SENATE—*Tuesday, March 11, 1997*

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

PRAYER

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

The eyes of the Lord run to and fro throughout the whole earth, to show Himself strong on behalf of those whose heart is loyal to Him.—II Chronicles 16:9.

Almighty God, we long to be loyal to You. We are deeply moved by the reminder that our loyalty can bring joy to You, that You are in search of men and women whose commitment to You is expressed in consistency.

As we reflect on that, we realize that everything we know about loyalty we have learned from You. You are faithful and true. Your love never changes; You never give up on us; You never waver in life's battles; You never leave us.

In response, we want to be known as people who belong to You and believe in You. We want people to know where we stand in our relationship with You, Your moral absolutes, and Your ethical standards. In our relationships, we want loyalty to be the foundation of our character. That is possible only as we live in a steady flow of Your faithfulness.

Show Yourself strong in our lives today. Give us boldness and courage when we are tempted to remain silent about our commitment to You, when issues of righteousness and justice demand our witness, and when we are called to sacrificial service in living Your commandment to love. Make us strong with the staying power of Your spirit. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Today, the Senate will resume consideration of Senator GLENN's amendment to Senate Resolution 39, the Governmental Affairs funding resolution reported by the Rules Committee. I hope the Senate will continue and hopefully complete debate on the Glenn amendment so that we may vote sometime this afternoon on or in relation to the amendment. Of course, I want to notify the Senate that we, as always is the case, reserve our right to offer second-degree amendments to amendments that may be offered. I understand that additional amendments may be offered to Senate Resolution 39, and I presume that there will be a substitute that will be included among those to replace the resolution that is before us.

I am sure we will have full debate on all the amendments that may be offered as well as a possible substitute and the underlying funding resolution. Therefore, Senators can expect rollcall votes throughout the day.

I hope we will be able to conclude action on this measure today or early tomorrow. I talked with the Democratic leader last night. He indicated that he hoped that would be possible. And when we do finish this, then there are some nominations we hope to take up and get a vote on, including the nomination of Federico Peña to be Secretary of Energy. We would do that hopefully in the morning or tomorrow afternoon.

After that, after consultation with the Democratic leadership, we would expect to go to the Hollings constitutional amendment concerning free speech. So that could take the balance of the week, maybe even going over into Friday with some debate, with votes likely occurring—and, again, we will have to work this out—maybe on final passage late Monday afternoon. But we will notify Senators as we go along exactly when the votes will occur on Wednesday and Thursday and if any on Friday.

We will recess between the hours of 12:30 to 2:15 for the weekly policy conference and the caucus to meet. I also remind our colleagues that this week we may have to go late into the night one night, which will probably be Thursday night, but we will work with the leadership again and notify the Members exactly what they can expect in that regard.

Mr. President, before I yield the floor, I thank our colleagues for the debate yesterday. I thought it went well. I want to commend and congratulate the distinguished chairman of the Rules Committee. I think he is being very positive in his remarks. He is trying to get this to a conclusion, and I think we need to do that. I thank the ranking member from Ohio for the way he has handled himself.

There are big problems in this city; it is sort of like the city is burning, and we do not want to appear to be fiddling any longer with getting a resolution that would allow this committee to go forward and do its work with a reasonable amount of money and a reasonable amount of time and with the emphasis on illegal activities as it might apply to the Presidential candidates or Members of Congress.

I want to emphasize again that anything that might come out with regard to Senators doing something inappropriate or unethical, that, as has always been the case, would go to the Ethics Committee under the resolution that we are considering.

Also, I want to assure my colleagues that it is my intent that we look into the question of campaign reform. The Rules Committee has the authority, has the jurisdiction and under this resolution has additional money, $450,000 additional funds, to look into how the campaigns were conducted last year, how legal activities were handled and whether or not changes need to be made.

It is my intent in due time after proper hearings and after a lot of consultation that we will take up this issue. The inference continues to be that our goal is just to block it. We do not intend to set a magic date, whether that date is May 1, April 15, or Labor Day, for that matter. That may be a good time to set up a magic date. But we should not get locked in on dates certain. Let us just do our job.

That is what I hope the Senate will do on this resolution. That is what we intend to do in the committee of the distinguished chairman from Virginia, to have hearings on campaign finance reform and look at all these questions in regard to how soft money is used, independent expenditures, and how labor union dues are used without labor union members' permission.

What is the situation with illegal foreign contributions? Do we, in fact, have in this case, as has been suggested, the possibility of even espionage? This is serious. What we need is for a committee of credibility and jurisdiction to get started with their work, and I hope that we can do that with as little rancor today as possible.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, a question of the majority leader, if I might. With the debate proceeding this morning on my amendment and the possibility that we may be able to complete that debate this morning and move on to discussion of another amendment and knowing the schedules of all the other Senators are very tight, too, and letting them plan their activities here in the Chamber as well as other places, would it be agreeable to put the vote off until after the caucus?

Mr. LOTT. It is our intent, and I believe the minority leader has no objection—I have not discussed that with

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

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him—to have our first votes at 2:15 after the conference and caucus.

Mr. GLENN. That would be fine. I would make that as a unanimous-consent agreement, that any votes that might normally occur this morning following debate on my amendment and other amendments that might be brought up at least be stacked until—the vote on my amendment be delayed until after the caucus this afternoon.

Mr. LOTT. I reserve the right to object, Mr. President. I would like, if I could, to ask the ranking member to defer in that request for a moment and allow us to have a chance to discuss it with him and with the Democratic leader. I think that is probably what we want to do, but I just want to make sure everybody is in tune with what we are doing here.

Mr. GLENN. I would be glad to do that. I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 39) authorizing expenditures by the Committee on Governmental Affairs.

The Senate resumed consideration of the resolution.

Pending:

Glenn amendment No. 21, to clarify the scope of the investigation.

AMENDMENT NO. 22 TO AMENDMENT NO. 21

Mr. LOTT. Mr. President, I send an amendment to the desk to the pending amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself and Mr. WARNER, proposes an amendment numbered 22 to amendment No. 21.

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

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

The amendment is as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction rule 25 over all proposed legislation and other matters relating to—

"(1) Federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 Federal election campaigns which activities are not illegal but which may require investigation by a committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

Mr. LOTT. Mr. President, we will be working with the Democratic leadership to get a time agreement on the vote that will occur at 2:15, I presume, on this amendment. But we want to work through that and make sure we understand exactly what the voting sequence will be.

The purpose of this amendment is to reconfirm and beef up our commitment to the public and to our colleagues here in the Senate to insure that funds are authorized by this section for the sole purpose of conducting an investigation of illegal activities in connection with the 1996 Federal election campaigns. It is also to make sure that the Rules Committee has the full authority, with the support of the Senate, to get into matters relating to Federal elections generally, including the President, the Vice President and Members of Congress, and corrupt practices.

The Governmental Affairs Committee, under this amendment, shall refer to the Committee on Rules and Administration any evidence of activities in connection with the 1996 Federal election campaigns which activities are not illegal but which require investigation of a committee of the Senate revealed pursuant to the investigation authorized under subsection (b).

The Rules Committee is going to be an active committee. The Rules Committee will look into any allegations of problems with existing campaign laws or campaign finance laws. They will have hearings, and they have the jurisdiction and the authority to move legislatively.

The Governmental Affairs Committee has a budget of $4.53 million for its investigation, and it has very broad authority to conduct hearings on the 1996 Federal election campaigns. But it is the Rules Committee that has the jurisdiction to act legislatively on campaign reform.

So I emphasize, again, as I did earlier, it is our intent for the Rules Committee to act in this area. We have provided additional funding and, once again, rather than getting into a great big argument about scope, it is clear what should happen here.

First of all, there are lots of allegations of illegal activities, foreign contributions that may have come into campaigns—Presidential or congressional—the indications that maybe even a foreign government may have had an organized plan to be involved in campaigns. We know if these activities occurred, they would be illegal, but we don't know what happened. We need a process to look into these things. We need a focused investigation into these allegations.

Yet, there are those who say we need to broaden the scope widely, narrow the money, and limit the time. It is a prescription for not getting the job done. This investigation, with the additional authority that is being provided of $4.53 million, is for illegal activities, and they are rampant in this city. As I said earlier, the city seems to be burning while we are fiddling around with the process.

The Rules Committee has jurisdiction that it will take advantage of. The Governmental Affairs Committee is getting additional authority to look into illegal activities. Ethics has its responsibilities. There is attempt to cover up or avoid our responsibilities. We are going to do that.

I think this amendment that we have offered here further clarifies our intent to look into illegal activities by the special committee investigation and then to have the Rules Committee look into corrupt practices that may be involved that may not be necessarily illegal but may need to be looked at for the possibility of changing the current practices.

AMENDMENT NO. 22, AS MODIFIED

Mr. LOTT. Mr. President, with that, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 22), as modified, is as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—

"(1) Federal elections generally, including the election of the President, the Vice President, and Members of Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 Federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

Mr. LOTT. We added only one word, I say to the distinguished ranking member. In section C "Referral to Committee on Rules and Administration," we add the word "under rule 25." We only added one word to make it grammatically correct—"under rule 25."

Mr. President, I yield the floor at this time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think it is good to review how we got to the current situation we are in, because this was not our doing on Governmental Affairs. It was not our suggestion that we be given the duty of investigating campaign finance reform. It was not our suggestion that the jurisdictions of other committees that might have an interest in this be given to us.

What happened—and I am recounting this mainly from press reports of what happened, and I presume they are accurate—was that there were several committees who saw themselves as wanting part of this investigation into campaign finance reform.

You had the Commerce Committee because there were trade matters involved that there had been some allegations about. Senator MCCAIN, who has a big interest in campaign finance reform, chairs that committee and could take an active role in what might happen with campaign finance reform.

The Judiciary Committee was concerned about some of the legal matters regarding elections, and they had some things they were going to look into.

The Foreign Relations Committee certainly had an interest in this because foreign money supposedly came back in to our election campaigns here. So they wanted to find out what happened to foreign relations and foreign policy and were any of those things altered as a result of money coming back in.

The Rules Committee, which has a jurisdiction over election law, certainly had an interest in this particular area.

The Governmental Affairs Committee, of which I am the ranking member, also had their own interest in this in that we are basically the investigative committee of the Senate. We have investigated such things as drugs and drugs coming into the country and organized crime and fraudulent health programs and nonproliferation around the world of nuclear weapons and terrorism and a whole host of things that we have a broad experience investigating. Our mandate to do investigations is the broadest on Capitol Hill. We have been accustomed to doing this through many, many decades.

The suggestion was not made from the Democratic side that all these conflicting jurisdictions be combined into the Governmental Affairs Committee. This was a suggestion that was made by the Republican leadership. In fact, it was not only a suggestion, it was decided by the Republican leadership on their side of the aisle that these other jurisdictions would not be exercised and that this investigation would be focused in the Governmental Affairs Committee.

This was not a suggestion made from the Democratic side. It was Republican leadership that decided this. And so to act now as though we were somehow usurping authority of another committee by proposing a broad investigation on the Governmental Affairs Committee just is not the case. That is just not the way it happened.

I can tell you exactly what happened. And once again, this has all been out in public print. This is not something I know from being in meetings because I have not been in meetings that were involved with any of these decisions to assign it to the Governmental Affairs Committee.

But what happened, when it got to the Governmental Affairs Committee, was this: Senator THOMPSON had an interest in a broad investigation. I had an interest in a broad investigation. We had some ideas on scope. We sat down in a couple of meetings, and we worked out an agreement that was broad in scope, as it should be, because this whole investigation into campaign finance reform does not involve only illegalities, those things that are against the law. It involves much more than that.

Any fair observer of the campaign finance system agrees that in addition to illegalities, there are many, many things out there that are legal but probably should not be. All the abuses of soft money, as it is called, that came up in this last election, all those abuses were so onerous to most people across this country that they just want us to get into campaign finance reform.

Every single poll that has been done across this country shows that people want campaign finance reform. They also see that polling has been interesting in that it has indicated that they think both parties, both campaigns this last election cycle—the fault that can be pointed at one direction or another is not all one direction, it is bipartisan. We have a bipartisan problem here, and we need a bipartisan solution.

Part of it is looking into illegalities where the existing law was violated. There is no doubt that that has to be done. The other part of this problem is looking into the soft money in particular and independent expenditures that were so vile, so onerous in this last election.

So when Republican leadership assigned this overall investigation of campaign finance to the Governmental Affairs Committee, it was not at our request, but at his suggestion, at his direction, so that the responsibilities would not be in quite a number of different committees but would be centered in the basic investigative committee of the U.S. Senate.

Now what happened?

Senator THOMPSON and I, in the two meetings I mentioned, sat down and we drew out a broad scope in which we planned to look into not only illegalities but also into the equally disturbing areas of where campaign finance reform is needed that involve soft money and independent expenditures.

In this last election I remember reading a newspaper account of a Congressman who, after the election, said he wound up feeling like a ping pong ball in the middle of this and he had no control over it because there were so many outside influences coming in and putting ads on that he did not even know anything about that he felt like a ping pong ball in his own election and completely out of control of the situation.

Now, if we are going to take any fair look at campaign finance reform, it is going to have to involve illegalities, of course. We plan to look into those. But we got to have soft money. Our scope, as we had outlined it on that committee, was put out. It disturbed some people.

