington, "national character," it will serve our purpose so long as we remain agreed about the ingredients. For it is these ingredients that have distinguished us from other societies, and enabled those who sweep the floor today to split the atom tomorrow.

Today, our nation's leaders are engaged in choosing a path to pursue. Yet, all along, we have had a path to follow. It is clearly pointed in the Declaration of Independence and our founders complemented it with a superb road map they called the Constitution of the United States. Add to this the glossary we know as The Federalist Papers and it is hard to see why and how we could have lost our sense of direction. But lost it we have. That is why we need a compass—the compass in the title of these remarks.

Between 1776 and 1791, our compass was calibrated to keep us on the path of betterment—as individuals and as a nation. We even had a kind of "North Star," a magnetic North, in what we call the Rule of Law. But instead, we now have rule by the lawmaker. Every member of the Executive, every member of the Judiciary has become a potential lawmaker and in most cases they use the potential to the hilt.

Yet the Rule of Law stands for the exact opposite. As its basic property, it places the fundamental tenets beyond the reach of politics and politicians. Whereas it confers legitimacy upon subsequent laws that spring from its eternal well, it denies legitimacy to all legislative maneuvers that corrupt its purpose. It holds the makers, executants and adjudicators of the law accountable at all times. Above all, it demands equal application to every man, woman and child. Within its own framework, a prescribed majority may amend the law. But as the law stands in any given moment, it must be applied equally. If accomplished, nothing in the history of human societies can match the significance and magnificence of equality before the law.

The aspiration for equality before the law began with the Magna Carta or even earlier, in King Arthur's court, where knights sat at a round table. But it took Thomas Jefferson

to etch the concept in the minds of freedom-loving people everywhere, more permanently than posterity could have etched the words in the marble of the Jefferson Memorial. And even then, after those immortal words of the Declaration of Independence had been written, it took most of two centuries before America, land of the many miracles, almost made it a reality for the first time ever.

But it was not to be. The rule of law, our only alternative to the law of the jungle, came under attack just as it was about to triumph. The attacker displayed the irresistable charm of the temptress, the armament of the enraged avenger, dressed itself in intoxicating clichés, and wore the insigniae of the highest institutions of learning. It called itself "social justice."

Let me make it clear: I do not speak of social conscience. That is a frame of mind, a noble sentiment, a measure of civilization. Precisely for that reason, while it has everything to do with our conduct, it has nothing whatever to do with laws. "Social justice," on the other hand, aims at the heart of our legal system by setting an unattainable goal, by fueling discontent, by insinuating a permanent state of hopelessness.

But above all, social justice is unacceptable as the basis for a stable society because, unlike the Law, it is what anyone says it is on any given day. We need only to move back a few years, or travel a few thousand miles, and one is certain to find an entirely different definition of social justice. At the end of the day, it is nothing more than an empty slogan, to be filled by power-hungry political activists so as to enlist the participation of well-intentioned people.

The Rule of Law and a world according to "Social Justice" are mutually exclusive. One cannot have it both ways.

What have the Rule of Law and the pursuit of "social justice" respectively spawned over time? The Rule of Law gave birth to a series of individual rights. In other words, rights vested solely in individuals. Only individuals are capable of having rights, just as only individuals can be free. We say a society is free if the individuals who make up that society are free. For individuals to be free, they must have certain unalienable rights, and others upon which they had agreed with one another.

Social justice has spawned an aberration called group rights. Group rights are the negation of individual rights. Group rights say in effect, "you cannot and do not have rights as an individual—only as the member of a certain group." The Rule of Law knows nothing about groups, therefore it could not provide for, or legitimize rights of groups. Groups have no standing in the eyes of the Law. And, since their so-called rights are invariably created and conferred by persons of temporary authority, they are "subject to change without notice," as the saying goes, just like the definition of social justice itself.

Individual rights recognize and promote similarity. Group rights promote differences and stereotypes. Individual rights and group rights are mutually exclusive. One cannot have it both ways.

Among our individual rights, the right to acquire and hold property has a special place. If ever a concept came to be developed to protect the weak against the strong, to balance inborn gifts with the fruits of sheer diligence and industry, property inviolate is its name. But who am I to speak, after John Locke, Thomas Jefferson and James Madison have pronounced on this topic. They held that civilized society is predicated upon the sanctity of private property, and that to guarantee it is government's primary function. Without absolute property there is no incentive. Without absolute property there is no security. Without absolute property there is no liberty. The freedom to enter into contract, the freedom to keep what is mine, the freedom to dispose of what is mine underlies all our liberties.

Neither the search for "social justice" nor so-called group rights recognize, or respect, private property. They look upon flesh-and-blood individuals as faceless members of a multitude who, together, create a certain amount of goods. These goods belong to what they call "The Community." Then certain people decide who needs what and, being privy to some higher wisdom, distribute—actually redistribute—the goods. Redistribution is pursuant to group rights expressed in something called entitlement. Entitlements are based neither on law nor on accomplishment. Entitlements are based on membership in a certain group, and we have seen that groups are designated by persons of temporary authority, rather than the law.

The right to property and entitlements through redistribution are mutually exclusive. One cannot have it both ways.

We have been ordered by the prophets of social justice to replace our national identity with something they call "multiculturalism." I will confess that some time in the past, I might have shared the allergic reaction some of you experience in the face of "national" and "identity." But then I noticed the enormous importance the social-justice crowd attaches to the destruction of the American identity. Just think: bi-lingual education and multi-lingual ballots. Removal of the founding documents from our schools. Anti-American history standards. Exiling the Ten Commandments. Replacing American competence with generic "self-esteem." Replacing voluntarism with coercion. Encouraging vast numbers of new immigrants to ignore the very reasons which brought them here in the first place. The list goes on, and sooner or later will affect national defense, if it hasn't already.

And for those who would point to Yugoslavia as proof of the tragedy nationalism can cause, let me say that a healthy national identity is utterly distinct from nationalism. Like the United States, Yugoslavia was created. But unlike in the case of the United States, ingredients for a national identity were not provided, and Yugoslavia imploded at the first opportunity precisely for that reason. Had it not done so, it would have succumbed to the first external attack, for no Croat would lay down his life for the good of Serbs or Bosnians. Will Americans lay down their lives if America is nothing but a patchwork of countless group identities?

Will the Armed Forces of the United States fight to uphold, defend, and advance the cause of Multi-Culturalism?

This is not a frivolous question.

The questions before us are serious, and legion. We are virtually drowning in what we call "issues," and they are becoming increasingly difficult to sort out. How do we find our position? And, once we find our position, how do we argue its merit? Above all, how do we avoid the plague of serious matters turning into bogus soap operas?

We asked you to hear me today, because the Center for the American Founding has a proposal to submit. We call it "Four Points of the Compass" because these points provide direction, because—in a manner of speaking—they constitute a re-calibration of our compass which the events of the past thirty years have distorted. They are the Rule of Law, Individual Rights, the Sanctity of Property, and the sense of National Identity. As you have seen, they are interconnected, they literally flow from one another, just as the false compass-points which have come to displace them—social justice, group rights, redistribution and multiculturalism—are interconnected and flow from one another. What is multi-culturalism if not a redistribution of cultural "goods?" What is redistribution if not a group right? What is a group right if not the implementation of some political activist's version of "social justice?"

For thirty years, we have acquiesced in a steady erosion of America's founding principles. The time has come to reverse the movement. Rather than contending with countless individual issues, all we need to do is take the debate down a few notches, closer to the core. Let me repeat: we need to take the debate down a few notches, close to the core. We submit that all future policy and legislative initiatives be tested against the four points of the compass. Does the proposed bill negate the Rule of Law? Does it violate individual rights? Does it interfere with the sanctity of Property? Does it constitute an assault on National Identity? Only if the answer is "No" in each case, would the proposal proceed. In other words:

Only if the answers are NO is the bill a GO.

A few items need tidying up. How do we know what the Rule of Law can accommodate, and how far do we take individual rights? The answer, in both cases, comes from Article VI of the Constitution. "This Constitution, and the laws of the United States which shall be made in Pursuance thereof * * * shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby * * *" It is as uncomplicated as that.

In the coming months, we intend to approach the citizens of this great nation and their representatives at all levels with a call to consider adopting this approach. We will hold panel discussions and town meetings so as to invite, engage and incorporate the wisdom and experience of Americans everywhere. There will be retreats and, by year's end, there will be a book with all the details. We do not underrate the magnitude of the step we are proposing, but we honestly believe that it will make life a great deal easier. With a simple stroke, it will become clear that one cannot take an oath upon the Constitution and support group rights. One cannot take an oath upon the Constitution and support the confiscation of property without compensation. One cannot take an oath upon the Constitution and support measures which are clearly at odds with the mandate for national defense.

We cannot have it both ways. We have to choose our compass and remember the four points. They are, as we have seen, inseparable. Therefore: Only if the answers are NO is the bill a GO.

I do not believe that last November the people of this country voted for the lukewarm bath of bi-partisanship. I believe the people of this country said: If you don't give us a real choice, we won't give you a real election. Yes, people probably have grown tired of the "issues," but they are, I am certain, eager to partake in an effort to choose either a return to our original path, or a clean and honest break with the past.

Those who feel that the time has come to change the supreme law of the land should come forward, say so, and engage in an open debate. But let us not continue a pattern of

self-delusion. We are heirs to a remarkable group of men who, two hundred plus years ago, had every reason to feel similarly overwhelmed by the number of decisions they had to make. Their response was to make very few laws, for they knew that the fewer the laws, the broader the agreement. They knew people find it hard to agree on everything. So they sought agreement on core principles they held to be non-negotiable.

Today, we propose the four that ought to be non-negotiable. They are, as we have seen, inseparable. We call them the four points of the compass. Together, they can and will restore America's sense of direction.

HONORING MORRIS TISCHLER

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. CARDIN. Mr. Speaker, it is extremely fitting that in honor of Valentine's Day tomorrow I rise to honor the work and outstanding record of achievement of Morris Tischler. As the inventor of the cardiac pacemaker, Mr. Tischler has done more than any other individual to keep the human heart ticking throughout the world.

Morris Tischler, who we are fortunate to have as a resident of the great city of Baltimore, has made medical history. In addition to his pioneering work in developing the pacemaker, he has been instrumental in designing instrumentation for heart surgery, monitoring systems, a nerve stimulator, a blood analyzing monitor, among other innovations.

As a teacher, consultant innovator, inventor, and businessman, Mr. Tischler has charted new territory in the field of medical electronics. In his desire to save lives, he has been generous in sharing his knowledge and expertise with the medical community around the world through lectures and visits.

Born in Newark, NJ, Mr. Tischler attended the Johns Hopkins University and graduated from the University of Maryland. An outgrowth of his research at Johns Hopkins University and the University of Maryland has been his pioneering work in science education. He has used his talents to develop and design educational materials and training programs that have been used in teaching science and electronics in elementary and secondary schools, colleges, universities, and technical schools. He has succeeded in his goal of simplifying very complex systems as an aid to teaching.