Let me say, when Senator THOMPSON and I agreed to the scope, it was then taken to the committee. The committee has three members on the Governmental Affairs Committee that are also members of the Rules Committee. When this was brought before them, after considerable debate, the committee agreed upon the scope of our investigation. They voted on that and approved it. It was agreed upon.

What happened when that got to the Rules Committee? The fact is that on the Rules Committee some of the people that are the most adamant against any campaign reform consideration at all disagreed strongly with what was being done and that any look be taken into the soft money area. When it got to the Rules Committee with the request for the additional funding of the $6.5 million that had gone over, that disturbed them very much.

So what happened? They delayed funding in the Rules Committee because of their objection to us looking into soft money and some of the things that are legal but probably should not be what we were going to look into. They wanted to protect their ability to raise soft money because they outdo the Democrats about two to one in soft money raising.

Obviously, it is a factor in not only having gained control of the Senate but in maintaining control of the Senate. They objected over on the Rules Committee to the funding that had to be approved by the Rules Committee for additional funding for investigations.

Now, at that point things were stymied. They dug in their heels over there and were not going to approve any money, as I understand it, for investigation unless our jurisdiction on the Governmental Affairs Committee was reduced and those jurisdictions involving things we were going to look into with regard to soft money were brought over to the Rules Committee where they obviously would have much more say in what happened to that than they would if the jurisdiction stayed with the Governmental Affairs Committee.

That is how we got to where we are. So a reduced amount was agreed upon over in the Rules Committee but with the proviso that the Governmental Affairs Committee could investigate only illegal activities. Only illegal. That took out any investigation, any investigation whatever of soft money, unless it proved to be illegal, only illegal. But most of the soft money problem is legal. I do not think it should be. Our investigations in that area were going to, I think, lay out a good case of why we need campaign finance reform changes.

That is how we got to where we are. It was at least implied here on the floor yesterday and even this morning I think it could be implied that we somehow had overextended our jurisdiction on the Governmental Affairs Committee. It was leadership on the Republican side that combined all these other committees' interest and assigned to the Governmental Affairs Committee the task of looking into all of this whole campaign finance reform area.

Now, what about the substitute amendment that is before the Senate now, the substitute to my amendment? What it does, as I see it, and I just got it a few minutes ago so I have not had a chance to look into it in that much detail, but what it does basically is say that we are taking back the authority of the Governmental Affairs Committee that we were asked to do. We did not ask to do it, we were assigned that task. They are now taking back our authority to look into any of these matters, any of the matters relating to Federal elections generally, including the election of the President, the Vice President, Members of the Congress, and corrupt practices, as I understand it.

Let me read this through. It is a short amendment.

Strike all after "(b)" and insert the following:

"The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns."

Now, my amendment would change that and change the scope back to what it was originally in the Governmental Affairs Committee. So that refers back to what we were assigned to do.

It goes on with subsection (c):

REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—

(1) Federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with the 1996 Federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b).

What we are being told then is we have to refer back, because the Committee on Rules and Administration has jurisdiction in these matters, which we never quarreled with. That was there going in. It was Republican leadership that wanted us to take the jurisdiction and run with it on campaign finance reform.

Now, because it has become objectionable to some Members on their side and they see we are going to get into soft money, what happens? They are proposing to take that authority back from us. It was at least implied yesterday afternoon on the floor and again this morning that we somehow were in error, I guess, in what we were doing, even though we had been asked to do it by leadership. I do not quarrel with the fact that Federal elections generally are looked at by the Rules Committee. That is in their jurisdiction. I do not disagree that they can look into corrupt practices. I think maybe this could be interpreted to say that the Governmental Affairs Committee is not permitted to look into corrupt practices, whatever the definition of that is. We will have to discuss that a little, I guess.

In any event, here we are with the situation where on our side of the aisle we have been pushing for campaign finance reform this whole year. It has been brought up time and time and time again. We wanted to bring up the McCain-Feingold bill and get it voted on. There has been very little support for that on the other side of the aisle. In fact, none, practically. Senator MCCAIN and Senator THOMPSON probably are the only sponsors of that bill on the Republican side.

So the intent here is obvious. The intent is to squelch the broad-based investigation that we were going to have on the Governmental Affairs Committee and put it back in the Rules Committee where some of the Members that are most adamantly opposed to campaign finance reform are members.

So it is not a very pretty picture this morning. I was going to have a speech on the scope of my amendment this morning, and it might be good, still, to run through some of that. I hope people would see through what a subterfuge this is in trying to change the amendment that I had before us. I had not been given the opportunity yet this morning to make some comments on my amendment, the underlying amendment to this second degree. I believe I will make those comments now and then see what discussion we want to have beyond that.

The amendment I offered last evening, or laid down last evening, corrected what I saw as the legislation in Senate Resolution 39 where it is most deficient, and that is in the scope of our investigation. Let me first address Senate Resolution 39 as approved by the Rules Committee and is on the floor now as the underlying resolution to be considered.

Where campaign finance reform is concerned, the proposed legislation, as far as I am concerned, could be called coverup for Congress, coverup for Congress' legislation. I think that is what it is. It does not do this incidentally or accidentally. It is not a coverup that is incidental or accidental. It is deliberate, intentional, and I think cynical. It is specifically defined and worded to thwart and curtail much of the campaign finance investigation that was planned by the Governmental Affairs Committee this year. After much discussion with the belief that the proposed investigation and hearings could set the informational basis for much needed campaign finance reform, Chairman THOMPSON and I had agreed upon the scope of the investigation, all fully within Governmental Affairs Committee jurisdiction, I might add. We were given additional guidelines by the majority leader and on his part they would see that other committees were not delving into their individual interest areas. That scope was to include investigating allegations wherever they might lead and with nothing off limits with regard to Federal elections.

I want to point out that the agreement was approved unanimously by the Governmental Affairs Committee, three members of which are also on the Rules Committee.

That greatly disturbed some Members of the Senate who do not favor us looking at campaign finance practices on Capitol Hill and, more specifically, in the Senate. They had to find a way to control the process. Why? Why would anyone want to interfere with investigating every facet of campaign finance? So we can correct the abuses that have plagued recent elections and nearly made a mockery out of election 1996, and will be even worse next time around, unless we act to correct some of these practices.

The resolution stands good Government on its head. The amendment I proposed would change that. Let me

stress that this is the very first time in my 22 years in the Senate, and on the Governmental Affairs Committee, that I have ever seen any committee approve and bring to the floor a resolution prohibiting another committee from investigating improper, unethical, or wrongful behavior in any area, whether it was special investigative funding or not. That is what is involved here. They keep pointing out that this is only the additional money. We still could use basic funds out of our committee's normal yearly basic funds to do this kind of investigating. But that would mean we would have to lay down all the other jurisdictional oversight matters that normally come before that committee. So it is deadly serious for those of us who are interested in fairness in elections and stamping out the growing abuses that have grown apace around the body politic.

What I am saying the resolution would do is prohibit another committee from investigating improper, unethical, or wrongful behavior in any area, where it was special investigative funding. Granted, that was going to be the source of how we were going to do this investigation.

The proposed resolution says that with the money provided for the Governmental Affairs Committee investigation, it may look at illegal actions and illegal actions only. Now, that is a far tougher test of what we can put on the table to be looked at. Some of those campaign activities involving both parties in Federal campaigns has smelled to high heaven, in the eyes of most citizens, and they cry out for correction, but are legal under current law. It may be legal now, but should not be if we are going to clean out the political stables.

One example of such a subject, as I mentioned, is soft money—money which, due to loopholes in the law, can be given in unlimited amounts by wealthy individuals, corporations, and unions. That is legal. Soft money was obtained and used in the 1996 Federal election in ways that turned fairness upside down and corrupted our whole political system. Few political scientists would disagree that, if left unchecked to grow in the future at the same rate as it has in the past, soft money can become an even more destructive and virulent cancer in the body politic.

I was reading a booklet yesterday entitled "A Bag of Tricks; Loopholes in the Campaign Finance System." The first sentence of chapter one reads:

> The biggest loophole by far in our campaign finance laws is soft money.

They are right—but it's legal. And now, by S. 39, we are to be prohibited from investigating soft money abuses, unless we come across some that are definitely illegal. We could look at them. But if an area is improper, if it is unethical or just flat common sense that it is wrong, we cannot look at it, even though it may be crucial to real campaign finance reform, and even though the Governmental Affairs Committee has the jurisdiction and experience to investigate.

Why, then, are we being cut back in scope to the point where only illegalities will be on the Governmental Affairs table? Why is our investigation being limited to 1996 only? Why cause such a drastic change in addressing what is properly viewed as an expanding national scandal? The basic question, I guess, is: Who is afraid of what?

The answer is not very pleasant, but it is obvious. Why the change? Because bad as the money chase may be, correcting it would upset the apple cart for those in the Senate who have learned how to work the system for their own personal or party political benefit.

Under present law, does one party have an advantage over the other in fundraising, in particular, with regard to soft money? Yes. There is a substantial difference in the usual supporting donor bases. Both Democrats and Republicans have some wealthy individual donors. But the preponderance in that area is tilted heavily in favor of wealthy Republicans. Both parties have some support from corporations and labor. Again, the tilt from labor is on the Democratic side. But, again, balancing the Democratic labor support against the Republican corporate or wealthy individual support comes out heavily in favor of the Republicans.

Let me read a few figures reported by the Federal Election Commission regarding the 1996 elections. Of the total spent on the elections—everything, not just the Senate, but across the board in the last election—the Democrats are estimated to have spent $332 million. Republicans spent $548 million. Just in the Senate campaign committees, let's look at that. In hard dollars, Democrats raised $30 million; Republicans raised $62 million. In soft money, Democrats raised $14 million; Republicans raised $27 million. That comes down just with regard to the Senate as over a 2-to-1 advantage, with Democrats having been able to raise $44 million and Republicans $89 million. So, in summary, under current law, Republicans are able to raise at least double what Democrats raised to help fund Senate races.

Now, we all know that money is certainly ahead of whatever is in second place with regard to winning an election these days. Two-thirds of the money goes to TV and other things, and so on. But with money being the biggest single factor in political control, it is no wonder Republicans in the Senate do not want to change the system. It is the "goose laying golden eggs" that was crucial to gaining, and now to retaining, their majority control in the Senate.

So we need to change S. 39. That is what my amendment would have done. In deciding whether to change it, the choice is plain and simple: Party and personal interests of the moment versus cleaning up the system, making it proper and fair for all Americans, not just a special few, for the long-term future.

Initially, those who were adamantly opposed to campaign finance reform on the Republican side—on the Republican side of the Rules Committee, which must approve Governmental Affairs Committee investigative funding above the normal committee budget—were able to prevent funding to the Governmental Affairs Committee for the investigations. Had that position prevailed, it would have entirely scheduled the hearings, and because the tarnished Republican public image which that would evoke was unacceptable to Republican leadership, the proposed resolution—S. 39—deal was cut, whereby the Governmental Affairs Committee was stripped of its authority to use money provided directly for the investigation to look into improper, unethical, or wrongful matters, unless they met the far more difficult standard of being illegal. And those jurisdictions were specifically given to the Rules Committee.

Now, I have the utmost confidence in Senator WARNER, chairman of the Rules Committee. I think he will do his best to fulfill the responsibilities given to his committee with this resolution. But therein lies a problem. Several of the most vocal Republican opponents of campaign finance reform are on the Rules Committee. They are opponents, in particular, of including Congress in investigations of what may, at the same time, be legal, but also improper, unethical, or wrong by any fair standard. These are the same people who refuse to give the Governmental Affairs investigative funding to begin with.

Now, they will be the investigators of what they so adamantly oppose. They will be the investigators of what they so adamantly oppose. Foxes guarding hen houses is indeed a good analogy. They got their way. To me, it is a high price.

The amendment I had proposed would change all this. Very simple. All it does is restore the original Governmental Affairs Committee scope of this investigation. It restores the scope the committee voted on unanimously, with not one dissenting vote on the Governmental Affairs Committee, including three members that are also members of the Rules Committee. The amendment would allow the committee to look into all sorts of campaign behavior, whether illegal, legal, improper or unethical. That is what the American people want, a complete look at this whole problem. Restoring this scope to our investigation would allow us to

conduct a broad, far-reaching inquiry into our current campaign system.

I think it is a high price that Republican leadership has paid to assuage a few Members and to place them in what will probably turn out to be a controlling position of any investigation into other than just strict illegalities. The Rules Committee would be permitted to look at issues surrounding soft money and independent expenditures. Our Committee on Governmental Affairs would be permitted to look at issues surrounding soft money and independent expenditures, which are two of our biggest problems today, but in most cases our committee would only be able to look at those which are illegal, we believe are illegal going in. And the Rules Committee would have everything else except those matters which are completely illegal.

If we followed my resolution, we would restore the scope, allow us to follow the money trail, and let the chips fall where they may.

Mr. President, I am fully aware there are serious differences of opinion surrounding how this resolution, S. 39, came to the floor, and there are differences of opinion surrounding what is going to happen to it. But there are probably few minds undecided as to how they will vote on these amendments and, in particular, on my amendment before it was amended here by the majority leader. But before any votes are cast, I hope all Senators will take a long, hard look at what has been proposed by the Rules Committee in S. 39. I would ask you to look ahead, look ahead about 20 years when your kids have grown up. The majority leadership in the Senate may well have changed. It may be in different hands by that time. I am sure we would all hope that when our children and grandchildren have reached their adult years, the political system will have been improved and political fundraising will not be in the mess it is today.

One way to gain that end is to assure that investigations are carried out now without fear or favor and spotlighting the dark corners, whether illegal, legal, wrong, improper or unethical. The amendment I was proposing to S. 39 would take us in that direction. If the shoe is on the foot 20 years from now, would that change any Republican votes today? I don't know. Think about it. They have an advantage today; it is about a 2 to 1 advantage, and they are preventing us from really looking into any of these matters on a meaningful basis.

Mr. President, the substitute that was submitted by the majority leader would once again stand on its head what I think to be fairness and what the American people want. It would restrict us on the Governmental Affairs Committee as to what we can do. And I repeat what I said going in. This was not something we asked for. It was something that the Republican leadership decided to give to that committee, and then, when it turns out that some of their own members do not want us looking into some of these dark corners, they say, OK, we are going to take that assignment back. And because we have the members who are most objecting to any campaign reform on the Rules Committee, they are now going to look into some of these other areas.

I am sure the chairman of that committee, Senator WARNER, my good friend across the aisle, will do everything he can, but knowing what the membership of the committee is and knowing the views of the membership on the Rules Committee with regard to campaign finance reform, he is going to have a herculean job to try and get out meaningful legislation, legislation that is going to do anything meaningful for campaign finance reform. I do not ever go around saying I feel sorry for other Senators, but as far as getting anything out of that committee that is going to have a title of campaign finance reform on it, it is going to be a very difficult job for him. He is being a good soldier in taking this thing on.

Senator THOMPSON has said, well, OK, I guess something is better than nothing, and so he has not been involved with the debate over on the floor, so far at least, but I just think this is wrong. I think what they are trying to do with this substitute amendment to my amendment this morning is wrong. It spells out that the Rules Committee will be even more direct in denying us what we thought our investigative scope was on the Governmental Affairs Committee, a task, I repeat for the third time, we did not ask to have. It was assigned to the committee.

I want to make one other statement, too, and then I will turn this over to other people who are waiting to make their statements.

Mr. President, yesterday the big thrust by the Republican Party by any observation was we have problems with China and we have problems with campaign financing coming in from China and whether it occurred, whether it was against the law, who did it, were there any favors given, and so on. And that was being used yesterday almost as if, although it wasn't so stated, they are for investigating that and we somehow are not just as much in full agreement of investigating that because it somehow involves the Democratic administration.

Nothing could be further from the truth. I am committed to looking into anything that happened in that area. The President has said he wants to look into that area. And I do not doubt his sincerity in that. It is a blot on the whole body politic. Republican, Democrat, Senate, House, everybody else knows that has to be looked into.

So all the charts that were out on the floor yesterday showing Huang and Trie and all this and the subcategories and the fine print down here that implied there has to be some new look into that area as though we were opposing that on our side, they were for it and we were against it, that is wrong. I will borrow their charts and I will use them on the floor myself on the Democratic side if that is needed, and I am sure the President would like to have them down at the White House to show what has been dug out so far that is wrong, and he wants to correct it. So that is not one there is any difference on. Let us just make certain of that.

So for all those reasons I rise to oppose the proposal by the majority leader, the substitute amendment to the amendment that I had proposed. I will have other questions about some of the items in S. 39 as we go along.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Virginia.

Mr. WARNER. I first wish to thank my distinguished colleague for his references to the Senator from Virginia. And I wish to give him and all Members of the Senate my personal assurance that in my capacity as chairman, I will exercise due diligence, the fairest, most aggressive action by our committee in the areas delineated by the amendment that was sent to the desk here momentarily by the distinguished majority leader and joined in by myself.

We have clearly through the years—the Rules Committee—had jurisdiction in this area, and we will pursue it. I hasten to point out that the three members of the Rules Committee are members of the distinguished ranking member's committee, the Governmental Affairs Committee. Indeed, the past chairman, Senator STEVENS, has joined in supporting the amendment in the Rules Committee by the Senator from Virginia, which is now the underlying amendment here in the ardent debate this morning. To suggest that just one or two or three, or whatever it is, members of the Rules Committee can stop either the committee or the Senate from, at this juncture, a full and thorough investigation of all aspects of soft money, all aspects of other alleged areas of campaign finance or campaign reform that need to be addressed by the Senate I think is not a wise step to take at this point in time.

Mr. President, echoing, again, the very important message that the majority leader stated earlier today, we have to get on. This committee is ready to go to work. Reports are coming in that possible sources of evidence might be disappearing. I will leave that

to others to discuss. But I do know that we are tied up here on process, and I hope we can move at the earliest possible time to vote on the amendment of the Senator from Ohio, and the underlying amendment, and of course the amendment by the distinguished majority leader. That will be decided upon by the leadership.

But I urge all Senators to come to the floor now. Now is the opportunity to give your thoughts on this important matter. Let us get on with it so the committees as allocated under the resolutions here can get on with their business.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I have the honor of serving on both the Rules Committee, under the able leadership of the Senator from Virginia, and the honor and distinction of serving on Governmental Affairs Committee, under the leadership of Senator THOMPSON.

I witnessed, a month ago, a rare moment of bipartisanship. Democrats and Republicans came together in the Governmental Affairs Committee. We were apart from the glare of the television lights or the pressure of partisan leadership, and we reached what I think was a sound and a good judgment. Senator THOMPSON offered honest leadership, and he came to us with a proposed scope of investigation. Senator GLENN responded by not only accepting his scope of an investigation, but he expanded it. For several weeks, while we differed on the timing and the expense, we operated in a general belief that we had defined the parameters of a review of the 1996 Federal elections in the United States. That scope offered us a chance to not only look at specific misdeeds, but to inform this institution and to educate the American people generally about the need for general campaign finance reform and how individual parts of the system were now broken.

Our concern was that we learn, not only about the 1996 Presidential campaign, but that campaign be put in perspective in how previous Presidential campaigns operated so we could learn if there was a change, and if there was a change why it happened—both to find those who may have committed wrongful acts, but also how to improve the future process.

We also reflected, I think, the reality that Presidential campaigns do not take place in a vacuum. Indeed, there is no distinguishing line between where a Presidential campaign's financing operations stop and the congressional campaigns begin. The money, the advertising, the activities, are coordinated and intertwined. So our scope included both the Presidential campaigns and congressional campaign committees and those of individual Members. Our scope also reflected two other specific areas that probably represent the greatest change in electoral politics in the United States in 1996, the use of nonprofit organizations, often as surrogates for partisan political activity, and the use of independent expenditures, where soft money is used to influence Federal campaigns.

This scope was broad, it was comprehensive, it is what this institution and the country requires. And only a month after reaching this agreement, before the first hearing is held, the first witness notified, the first lesson learned, it is being put to a premature death. There is enough cynicism in America about our electoral system. The system has already convinced enough Americans that it does not operate and it does not reflect their needs or provide room for their concerns. We risk, today, adding one more pile of dirt on this mountain of doubt. The resolution that now comes before the Senate is an extraordinary departure from the bipartisan scope that Senator GLENN and Senator THOMPSON reached previously. It has become, in my judgment, a proxy fight in the larger battle for campaign finance reform, a cynical effort that the Nation, and the Senate as an institution, can be focused on a few narrow problems so the underlying deterioration of the Nation's system of campaign finance laws will not be noticed or exposed, the pressure building in the Nation to change the laws generally will be avoided.

So, in place of this bipartisan scope for what hopefully could have been meaningful hearings, the Senate, instead, is given a new scope of activities for the Governmental Affairs Committee. It differs in several important ways, but none more significant than that it identifies the scope of these hearings not as the Presidential campaign of the last two cycles generally, the operations of congressional campaign finance or nonprofits or independent expenditures—the new standard is illegal activities.

If illegal activities are to operate as the scope of the Governmental Affairs hearings, we are then establishing a committee with sufficient money, enough time, but no purpose. Illegal activities in our system would have to be defined by the standards as a people we have come to recognize would constitute an illegal act. Illegal acts in our country are defined by a system of justice. They require a burden of proof and a requisite state of mind. Indeed, in our system of justice, we have the highest levels of establishing illegal activity, perhaps, of any nation on Earth.

During the hearings in the Rules Committee last week, I asked Senator THOMPSON whether illegal activities in his mind were synonymous with a criminal act. Indeed, we were assured that this was the purpose and illegal activity was, by definition, it appeared, a criminal act. The Senate needs to consider this definition before it accepts this scope, because a violation of the campaign finance laws by the President of the United States, or Senator Dole, or any Member of the House or Senate is not a criminal act unless there was a willful intent. Indeed, virtually none of the allegations raised in the popular press regarding the financing of congressional and Presidential campaigns would appear willful or potentially to meet the standard required to even be the subject of these hearings.

In the other body there were serious questions raised about the operation of tax-exempt foundations; whether or not the tax laws had been violated in order to engage in influencing political activity.

The operations of a tax-exempt foundation are not a criminal act unless there was a willful intent, which appears to be missing in the allegations made to date with regard to tax-exempt organizations.

Finally, there is the question of the operation of independent expenditures generally. The most significant change in the political culture in the United States in 1996 has been the operation of independent expenditures by philosophical or issue-oriented or partisan organizations to use soft money to enter the system. And yet, both that soft money and the operation of these independent expenditures would not rightfully be within the jurisdiction of this committee if we maintain the standard of illegal or criminal act.

The Senate, therefore, Mr. President, is left with a broad question of policy as we approach these hearings. If it is our intention to find specific criminal activity in the 1996 Federal campaign system, then I believe Members can rest assured that the Federal Bureau of Investigation and the Justice Department will find those acts and people will be brought to justice.

But Democrats and Republicans in the Governmental Affairs Committee began these discussions and the planning of this investigation with a different purpose. It was our goal to assure the American people that we would find not only those acts that were illegal but those that were improper. We would disclose to the American people those activities which do not belong in our system of electoral politics, expose them to the light of day in the hope that the net result would be a change of the law and a rising standard for operating political campaigns in the United States, while reassuring the American public of the integrity of the system.

That, Mr. President, is the question before the Senate: a narrow hearing, cynically designed to focus attention on one campaign of the President of the United States, or an honest conversation about the state of electoral

politics in the United States today and what we can do to change it and be part of a rising standard. The vote on this resolution, on the amendments that follow, is a vote on that question.

Mr. President, there is, finally, the additional issue of the date for concluding the committee's work that needs to be part of this discussion and fully explained. While Democrats and Republicans in the Governmental Affairs Committee had generally agreed to a scope, there was always disagreement about a concluding date. I believe that Senator THOMPSON came to the Senate with the best of intentions and good purpose in his belief that there should be no concluding date for the fear that witnesses would withhold information if they knew they could wait until the committee concluded its work. But there is another competing purpose, I believe, that requires the Senate to establish a concluding date, which I now believe both Democrats and Republicans accept.

These hearings are about educating the American people and ourselves about our system of campaign finance. These hearings are about finding specific misdeeds or illegalities, but they are also about something much more practical and immediate.

Within a year, the United States will begin a system of a general Federal election. With all that we now know about the breakdown of the campaign finance laws in the United States in 1996, it is inexcusable and inexplicable if the U.S. Senate were to allow this country to proceed to another general election in 1998 without a change in how this Nation governs its laws, governs these campaigns and finances this electoral system. It is imperative that the Senate retain a concluding date for these hearings so that the U.S. Congress and the American people have the benefit of everything that is learned to proceed to reform.

It is also, I believe, Mr. President, necessary to note that while specific changes in the law may follow the conclusions of these hearings, it is generally not necessary to wait for these hearings to conclude or, indeed, even to begin to proceed generally with campaign finance reform.

The hearings by the Governmental Affairs Committee may teach us a great deal about specific misdeeds or problems in the system, but every Member of this Senate already knows enough about the breakdown of the campaign finance laws in this country to proceed immediately for a review and a change in comprehensive campaign finance reform.

And so, Mr. President, I conclude with the hope that partisanship for a moment could be set aside for a review of the 1996 elections and our campaign finance system; that this country, through the voices of this Senate, could have an honest conversation about the health of our democracy and the operations of our democratic elections. That will require a standard far different than illegal activities. It will have to be far more general in focus than the Presidential campaign of 1996. It will require a conclusion at a date certain so that we can proceed to changes in the law, and it will require that, through the exercise of honest leadership, we begin the process of campaign finance reform, even as we learn new and troubling problems about the operation of the system.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder, while my good friend from Virginia is on the floor, if he would comment on a statement which he made yesterday and which the Senator from New Jersey made reference to indirectly, and that is the question as to whether or not the word "illegal" is broader than the word "criminal."

Yesterday, the good chairman of the Rules Committee said the following, and I am wondering if the Senator from New Jersey might also listen to this, because it gets to the very critical point which was raised by his comments. The chairman of the Rules Committee said yesterday that the Rules Committee gave "the Governmental Affairs Committee a scope of the investigation and illegal," he said, "illegal is a very broad scope." He added, "It goes beyond. And I will at a later time today put in the RECORD the definitions of illegal."

But this is now the key sentence from my good friend from Virginia: "But it goes beyond just criminal assertions of allegations of criminal violations. It goes beyond that."