I urge my colleagues to join me in congratulating Morris Tischler, a true Renaissance Man, on his outstanding career as inventor, teacher, innovator. His energy and creativity have made medical history and helped save millions of lives around the world. His contribution to the field of medical science has set an example of dedication and caring that is hard to match.

THE NATIONAL PARKS CHECKOFF ACT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. DUNCAN. Mr. Speaker, I have reintroduced the National Parks Checkoff Act today.

The National Parks Checkoff Act will amend the Internal Revenue Code to require the IRS to place a line on income tax forms which will allow taxpayers to donate one or more dollars toward the care of our national parks. This legislation will provide more money for the care of our national parks at no cost to the Federal Government.

I introduced this bill during the 104th Congress, and I heard from a number of people and organizations from around the country who supported this legislation.

In addition, this bill had bipartisan support and it was also backed by the National Parks and Conservation Association, the American Hiking Society, the National Tour Association, American Outdoors and other organizations.

A study released by the National Parks and Conservation Association indicated that nearly 8 out every 10 people surveyed would be willing to increase their tax contribution by $1 to benefit the National Park System.

A similar checkoff for Presidential campaigns has raised over $200 million in the last 3 years. I believe that our national parks are far more popular than Presidential campaigns. Therefore, I think we could raise hundreds of millions of dollars for our national parks through this type of checkoff on income tax forms.

I believe there is at least one easy choice that can be made which will provide our parks with additional funding—the choice to allow taxpayers the opportunity to donate money for the care of our national parks.

I hope that my colleagues will join me in supporting this legislation which will help us improve the quality of our national parks.

TRIBUTE TO LYDIA MALDONADO DIAZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, I want to introduce my colleagues to Lydia Maldonado Diaz. Ms. Diaz reflects the type of community commitment and civic duty that our society desperately needs.

After residing in New York City for 32 years, she and her husband moved to the community of Cypress Hills, Brooklyn, where she was confronted with a host of illegal activities. Lydia joined the local block association and began to make a difference.

Today, Lydia is actively involved in the Community Coalition to Restructure P.S. 76, an abandoned school building on her block, and she has presided as the chairman of that organization.

For 24 years she worked for the Cornell University Cooperative Extension as a community educator; a position from which she retired in April 1995. Throughout her personal and professional pursuits, Lydia has been guided by her strong spiritual convictions. She is the proud mother of four adult children, and the grandmother of six. I am pleased to recognize her positive contributions to the Brooklyn community of Cypress Hills.

INTRODUCTION OF THE CHILD PASSENGER PROTECTION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MORELLA. Mr. Speaker, today I am reintroducing the Child Passenger Protection Act which would prevent injuries to children in motor vehicles and ultimately save lives through improved child passenger education safety programs. This bill would provide grants to experienced child passenger safety organizations to carry out effective child restraint education programs.

With more than 50 different kinds of child restraint designs and numerous seat belt configurations, putting children in properly-used safety seats can be a complex process. As a result, over half of parents who are conscientious and careful enough to use child restraints are unaware that they have made installation errors, putting their young children at risk.

So many combinations of seats and car models exist that parents cannot easily figure out what is safe. A seat that works well in one car may not work well in another. Consequently, too many children riding in child restraint seats are at risk.

I have been working on initiatives to educate families across the country about the safety seat incompatibility problem. I have been working with the National Highway Transportation Safety Administration (NHTSA) in getting the word out about the proper installation of safety seats to parents, grandparents, and anyone who transports a young child. One of my goals is to provide NHTSA with enough money to fully carry out its child passenger safety program.

I also have been working with the D.A.N.A. (Drivers' Appeal for National Awareness) foundation and its founder, Mr. Joseph Colella. D.A.N.A. was "established in memory of Dana Hutchinson, age 3, who died in an automobile accident while secured in a child safety seat."

It was a rainy day in the fall of 1994 when Dana's mother strapped her into her child-safety seat for a trip to her grandmother's house. As always, Dana's father checked to make sure that the seat was held tightly, sure that he was doing everything possible to keep his little girl safe.

Dana's mother was driving; the roads were slick and slippery. Their car collided with a pick-up truck. Dana's car seat pitched forward and her head struck the dashboard. The police report stated an opinion that her child safety restraint was improperly secured.

Dana's father, looking for an answer, called his local dealership and was told that everything he did was correct. Then he looked in

his owner's manual. After pages of information he found the answer: the seatbelt system in their car was incompatible with their child safety seat.

Joe Colella is Dana's uncle, and it is through his tireless work and the establishment of the D.A.N.A. foundation that efforts are being made to alert the public about the compatibility and misuse problems that exist between child restraints and vehicle seat belt systems.

I am pleased to introduce the Child Passenger Protection Act, which I call "Dana's bill," and I am committed to continue working with Joe Colella and with NHTSA to encourage parents to properly use child restraints to protect our Nation's children.

ANNIVERSARY OF AMERICANS FOR DEMOCRATIC ACTION

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. OLVER. Mr. Speaker, we are here today to honor the 50th anniversary of Americans for Democratic Action.

Fifty years ago, just after the end of the Second World War, Eleanor Roosevelt gathered with some of America's top leaders and thinkers to discuss the state of liberty, equality, and opportunity in America. From that meeting, Americans for Democratic Action—or ADA—was born.

Some people may not be aware of ADA. They may not be able to recall the succession of ADA's leaders. But every American has seen the results of dedicated ADA work.

In 1948—less than a year after it was founded—ADA was instrumental in including a civil rights plank in the 1948 National Democratic Party platform.

At that 1948 convention, then Minneapolis Mayor Hubert Humphrey and later a distinguished U.S. Senator and Vice President—an ADA founder and vice chairman—called for "the Democratic Party to get out of the shadows of States' rights and walk forthrightly into the bright sunshine of human rights."

While we are still walking toward that bright sunshine of human rights, we are all safe in the knowledge that it was the 1948 Democratic platform—and the work of ADA—that helped put national politics on the path of civil rights achievements.

ADA built upon that achievement, demanding action from President Kennedy after dogs and hoses were used on peaceful marchers in Brimingham, AL, in 1963. Soon, Rev. Martin Luther King's march on Washington captured the entire Nation's attention. And, in 1964, the Civil Rights Act was passed.

ADA's work has not been limited to civil rights. Americans for Democratic Action has long been the champion of what is fair and what is just.

In 1965, ADA was the first major national organization to publicly oppose the Vietnam war. Beholden to no political party, Americans for Democratic action stood up to President Johnson and called for an end to the war. Unfortunately, it took the Nation more than 8 years and thousands of lives to finally put an end to the fighting in Southeast Asia.

In 1973, as much of the Nation was still discovering just how serious the Watergate coverup was, ADA was the first national organization to call for the impeachment of President Richard Nixon—reaching out to restore the bonds of trust between the White House and Main Street America.

These are just a small sampling of the specific issues that ADA has been a leading force in. The ADA's sphere of involvement and activism goes even deeper into the everyday lives of modern America.

Americans for Democratic Action has been a leading force in areas such as full employment, women's rights, and protecting the rights of workers.

ADA has also reached across the seas, fighting for justice throughout the world. Hardworking people have led the fight for arms control and foreign policy decisions rooted in international human rights. And ADA was a leader in opposing apartheid in South Africa.

When debate on these issues first began, ADA's positions were initially turned away. But over time, our Nation's leaders—be they Democrat or Republican—have come to recognize that Americans for Democratic Action has been at the forefront of promoting liberty, equality, and opportunity.

That is why we are gathered here today. I, for one, wish to applaud Americans for Democratic Action for its tireless work during the last half century. ADA is not the flashiest group—not the first group out there jockeying for political headlines or demanding instantaneous credit.

Instead, ADA is out there fighting for American principles. ADA is promoting the very basic American ideas of life, liberty, and equality. And it is reminding those in power that the Constitution created a national Government to act for the common good.

Those core beliefs are the foundation of this Nation. And they are the high principles that Americans for Democratic Action was founded on and designed to protect.

I congratulate ADA for 50 years of work for this Nation. I look forward to even more productive years as we work toward a century of distinguished service.

TRIBUTE TO JOANNE MATEER WEAVER

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to pay tribute to an outstanding leader in my congressional district, Joanne Mateer Weaver. I make these remarks in conjunction with the retirement of Joanne from the Abington Township School District, after 40 years as a teacher, administrator, and principal.

Joanne Weaver is known throughout Montgomery County and across the Commonwealth of Pennsylvania for her dedication to her friends and family, her commitment to the improvement of her community and the way she cares for the children in her charge.

She was born on May 21, 1930, the first child of Kenneth Hall Mateer and Jean Weakley Mateer. Joanne's family was full of teachers and educators. Her grandmother on her mother's side was a teacher. Her uncle was a teacher, coach, and principal. And as a child, Joanne spent 1 full year in school with her mother as her teacher and her father as her principal.

Despite a childhood plagued by extremely poor vision, Joanne worked hard in school. As a result, she was consistently a top ranked student, while also active in varsity sports and school clubs.

Joanne's greatest influence throughout her life was her parents, and in particular, her father, the late Kenneth Hall Mateer. Born to a family of working poor steelworkers, Ken Mateer's ability to achieve in both sports and academics brought him statewide acclaim. At the high school in Coatesville, PA, he earned as many as five varsity sports letters each year, and captained the baseball, football, and basketball teams. In one basketball game, Mateer scored 54 points—a feat unheard of at that time. Mateer was also an outstanding scholar. He went on to earn a bachelor's degree from Shippensburg State Teachers College—Now Shippensburg University—and a master's degree from the University of Pennsylvania.

Ken Mateer went on to become a teacher and a high school coach. When Joanne was a child, Mateer's football teams won national recognition. But his heart was that of an educator. He rose to become a career principal, and later, a school superintendent. At the peak of his career, he planned and founded what is now the Great Valley School District in the western suburbs of Philadelphia.

Joanne's mother, the late Jean Weakley Mateer, was also a central figure in Joanne's life. Jean Mateer was a wife, mother, and a teacher when few women were able to balance a career and a family. Although a quiet counterpoint to the more outgoing Ken Mateer, Jean was a strong and supportive parent to Joanne. Joanne's only sibling was a younger sister, Sarah Jane Mateer, known to the family as Sally.

Joanne Weaver earned a Pennsylvania State senate scholarship to the University of Pennsylvania—an education which her family could not afford on its own. At Penn, Joanne studied hard and earned superior grades—all while working part time to defray her expenses. She also was active in her sorority and other extracurricular activities. At one point, Joanne was coeditor of the University of Pennsylvania yearbook, along with a young man who is now the senior U.S. Senator from Pennsylvania, ARLEN SPECTER.

After graduating with a bachelor's degree in education, Joanne began her teaching career in Ridgewood, NJ, a suburb of New York City. In 1955, she married Robert E. Weaver. During their marriage, Joanne and Robert had three children: Karen Elizabeth, May 25, 1958; Mark Robert, January 9, 1961; and Laurie Ann, May 2, 1964.