That is at the bottom of page 2057.

The chairman of the Rules Committee is assuring the Senate that the definition of "illegal" goes beyond "criminal," and that is in keeping with, I think, a common understanding of the word "illegal."

I don't know whether the chairman put the definitions of "illegal" into the RECORD. We were unable to find them.

So my first question of the chairman of the Rules Committee would be whether or not those definitions have now been put into the RECORD.

Mr. WARNER. Mr. President, we did discuss this in our hearing. We discussed it yesterday and essentially this is a matter that is going to be placed directly before the chairman, the distinguished ranking member, my good friend from Ohio, Mr. GLENN, and the members of the committee.

I hope, in the context of their deliberations on what they define as "illegal," they will refer to traditional sources. I have here the dictionary definition of "illegal," which I will read. We, of course, recognize it as being an adjective. It means, "not legal, contrary to existing statutes, regulations, et cetera, unauthorized."

Then I went to Black's Law Dictionary, which all of us had in law school—at least I did. That is the first book I bought. As a matter of fact, I still have it. I really have coveted that little personal item. So I went back and read in that, and I cite that. "Illegal," "against or not authorized by law." "Illegal contract," "A contract is illegal where its formation of performance is expressly forbidden by civil or criminal statute or where penalty is imposed for doing an act agreed upon."

So I say to my colleagues, there seems to be not what I would call a great wealth of debate. It is interesting we went back to examine court opinions. I would have thought in the history of our country someone would have argued that, but I am not sure that anything we found in the course of our research shed a great deal of light. Perhaps my distinguished colleague from Michigan, who is a student in many areas, could refer to some source that he has broader than what the Senator from Virginia has provided this morning.

Mr. LEVIN. No. I am happy with that assurance from the Senator.

Mr. TORRICELLI. Will the Senator yield?

Mr. LEVIN. In just a minute.

I am very glad to hear that assurance from the Senator, that the intention of this resolution which he offered, that "illegal" includes violations of law, including civil law or other law, and goes beyond violations of criminal law. That gets us a little bit further towards what this committee ought to be doing. But nonetheless, it is an important clarification for the committee.

I would be happy to yield.

Mr. WARNER. Mr. President, if I might just reply to my good friend.

There is documentation. I examined both of those precedents at the time that I drafted the resolution.

Mr. President, the Senate is now working its will on the resolution that was proposed by the Rules Committee. This body eventually will vote and decide the issue. But I suggest, with all due respect to my colleague from Michigan and the distinguished chairman of the Committee on Governmental Affairs, the ranking member, and others, that we are making sort of legislative history as to what we think is the meaning of the term "illegal" and what we think this committee should do.

I hope that that legislative history that we are making for ourselves as a body will be the guidepost for that committee and that they will not continually be searching as to how to get around or evade what is the will of the Senate. That will be expressed eventually through a series of votes and the

passage of some document in the form of a resolution. It is my hope that the resolution of the Rules Committee remains intact, but that is yet to be seen. So that will be the guidepost, the beacon.

I am confident that the chairman and the ranking member and the other members of that committee will in turn be guided by this very important debate on the scope of the jurisdiction.

Mr. TORRICELLI. Will the Senator yield?

Mr. LEVIN. I will be happy to yield for a question.

Mr. TORRICELLI. I want to thank the Senator from Michigan for raising this issue because it appears to me we have come to the heart of the matter.

The Senate has given conflicting interpretations that make all the difference in the scope of these hearings potentially. Senator WARNER's views, as the author of the legislation, should be controlling. But it is important to note that they are in direct contradiction with testimony given to the Rules Committee by Senator THOMPSON.

Senator THOMPSON's interpretation of "illegal" is that they had to constitute a criminal act. I am very reassured by Chairman WARNER's interpretation that "illegal act" would include a violation of a civil code. I assume, therefore, that the Senate could conclude that a violation of the campaign finance laws, even if it did not include a criminal penalty, is included in Senator WARNER's definition.

I am also seeking his reassurance, through the Senator from Michigan, that a violation of the Tax Code, though perhaps not sufficiently willful to involve a criminal penalty, would be an illegal act and, therefore, part of the investigation.

Indeed, I am hoping that we can be reassured that any violation of the regulations of the U.S. Government or any of its departments or agencies, any violation of the civil or criminal law, of which there is specific information that is sufficiently credible to warrant the attention of the committee, would be the subject of these investigations—meaning, that it does not require that a member of the committee have definitive proof to establish a criminal level of culpability and it does not have to relate specifically to a criminal penalty for violation.

I was hoping to receive his assurance, as a member of both the Rules Committee and the Governmental Affairs Committee, that if I come before this committee with a specific act, based on a broad but credible allegation, for violation of code or regulation, that will be sufficient for the scope of this investigation.

Through the Senator from Michigan, that is the assurance that I am seeking.

Mr. WARNER. Mr. President, at the present time I have stated my views as to the word "illegal" and its interpretation and its breadth. I predicated that interpretation carefully upon a dictionary definition as well as one citation from Black's Law Dictionary, which is somewhat broader.

But I want to make certain that my distinguished colleague from New Jersey pauses for a moment to go back and look at the RECORD as to exactly what Chairman THOMPSON said. And, if it is agreeable—I do not want to interrupt the distinguished Senator from Michigan.

Mr. LEVIN. I will be happy to yield.

Mr. WARNER. I read from page 74 of the transcript of the hearing of the Rules Committee on March 6.

The distinguished Senator from New Jersey was speaking.

Senator TORRICELLI. Mr. Chairman, if I could just for a moment—I do not want to delay the committee, but when the hearing began, I expressed concern, Senator Thompson, that the standard was being set extraordinarily high in order to address any campaign abuses because of the "illegal" language that is used.

Do I understand that when I was absent from the room for a moment, in answer to Senator Ford's question, you have equated "illegal" with "criminal" and that in your mind they are relatively indistinguishable as the standard you are going to use in deciding which campaign activities are within our jurisdiction?

I will digress to go back to the colloquy with Senator FORD. I now read from page 65.

Senator FORD. Understand that. And we are used to that. But am I correct that violations of Federal campaign laws are not criminal?

Senator THOMPSON. Senator, I would rather not try to give you a legal opinion off the top of my head.

Then the colloquy went on, in which Senator THOMPSON further said:

Well, my idea, campaign finance reform does not have much to do with the statutory regulatory framework that you are referring to.

So at that point it seems to me that Senator THOMPSON was not definitive on this issue.

Now I return to page 74 where the distinguished Senator from New Jersey had posed the question, and I shall read Senator THOMPSON's reply:

Senator THOMPSON. Senator, I cannot say that in all respects, in every situation, that they are exactly the same, and I would rather not try to give you a precise legal opinion that will stay with me for the rest of the year. I think you are entitled to look into that if you want to do that, certainly. The illegal standard has been used time and time again with regard to other investigations. You allude to the high standard. It just goes to show whose ox is being gored, I suppose, in these matters, because I have been spending a lot of time answering some of my colleagues' questions about how can you subpoena somebody just on public information. You are tying up their lives. They are having to hire attorneys and all of that, and now others have a concern that we are not, it is not easy enough to get to them. In other words, the standard is too high. So those are all the things that we are going to have to balance out, but I am not sure that my top of the head legal opinion on the intricacies on the difference between illegal and criminal are as good as what you might be able to get from somebody who has got the books in front of him and can look it up.

I believe that is somewhat different from what my distinguished colleague said in his earlier comments as to the position taken by Chairman THOMPSON.

Mr. TORRICELLI. If the Senator from Michigan would yield.

Mr. LEVIN. I yield.

Mr. TORRICELLI. The discussion comes down to the phrase of Senator THOMPSON, saying that criminal and illegal may not in every situation be exactly the same.

For purposes of these hearings, if we were to do justice to what we want to achieve, it needs to be established that they specifically are not the same. It is not sufficient for the Senate to know that there may be some circumstances where illegal does not mean criminal. The point is illegal is not criminal. We seek civil jurisdiction, we seek violations of regulations, and we seek here on the floor to disassociate the two words.

I believe, for the record, the Senator from Virginia has done a great deal in allaying my fears, and I think we have separated permanently, irrevocably the two words. For purposes of this investigation they are unrelated, they are unconnected and never the two shall meet again.

I think, therefore, this discussion has been helpful.

UNANIMOUS-CONSENT AGREEMENT

Mr. WARNER. Mr. President, I ask the indulgence of my colleagues to pose on behalf of the majority leader a unanimous consent.

On behalf of Leader LOTT I ask unanimous consent that the time between now and 12:30 be equally divided for debate between Senator WARNER and Senator GLENN, and further when the Senate reconvenes today at 2:15 there be an additional 15 minutes of debate equally divided between the two leaders or their designees, and immediately following that debate the Senate proceed to a vote on or in relation to the Lott Amendment No. 22, and no amendments be in order prior to the vote in relation to amendment 22.

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

Mr. WARNER. I thank the Chair.

Mr. LEVIN. Mr. President, are we under control time?

The PRESIDING OFFICER. Between now and 12:30 the time will be equally divided.

Mr. WARNER. We are under control starting now.

Mr. LEVIN. Can I ask the Senator from Ohio to yield 5 minutes.

Mr. GLENN. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the question that I put to the Senator from Virginia is very important in terms of the future of this investigation, and his answer reasserting today what he said yesterday, which is that the jurisdiction of the Governmental Affairs Committee will go beyond criminal assertions and goes to civil violations of law as well as criminal violations of law, will help clarify a very important question for the committee down the road. I thank him for that.

It leaves open a huge question as to whether we ought to be able to look into improper practices, corrupt practices that are not technically violations of law, but nonetheless it is helpful, and I want to thank my friend from Virginia for that. I want to get to this question next.

Mr. WARNER. If the Senator will yield on my time, I was very careful to say I was speaking for myself, and I used precise language from the dictionary and one legal reference. That decision as to the experience of illegal, again, is to be left to the combined judgment, hopefully, of all members of the Governmental Affairs Committee, and using as a precedent that document that will be finally agreed upon by the U.S. Senate today or tomorrow.

Now, that is the response that I gave very carefully.

Mr. LEVIN. I thank the Senator for that response, and I also point out that response comes from the chairman of the Rules Committee, who is a sponsor of the pending resolution. This Senate, I think, has a right to traditionally place great stock in the sponsors' interpretation of his own resolution. That is precisely what I believe the Senate will be doing when we vote, because even though we differ as to whether or not the scope should get to practices which should be made illegal, practices which are offensive, or practices which violate what the public wants us to be doing, nonetheless the fact that the chairman of the Rules Committee is asserting to the Senate that the word illegal in his judgment and his intention as the drafter of this resolution goes to both—goes to any violation of law, not just a criminal violation, is a very important statement for the Senate and for the future of this investigation.

Following that statement, I ask my good friend from Virginia the following: That under his interpretation, therefore, would the Governmental Affairs Committee be able to investigate violations of the Federal Elections Campaign Act?

Mr. WARNER. Mr. President, at this time I reserve the timing of my response to that question. I have very carefully laid down what I believe is the definition of illegal but I am not prepared at this time to give you a response to that question.

Mr. LEVIN. Would that be true with other specific questions?

So that what we will have when we vote will be the assurance of the chairman of the Rules Committee as to what his interpretation of the word illegal is in a general way but not a specific application.

Mr. WARNER. Mr. President, that is I hasten to point out while I am privileged to be the chairman, I am not so sure the total weight of this debate would shift to what this Senator has to say.

I come back again, the Senate will work its will. This resolution that I offered which is the underlying matter before the Senate could well be amended. I hope not, but it could be. So I want to await the final decision of the Senate before I make any further comment as to what my response will be to the question.

Mr. LEVIN. I thank my friend.

I have a parliamentary inquiry. Under the pending amendment to the amendment, the language in subsection (c) says that "the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—"

And then No. 2 is "corrupt practices."

Now, my parliamentary inquiry is this: Under Senate Resolution 54, does the Governmental Affairs Committee have jurisdiction as of this moment to study and investigate corruption or unethical practices and improper practices between Government personnel and corporations, individuals, companies, et cetera?

As of this moment, my parliamentary inquiry is, under Senate Resolution 54, does the Governmental Affairs Committee have jurisdiction to investigate corruption, unethical practices, and any and all improper practices, as I previously read?

The PRESIDING OFFICER. The jurisdiction of a committee is set out by rule XXV. Neither this resolution or rule XXV can explicitly change or alter without an explicit change in language.

Mr. LEVIN. Does the Governmental Affairs Committee, as of this moment, have jurisdiction, as set forth in Senate Resolution 54, to investigate corruption, unethical practices, and any and all improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, et cetera? That is my parliamentary inquiry.

The PRESIDING OFFICER. Committees, historically, have investigated areas within their jurisdiction under rule XXV. The jurisdiction of a committee is normally based on what is referred to that committee and its jurisdiction.

Mr. LEVIN. My parliamentary inquiry is, Does Senate Resolution 54 refer that subject to this Governmental Affairs Committee? That is my parliamentary inquiry.

The PRESIDING OFFICER. Matters are not referred by resolution. Matters are referred by the Presiding Officer of the Senate.

Mr. LEVIN. Mr. President, what we have here is, I believe, the first time that the U.S. Senate is going to remove from a committee of jurisdiction its right to investigate something that has been within its jurisdiction traditionally, as has corruption and improper practices. They have been looked into by the Governmental Affairs Committee over the decades. They are specifically referred, in Senate Resolution 54, to the Governmental Affairs Committee.

I don't think there is any doubt in anybody's mind—and I will ask the question again—that the Governmental Affairs Committee has jurisdiction to investigate improper practices. Now, that doesn't mean the Rules Committee doesn't have jurisdiction to legislate. It does. But it means that the committee of jurisdiction—this is one of the great investigatory committees of this body, traditionally, which has looked into illegal practices, and legal practices which should be made illegal—is being taken off the case, is being told that what is within its jurisdiction cannot be investigated, even though the unanimous vote of the Governmental Affairs Committee was to investigate improper practices.

There is no doubt, I don't think, in anybody's mind that we have that jurisdiction, which is the reason why this amendment is before us, which is to remove the jurisdiction of the committee into improper and corrupt practices with respect to the 1996 Federal elections. That is what we will be voting on today—whether or not the U.S. Senate wants to take that power away from a committee that has jurisdiction to look into and investigate improper and corrupt practices. It is unprecedented.

Now, does the Rules Committee have legislative jurisdiction? Yes. But the Governmental Affairs Committee has investigative jurisdiction. I don't think anybody doubts that we have investigative jurisdiction, should we seek to exercise it and look into improper and corrupt practices. I haven't heard anybody allege that. As a matter of fact, the reason the amendment is pending before us is to remove that jurisdiction from us when it comes to campaign finance reform. I wonder if the Senator from Ohio would yield 3 additional minutes to me.

Mr. GLENN. I yield such time as the Senator from Michigan may desire.

Mr. LEVIN. This is an unprecedented removal of jurisdiction from a Senate committee that is seeking to exercise what is within its jurisdiction by Senate rule, by Senate resolution—Senate Resolution 54—which specifically refers

to improper and corrupt practices, and by precedent.

Now, why are we doing this? Why is the majority about to tell a committee that has jurisdiction to investigate that it may not do so? The answer is, the fear that there will be momentum given to campaign finance reform. That is the issue. It is that fear that so terrorizes, apparently, some in the majority of this body that if there is an investigation carried out by the Governmental Affairs Committee, which it now has jurisdiction to carry out, it will somehow or other give momentum to something which, apparently, a majority of the majority does not want.

But this is unprecedented, and we are skating now out on a pond which this Senate, I don't believe, has done before. I have heard my good friend from Virginia say, "Well, there is no legislative authority in Governmental Affairs in the area of campaign finance reform." That's true. But we have investigative authority. There is no authority in the Governmental Affairs Committee to get involved in recommending changes in the criminal law. We don't have jurisdiction to legislate in the area of the criminal law, generally. That is in the area of the Judiciary Committee. Yet, we are left with the jurisdiction here to investigate illegal activities, even though we don't have legislative jurisdiction, for the most part, in the area of criminal law.

Where is the logic here? We are told you can't legislate in the area of campaign finance reform. Therefore, we are not going to let you investigate, even though you otherwise would have jurisdiction to do so.

(Mr. INHOFE assumed the chair.)

Mr. WARNER. Mr. President, if the Senator will entertain a comment, which I hope is constructive and helpful to my good friend and colleague, you are talking about the actual Rules Committee as if we just took everything away from them. Let's go back and take a moment to see exactly what happened, because I know, having worked these 18 years with my good friend—this is on my time—that he deals in precision. We have served together side by side these many years on the Armed Services Committee.

Now, let me walk my colleague through exactly what happened. First, we have the Standing Rules of the Senate, which defines the basic parameters of the authority of the Governmental Affairs Committee. Each year, Mr. President—and it is rather interesting—the chairman of Governmental Affairs comes to the Rules Committee with a twofold request: first, for a sum of money to operate the committee for the coming fiscal year, and then a request to enlarge the jurisdiction as set forth in the Standing Rules of the Senate. That was done this year. I hasten to point out to my good friend——

Mr. FORD. Mr. President, can I get into this for a minute? I don't think we accepted the enlargement of it. It was more to carry it out than to enlarge it.

Mr. WARNER. Mr. President, I disagree with my distinguished colleague and ranking member. I would like to engage him in the colloquy at the proper time. I want to refer to Senate Resolution 54, which was passed by this body upon the recommendation of the chairman and ranking member of the Rules Committee. All I have to say to my good friend from Kentucky—and we welcome him back this morning——

Mr. FORD. You went back to the rules.

Mr. WARNER. The Rules Committee issued Senate Resolution 54, which was voted on by the Senate.

Any reading of Senate Resolution 54 shows a considerable broadening and enlargement beyond the scope of the authority vested in that committee under the Standing Rules of the Senate. That is my point. And it is, I say to my friend from Kentucky and my friend from Michigan, an enlargement. Let me read the language as recommended by the chairman and presumably the ranking member and the Rules Committee accepted it.

Mr. LEVIN. I wonder if the Senator would tell us what he is reading from.

Mr. WARNER. Yes. I am reading from Senate Resolution 54 which is that document voted on in the Senate to give $4.53 million to the committee to conduct its affairs, and this is the language of the charter.

Mr. LEVIN. On page 16?

Mr. WARNER. Page 18 of Senate Resolution 54. I will pause for a moment until my colleague has it. Section (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.

That is your language. It is broad. It includes the word "corruption," which is not in the standing rules for the Governmental Affairs Committee, which is, Mr. President, of course, in the standing rules for the Rules Committee.

So the Senator made the statement that we had taken it all away.

Mr. LEVIN. Senate Resolution 54 now is governing.

Mr. WARNER. Senate Resolution 54 governs the expenditure of $4.53 million.

Mr. LEVIN. The Senator agrees with me.

Mr. WARNER. Beg pardon?

Mr. LEVIN. Senate Resolution 54 is what is currently in effect.

Mr. WARNER. That is correct.

Mr. LEVIN. What is in effect gives the Governmental Affairs Committee the power to look at corrupt practices, just as I read—I read from the exact same Senate Resolution that the good Senator from Virginia read that we have jurisdiction in Governmental Affairs to look at corruption, unethical practices, and improper practices. That is what is in effect now and that is what would be changed by the pending resolution before us.

Mr. WARNER. Mr. President, what the Senator said, as I understood him to say, we took away all your jurisdiction. That is not correct. As to the $4.53 million, it is there. As to the second allocation of funds in the nature of a supplemental, it is quite true the Rules Committee laid down in the resolution a more precise definition as to what you do with the second allocation of funding and that is restricted to illegal activities in the 1996 campaigns, Presidential and congressional. But the Senator made the statement that it took it all away. I am pointing out the distinction. No, no, it relates to the second allocation of funding.

Mr. LEVIN. Is the Senator from Virginia saying today that relative to the allocation of funds in Senate Resolution 54, the committee is then free to look at improper practices in the area of campaign financing? Is that what the Senator is saying today? Because I thought I heard something different.

Mr. WARNER. What I am saying is the language sets forth the definition, and it is up to the chairman and ranking member and the Governmental Affairs members to decide for themselves.

Mr. LEVIN. My question—

Mr. WARNER. What I am saying for great clarity, for the second allocation, supplemental funding, the Rules Committee exercised what I regard as its authority to restrict the use of those funds to the clause "illegal" for 1996.

Mr. LEVIN. Is my friend, however, saying as to the original allocation of funds that the committee may exercise jurisdiction to look into improper practices or practices which should be made illegal? Is that what my friend from Virginia is saying?

Mr. WARNER. Mr. President, my response to that question is that the use of the first allocation of funds pursuant to this resolution is limited to this, and it is up to the Members to interpret it. And, second, it would be my hope that the members would interpret this language in accordance with whatever resolution is finally passed by the Senate today because I view that as an

expression by the Senate as to what the scope should be of activities of the Governmental Affairs Committee with regard to both the underlying $4.53 million and the additional funds.

Mr. LEVIN. I want to be real clear at this point. What the Senator, the chairman of the Rules Committee, is telling us is that technically we can spend the first pot of money as we determine to do so within our jurisdiction and within Senate Resolution 54, but as to the supplemental funds, that would be governed by the pending amendment, if it passes. Is that correct?

Mr. WARNER. Not necessarily the pending amendment. The ultimate resolution passed by the Senate.

Mr. LEVIN. Ultimate resolution.

Mr. WARNER. I simply say, going back to the underlying rules of the Senate, it was enlarged in Senate Resolution 54. You can decide for yourself, but I hope you will decide within the framework of this debate and the ultimate resolution, which resolution applies to the second allocation of funds.

Mr. LEVIN. Mr. President, then if I could conclude, let me reiterate what I said as I think it is still accurate. If we adopt this resolution today, we will be removing from the Governmental Affairs Committee a jurisdiction which it now has to investigate corrupt practices, improper practices, practices which should be made illegal, practices which we could investigate within the Senate Resolution 54 jurisdiction of our committee—the current jurisdiction of our committee would allow us to look at improper practices, but what the pending resolution tells us, if it is adopted and becomes the final expression of this body's will, what the pending resolution tells us is Governmental Affairs, with this special fund which we are providing you to look into the 1996 election, you may not do what you otherwise can. You may not look into improper practices with this fund, although you could normally look into improper practices with the funds that we provide to you.

Now, why the difference? Why are we told when it comes to look at the 1996 election that we cannot exercise the same jurisdiction, look into the same type of practices, corrupt, improper practices that have an odor, why are we being told we cannot do that with the funds that are given to us specially to look into the 1996 election?

The answer is very obvious. The answer is that there is a fear on the part of a majority of the majority that such an investigation will get into the area of soft money, which is legal—part of it we believe is illegal, but most of it is probably legal. And so we are being told that with this sum of money being given specially to look at the 1996 election, we cannot look at what is legal in the area of soft money, even though it has an odor to it, even though its purpose is to evade the current law, even though it allows corporations to give millions of dollars to campaigns when the clear purpose of current law is that corporations not give money to candidates in elections.

That is the purpose of the pending amendment from the Rules Committee. We should have no doubt about what its purpose is. It is to restrict the investigation so that the Governmental Affairs Committee cannot do with this money that is given to us to look into the 1996 elections, cannot do what we have traditionally done with all other funds given to the Governmental Affairs Committee, which is to look into improper practices or unethical practices or practices which should be made illegal.

We are told that with this funding that we are being given to look into the 1996 election, that we cannot do what we could do with the funds that were given to us under Senate Resolution 54, and which have traditionally been part of the jurisdiction of the Governmental Affairs Committee.

I am going to close by reading this resolution language again because it is so important. Senate Resolution 54 is what gives the Governmental Affairs Committee its mandate. It is now the law. It is what is in place. It is what we are operating under in Governmental Affairs. And Senate Resolution 54 says, on page 16 and 17 that:

> The committee, or any duly authorized subcommittee thereof, is authorized to * * * investigate—* * * corruption * * * unethical practices * * * and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government* * *.

That authority given to us in Senate Resolution 54 to look into corruption and unethical practices and improper practices, we will not be allowed to exercise when it comes to the use of this special fund that is given to us for the purpose of looking into the 1996 elections.

The argument technically is: But you don't have legislative authority in campaign finance reform. That is true. We don't have legislative authority to amend the criminal laws either, but we are allowed to look into illegal practices. There is utterly no logic in this.

The argument which was used to restrict this funding to illegal practices was: Governmental Affairs doesn't have legislative authority—which is true—to legislate in the area of campaign finance reform. But we do not have legislative authority to legislate relative to illegal practices either, but we are allowed, in fact we are restricted, in terms of our investigation, to the area of illegal practices. So the logic for this restriction is not there. What is there, and I think a number of Members of the majority have been very open about this, is that they do not want us to give any momentum to the reform movement in the area of campaign finance. And the fear is there, that if the Governmental Affairs Committee investigates within the area of its traditional jurisdiction, improper practices, unethical practices, and corruption as we have in Senate Resolution 54—if we do that, the fear is that we will somehow or other give a boost to campaign finance reform. And to that I say: Amen, it is long overdue.

And what is unprecedented, unprecedented, is the restriction of a fund to prevent a committee from looking into an area which it has traditionally looked into. That is what is unprecedented. It is something which the public, I believe, will totally disagree with. I believe this institution will regret doing it, because it sets a precedent for this institution which is not a wise precedent. And I do not think it will withstand the scrutiny, either of the public or of the media.

What we are left with will be this. If this resolution passes in the form that it is now in from the Rules Committee, or something like it, we will then be limited to illegal, which I am happy to hear, at least in the opinion of the chairman of the Rules Committee, includes both civil as well as criminal illegality. And I presume we will do the best that we can with that. But we all ought to realize that what is off the table, as far as this investigation is concerned, by Governmental Affairs Committee—what has been removed, taken away from us, restricted, is the bright light of day into what is currently legal but which should be, at least arguably, made illegal.

I thank the Chair and I also thank my friend from Virginia. As always, he has shown great courtesy in terms of attempting to respond to inquiries on the floor, and to helping this institution work its way through some very difficult issues.

I yield the floor.