In the late 1950's, Joanne and her family settled in the Roslyn section of Abington Township, a northern suburb of Philadelphia. She began teaching at the Ardsley Elementary

School. By that time, she had earned a master's degree in reading from Temple University and was teaching mostly reading.

Joanne's leadership skills were quickly noticed and she gained administrative responsibilities early in her career. In the late 1960's, Joanne was promoted to curriculum specialist, this time at North Hills Elementary School. She served in this position until the mid-1970's, when she was elevated to a district-wide position, as coordinator of the district's Human Development Program—an ombudsman-type position which was used to educate staff, teachers, and students about conflict resolution, interpersonal communications, and other related issues.

Around that time, Joanne suffered two personal tragedies. Her marriage to Robert ended in divorce and her sister Sally committed suicide. These two events truly tested Joanne's character. But like so many other times in her life, she summoned the inner strength to carry on. Her resilience was a positive example to her three young children—as well as the two daughters Sally left behind. In nearly every way, Joanne became a surrogate mother to her two nieces and took it upon herself to watch out for them as they matured.

Following these difficulties in her personal life, Joanne faced significant challenges in her professional life, as coordinator of Abington School District's Human Development Program. This post—which Joanne helped create and was the first to hold—came into great importance in the 1970's. Abington High School experienced racial strife due to two unrelated deaths of Abington High School students. The district's high school campus was in an uproar and racial conflict was feared. As coordinator of the Human Development Program, Joanne led the district's response, including conducting inservice and assembly programs aimed at quelling the rumors and unrest. Her efforts were successful, and a crisis was averted. She was credited by many for helping to solve the problem.

It was shortly after this incident that Abington Township officials approached Joanne about starting a township commission to deal with potential race, religious, and ethnic strife in Abington. As a result, Joanne was appointed by the board of commissioners as the first—and to this date the only—chairman of the Abington Township Community Relations Commission, a position she still holds today.

One of the first crises Joanne dealt with in her new position was a racially motivated firebombing in the community. Acting as a mediator and working with law enforcement officials, Joanne helped calm the community while the offenders were brought to justice.

Since that incident, Joanne and her commission have intervened, investigators, and mediated in dozens of racial, religious, and ethnic incidents, Joanne has been recognized for her leadership and achievements in this area by local judges, community groups, Abington Township, and the commonwealth of Pennsylvania.

During her tenure as a administrator, Joanne found the time to teach graduate school under the auspices of Marywood College. During weekends and evenings, Joanne taught other educators the skills she honed throughout her career. Somehow, Joanne also found the time to enroll in further graduate education herself—this time to earn her elementary and secondary principal's certificate.

By 1980, Joanne had finally taken the same path as her father, she became an elementary school principal, when she was appointed to lead the Rydal Elementary School.

Located in a more upscale section of Abington, Rydal Elementary School presented Joanne with unique challenges. Parents demanded excellence in every aspect of the school and Joanne didn't disappoint. After 8 years as principal at Rydal Elementary School, Joanne sought a new challenge. At her own request, she was transferred to Willow Hill Elementary School, located in a working class section of Abington. Joanne knew that this assignment would present completely different challenges. Joanne found that Willow Hill students were every bit as able as those from Rydal, but needed different motivation. She worked hard and helped students at her new school score record high test scores, and she improved the overall learning environment.

Last year, after 8 years at Willow Hill and 40 years as an educator, Joanne Weaver retired. Her career spanned four decades and she personally educated three different generations—in many cases Joanne taught children who grew up, got married, and had children who were also educated by Joanne.

While concentrating on education, athletics, and citizenship as her father did, Joanne taught her own children to do the same. Despite her busy professional schedule, Joanne was a warm, loving, and involved parent. Divorced in 1971, she made her role as a single parent her top priority. And her dedication shows in the lives and successes of her three children.

Her eldest, Karen, was an outstanding athlete at Abington High School, playing lacrosse and field hockey. She was an all-American field hockey player and a member of the 1980 national squad. She went on to earn bachelor's and master's degrees in physical education. Karen was also one of the first women in the United States to win an athletic scholarship.

In 1986, the college field hockey team Karen coached went undefeated and won the national championship. That same year, USA Today named her "Coach of the Year." For the next 10 years, Karen as was head field hockey coach at the Ohio State University. She is currently an NCAA scholarship consultant, helping high school players and coaches learn more about the college athletic scholarship process.

Joanne's middle child—and only son—is Mark. At Abington High School Mark played lacrosse and soccer. He went on to earn bachelor's and master's degrees in public administration from Kutztown University in Pennsylvania. For 4 years, Mark served as a communications director with the Republican Caucus of the Pennsylvania House of Representatives. At night, he studied law at the Widener University School of Law, graduating and becoming a member of the bar in 1989. He received a White House appointment as Assistant Director of Public Affairs for the U.S. Department of Justice. After that, he became vice president and general counsel for a Washington, DC media consulting firm.

In 1995, Mark was appointed as the deputy attorney general of Ohio, a position he still holds today. In that job, he helps the attorney general manage a 1,200 person legal office which represents the State of Ohio in all legal matters. Mark and his wife Lori have two children—Joanne's only grandchildren—Jamieson Lindsay Weaver, January 27, 1995, and Mark Robert Weaver, Jr., June 18, 1996.

Joanne's youngest child is Laurie. Another athlete, Laurie played softball throughout her time at Abington High School. She continues to play softball in the Abington area, often leading her team into the championships. For several years, Laurie served as operations director for a successful parking company. In this role, she helped the company grow from a basement operation to one with 75 employees and a $500,000 annual budget. She now manages a doctor's office while pursuing a full-time career as a real estate agent.

Joanne Weaver's life has been one dedicated to helping others, with little thought for herself. As a child, she spent summers living with and helping older relatives while many of her friends went to summer camp or the seashore. As a college student, she was a tireless student leader and sorority organizer. As a teacher, she spent long hours after school tutoring students who needed extra attention.

In her community, Joanne has been involved in far too many activities to chronicle. To name just a few: Antidrug programs—DARE and We Can Say No; adult education programs—Parent effectiveness training, teacher effectiveness training; African-American civic groups; police and community groups, and many others. Joanne has also been active in her church, Abington Presbyterian Church. For several years, she served as a ruling elder and she still assists with the serving of communion.

Joanne now enjoys the beach, traveling, her three cats, and spending time with her fiancé, Rudy.

Mr. Speaker, on the occasion of Joanne Weaver's retirement, I ask the members of the U.S. House of Representatives to join me in congratulating and honoring her service. I yield back the balance of my time.

HOOSIER HERO'S—ANDERSON COMMUNITY RESOURCES SUMMIT

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. MC INTOSH. Mr. Speaker, I rise today to give my report from Indiana. All across Indiana, my wife Ruthie and I have met so many wonderful, kind, and caring people. These are people who strive day and night to make a difference. In my book, these individuals are Hoosier heros. Heros in every sense of the word, because of their commitment to others.

Picture if you will, concerned citizens rolling up their sleeves and taking the responsibility to make their community a better place to live.

Today, I commend each and everyone involved with the community resources summit, in Anderson, IN. People like, Rudy Porter, from Mayor Lawler's office, Bill Raymore of

the Urban League, Lennon Brown, Bill Watson, and Ollie Dixon have rolled up their sleeves and got involved. These are special people.

Over a year ago, citizens who were concerned about the problems in the black community in Anderson, IN, came together to identify the concerns that plague their streets, harm their people, and impact their neighborhoods. These citizens of Anderson identified 86 areas of concern.

At a later summit meeting, those concerns were consolidated to a little more than 20 action areas. Important issues ranging from crime, violence, race, the environment, care of the elderly, safety, and education.

Citizens were asked to do more than pay lip service, but do something to solve the problems. And I'm proud to say that my staff and I joined in their effort.

We signed up for care of the elderly, and we held over 83 senior outreach meetings across the second district. We held more than 33 senior outreach meetings in Madison County.

At each meeting we answered questions and addressed concerns about Medicare and Social Security. At leadership meetings individuals signed their names to concern areas. Then they were asked to come back months later and deliver a progress report on their efforts.

What transpired, was truly amazing. The responsibility was taken seriously. Commitments were made to help others, solve problems, and clean up the streets from crime, drugs, and violence. So many special people worked day and night to help those less fortunate in Anderson.

So many wonderful people like James Burgess and Dr. William O'Neill, the assistant superintendent of Anderson community schools, have taken the responsibility to make our community a better place.

So today let me commend a few of the lead coordinators; Larry Burns with Concerned Citizens, Bruce Walker, and Rev. Louis Burgess, Jr., for their valuable time, prayers, strength, and efforts.

Everyone who participated in the community resources summit are Hoosier heros. Mr. Speaker, that concludes my report from Indiana.

COMMENDING WESLEY, BROWN & BARTLE'S FINDINGS ON MINORITY EMPLOYMENT PRACTICES

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MALONEY of New York. Mr. Speaker, despite the heated controversy and, at times, unfortunate rhetoric surrounding the plight of women and minorities who must strive for career advancement, I am pleased to report that Wesley, Brown and Bartle finds America's leading corporations continue to maintain diversity employment practices.

Almost 2 in every 3 Fortune 100 companies (62 percent) responding to a survey by Wesley, Brown and Bartle Company, Inc. have hiring programs dedicated to diversity and 15 percent of them tie portions of executive compensation to achieving diversity leadership goals. A year ago, when WB and B first surveyed these companies, 64 percent said they maintained such programs and 17 percent said they included compensation incentives. These percentages were almost identical to the survey results of a year ago, despite the political assault on affirmative action programs in the intervening months.

WB&B founder Wes Poriotis notes the influence of a widely circulated study by the Hudson Institute on the effects of the marketplace to changing demographics in the United States. The study concluded that in the near future, companies with workforces that mirror the demography of their customers will prevail over competitors whose workforces do not. In short, diversity hiring is good business.

Wesley, Brown & Bartle is the oldest minority-partnered international search firm. It provides senior and middle management executive recruitment for major corporations and Federal agencies. Their innovative systems for identifying and maintaining contact with managers and professionals have been utilized by many of the Nation's leading corporations, including AT and T, DuPont, Northrop Grumman, The Prudential, Toy's R US, and Union Pacific.

Wesley, Brown and Bartle is to be commended for having been in the forefront of advancing quality executives from the ranks of the Nation's women and minorities for almost a quarter of a century. I salute this firm in my district and the truly inspirational results of their quarter-century of significant and innovative achievement.

TRIBUTE TO JOHN SCHARER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated and caring public servants, John Scharer, who recently retired after more than 2 decades of public service.

John has served the city of Petaluma, CA for more than 24 years as an accountant, finance director, and, for the past 16 years, as city manager. His courage and creativity have helped to turn the city's economy around and prepare Petalumans to meet the challenges of the 21st century. Under John's leadership, the city built a beautiful 24,000 square foot community center, developed a wonderful marina and municipal airport, and converted a mortuary into a state-of-the-art police facility.

I was fortunate to have served on the Petaluma City Council for 8 years during John's tenure as city manager. Although we seldom disagreed on important issues, when we did, I never questioned John's commitment to the people of Petaluma. Through John's efforts, projects such as the Factory Outlet Village, the Auto Mall Plaza, and new industrial parks have allowed Petaluma to grow without losing its small-town charm. He also brought a Santa Rosa Junior College campus to Petaluma and came up with the successful plan to turn an empty agricultural experimentation center into a shelter for homeless families.

Mr. Speaker, it is my great pleasure to pay tribute to John Scharer this evening. It would be difficult to find a person as committed to the future of Petaluma as John. Petalumans owe a great deal of gratitude to him for his tireless efforts on their behalf. He will certainly be missed.

EXPLANATION OF MINK PRIVATE DELIVERY SERVICE BILL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I have introduced legislation to provide consumers access and ease of transmission to Federal agencies where time of receipt is required to preserve a right or to meet a filing deadline. Currently, in many instances, documents required to be received by Federal agencies within a certain deadline are recognized as arriving on time by the date of postmark affixed by the U.S. Postal Service [USPS]. Such documents include grant applications, court notices, sealed bids, and several other types of official documents.

My legislation would provide the same recognition to the date affixed on such items delivered by private delivery services, such as Federal Express or United Parcel Service.

My bill uses the same definition of designated private delivery services as is used by the Taxpayer Bill of Rights II, Public Law 104–168, section 1210, which was passed by the last Congress and signed into law on July 30, 1996. This timely-mailing-as-timely-filing rule applied to filing of income tax returns has been adopted by my bill and extended to all documents filed with Federal agencies.

The date of receipt or date otherwise recorded on the item by the delivery company will constitute date of receipt by the Federal agency same as filing of Federal income taxes is deemed received by the postmark placed on the parcel or letter by USPS. With expanded delivery services now available, this procedure should be deemed applicable to these services as well.

I urge my colleagues to support my bill, to provide greater ease of compliance by our constituents in meeting filing deadlines.

HELLS CANYON NATIONAL RECREATION AREA

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SMITH of Oregon. Mr. Speaker, today I have introduced legislation to clarify the eastern boundary of the Hell's Canyon National Recreation Area [HCNRA]. This legislation is necessary to correct an oversight that has lead to the closure of an important access

route. The bill will enhance the public enjoyment of the Hells Canyon region, while preserving the ecological value of the wilderness area itself.

In 1975, Congress created the HCNRA. The recreation area abuts the eastern border of the Hells Canyon Wilderness Area, and overlooks the Snake River and the Oregon-Idaho border. A road, Forest Service Road 3965, lies along the western rim of Hells Canyon. Most of this rim road lies within the recreation area. It provides access to several hiking trails, and to the most scenic overlooks of Hells Canyon itself. Unfortunately, a 6.5-mile stretch of the rim road is now closed. Despite the clear intent of Congress, and the long-standing practice of the Forest Service, an inaccuracy in the boundary definition has led to the inadvertent inclusion of Forest Service Road 3965 within the Hells Canyon Wilderness Area itself, forcing the road's closure.

The legislative history of the 1975 recreation area legislation evinces a clear congressional intent to maintain Forest Service Road 3965, the area's most prominent scenic route. Section eight of the original HCNRA Act requires the Secretary of Agriculture to evaluate scenic roads within the recreation area. During Senate consideration of the bill, it was stated that "in no case [would Recreation Area lands] go back to the rim of the gorge."

In 1978, Rep. Al Ullman (OR) successfully sponsored legislation that changed the recreation area's eastern boundary by tying it to the Canyon's hydrologic divide. For 11 years, Road 3965 remained open to motorized vehicles. Then, in October 1989, during scoping for a proposed fire salvage timber sale, it was discovered that portions of a 7-mile stretch of the road were located on the Snake River side of the hydrologic divide. Despite longstanding practice, and the well-established intent of Congress, the Forest Service was compelled to close the road. After a thorough review of this issue in 1996, Jack Ward Thomas, then the Chief of the U.S. Forest Service, wrote a letter in which he addressed the assertion that the road closure was inadvertent. He concluded that "all indications are that this is the case."

For decades, Oregon residents have traveled Road 3965 to experience the natural beauty of Hells Canyon. Congress established the HCNRA to enhance and preserve public enjoyment of this valuable resource—not to cut off access to the area. This bill will restore Congress' original intent, facilitating public access to the recreation area while preserving the sanctity of Hells Canyon itself. I urge my colleagues to support this sensible legislation.

RECOGNITION OF REVEREND FINLEY SCHAEFER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SCHUMER, Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge outstanding individuals of our Nation.

I rise today to honor Reverend Finley Schaefer for his forty years of dedication and leadership within the Methodist religion. For over 25 years, Reverend Schaefer has served as Minister for the Park Slope United Methodist Church. Through his tireless efforts and the highest dedication to his religion, Reverend Schaefer has worked to create the most solid form of bond between all those within his congregation. The example of his high standard of commitment to the people within his church and to the people touched by his religious message is an inspiration to us all.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join me in wishing Reverend Schaefer all the best in his retirement from the ministry of the United Methodist Church. Even as Reverend Shaefer leaves the formal church behind him, there can be no doubt as to the joyous life which lies ahead for him and all those who cross his path.

TRIBUTE TO THE PERFORMANCE CLUSTER CHOIR

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RUSH. Mr. Speaker, I rise today in honor of the Performance Cluster Choir and their 72nd observance of Black History Month.

The Chicago Post Office Choir reorganized in September 1994 under the direction of Carolyn Y. McQuerter. During this period of reconstruction, the choir was renamed the Performance Cluster Choir. The choir represents employees from all crafts, and includes a husband and wife, four sisters, and numerous cousins and friends.

The talent and tremendous sound of this choir has enabled them to perform at the installation of Rufus F. Porter, the District Manager/Postmaster in Chicago, and for Etta J. Williams, Postmaster in Oak Forest, IL. This gifted choir has also performed at the Annual Picnics of Alderman John O. Steele, and for the 1st anniversary of the Million Man March, celebrated at DuSable Museum.

Mr. Speaker, this choir has truly been a blessing to the Chicago District Post Office, and to the African-American community in the city of Chicago as well. I am proud to enter these words of recognition into the RECORD.

TRIBUTE TO VALDEMAR DELGADO AND BEN HOWARD FOR THEIR BRAVERY OF SERVICE TO THE CICERO POLICE DEPARTMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to honor and commend Valdemar Delgado and Ben Howard, two outstanding individuals from my district. It was on January 8, 1997, that two Cicero police officers, Andre Van Vegten and Matthew Koman, were in need of immediate assistance and Mr. Delgado and Mr. Howard stopped to aid in rescuing the two officers from a burning vehicle.

While responding to a call of a man with a gun at 44th Street near Cicero Avenue, the officers were involved in an accident that caused flames which protruded through the hood of the patrol vehicle. At the time, Delgado and Howard were passing by and saw the flames. Without any hesitation or regard for their own safety, they immediately attended to the two officers inside the burning vehicle.

With much bravery and commendation, Delgado and Howard attempted to pry open the door of the patrol vehicle with a crowbar without success. After many attempts Delgado was able to break the window and pull Officer Koman out to safety. At the same time, Howard was able to remove Officer Van Vegten from the vehicle.

Because of their quick response and thinking, Delgado and Howard were successfully able to remove both Officers Van Vegten and Koman from fatal harm. Both officers were then taken to area hospitals for life-saving treatment. Valdemar Delgado and Ben Howard were congratulated and honored on January 14, 1997, for their heroism and bravery by the mayor and City of Chicago Council.

Mr. Speaker, I congratulate and commend these two fine individuals for their bravery and selfless act. I am very proud and honored to have people like Valdemar Delgado and Ben Howard who give so much to help with the safety of our community.

TRIBUTE TO RAUL A. BESTEIRO, JR.

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to ask my colleagues to join me in commending Mr. Raul A. Besteiro, Jr., an adjunct professor with the alternative certification program at the University of Texas-Brownsville, for his recent election to the presidency of the Southern Association of Colleges and Schools [SACS]. He was elected to this position at SACS' annual gathering in Nashville, TN, in December, after 38 years of membership.

SACS is a voluntary agency, one of six regional accrediting organizations in the United States. It boasts a membership of more than 11,000 accredited public and private educational institutions, from colleges and universities to elementary schools. The organization was founded in 1895, and works with schools across the South from Virginia to Texas.

As president of this prestigious organization, Mr. Besteiro will lead the formulation of policy for accreditation of the region's member schools and colleges. He was chosen to lead this association by virtue of his hard work on behalf of schools, children, and education over the years. He has been actively involved with the association's process of ensuring that member institutions meet established standards.

There is no one who can do a better job with this great responsibility than Raul

Besteiro. Mr. B., as he is affectionately known throughout south Texas, has spent his adult life dedicated to the excellence of schools in Brownsville and to the cause of education in general. Mr. B. was an integral part of the Brownville Independent School District from 1958 to 1989, as a teacher, an administrator, and a superintendent.

He has proven himself to be a unique educator for the community of Brownsville with the example of his life's work. That dedication to education continues within the realm of his new position. In the 101 year history of SACS, Raul Besteiro is both the first Texan—and the first Hispanic—to lead the organization.

I ask my colleagues to join me in thanking Raul for his life's work in the field of education. I hope you will join me in wishing him well as he furthers the cause of education as the president of SACS.

AMERICAN SAMOA DEVELOPMENT ACT OF 1997

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce the American Samoa Development Act of 1997.

Over the past several months, I have had the opportunity to discuss with American Samoa's new Governor, the Honorable Tausese P.F. Sunia, the current economic status of American Samoa, and the direction he would like to move the territory's economy.

It is no secret that of all the U.S. insular areas, American Samoa has the weakest economy. The growing population coupled with its limited industrial base has hastened an economic downward spiral which if not checked, could result in the financial collapse of the local government. This would not be in the interests of the residents of American Samoa, the local government, or the United States.

American Samoa currently receives annual Federal assistance for both the operations of its government and for the construction of capital assets. Every elected Governor of American Samoa has attempted to develop a larger and broader economy for Samoa, but each has met with limited or no success because of Samoa's remote location, its limited transportation, and its devastating hurricanes.

To his credit, former Gov. A.P. Lutali negotiated a mutually beneficial agreement with an apparel company during his most recent term in office, and that company is now in operation and employing hundreds of American Samoans. The addition of this company gives American Samoa a total of three major businesses operating in the territory. I am concerned that with the termination of section 936 of the Internal Revenue Code, the implementation of the North American Free Trade Agreement, and the phase out of tariffs under the General Agreement on Tariffs and Trade, the few trade incentives the United States has given American Samoa and the other insular areas are rapidly losing their value.

As of today, no new businesses in American Samoa, or any other insular area for that matter, can obtain the benefits of section 936. Should Federal law concerning the importation of canned tuna into the United States under the dolphin safe label be amended as proposed, I do not believe the two tuna canning plants in American Samoa will remain in Samoa beyond the end of this century. Should they leave, and I expect them to be forced to do so because of changes in the economics of international production of canned tuna, Samoa will lose fully one-third of its total economy. This will be devastating.