Mr. WARNER. Mr. President, I thank my colleague. But just before he departs, I hope he would recognize that, while he uses the phrase "taken it off the table," it is the jurisdiction of the Rules Committee. And I hope that you, as a colleague, will give us the benefit of the doubt, that the Rules Committee will diligently—certainly speaking for myself, and I think for many members of that committee, if not all—will diligently pursue the issues that are of great importance. I share your concern over the importance of both independent expenditures and soft money. The phrase "soft money" must be terribly complex to the American public. What is soft money? I guess we are going to get a tight definition of that at some point. But we will pursue it with diligence. And I hope you acknowledge that fact.

Mr. LEVIN. If the Senator will yield?

Mr. WARNER. Yes.

Mr. LEVIN. I thank him for that. Soft money is most of the money that

is out there. It is the unregulated money. It is the millions.

As it turns out, under the current definition, if I could just ask my good friend to yield for 1 more minute, under the current definition by the Attorney General and Boyden Gray—who was the counsel for President Bush, they both agree on this—I cannot use my phone, even a cell phone, at my own expense in my office, to solicit a contribution to my campaign for $100. I cannot do that, even using my own cell phone in my office. But I can use my Government phone to solicit $1 million for the Democratic National Committee, right from my office. That is the current state of the law. That is the soft money "exception," which is really the rule, because it is most of the money which is now received.

But to answer my friend's question, I was very careful saying what is off the table, as far as the Governmental Affairs Committee investigation is concerned, if this resolution is adopted in its current form, will be the investigation into what is currently legal in the area of soft money, independent expenditures. I did not comment on what the Rules Committee might or might not do, and that is going to be in the good judgment of the Rules Committee and its chairman and ranking member.

Mr. WARNER. Mr. President, I hope the Senator will give us the benefit of the doubt that we as Senators will pursue that with equal vigor.

I thank my colleague. It was a very profitable exchange.

Mr. AKAKA. Mr. President, as a member of the Senate Governmental Affairs Committee, I am naturally interested in this debate over Senate Resolution 39—a funding resolution for the Senate Governmental Affairs Committee special investigation, as amended by the Senate Rules Committee. I object to the action taken by the Rules Committee on Thursday that forces the Governmental Affairs Committee to limit its investigation solely to illegal activities related to the 1996 elections.

I object because the Governmental Affairs Committee had a bipartisan agreement on a broad scope for this fundraising investigation. However, in an effort to appease those opposed to reforming our campaign finance laws, the Rules Committee overrode the agreement unanimously adopted by the Governmental Affairs Committee on January 30, 1997. The scope of the investigation is now so narrow that we are being forced to operate with blinders. If a fundraising activity is improper—we cannot look at it. If the activity occurred prior to 1996—we cannot look at it. If the activity involves soft money or questionable use of tax-exempt organizations—we cannot look at that, unless it is clearly illegal.

The Rules Committee resolution narrows the definition of illegal so that the Governmental Affairs Committee would have to show evidence of criminal activity beyond a reasonable doubt before an activity or individual can be investigated. Is there anyone who does not believe that there are some serious allegations that are improper rather than illegal? How can we legislate changes in our campaign finance laws if we cannot look into activities that are not currently illegal, but should be illegal?

Mr. President, I am proud to be a member of the Governmental Affairs Committee because it is one committee that continually operates in a bipartisan and fair manner. We hammered out the scope of our investigation over a period of several days and it received support from Democrats and Republicans alike.

Last Friday, I participated in a press conference called by the ranking member of the Governmental Affairs Committee, Mr. GLENN, to express concern with the newly amended funding resolution that came out of the Rules Committee. At that news conference, I said that the committee had taken the high ground by unanimously agreeing to a resolution setting forth the scope of its investigation.

Back on January 30, 1997, the committee agreed on a number of issues relating to illegal or improper fundraising and spending practices which would lead to a consensus of how to best consider the issues at hand. Regretfully, since the adoption of that agreement, there has been discord, insinuations, accusations, and other obstacles to resolving the impasse over the committee's special investigatory funding.

I object to the revision of the scope previously agreed upon by the Governmental Affairs Committee because past investigations into allegations of misconduct examined improper and unethical conduct as well as illegal conduct. Moreover, if the funding resolution before us today is adopted, we will limit the scope of the investigation to only the 1996 election cycle, thereby eliminating the possibility of looking into the issue of soft money, issue advocacy, and possible illegal use of tax-exempt organizations.

Under the amended resolution, the Governmental Affairs Committee investigation would be precluded from investigating allegations that may be embarrassing to Congress, and potential problems related to individual members would be referred to the Senate Ethics Committee. I know that most Members of Congress are honest; however, if our citizenry believes that money buys access, then we must look into allegations that point to improper use of office.

The statement of purpose of the Governmental Affairs special investigation, as amended by the Rules Committee last Thursday, authorizes funds for "the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns." We have been told that the scope agreed to in the resolution before us was patterned after the Watergate resolution. However, the omission of two key words from that original Watergate resolution—unethical and improper—will undermine any investigation into the influence of money on Federal elections.

Mr. President, I shall not belabor this issue as I know there are other Members who wish to speak. I want to reiterate, however, that the scope agreed to on January 30, 1997, was very inclusive—it would provide for an investigation into the business of fundraising by both parties. The purpose of our inquiry was to examine all aspects of campaign fundraising—both Presidential and congressional—with the eventual outcome to be substantive and effective campaign finance reform legislation. I fear that without ensuring that improper fundraising practices are included in the investigation that this may never come about. We cannot deny the public a full and thorough inquiry into allegations that may eventually lead to tough campaign finance laws.

Mr. WARNER. Mr. President, will the Chair kindly advise the Senator from Virginia and the Senator from Ohio as to the remainder of the time?

The PRESIDING OFFICER. The Senator from Virginia has 10 minutes, 14 seconds; the Senator from Ohio, 3 minutes and 17 seconds.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 419 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BOND. Mr. President, I offer my sincere appreciation to my distinguished friend, the chairman of the committee.

Mr. WARNER. Mr. President, I am happy to do it. It is a very important matter, and I was quite interested in what the Senator from Missouri had to say.

The Senator from Virginia yields back such time as he has remaining, and I understand my colleague from Ohio will have further remarks, at the conclusion of which we will stand in recess until the reconvening hour of 2:15.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, this debate comes down to a simple choice: You are in favor of campaign finance reform or you are opposed to campaign finance reform, and that is what the argument is all about. I believe both sides of the aisle want to correct things as far as illegalities are concerned, I don't have any question of that. But

the other area that is so big is the area of independent expenditures, soft money and all the other practices that grew up and came to a peak in the 1996 election.

There was no doubt that the public was demanding that we look into this, and there were various committees that wanted a part of that activity. There was the Commerce Committee, Judiciary Committee, Foreign Relations Committee, Rules Committee, and Governmental Affairs Committee. The Republican leadership decided to talk the other committees into not exercising their jurisdictions they normally would have in this area and assign that to the Governmental Affairs Committee, which has the broadest investigative authority on Capitol Hill.

My friend, the Senator from Virginia, read into the RECORD a little while ago the Governmental Affairs Committee's jurisdiction out of Senate Resolution 54, which details what we are to look into with the money that comes out and we are given each year. It involves the whole gamut of anything to do with the Federal Government in any way, shape, or form, any type of corruption, anything we want to look into on that. We have exercised that jurisdiction through the years.

It was assigned to the committee. Senator THOMPSON, chairman of the Governmental Affairs Committee, and I worked out an agreement on what the scope of this investigation would be. We didn't have agreement on the money yet or some other things like that, but we at least had the $1.8 million we agreed to. Today, we are going up to the $4.5 million that was stated, but we object strongly to cutting back on our normal jurisdiction of what we can look into.

Why is this being cut back? Because a few members on the Rules Committee that has to pass on our additional money for investigative activity over and above our normal committee budget dug in their heels, the people who are publicly outspoken against any campaign finance reform, and they are the ones who, on the Rules Committee, were able to stop that type funding, unless they got an agreement, unless a deal was cut.

So a deal was cut that we would not be able to look into any of the things involved that we wanted to look into with regard to soft money and independent expenditures with regard to Capitol Hill, with regard to congressional campaigns, Senate or the House. They were dead set against that. They didn't want that looked into. The reason, I guess, is because Republicans outdo the Democrats about 2 to 1 in this fundraising area and particularly in the area of soft money. It was crucial, as we see it, a couple of years ago in changing the majority in the Senate, because money is the mother's milk of politics. It is really what has more impact than anything else. So they objected to any changes or to any investigation in those areas.

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

Mr. GLENN. I ask unanimous consent to finish my statement.

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

Mr. GLENN. Mr. President, they wanted to cut out any investigation of Capitol Hill. That is the reason we came to this situation. It was not that most Members don't want to correct campaign finance reform on our side. We asked for campaign finance reform legislation to be brought to the floor all this year. We would like to see the McCain-Feingold proposal voted on.

But regardless of that, we think that an airing of everything to do with what happened in campaign financing over the past several elections, really, as this has built up to a crescendo that just inundated us in 1996, we think that should be looked into to lay the base for real campaign finance reform and give us that kind of educational base.

What happened? Those who were against this got a deal cut, and instead, all the things we were going to look into which was submitted as the original part of Senate Resolution 39 from the Governmental Affairs Committee to the Rules Committee for approval were all struck, the total language, and the additional funds in the last part of this that are operable in Senate Resolution 39 as brought to the floor state that funds can only be used for the sole purpose of conducting an investigation of illegal activities. That takes out all those other areas of soft money that we wanted to look into.

The amendment I proposed would restore the scope of the investigation, as the chairman and I and as all members of the Governmental Affairs Committee, including those who are on the Rules Committee, voted out of committee. They voted for these things to go into this type of scope. They did not disagree with it then. But as part of the deal that was cut then, that kind of scope was taken away from us. Now I would propose, with my amendment, to restore that.

What has happened this morning is now the majority leader has proposed an amendment to my amendment, a second-degree amendment in the nature of a substitute, that would again say that "the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction under rule 25 over all proposed legislation and other matters relating to—(1) Federal elections generally * * * [and] (2) corrupt practices * * * [and] the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities * * * [that] are not illegal but which may require investigation * * *" In other words, this takes us back where we were. It second-degrees my amendment and takes us back to the intent of Senate Resolution 39, which cut back the authority on the committee.

There has been a good discussion of this this morning. But to my way of thinking, this boils down, very, very simply, to one area. And one thing that is correct is, it is a choice. Do we want campaign finance reform or do we not?

We want the broadest possible investigation so we can come out with good campaign finance reform that I think will be follow on to McCain-Feingold if we are ever able to get it to a vote. On the other side, they do not want any investigation in this area and are opposed to campaign finance reform. That is the bottom-line choice we are talking about here.

I will end with that because my good friend from Virginia has been very kind in granting me extra time here. I have run over several minutes, I know. I thank him very much.

Mr. WARNER. I thank my colleague.

I would have to say to my good friend and colleague, we will have more debate on this as the day goes on and perhaps tomorrow. Hopefully, we can finish tonight, but I will be ready to take the floor tomorrow again.

Mr. President, he misstates the case. This Senator is for campaign finance reform of some measure. I am not able to give the parameters in totality now. The distinguished majority leader sat here and opened this debate this morning indicating what is taking place. He, together with Senator NICKLES, is conducting a task force on this side of the aisle which meets on a regular basis to examine those provisions, which, hopefully, we will insert at some point in time in a bill which is clearly campaign finance reform. So, I have to strongly disagree with my good friend and colleague on that point.

Now, Mr. President, we shall stand in recess.

RECESS

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

Thereupon, at 12:31 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BROWNBACK).

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. There are 15 minutes equally divided to each side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

Mr. WARNER. Mr. President, in the absence of anyone on this side of the aisle, I suggest a quorum be reinstated and that the time not be counted against either side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Mr. President, we have a unanimous consent process that we will go through here that would allow for the withdrawal of the pending second-degree amendment and the offering of a new amendment. We are very close to an agreement on not only this procedure, but a number of other aspects of how we will deal with this pending resolution this afternoon.

We would like to get this consent agreed to, and then we will take a few minutes more to make sure everybody understands exactly what we are proposing to agree to, and we will come back and go through that process. It could lead to our having perhaps just one more recorded vote and final passage. But we want to make sure everybody understands and is comfortable with what we are doing to the maximum degree possible.

I ask unanimous consent, Mr. President, notwithstanding the consent agreement, that it be in order for me to withdraw amendment No. 22 in order to offer a separate amendment, and the amendment be in order notwithstanding the fact that it hits the resolution in more than one place.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the pending Glenn amendment be laid aside in order for me to offer an amendment, and no further amendments be in order prior to the vote on or in relation to my amendment.

Mr. SPECTER. Mr. President, reserving the right to object, I ask whether that is intended to preclude any further amendments on the resolution.

Mr. LOTT. At this point it is just no further amendments in order to my amendment. We are discussing the possibility of an agreement that would not provide for additional amendments, but we have not reached a final agreement on that at this point. So we would have to just talk that through with you and other Senators and make sure everybody understands and agrees before we enter that next request. But it is not applicable here.

Mr. SPECTER. As long as this unanimous consent request is not precluding further amendments to the resolution, I do not object.

Mr. DASCHLE. Reserving the right to object, I only do so for purposes of clarification.

I think what the majority leader is proposing here goes a long way to resolving one of the issues that divided Democrats and Republicans. First, I commend him and commend those responsible for offering this amendment.

What this would do is to add the word "improper" at the appropriate places within the authorization to allow us to look at both improper and illegal activity. So, as I say, this goes a long way to resolving the conflict that we have discussed now for some time and that was the subject of debate this morning. So this moves this process along. I would certainly urge all of my colleagues to agree to this unanimous consent request.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator for his comments. I might say, just for further clarification, it would add to "illegal" the words "and improper." The Glenn amendment of course has a number of descriptions. We are working on a discussion here of how that might be handled in a colloquy here today. But this would just add the words "and improper" at the appropriate places in the resolution.

The PRESIDING OFFICER. Is there further objection in regard to this request? Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that following the disposition of the Lott amendment, the Senate resume the Glenn amendment No. 21, and no amendments be in order prior to the vote on or in relation to the Glenn amendment No. 21 and he be permitted to withdraw his amendment if he chooses after our discussions take place.

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

AMENDMENT NO. 23

Mr. LOTT. Mr. President, I now send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for himself, Mr. THOMPSON, and Mr. WARNER, proposes an amendment numbered 23.

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

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

The amendment is as follows:

On page 10, line 19 after the word "illegal" add "and improper".

On page 10, line 23 after the word "illegal" add "and improper".

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for 5 minutes to introduce a measure, after which time I will suggest the absence of a quorum.

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

Mr. DODD. Will my colleague yield to make that 6 minutes so I could get a minute in?

Mr. DOMENICI. I ask unanimous consent for 7 minutes and give 3 of my minutes to Senator DODD.

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

(The remarks of Mr. DOMENICI and Mr. DODD pertaining to the introduction of S. 422 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD. Mr. President, I ask unanimous consent I may proceed for 12 minutes as in morning business.

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

RETIREMENT ANNOUNCEMENT

Mr. FORD. Mr. President, when the 94th Congress convened in January 1975, I was 93d in Senate seniority. When the 105th Congress convened this past January, I was 12th. What a difference 22 years make.

My 22 years of service to the people of Kentucky, as their U.S. Senator, has been during a remarkable period in history. We have witnessed the end of the cold war and the fall of the Berlin Wall. We have witnessed a technological boom that was unthinkable 22 years ago and we've witnessed the growth of democracy in practically every underdeveloped nation in the world.

We have also seen the cost of a college education skyrocket. We have seen the cost of medical care skyrocket. And last but not least, we've seen the cost of a political campaign skyrocket.

The average cost of a U.S. Senate race in 1974, the first year I ran, was less than $450,000. In fact, $437,482. The average cost of a Senate race last year was approximately $4.5 million. There is no job, especially the job of public

servant, that is worth or deserves the effort necessary to raise and spend that much money.

The job of being a U.S. Senator today has unfortunately become a job of raising money to be reelected instead of a job doing the people's business. Traveling to New York, California, Texas, or basically any State in the country, weekend after weekend, for the next 2 years is what candidates must do if they hope to raise the money necessary to compete in a senatorial election.

Democracy as we know it will be lost if we continue to allow government to become one bought by the highest bidder, for the highest bidder. Candidates will simply become bit players and pawns in a campaign managed and manipulated by paid consultants and hired guns.

Because of the political money chase, Washington, DC is fast becoming the center of our lives, not our people back home. The money chase has got to stop. We must reform the system so that ordinary, everyday people, who want to run for political office and make our country a better place are able to do so.

I have spent a good part of my Senate career and political life working to nudge and, occasionally shove our party back toward the center of the political road. I came to Washington as a moderate Democrat, believing then as I still do, that the will of the people comes first. I've tried to be a moderate voice and will continue to do so. I love our country too much to let the extremists ram their agenda down our throats.

There are many challenges facing the Senate and our party as we march into the next millennium. More than ever, I want to be involved in addressing some of them.

I am not in the business to get my name in lights or to appear on the national TV talk shows or make headlines in the national newspapers. My philosophy has always been and will continue to be keep a low profile, work behind the scenes with my colleagues on both sides of the aisle, and come up with a solution that benefits everyone. Compromise is not a dirty word. I plan on working this way in the months ahead.

Now of a more immediate and personal concern. Do I run again for another term in 1998? My health is good, my mind is sharp, and I enjoy what I do as much as life itself. However, because my mind is sharp, it is quick to remind me that I am 72 years old and I will be 74 in November of 1998. The good Lord has a plan for every one of us, even me. My heart says that my love affair with the people of Kentucky is not over. My head says it has been a long ride and a good ride but now it is time to pass the reins on to a younger generation.

Today I will lead with my head and not my heart. So the time has come for me to announce that I will not be a candidate for reelection in 1998.

As you try to understand my decision, let me ask you to do something for me, if you will. Don't say that I'm ready to go because I'm not and, frankly, I never will be. I still get goose bumps every time I look up at the Capitol dome on my way to and from work.

You can say that my reelection campaign would be my most expensive race ever. I do not relish—in fact, I detest—the idea of having to raise $5 million for a job that pays $133,000 a year. To reach that mark, I would have to raise $100,000 a week, starting today, for the next year.

Please don't say that my time has passed and I should be put out to pasture, because I don't believe that it has. The political philosophy that I embrace is just as relevant today as it was when I first entered public life 30 years ago. It is a philosophy centered on the fact that most Kentuckians cherish personal freedom more than either a liberal agenda or a competing conservative agenda that just uses Government in a different way to promote its goals.

I thank the people of Kentucky from the bottom of my heart for giving me the chance to be their voice for these four-plus terms here in the U.S. Senate. I have been blessed with good friends and dedicated supporters all around my State, who have been there time and time again when I have called for their help.

No one serves the people alone. He or she must have a good, bright, hard-working staff for support. I have been blessed with an abundance of such a staff. They have proven themselves more than capable of handling any situation thrown at them. Their unequaled loyalty and total devotion to their work, especially in handling constituent services, both in my district offices and here in Washington, is proven time and time again. My staff is simply the best, as the thousands of constituents who have used them will attest.

In announcing last month that he would not run again, my good friend and colleague, JOHN GLENN, put it in perspective when he said, "There still is no cure for the common birthday." I believe that 100 percent, and I want to leave here knowing that I have a lot more birthdays to celebrate with my family.

Now, speaking of family, no one—and I repeat, no one—could ask for a more supportive and loving family than mine. My wife, Jean, has been my anchor for over 50 years. My children, Shirley and Steve, have had to grow up with an absentee father a lot of the time. But they know in their hearts how much I love them. I plan on helping them in the years to come the way they have been there for me all these many years. As for my grandchildren, I can't wait to spend more time with them and, hopefully, learn a thing or two from them. I'll finally have the time to dote on them and spoil them the way a grandfather is supposed to do.

Mr. President, let me close by reading the last paragraph from a poem entitled "A Year," which I have carried with me for many, many years. My son had it right when he wrote this back during his sophomore year at Frankfort High School. He is now married and has three lovely sons and, still, he had it right much earlier than I thought he did. This is the last of four paragraphs, referring to the seasons:

Another year has passed,
the days not slow or fast,
Burned deep within our brain,
its memories will ever remain,
And although you look back and stood,
wishing there had been more good,
No one can change the seasons,
'cept God, and he's had no reason.

I thank the Chair for giving me this time. I yield the floor.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed for about 4 minutes in reference to the speech we just heard.

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

Mr. LEAHY. Mr. President, I have listened to my good friend from Kentucky, who has been my good friend from the time we first met as newly elected Members of the class of 1974. We came here together, and I can honestly say, Mr. President, that I have looked to Senator FORD for guidance on every issue since then. I came from a small county office, and he came from being Governor of a State much larger than Vermont ever has been or ever will be.

I remember debates we had when we were in the majority and in the minority, and back to the majority and then back to the minority. WENDELL FORD's was one of the voices we would listen to as we tried to find the answers that made sense for the country and for each other.

WENDELL FORD also had a quality that was very much the quality of all Senators, Republican and Democrat, when he first came here—a quality that, perhaps, some today should remind themselves of, because it existed universally then, and that is the quality of when a Senator gives his word, his word is gold. There is not one single person who has served here in the 22 years that WENDELL FORD has been here who has ever questioned his word. There is not one single Senator here who found him to be someone who did not keep totally to his commitments.

What I have enjoyed in our personal relationship is that he is a man I have been able to go to for counsel and guidance and know that I could discuss anything with him without it ever being given out, if I told him it was in confidence.

Marcelle and I have been privileged to be here with Jean and WENDELL FORD. They are the kind of people that future generations of the Senate should look to for the best, not just for Kentucky, but for the country. Ultimately, what is most important in this body is not whether you are liberal, moderate, or conservative, but whether you serve with integrity for the best interests of the country. I have served with many, many people who fit that description, but I have been fortunate that, for 22 years, I have served here with a man who epitomizes that—WENDELL FORD of Kentucky.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, when I came here as a freshman, I remember the first parliamentary situation I got snarled up in, and the man who stepped up to help me unsnarl it and begin to understand the way the Senate worked was the senior Senator from Kentucky [Mr. FORD]. He sits on the other side of the center aisle from the side I sit on. We have not cast very many votes in the same way. But he has been an unfailing source of good humor and good fellowship, and he has become a close friend.

I remember, as I contemplate this occasion, one night when I was called upon for late service in the Chair. As things happened that night, the two leaders, for one reason or another, could not seem to get together, and the hour went on and on and on, and they could not call anybody to relieve me in the Chair. I was there until almost midnight. Absolutely nothing was happening on the floor; indeed, nobody was on the floor—except the Senator from Kentucky, who had duty himself that night on behalf of his party. I remember asking him, as a freshman seeking wisdom, as I was looking up in the gallery, "Why are they here at 11 o'clock at night or 11:30 at night, with nothing going on?" They sat there patiently in the gallery. Senator FORD said, "Because the zoo is closed."

He has been a delight to be around. I serve now on a task force with him, and I appreciate his candor, his directness, his clear honesty, and his great respect for this institution. This is the kind of Senator we need in terms of this respect.

There are many who come here who do not recognize the great honor it is to be here and sometimes bring a degree of dishonor to this body and the work it does on behalf of the people. Senator FORD is not in that category. He is in the other category of those who will be missed on both sides of the aisle, a good friend whom we shall look forward to seeing for many years to come even after his service here has ended because we find him such good company and such a fine, fine friend.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I join those in expressing our good wishes to both the senior Senator from Kentucky and, indeed, his wife and family for their next chapter.

Yesterday afternoon, I say to my good friend from Kentucky, I interrupted the proceedings in relation to the underlying amendment to speak briefly on behalf of our good friend and colleague, who at that time was necessarily detained in that State he loves most, Kentucky. But I have been privileged now to serve as chairman of the Rules Committee with my distinguished colleague as the ranking member, and I have been a member of this committee for many, many years. We have all come to know and respect WENDELL FORD. And I think within the institution of the Senate, certainly as it relates to all the employees, no matter whether they are in the cafeteria, no matter whether they are here on the dais, wherever they are, he feels a very keen sense of responsibility for their welfare and their safety and for their ability to achieve their goals and care for themselves and their families.

He has done a remarkable job on the Rules Committee over these years, and I look forward to working with him the balance of this distinguished Senator's term. The Rules Committee is often thought of as housekeeping. Fine, call it housekeeping if you wish. We saw an example today where it occasionally is a little more than housekeeping. But whether it is the complicated issue like today or caring for any employees in this institution of the Senate and working with the House on the overall protection of the Capitol of the United States, where the two bodies share joint jurisdiction, Senator FORD is always there, keeping in mind what is in the best interests of the Congress and of the Senate and of those people who serve the Senate. I salute my good friend and wish him well.

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. GRAMS. 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. GRAMS. I ask unanimous consent that I be allowed to address the Senate as if in morning business for up to 12 minutes.

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

Mr. GRAMS. I thank the Chair.

NUCLEAR WASTE STORAGE

Mr. GRAMS. Mr. President, as the Senate further deliberates on the nomination of Federico Pena to become the next Secretary of Energy, I rise again to discuss an issue of paramount importance to our Nation's ratepayers and taxpayers: nuclear waste storage.

While I have already discussed on this floor the long history of this debate, I believe a brief review of this history is warranted.

Since 1982, energy consumers have been required to pay almost $13 billion into a trust fund created to facilitate the disposal of our Nation's commercial nuclear waste.

In return for such payments, nuclear utilities and their ratepayers were assured that the Department of Energy would begin transporting and storing nuclear waste in a centralized Federal repository by January 31, 1998.

This deadline is less than a year away. Over $6 billion of the ratepayer's money has been spent by the Department of Energy, with very little progress being made by the Department in living up to the Federal law which requires the DOE to accept commercial nuclear waste. In fact, late last year, the DOE politically punted their problem by notifying utilities and States that it would not meet the deadline, despite a Federal court's ruling that it must do so or be liable for substantial damages.

Since then, the Department has failed to set forth a single, constructive proposal to meet its legal obligations, thereby threatening the interests of ratepayers and ultimately the taxpayers.

Who will be most affected by the lack of DOE action? Obviously, ratepayers come to mind. As I have stated before, our Nation's energy customers have already paid almost $13 billion into the Nuclear Waste Fund. At the same time, since the DOE has not met its obligations to accept nuclear waste, utilities and ratepayers have paid and will continue to pay for onsite storage at over 70 commercial nuclear powerplants. In other words, ratepayers are being hit twice because the Department of Energy has failed to meet its legal obligations to the American people.