This legislation is a start toward addressing this problem. The commission established will be directed to examine, among other things, recent changes in trade law and the current and future impact these changes will have on American Samoa.

A TRIBUTE TO CONCORD COLLEGE, ATHENS, WV, 125 YEARS OF EDUCATIONAL EXCELLENCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. RAHALL. Mr. Speaker, on May 10, 1875, 70 students arrived at a rough frame building for the first session of classes, under the leadership of Capt. James Harvey French as princiapal—a result of action taken by the West Virginia Legislature to establish a branch of the State Normal School at Concord in the county of Mercer.

On February 28, 1997 Concord College will observe its 125th anniversary—celebrating one and one-quarter centuries of excellence.

This expansion of higher education was motivated by the educational reform movement of the 1870's and the need for producing qualified teachers for elementary and secondary schools. The enabling legislation provided that no State funds were to be used in the construction of the school building. Residents of the town raised over $1,700 by subscription to erect the first building on land donated by William Harvey Martin, at the site of the present Athens Elementary School.

By 1885, the State Legislature, impressed by the service given to the State by the school, appropriated $5,000 for a new brick building, which was completed in June 1887.

But fire was to claim the downtown location of the Normal School in November 1910, rousing a determined faculty and students to hold classes the very next day wherever they could find space throughout town. The current campus was selected as the new site, and it was purchased by the people of Athens from the Vermillion family for that purpose, only to have a second fire in 1912 that was even more damaging than the first—but again, a determined faculty and residents of the local community banded together to rebuild and rededicate Concord School.

The college awarded its first baccalaureate degree to three graduates in June 1923, and in 1931 the institutions' name changed to Concord State Teachers College.

Today, under the current leadership of President Jerry Beasley, Concord has grown to a comprehensive State college of 2,400 students studying in Athens, Beckley, and other southern West Virginia locations. The town in which is has always been located even changed its name to Athens in 1896 in recognition of Concord's role as a center of education.

Concord College, under previous Presidents such as Cap. James Harvey French, whose early title was "Principal," to President Joseph Franklin Marsh, to President Meredith Freeman, to the excellent administration of its current President Jerry Beasley, has expanded far beyond its original teacher preparation mission—with programs of study offered in business, social work, the arts and sciences and the other pre-professional fields.

The college believes strongly in the advantages that a broad liberal arts education can add to the job preparation skills which the public now demands. In an era in which job change and career shifts are on the rise, the value of this fundamental education—learning how to learn for a lifetime—is even more pronounced.

Mr. Speaker, it is my high honor to represent the people who live in southern West Virginia—the State's third Congressional District—where Concord College was established and where it is now a thriving campus.

I take this opportunity to pay tribute to Concord College, to its faculty, students and to its many friends as it celebrates its 125th anniversary on February 28, 1997. At 11 a.m. on that date, a full academic processional will enter the Alexander Fine/Arts Center of the Athens campus for a program commemorating the college's beginning—and its future.

I join with the officials of Concord College, the newly elected Governor Cecil Underwood, the State College System board of Directors, the local delegation to the West Virginia Legislature and representatives of Concord's constituent and support groups, in congratulating Concord College for this enormous success in serving family and student needs in Athens and surrounding areas.

Mr. Speaker, it is through these kinds of lasting efforts continued down through centuries and more, that we continue to be able to improve and enhance higher education for all our people. From its inception, the local people of Athens, the students and faculty, and the enormously talented Presidents named above who served Concord from 1872 to 1997, all sharing their ideas and their ideals and acting upon them for the common good—have culminated in the highly respected and greatly loved Concord College that we pay tribute to today.

BLACK HISTORY MONTH: RECOGNITION, RESPECT, AND RELIANCE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. McINTYRE, Mr. Speaker, as the Members know, February is Black History Month, which our Nation has devoted to recognizing and honoring the contributions and accomplishments African-Americans have made to this country. Across our great Nation, schools,

businesses, churches, and civic organizations are making a special effort to proclaim the importance of African-Americans to this Nation's progress and success.

We make this special effort for two fundamentally important reasons. First, black people of this Nation have suffered unfairly through generations of slavery and oppression. Today, I am grateful that we are working together to ensure that all people are treated equally, both in word and deed. The second reason we mark this time with Black History Month is that African-Americans have made substantive and vitally important contributions to this Nation's progress and success. Quite simply, we would be much diminished as a nation if it were not for the hard work, insight, activism, leadership, and excellence found within the African-American community.

Today, I want to focus on the pattern of black history that begins with our Nation's earliest days and ends in a future that is brighter for all of us. That pattern has three fundamental components: Recognition, Respect, and Reliance. I believe that we must recognize African-Americans for their contributions. I believe that respect for African-Americans flows out of our recognition of their importance in America. Finally, recognition and respect creates a healthy reliance on African-Americans that crosses all racial and economic groups. I stand here today in order to help move forward our efforts to recognize Black historical accomplishments, to urge respect for our African-American neighbors, and to promote a cross-racial reliance that fosters a more perfect Union.

Recognition begins with an understanding that African-Americans have made substantive and vitally important contributions to the cultural, economic, athletic, scientific, and spiritual advancement of the United States. They have been a positive factor in nearly all major events in American history and have both influenced and changed American life and culture. Unfortunately, many contributions made by African-Americans remain unknown among most Americans.

We could spend many hours exploring African-American contributions to American life. Today, I urge you to take some time and explore the remarkable achievements of African-Americans on your own. When we recognize the continuous and important impact they have had on our nation, we will agree that a future full of African-American accomplishments is a good one.

Consider the impact African-Americans have had in politics and civil rights. Of course, Blacks have always been politically active. Today, we should call special attention to Blacks who serve their nation and communities in ways unimaginable one hundred years or even fifty years ago. Blacks now serve in unprecedented numbers in elected and appointed positions at all levels of government. Mayors David Dinkins, Tom Bradley, Coleman Young, and others have had a positive impact on some of our most important cities. Douglass Wilder served as governor of my neighbor state of Virginia. In my home district, several black leaders have served on the city council, school board, board of county commissioners, community college board members, state board of transportation, numerous other state boards and commissions, state legislature, and in government positions at all levels, including Congress, for many years with distinction. The civil rights advances in our nation could not have been made without these fine citizens. We must recognize the importance Blacks have in shaping our political lives.

We should also recognize Blacks for their contributions to advancing American science and technology. Blacks have been vitally important inventors and scientists from our nation's earliest days. Did you know that Onesimus, a black slave, was experimenting with smallpox vaccines in the 1720s? This pioneer of modern medicine was followed by others such as Dr. Charles Drew, who engineered blood transfusions; and Samual Kountz, who made kidney transplants more successful. In technology, Blacks have invented the incandescent light bulb, truck refrigeration, polymer fabrics, and automated manufacturing machines used in making shoes, telephones, and other items essential to our daily lives. In space, Lt. Colonel Guion Bluford was the first Black to fly in space. Hoping to advance human services, astronaut Ronald McNair tragically died in the Challenger shuttle explosion. These individuals and many many other African-Americans must be fully recognized for their contributions to American life.

Once we recognize African-Americans for their accomplishments, we must respect them as valuable contributors to American society. In my home state of North Carolina, the African-American community emerged from the shadows of slavery to quickly take positions in government, education, entertainment, and media. The progress has not always been easy or free of hardship and danger, but the results for North Carolina include a vibrant and diverse sense of community that benefits every citizen.

Take, for example, two North Carolinians who should have our respect. First, in the early 1900's Dr. Charlotte Hawkins Brown founded a school for African-American children. Although she was attacked and oppressed with Jim Crow laws, her faith in God and her commitment to her community gave her the strength to ensure that her school, known as the Palmer Institute, educated Black children in the sciences, language, and culture. She received many honors, and was a friend of Eleanor Roosevelt, W.E.B. DuBouis, Booker T. Washington, and other leaders of the day. I have nothing but respect for people like Dr. Hawkins, who spend their lives committed to God and community.

There is one more person who exemplifies the sort of success that we should respect. Hiram Rhoades Revels is especially significant to me for three reasons. First, he committed his life to God and proclaiming the truth of the Christian Gospel. Second, he was born in Fayetteville, North Carolina, only 30 miles from where I was born. Third, he was the first Black member of the United States Congress. It is remarkable that his adult life spanned the Civil War, Reconstruction, and ended in 1901 during the Progressive Era. He was a true pioneer of American political life.

All the people I have mentioned today—the scientists, teachers, politicans, and every African-American—should be respected members of our Nation.

Finally, we should consider America's future in light of the recognition and respect due African-Americans. America works best when every American can act responsibly, work well, and live in a safe community. When Black History Months ends, we must not end the recognition and respect earned by African-Americans. Our recognition and respect for African- Americans leads to a reliance on African-Americans for their valuable contributions to American life.

Today, there are nearly 400,000 African-American children in the North Carolina public schools. We must work together to ensure that their future is full of success and opportunity. Through the efforts of their forebearers, this Nation has come closer to fully understanding our Declaration of Independence: That all men are created equal under God and are entitled to the opportunity for life, liberty, and the pursuit of happiness. For many years, these words rang hollow to African-Americans. Let us be wise enough to now recognize their accomplishments, respect their value to society, and rely on them to be equal members in the great work of this Nation.

And may we remember the words of Adlai Stevenson, who was the Democratic nominee for President in 1956, this year I was born, when he said:

> Trust the people, trust their good sense, their decency, their faith. Trust them with the facts; trust them with the great decisions; and fix as our guiding star the passion to create a society in which no American is held down by his race or color, by worldly condition or social status from earning that which his character earns him as an American citizen, as a human being as a child of God.

TRIBUTE TO DANYCE HOLGATE-WILKINS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. TOWNS. Mr. Speaker, the Borough of Brooklyn is blessed with a tremendous resource of talented citizens who are dedicated to improving their community and making it a better place to live. Danyce Holgate-Wilkins is one of those dedicated citizens. She was born and raised in Brooklyn, and received her undergraduate degree from Stonybrook University, and her law degree from Howard University School of Law.

Since obtaining her law degree, Danyce has worked in a variety of capacities, including a clerkship with the Honorable Judge Bruce Wright, in addition to working in the law firm of Gaston and Snow in Boston, MA. She also has worked as an assistant corporation counsel for the city of New York.

Danyce is involved in a host of local political endeavors, in addition to serving on the board of the Association of Black Woman Attorneys. Additionally, she is a member of the board of the Tri-Community Development Corporation, and the Parent Teacher's Association.

Danyce is married to William Scott Wilkins and is blessed with two wonderful children, twin girls, Danah and Danielle.

TRIBUTE TO FRANK DEL OLMO

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BECERRA. Mr. Speaker, it is with utmost pride that I rise today to recognize and honor one of this country's finest journalists—Mr. Frank del Olmo—as he celebrates 25 years of service at *The Los Angeles Times.*

For over two decades, Frank has written for Los Angeles' awardwinning daily and has delivered more than just a story and a byline.

Frank began his career at *The Los Angeles Times* as an intern in 1971 and was hired as a reporter upon completion of his apprenticeship. After spending a year reporting local news, he soon became a staff writer specializing in Latin American affairs—a stint which lasted nearly 10 years and distinguished him as one of the best writers at his hometown paper.

Frank rose to the rank of editorial writer and held the position for 9 years before beginning his 6-year tenure as deputy editor of the editorial pages. Today, Frank is assistant to the editor at *The Los Angeles Times.* He holds the highest position of any Latino at the newspaper, and he continues to be one of the few high-ranking Latinos in newspaper management in the country.

Frank has earned a reputation for being a journalist with integrity—a risk-taker who knows how to thread the needle—a man confidently anchored as much in his words as by his deeds.

Perhaps one of the most defining moments in Frank's career was born in a dissenting opinion he wrote a few years ago while deputy editor of the editorial pages. When *The Times* issued a gubernatorial endorsement with which he strongly disagreed, Frank put his pen to work despite the brewing tension that many believed might lead to his permanent departure from the paper. For Frank, expressing his opinions publicly was a matter of conscience. He could not sit back while the official *Times* opinion so offended California's ethnic and immigrant communities. His efforts brought him greater respect from journalists in the newsroom; and management fully realized the talents and crucial voice that Frank brings to its pages.

As assistant to the editor, Frank continues to write an insightful column for Sunday's opinion page, and he has greater input in what the paper will run each day. Frank earned this responsibility because he worked hard, because he was vigilant on behalf of his paper and his principles. He earned it because he dared to speak his mind—legitimately, constructively.

The quality of Frank's work over the years has earned him public acclaim. In 1991, he was a co-winner of *The Los Angeles Times* "Editorial Award" for pieces written on the Rodney King/LAPD/Darryl Gates case. In 1984, Frank received the prestigious "Pulitzer Gold Medal for Meritous Public Service" for a series of articles on Southern California's Latino community.

While Frank is highly regarded in the Los Angeles newsroom where the has worked for over 20 years, the story is no different outside the newsroom.

Frank, the highest-ranking Latino at The Los Angeles Times, serves as a role model for Latinos and other minorities, especially young aspiring journalists. His commitment to advancing the lives of young people and desire to see more Latinos blaze the journalist path inspired him to join with his colleagues to establish the California Chicano News Media Association (CCNMA) nearly 25 years ago.

Today, the 500-member organization serves as a valuable resource for working journalists and aspiring journalists alike. Frank was a principal architect in the designing of the summer high school journalism workshops that are synonymous with CCNMA. The workshops allow participating students to acquire—through one-on-one training with professional journalists in actual newsrooms—the necessary tools to report the world.

From covering the local beat as a rookie reporter, to reporting the violence and bloodshed of civil disturbance in Central America, to writing commentaries and helping students, Frank has surpassed the expectations and standards of a journalist. In a time when so many take liberty to belittle and bash members of the media, it is with great pleasure that I honor Frank today and share a piece of his life with you.

Mr. Speaker, as friends and associates gather to congratulate Frank for his 25 years of outstanding work, I ask that my colleagues and my country join me in saluting this exceptional individual—An individual who is a tremendous journalist and an active community leader—an individual who, until I memorialize it in writing, may never understand just how proud he makes so many of us feel.

Mr. Speaker, Frank del Olmo is a humble and thoughtful man who carefully conceals the passsion and determination of a warrior. He is most deserving of our words of tribute. How I only wish that my pen would sing like his.

CONGRESSIONAL TERM LIMITS AMENDMENT

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives:

Mr. RILEY. Mr. Chairman, I rise today to express my support for term limits.

When our Founding Fathers drafted the Constitution, they envisioned a citizen legislature of the people, not a lifeline for career politicians.

Congress ought to be an institution that encourages individuals to come to Washington for a short period of time and subsequently return back to their local communities.

By enacting term limits we will return the power of Government back to the people, which is exactly where it belongs.

In my opinion, our current system fosters a class of professional politicians who entrench themselves in office by utilizing the powers of incumbency.

Let's put politics and bickering aside for a day and pass meaningful term limits legislation on a bipartisan basis.

Seventy-five percent of all Americans support term limits. Twenty-four States have approved term limit measures.

It's time for us to put the people back in charge and restore our constituents faith in Congress as an institution.

We can do this by sending a clear signal that the House of Representatives and the U.S. Senate will no longer be home to the out of town and the out of touch.

I urge my colleagues to vote in favor of term limits today.

TRIBUTE TO EVELYN DUBROW ON THE OCCASION OF HER RETIREMENT AFTER 40 YEARS OF SERVICE ON BEHALF OF AMERICA'S WORKING FAMILIES

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay special tribute to Evelyn Dubrow, whose ceaseless advocacy on behalf of the American worker has spanned four decades and has been a catalyst for positive change in American society.

Evy Dubrow began her adult life as a journalist but soon became one of the leading voices in the labor movement. After serving as secretary of the New Jersey chapter of the American Newspaper Guild during the 1940's, Evy was hired by the International Ladies Garment Worker's Union [ILGWU] in 1956. Shortly thereafter, Evy was sent to Washington by the ILGWU where she lobbied for passage of many progressive initiatives. Through the Sixties, Seventies, and Eighties she worked closely with the leadership of both parties in support of a more labor-friendly agenda. In the Seventies, in honor of her tireless dedication, then-Speaker Tip O'Neill assigned Evy her own chair outside the House Chamber doors.

Evy Dubrow came to Washington a diminutive political novice, but will leave behind a legacy of the greatest stature. During her tenure on the Hill, Evy pressed for greater access to health care, family and medical leave, raising the minimum wage, and "Buy American," long before they became fashionable causes. Over the years her intelligence, gentility and charm have allowed her to gain access to a veritable Who's Who of the Congress. Never one to threaten or cajole, Evy trusted her firm grasp of the issues and friendly disposition to get her point across.

When Evy arrived in Washington there were only three other women lobbyists on the Hill and Dwight Eisenhower was in the White House. Over the span of her long career, Evy has received more honors than time permits me to list here today. Although she is retiring from her official post as vice president and legislative director of the ILGWU, her love for

our institution and her enduring legacy will live on in the Halls of Congress. Mr. Speaker, in recognition of Evelyn Dubrow's dedication to improving the lives of America's working families, and her contribution to the culture of politics, I ask that my colleagues join me today in honoring this truly deserving woman.

LOU GAMBACCINI; DEPARTURE FROM SEPTA

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BORSKI. Mr. Speaker, I rise in honor of my good friend Mr. Lou Gambaccini, as he retires from his position of general manager of SEPTA. For 8 years, longer than any other general manager, Lou Gambaccini served SEPTA with dedication and distinction.

Lou Gambaccini inherited a system in 1988 wrought with numerous problems that required quick and decisive action. He rose to this challenge and set forth to combat an aging infrastructure system. Lou provided the necessary guidance to move SEPTA in a positive direction. Due to his accomplishments, Lou is held in high regard within the national transportation community. He is one of the Nation's most renowned proponents of increasing our Federal commitment to mass transit.

SEPTA quickly moved into the area of infrastructure renewal and repair under Lou's tutelage. Projects were prioritized so that scarce resources were not unwisely depleted. Efficiency was the key element to these projects, reducing time and money spent. Beginning in 1988, SEPTA has engaged in numerous reconstruction projects, including the Frankford Elevated Reconstruction Project [FERC], RailWorks, Norristown High Speed Line, Overbrook Rail Maintenance Facility, Midvale Bus Depot, and the purchase of 400 new buses and 220 new cars for the Market-Frankford line.

The work completed on the Frankford Elevated Reconstruction Project is an amazing demonstration of Lou's leadership and insight. Lou managed this $750 million reconstruction without any major disruption of service for the community. Thanks to his efforts, the Frankford El is a vital resource for the constituency of northeast Philadelphia.

Lou moved SEPTA into a new era in which critical dedicated funding could be counted on by organizing the Southeastern Pennsylvania Area Coalition for Transportation [ACT]. ACT is a group of 70 leaders from both traditional and nontraditional transit proponents, representing various constituencies. This group has become a model throughout the Nation for other transit supporters.

Frequently faced by inadequate operating budgets, Lou Gambaccini streamlined operations to cover million dollar gaps and increasing costs. Reacting to budget crises with creative solutions and proactive programs, he succeeded in meeting budget demands with the least amount of disruption possible.

Under Lou's guidance, SEPTA employees have become focused on creating a system that is service-friendly and propelled by its customers. During his tenure, service has improved tremendously with resourceful new need-based routes, as well as a major decline in violent crime on the system.

Serving as a leader to the Nation and the industry, Lou Gambaccini demanded that SEPTA become an agency where real equal opportunity exists. The upper management affirmative action initiative has achieved its goal of producing a middle and senior management workforce more balanced in its representation of females and minorities.

In his unprecedented term of 8 years as general manager of SEPTA, Lou Gambaccini has turned SEPTA around and sent it into the future on the right track. He has displayed perseverance and ingenuity when challenged. SEPTA is now in a position where it will have the ability to continue improving in the future and adapting to the changing needs of the community.

As general manager at SEPTA, Lou Gambaccini displayed the type of commitment and insight necessary for success, and he will be missed and remembered. I wish him the best of luck in the coming years.

PROMOTING A TRADE PARTNERSHIP WITH THE CARIBBEAN BASIN REGION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. CRANE. Mr. Speaker, I want to draw my colleagues' attention to two articles on United States/Caribbean relations that have appeared in the New York Times over the past few months.

The articles document a gradual erosion of the United States/Caribbean economic and trade partnership. Over the past few years, in focusing our attention on domestic issues and on other foreign policy matters, we have inadvertently neglected an area of the world that remains critically important to our own strategic and commercial interests.

The Caribbean Basin is our 10th largest export market and one of the few regions in the world where our firms consistently post a trade surplus. As home to the Panama Canal and to the major access routes for ships entering the Gulf of Mexico, the Caribbean is a vital gateway for many agricultural and manufactured goods. Finally, sitting astride the major transit routes of illicit narcotics from South America to our shores, the Caribbean serves as the front line in our defense against drug traffickers. As we have seen too many times—even in the last decade—destabilization and economic loss in the Caribbean often echoes loudly in the United States.

In recognition of the strategic importance of this region, I expect to reintroduce legislation that will aim to restore the vital United States/Caribbean economic partnership that was fostered through the Caribbean Basin initiative. That legislation will ensure that the United States/Caribbean economic relationship is not inadvertently diminished by the relationship we are now fostering with Mexico under the NAFTA. Moreover, the legislation will provide a roadmap to help prepare our Caribbean partners for the challenges in the next century, including membership in the planned Free Trade Agreement of the Americas (FTAA).

In the meantime, I would ask my colleagues to take a few moments to read these articles to gain a better appreciation of the current state of United States/Caribbean relations and a more thorough understanding of a substantial problem that the United States must address.

[From the New York Times, Jan. 30, 1997]

BACKLASH FROM NAFTA BATTERS ECONOMIES OF THE CARRIBBEAN

(By Larry Rohter)

KINGSTON, JAMAICA._ Three years after the United States, Canada and Mexico agreed to become a single market as part of the North American Free Trade Agreement, their exports to each other are booming. But here in the Carribbean, the economies of America's much smaller neighbors are reeling from the impact of that success and finding it nearly impossible to compete.

From the apparel plants of Jamaica to the sugar-cane fields of Trinidad, Nafta has already resulted in the loss of jobs, markets and income for the vulnerable island nations of the region. The capital and investment projects that are vitally needed for future growth, officials say, are increasingly flowing out of the Caribbean Basin and into Mexico.

"The stark reality is that Mexico can now export its products to the United states free of duty, which makes it more profitable for producers to operate from there," Seymour Mullings, Jamaica's Minister of Foreign Affairs and Foreign Trade, said in an interview here. "Putting it very simply, if that is not stemmed, it could do untold damage to our manufacturing sector and economy as a whole."

Nafta's devastating effect on the Caribbean was widely forecast before the treaty's passage in 1993 and Washington suggested it would cushion the blow by extending similar trade preferences to the island nations.

However, the Clinton Administration's proposals to give the Caribbean "Nafta parity" have twice foundered in Congress in election years and now face an uncertain future in a new Congress that has decidedly mixed feelings about the benefits of free-trade agreements.

The Caribbean now exports more than $12.5 billion worth of goods to the United States annually, and a recent study by the World Bank estimates that more than one-third of that total could be shifted to Mexico if the existing trade rules remain in effect.

The region's once-flourishing apparel sector has been hard hit, officials say. In the last two years, more than 150 apparel plants closed in the Caribbean and 123,000 jobs have been lost "as a direct result of trade and investment diversion to Mexico," according to the Caribbean Textile and Apparel Institute, which is located here.

Textile manufacturing had been one of the Caribbean's few economic bright spots. Between 1980 and 1995, Jamaica's garment exports, primarily underwear and hosiery, rose from less than $10 million a year to nearly $600 million annually, an average annual growth rate of 28 percent.

Since Nafta took effect in 1994, Mexican textile exports have grown at a rate three times those of the Caribbean as a whole. In 1996, the Caribbean Textile and Apparel Institute estimates, Jamaica's garment exports fell by 7 percent, with 7,000 jobs eliminated.

Similar or even larger decreases were recorded in Guyana, Belize and tiny St. Lucia.

More than 600 people, about 95 percent of them women, felt the effects of Nafta when the Youngone Garment factory on Marcus Garvey Drive here closed just before Christmas. The plant had been making T-shirts for export to the United States. But a Mexican factory took the business away with a lower bid, prompting the Korean company to shut down operations in Jamaica and send its employees home. The company then shipped its equipment off to Bangladesh.

"I lost my job back in '95 and haven't been able to find another one since," said Beryl Davidson, 26, a former textile worker and single mother of three small children. "I couldn't pay my rent, and I couldn't feed my kids, so I've had to move back in with my parents to survive."

"But my cousin in Brooklyn tells me there's plenty of work there, so maybe I will join her," she said.

Since Nafta went in effect, the creation of new jobs in this nation of 2.3 million people has stopped altogether and overall unemployment has risen to 16 percent from 9.5 percent, according to the Statistical Institute of Jamaica. Among women working in the apparel sector, the unemployment rate is now more than 33 percent.

Worse yet, the loss of jobs and American support occurs as the pro-American Government here, with an election due sometime in the next year, is completing an economic retrenchment that had been strongly urged by Washington. Over the past decade, Jamaica has sold off state companies, reduced the budget deficit and increased foreign reserves, but at a high social cost.

"We have no safety net here, no welfare, no Medicare," said Anthony Gomes, director of a large trading company. "So when people go to the street, it has a serious ripple effect. The way things are going, jobs are very difficult to get, and that is not helping our crime rate.

American officials, however, argue that Jamaica and other Caribbean nations are blaming Nafta for deeper-rooted economic difficulties that will remain even if trade rules are eventually eased. In the case of Jamaica, they maintain, those include a revaluation of the currency that increased its value by 12.5 percent last year, making the country's products more expensive, and a host of regulatory obstacles.

"The main problem here is government bureaucracy," one official said. "It is darn near impossible to collect the licenses and approvals you need to get a business off the ground."

Ironically, Jamaica's initial export surge was the result of another American program, the Caribbean Basin Initiative, which the Reagan Administration put in place 15 years ago. A package of aid, trade and investment incentives aimed at the private sector, the program was intended to introduce the Caribbean to what Mr. Reagan called "the magic of the marketplace," and had Jamaica as its centerpiece.

But that arrangement has also benefited the United States. American exports to the region rose 160 percent in the decade ending in 1995, to more than $15 billion a year. The Caribbean is the only part of the world where Washington recorded a favorable balance of trade every year during that time.

The Caribbean Basin Initiative still exists, but places either duties or quotas on those products in which Caribbean nations enjoy a competitive advantage, such as sugar, textiles and footwear.

"All we are asking is to be put on a level playing field with Mexico," said Paul Robertson, this country's Minister of Industry, Investment and Commerce. "We are not seeking a handout, but only the opportunity not to be prevented from taking full advantage of the North American market."

[From the New York Times, Oct. 24, 1996]

CARIBBEAN NATIONS FIND LITTLE PROFIT IN AIDING U.S. DRUG WAR

(By Larry Rohter)

BRIDGETOWN, BARBADOS.—Hoping for American gratitude and assistance, the English-speaking countries of the eastern Caribbean have in recent years devoted larger portions of their meager budgets to fighting drug trafficking. But now, to the dismay of many in the region, the United States is responding with a policy of economic retrenchment.

Legislation to give Caribbean countries the same free-trade benefits as Mexico and Canada has been shelved in Congress, and a little-noticed provision of the minimum-wage bill that President Clinton signed in August eliminates Federal tax incentives to encourage low-interest loans to the region. Also, the two sides are in a bitter dispute over export quotas for bananas, the back-bone of most economies in the area.

"What is the message being sent?" Keith Mitchell, the Prime Minister of Grenada, asked. "It is that our friends are abandoning us, that the rug is being pulled from under us, that we are being told we must sink or float on our own."

The scaling back of Washington's economic commitment comes with the region's re-emergence as a favorite transit zone for cocaine and heroin traffickers. Caribbean countries are largely cooperating with anti-drug efforts, United States officials say, and their leaders are clearly rankled by what they see as a lack of American economic support.

"We've surrendered our sovereignty," James Mitchell, Prime Minister of St. Vincent and the Grenadines, said at a recent meeting of the Caribbean Americas Business Network in Miami. "We've given the U.S. all the cooperation in the world. What else do they want?"

American officials acknowledge some of the complaints, but they also say that eastern Caribbean nations have passed up opportunities through membership in regional lending institutions to ease their economic dependence on Washington.

For their part, leaders of the 14 nations making up the Caribbean Community, a regional economic association known as Caricom, have been urging the Clinton Administration to grant them trade parity with Mexico and Canada, the United States' partners in the North American Free Trade Agreement.

But Congress adjourned this month without taking action on the measure, which was intended to supplement the largely moribund Caribbean Basin Initiative created by the Reagan Administration.

In a report last month, the Council on Hemispheric Affairs, a Washington-based research group, attributed the delay in action to "partisan and special interest opposition" in Congress. The council said American legislators were wary of offending fruit lobbyists.

Caricom leaders say they need access to free trade to help compensate for a drop of nearly 90 percent in American economic assistance to the region over the last decade, from $225 million to $26 million. In August, a provision in the new minimum-wage law ended tax breaks for American corporations doing business in Puerto Rico.

At the same time, Washington is challenging the traditional system of trade preferences that allows many Caricom nations to export their products to European nations either duty free or at vastly reduced tariff rates. One such proposal, which Caribbean leaders say could cripple the region's banana industry, is now before the World Trade Organization.

"It seems shortsighted and baffling," said Frank Alleyne of the Institute for Social and Economic Research at the University of the West Indies. "What about the cost in social unrest? If they succeed, drug cultivation will increase, mark my word. Farmers must find another crop, and that crop is marijuana."

RECOGNIZING JUNETEENTH INDEPENDENCE DAY

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. WATTS of Oklahoma. Mr. Speaker, today, I am introducing legislation recognizing the Juneteenth holiday as the day of celebrating the end of slavery in the United States. Although slavery was officially abolished by the Emancipation Proclamation in 1863, it took over 2 years for news of freedom to reach all the slaves. On June 19, 1865, Gen. Gordon Granger rode into Galveston, TX, and announced that the State's 200,000 slaves were free. Vowing never to forget the date, the former slaves coined a nickname for their celebration—a blend of the words "June" and "Nineteenth." Though Juneteenth celebrations originated in the Southwest, they soon spread throughout the South and are now celebrated throughout the Nation.

As we celebrate Black History Month, it is appropriate to recognize this significant moment in American history. Juneteenth Independence Day is an important and enriching part of our Nation's history and heritage and provides an opportunity for all Americans to learn more about our common past.

TRIBUTE TO GEN. BILLY J. BOLES

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor Gen. Billy J. Boles for his long and distinguished service to his country in the U.S. Air Force. I always consider it a great privilege to have the opportunity to recognize the achievements of a member of the U.S. armed services. These Americans dedicate their lives to the protection and preservation of our freedom, and all too often, we neglect to adequately express our gratitude to them for the sacrifices they and their families gladly make for the sake of our Nation. I take particular joy in this occasion because General Boles is a native son of King, NC in my district.

On April 1 of this year, General Boles ends a 35-year career replete with honors and distinctions that took him through posts in Mississippi, Texas, Washington, DC, and Vietnam. During the majority of his tenure, the Air Force assigned to him one of the most challenging and important duties in the armed services—recruiting and accessing Air Force personnel and training them to become the best pilots in the world. In a very real sense, the Air Force entrusted General Boles with its future.

After receiving his Bachelor of Science degree at N.C. State University in 1961, General Boles completed his military training at the Squadron Officer School at Maxwell AFB in Alabama, the Armed Forces Staff College in Norfolk, VA, and the National War College at Fort Lesley J. McNair here in Washington DC. He then went to his first post at Keesler AFB in Mississippi. In September 1962, he began his career as a military educator when he became an instructor and assistant course supervisor in the Personnel Officer Course at Greenville AFB in Mississippi. General Boles' service also includes two assignments in Vietnam. First, from July 1965 through October 1965 he served with the 6250th Combat Support Group and from October 1966 through June 1967 he served at the 7th Air Force Headquarters both at Tan Son Nhut Air Base in South Vietnam. General Boles' career then took him through several important positions including Director of Personnel Programs at the U.S. Air Force Headquarters here in Washington, DC from June 1987 through June 1988 and Vice Commander of the Air Education and Training Command Headquarters at Randolph AFB in Texas from April 1995 through June 1995.

On July 1, 1995, the Air Force promoted Billy Boles to general and made him Commander of the Air Education and Training Command Headquarters where he has served ever since. His command consists of 13 bases, 43,000 active duty members, and 14,000 civilians and includes two numbered Air Forces, Air University, Air Force Recruiting Service, and Wilford Hall Medical Center. In addition to the tremendous responsibilities General Boles fulfilled over his career, he also found time for his family which includes his wife, Kay, and their son, David, who also serves in the Air Force as a lieutenant.

Over his 35 years in the Air Force, General Boles earned many major awards and decorations including the Distinguished Service Medal, the Legion of Merit with oak leaf cluster, the Bronze Star Medal, the Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal, the Air Force Outstanding Unit Award, the Air Force Organizational Excellence Award with four oak leaf clusters, the National Defense Service Medal with service star, and the Vietnam Service Medal with four service stars.

All of his life, General Boles dedicated himself to excellence in every task he undertook. Born to a tobacco farming family in the Mount Olive Church community of King, NC in Stokes County on July 27, 1938, young Billy Boles grew up in an environment that stressed hard work and dedication. By age 14, he grew his first tobacco crop on his own. While working hard on the farm, he also found time to participate in scouting through his membership in Boy Scout Troop 102. Religion also played an important role in his career, and he became a member of Mount Olive Baptist Church by baptism on October 10, 1948.

During his school years, Billy Boles never rejected an opportunity to work or to learn. He attended North Carolina Boys State at UNC Chapel Hill in 1955, and in addition to going to school and farming, he worked for the U.S. Department of Agriculture as a tobacco acreage measurer. At King High School, Bill Boles' activities included Glee Club, Junior Marshall, Vice President junior and senior year, and salutatorian. Originally planning to work for R. J. Reynolds Tobacco Co. after graduation, encouragement from teachers and friends prompted him to apply to and attend N.C. State University where he enrolled in the ROTC program that launched him on his distinguished military career.

While I feel a small amount of sorrow that the young men and women in our Armed Forces will lose a great leader like General Boles, I also feel confident that his great accomplishments as an educator and trainer have helped ensure the future of the Air Force for years to come. Mr. Speaker, I would like to express my personal gratitude to Gen. Billy Boles for the great sacrifices and service he gave to his country over his long and distinguished career. Finally, on behalf of my colleagues here in the U.S. House of Representatives as well as a grateful nation, General Boles, we say thank you.

CONGRESSIONAL TERM LIMITS AMENDMENT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak in opposition to the rule on House Joint Resolution 2, reported out of the Rules Committee on yesterday. There were a total of 19 amendments that were considered by the Rules Committee: 14 by Republicans and 5 by Democrats. This unequivocally points out the division in the House on this issue; not just between Republicans and Democrats, but between Republicans who support term limits and a good number of those who do not.

I must point out that even the chairman of the Judiciary Committee, Congressman HYDE, does not support this amendment.

Mr. Speaker, I am not in favor of Members of Congress deciding who the American people should and should not vote for.

However, it is my position that if we are to have a constitutional amendment on term limits, it should be the people who make that individual choice. It will be the people who are most affected by this amendment to the Constitution, so why not let the people decide if they want term limits.

Mr. Speaker, the two amendments that I proposed would have done just that. The first would have given the States the power to prescribe the maximum number of terms for a particular State. This would have allowed a State to tailor its limits to the needs and the will of the people of that State.

It was a compromise amendment which allowed the States that wanted term limits to have them and the States that did not want term limits to reject them.

It is evident that we can not adopt different versions of an amendment to the Constitution. But we can allow the States to adopt their own versions of term limits.

The Supreme Court, in U.S. Term Limits versus Thorton, has made it clear that, without an amendment to the Constitution, the States do not have the authority to impose them limits on Members of Congress.

Consequently, now that we are in the amendment phase of creating a solution for the issue of term limits, the argument can be made that this is a power that should be given to the States. The legislatures of each State have an inherent local interest in developing a term limits solution for their particular State.

The States are now prepared to make a decision of term limits. Twenty three States have passed proposals affecting Members' terms of office. These States legislatures are now poised to take action. Why not let them take action on an amendment that would give them the power to decide the maximum number of terms for their Members.

My second amendment went one step further than State action empowerment. It gave the power of ratifying a term-limits amendment to the people of the individual States.

It allowed the individual voters of each State to come together using the convention process to vote on whether they wanted to ratify this constitutional amendment.

In keeping with the spirit of the Founding Fathers of our great country, this amendment lets the American people decide who will represent them in the Congress of the United States and for exactly how long.

Article V. of the U.S. constitution prescribes the ratification methods that may be used in ratifying an amendment to the Constitution. It may either be by the legislatures of three-fourths of the States or by conventions in three-fourth thereof.

The Founding Fathers granted Congress the power to decide which mode of ratification of an amendment to the Constitution may be used.

Mr. Speaker, there is a time such as this, in deciding an issue which will fundamentally change the nature of the Congress, that it would behoove us to consult with and defer to the American people.

The convention process allows us this opportunity. It allows for the American people to speak to an issue and to participate in the shaping and defining of that issue.

There is no doubt that in this democracy, the ratification of an amendment to the U.S. Constitution, utilizing the convention method, is by far the most democratic. The people of

the United States would have the opportunity to participate in a process that is fundamental to the American way of openness and inclusion. The voters of America would have the opportunity to unquestionably validate this amendment to the Constitution of the United States.

In doing so, this will not be the first time that an amendment to the Constitution was ratified by conventions in three-fourths of the several States. The 21st amendment to the U.S. Constitution, in section 3, provides for ratification by conventions in the several States. Section 3 of the 21st amendment states:

> This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of submission hereof to the States by the Congress.

This 21st amendment, which repealed the 18 amendment prohibition of intoxicating liquors was ratified on December 5, 1933. Delegates in 25 States were elected in statewide at-large elections, delegates in 14 States were elected by congressional districts and 4 States used a combination of the two.

Laws providing for ratifying conventions were passed in 43 States and 16 of these States passed permanent statutes for future referrals of amendments. Clearly, this was a democratic effort by the people of the United States.

I must note that the very Constitution by which we have authority to sit and do the business of the American people was ratified by the convention method. Article VII, of the U.S. Constitution states:

> The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

If the convention method of ratification was good enough for the ratification of our great Constitution, then the convention method of ratification must be good enough for amending this same Constitution.

If the supporters of term limits were genuine about the concerns of the American people, they would have voted for these two amendments.

I submit to you, Mr. Speaker, that they are not genuine. The rejection of these two amendments, each of which would have given the decisionmaking authority to the States and to the voters, reveals that the people who are trying to push term limits down the throats of the American people only are genuine about taking power away from the voters of America.

Consequently, I urge my colleagues not to vote in favor of this rule.

FLAG PROTECTION AMENDMENT REINTRODUCED TODAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SOLOMON. Mr. Speaker, along with the other sponsors of the constitutional amendment to prohibit the burning and desecration of the American flag, I am so proud that today we are reintroducing the flag protection amendment. This continues the grassroots effort to once and for all put an end to the disrespect and desecration of the symbol of our country—Old Glory.

With the support of fellow Members of Congress on both sides of the aisle, the dedicated members of the Citizens Flag Alliance—consisting of over 100 veterans and civic organizations, many of whom are represented here today—and 49 State legislatures, we are confident we will finally be able to restore the long overdue protection to Old Glory we see flying above us today.

Ever since that tragic day in 1989 when 5 men in black robes said it was OK to burn and destroy our blessed flag, we have attempted to amend the U.S. Constitution to prohibit such desecration but have fallen short of the necessary two-thirds vote in both the House and Senate. But now we are within reach of that goal, and today marks the beginning of the grassroots push to get at least 290 Representatives and 67 Senators to sponsor our legislation which will guarantee its passage.

There are still those who will maintain that burning the very symbol of our Nation is simply an expression of speech. I for one, as well as all of you, take such an expression much more seriously. Such an act is purely a denouncement of the very spirit, principles, and system of government under which we enjoy our freedoms and opportunities. After all, the flag, being the very symbol of American freedoms and ideals, ought to be protected with the same vigor with which we protect the very freedoms and rights it represents. To that end, burning this blessed symbol is purely a crime against the State.

In our opinion, we ought to view the flag as a national monument and treat it with the same degree of reverence. As we look around ourselves today, we are surrounded by symbols of our freedom and the system of government so many have fought to protect. Standing here we gaze upon the Washington Monument, a beacon honoring the wisdom and dedication of our Founding Fathers. Beyond that lies the Lincoln Memorial and behind me, the U.S. Capitol, recognized throughout the world as the very symbol of democracy. In fact, throughout this city there are countless representations of our culture and ideals. However, no single one embodies America, or what it is to be an American, like this lone glorious symbol. Yet, vandalizing these monuments would be unconscionable and considered a disgraceful crime, as well it should. Therefore, it is only appropriate our flag receive the same exceptional consideration.

For those who doubt the symbolism of the American flag, we need only look throughout the world, at where it is and where it has been, to understand its significance. Right now, our distinguished flag acts as an ambassador of freedom and opportunity to those who suffer under oppressive regimes such as the ones found in Cuba, North Korea, and the People's Republic of China. For others who have seen their freedom usurped and continue to be threatened by overly ambitious dictators, like the people of Kuwait and Taiwan, the American flag stands as a reminder of a compassionate ally.

Why is Old Glory of such significance to people throughout the world? We need only reflect upon where our flag has been to understand why this symbol is held in such high regard worldwide. For instance, an early version was carried at the Battle of Saratoga in my district, the turning point of the Revolutionary War, and the beginning of our flags association with the rights of free people over authoritarian regimes.

It was flying over the *U.S.S. Arizona* that infamous day when it was so tragically blownup and destroyed at Pearl Harbor. Later, that same war, it was raised triumphantly over the island of Iwo Jima, a scene which undeniably represents the supremacy of freedom and democracy over oppression and tyranny. Furthermore, it marks the graves of brave soldiers of freedom like those just across the Potomac in Arlington, to the overlooking the beaches of Normandy on the other side of the Atlantic, to those halfway around the world on the Philippine islands. What better reason to protect this symbol of America.

All that is required now, is for each of us to draw upon this patriotic fire and do all we can to effect this demanded change to our Constitution. It is only appropriate that this, our most sacred document, include within its boundaries, a protection of the flag, our most sacred and beloved national symbol.

An active grassroots campaign is already in place under the tireless efforts of the members of the Citizens Flag Alliance. However, we need to get the message to all Americans to contact their Congressman and urge support of this resolution. Outside the beltway, 49 State legislatures, including my home State of New York, have already passed resolutions urging Congress to pass this constitutional amendment. In the 104th Congress, the House of Representatives overwhelmingly passed a similar amendment by a vote of 312 to 120. That same amendment fell just three votes short of passage in the Senate.

Today, we are introducing an amendment to empower Congress—instead of Congress and the States, as we did in the last Congress—to prohibit the physical desecration of the American flag. This represents an effort to broaden the support for this amendment. It is also entirely appropriate that Congress be the sole legislative body responsible for protecting our national flag.

Addressing the despicable maltreatment of our national symbol is close at hand ladies and gentlemen. All it takes is a little more hard work to get the message to your Congressman and ignite the American spirit lying within all of us.