In addition, the Energy Department's failure to move nuclear waste out of the States affects not just our Nation's consumers; it compromises our taxpayers as well.

Last year, the Federal courts ruled that the DOE will be liable if it does not accept commercial nuclear waste by January 31, 1998. But under current law, no one at the DOE itself will have to pay the damages—that bill will go to the American taxpayers at an estimated cost of 40 to 80 billion taxpayer dollars. This staggering and irresponsible potential damage liability and the DOE's reluctance to provide specific answers to resolve this situation should be an affront to the President, the Vice President, the Congress and more importantly, the American taxpayer.

To make matters worse, DOE officials under the Clinton-Gore administration have not only avoided specific responses to this fiasco, but have openly indicated that the States—not the Department—have the responsibility to address the problem in the absence of action by the Federal Government. In other words, in the last hours, the DOE is saying that it will not meet its responsibility and is tossing the ball to the States and the ratepayers to handle the DOE's mistake.

For example, in a recent hearing before the Energy and Natural Resources Committee, DOE Under Secretary Thomas Grumbly argued that nuclear waste storage problems facing States like Minnesota are not the Federal Government's responsibility.

Mr. President, I find that attitude completely arrogant, devoid of the facts, and a threat to the viability of long-term energy resources for the American public. In 1982, States, utilities and through them, ratepayers, signed a contract with the Federal Government to dispose of commercial nuclear waste, a contract upheld by the courts last year.

With that understanding, States planned for limited onsite temporary storage capacity, relying upon the Federal Government's fulfillment of its contractual obligation.

Yet, as the years passed, it became apparent that the Federal Government would not keep its word, prompting threats of potential energy crises in States with limited storage space.

For example, the depletion of storage space in my home State of Minnesota will mean that one of our utilities will lose its operating capacity by 2002 if the Federal Government does not act soon. This plainly means that consumers in Minnesota would not only lose 30 percent of their energy resources but would also have to pay higher energy prices—estimated as much as 17 percent more—as a result of Federal inaction.

Therefore, ratepayers will not get hit just once or twice, but potentially three times, if a resolution is not found on a national level.

The crisis facing both our ratepayers and taxpayers is simply unacceptable. The American people do not deserve excuses and inaction; they need real answers from the Clinton-Gore administration. They need leadership on this issue—not a crass political debate arising out of Presidential politics.

With that in mind, I took the opportunity to ask Secretary-designate Federico Peña of his specific and definitive views to resolve this issue.

Since I believe the American people deserve answers from their leaders, I sent a letter to Mr. Peña asking for a detailed response outlining the specific steps he would urge to meet the January 31, 1998, deadline.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an exchange of letters.

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

(See exhibit 1.)

Mr. GRAMS. After this exchange of letters, I still felt troubled by Mr. Peña's inability to provide specific answers about how he and the Clinton-Gore administration intend to resolve our Nation's nuclear waste storage problem.

Because I have not received a sufficient response to date, I objected to an effort to expedite full consideration of Mr. Peña's nomination late last week.

Since that time, however, I had a telephone conversation with the Secretary-designate over the nuclear waste issue. While I am still concerned with his continued lack of specific answers, I was pleased to hear Mr. Peña agree with me and the Federal courts that any resolution of this issue ultimately involves Federal responsibility. Contradicting what DOE Under Secretary Grumbly stated before the Energy and Natural Resources Committee last month, Mr. Peña provided verbal assurances of his commitment that our nuclear waste storage situation is a Federal problem worthy of a Federal solution. But what that means is taxpayers will still be asked to pay extra for the DOE's failure to do its job, and it creates the possibility of taxpayer liability high enough to make the public bailout of the savings and loan collapse seem small in comparison.

While I am not completely satisfied with Mr. Peña's overall incomplete response to this quickly approaching crisis and will vote against his nomination based on his inability to provide specific answers, I will not object to moving his nomination forward for the sake of advancing this debate.

For this reason, I hope that as the new DOE Secretary, Mr. Peña will play an active role in pulling the administration's head out of the sand and becoming a constructive player in this debate.

Specifically, it is my hope that Mr. Peña will show the necessary leadership and push the administration to support the common-sense solution crafted by Senate Energy Chairman FRANK MURKOWSKI, Senator LARRY CRAIG and myself. We will mark up this bill in the Energy and Natural Resources Committee tomorrow, and I believe the chairman will deliver a bipartisan resolution.

With the January 31, 1998 deadline fast approaching, the administration and Congress owe the States, ratepayers, and the taxpayers nothing less than the assurance that promises made by the Federal Government will be promises kept.

EXHIBIT 1

WASHINGTON, DC, *March 4, 1997.*

Mr. FEDERICO PEÑA,
Secretary-designate, Department of Energy, Washington, DC.

DEAR MR. PEÑA: As the Senate Energy and Natural Resources Committee further deliberates on your nomination as Secretary of the Department of Energy (DOE), I'm writing to solicit your views on recent comments made concerning our nation's failed commercial nuclear waste disposal program.

As you know, the DOE has announced that it will be unable to meet its legal deadline of January 31, 1998 to begin accepting commercial nuclear waste despite a mandate by a federal court and the collection of over $12 billion in ratepayers' funds. As a result of this failure, the Court of Appeals will decide the appropriate amount of liability owed by the DOE to certain utilities, possibly putting taxpayers at risk because of the Department's lack of measurable action. Meanwhile, the federal government continues to collect and transport foreign-generated spent fuel for interim storage without any apparent technical or environmental risks.

In light of these activities, it was no surprise that former DOE Secretary Hazel O'Leary recently contradicted the Clinton Administration's longstanding objection to resolving the centralized interim-storage impasse for our ratepayers and, ultimately, our taxpayers. Her comments on the need to move forward with a temporary waste storage site upon completion of the viability assessment at Yucca Mountain reflect the bipartisan, common-sense reforms contained in S. 104, the Nuclear Waste Policy Act of 1997. Unfortunately, the Clinton Administration has ignored this reality by failing to become a constructive player in this process.

Although I am disappointed that Mrs. O'Leary's comments came after her tenure as Secretary, I applaud her courage in expressing her views honestly and thoroughly. I strongly believe that the next DOE Secretary must provide the committed leadership necessary to resolve this critical situation while in office. With this in mind, I want to know your specific thoughts on Mrs. O'Leary's comments that the DOE should move forward on a temporary nuclear waste storage site next year at Yucca Mountain if a viability assessment is completed at the permanent site. If you disagree with Mrs. O'Leary, I want to know what specific alternatives you would propose to meet the federal government's legal obligation to accept nuclear waste by January 31, 1998.

For too long, our nation's ratepayers and taxpayers have been held hostage to what has become a political debate. They deserve better and, more importantly, deserve an immediate solution to this issue. For that reason, I expect a specific, constructive response to my questions before the Senate votes to confirm your nomination.

Sincerely,

ROD GRAMS,
U.S. Senator.

MARCH 5, 1997.

Hon. ROD GRAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMS: Thank you for your letter of March 4, 1997 concerning the Department of Energy's civilian nuclear waste disposal program and the comments made recently by former Secretary Hazel O'Leary. I have not spoken with Secretary O'Leary about her remarks and, therefore, am not in a position to comment on them.

As I stated when I appeared before the Committee on Energy and Natural Resources, I am committed to working with the Committee and the Congress toward resolving the complex and important issue of nuclear waste storage and disposal in a timely and sensible manner, consistent with the President's policy, which is based upon sound science and the protection of public health, safety, and the environment.

I am very cognizant of the Department's contractual obligation with the utilities concerning the disposal of commercial spent fuel, and, after confirmation, I also expect to meet with representatives of the nuclear industry and other stakeholders to discuss the Department's response to the recent court decision and the consequences of the delay in meeting that contractual obligation.

As Chief of Staff Erskine Bowles emphasized in his February 27 letter to Chairman Murkowski, the Administration believes that the Federal government's long-standing commitment to permanent, geologic disposal should remain the basic goal of high-level radioactive waste policy. Accordingly, the Administration believes that a decision on the siting of an interim storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998. Therefore, as the President has stated, he would veto any legislation that would designate an interim storage facility at a specific site before the viability of the Yucca Mountain site has been determined.

In conclusion, I want to strongly emphasize again that I am committed to working with you and other members of the Committee and the Congress on these difficult issues.

Sincerely,

FEDERICO PEÑA.

WASHINGTON, DC, *March 5, 1997.*

Mr. FEDERICO PEÑA,
Secretary-designate, U.S. Department of Energy, Washington, DC.

DEAR MR. PEÑA: I received your letter, dated today, in response to my most recent questions on our nation's nuclear waste policy. Although I appreciate the timeliness of your response, I am still concerned about the absence of specific proposals from you on how best to resolve this important issue.

In your letter, you wrote that the Clinton Administration "believes that a decision on the siting of a storage facility should be based on objective, science-based criteria and should be informed by the viability assessment of Yucca Mountain, expected in 1998." Frankly, this response states nothing more than the position you have taken in the past, leaving questions about whether the viability study can be completed in time for the DOE to realistically accept waste by the legal deadline on January, 31, 1998 and what can be done to meet the deadline if the permanent site at Yucca Mountain is not determined to be viable.

I certainly hope you can understand my concerns, given that you yourself have publicly admitted that following this track would make it impossible for the DOE to meet the January 31, 1998 deadline.

More importantly, you did not answer my central question regarding what specific, constructive alternatives you would propose in order for the DOE to begin accepting waste from states by January 31, 1998, as outlined in statute and ordered by the courts.

With that in mind, I would again request a specific response from you—prior to the Senate vote on your confirmation—to the following question: given that the current Administration position would result in the failure of the DOE to accept waste from states by January 31, 1998, what specific, constructive alternatives would you propose to guarantee that the DOE will meet this legal, court-imposed deadline?

I look forward to your response.

Sincerely,

ROD GRAMS,
U.S. Senator.

MARCH 6, 1997.

Hon. ROD GRAMS,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMS: Your letter of March 5, 1997 asks me to outline the specific, constructive steps that may be taken to guarantee the Department of Energy will meet its contractual commitments to begin taking nuclear waste discharged from civilian nuclear reactors on January 31, 1998.

Let me say again that I am committed to carrying out a responsible strategy for disposing of nuclear waste. I will work with you and your colleagues toward that end, consistent with sound science and the protection of public health, safety, and the environment. I cannot, however, outline for you specific steps for meeting the January 31, 1998 date. The Department of Energy has indicated to the court and in responses to the Congress that there is no set of actions or activities that could be taken under the Nuclear Waste Policy Act to enable the Department to begin receiving spent fuel at an interim storage facility or a repository on that date. The Senate Energy and Natural Resources Committee has itself recognized that compliance with the January 31, 1998 date is not possible under the law or even under the Committee's bill reported in the last Congress.

In recognition of this state of affairs, I have indicated that following confirmation I intend to meet with representatives of the nuclear utility industry and other stakeholders to address the consequences of delay in DOE's meeting its contractual obligations and the Department's response to the recent court action.

Again, I wish to emphasize my pledge to work with the Congress in addressing this matter, consistent with the President's policy.

Sincerely,

FEDERICO PEÑA.

Mr. GRAMS. Mr. President, I yield the floor and 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.

Mrs. HUTCHISON. 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 NOMINATION OF FEDERICO PEÑA

Mrs. HUTCHISON. Mr. President, I am going to speak until the beginning of the vote. As soon as that is called and they are ready, I would ask to be interrupted. But I want to speak briefly on the nomination of Federico Peña for Secretary of Energy. This is a very important position, and one that I think will certainly have an impact on the energy policy of our country in the future. Knowing how important having a healthy energy policy and a strong industry that can produce our own energy domestically is to this country, I think this nomination and the support for Federico Peña is important to all of the Senate.

I am cochair, along with Senator BREAUX, of the oil and gas caucus. We are going to work this year to make sure that we eliminate redundant and unnecessary regulations on the energy industry so we will be able to go out and drill in our country for our natural resources. We want tax incentives which encourage oil and gas drilling, especially marginal wells and formations which are difficult to develop. These are important because we want to have energy sufficiency in our country. Not only does it create jobs, but it creates security.

A country that is dependent on foreign oil and gas is not going to be a strong country. It is not going to be a superpower. So, having a healthy energy policy in our country will be most important for us to be able to strengthen the ability to get oil and gas on our own shores.

I see, Mr. President, that our leaders are ready to start a vote. I will stop and then hope to be able to speak on behalf of Secretary Peña's nomination at a later time.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with the consideration of the resolution.

AMENDMENT NO. 23

Mr. WARNER. Mr. President, I see my distinguished colleague [Mr. GLENN], is in the Chamber. So, at this time, on behalf of both leaders, I ask unanimous consent that there be 5 minutes for debate equally divided on amendment No. 23; following the debate, the Senate proceed to vote on amendment No. 23 without any intervening action or debate.

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

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not object to this proposal for 5 minutes for debate equally divided on the amendment, and following debate, we proceed to vote. There has been a lot of negotiating going on here, as has been obvious to everyone. I think we have some satisfactory procedures worked out that will be generally far more acceptable than what we had prior to

that. I look forward to the vote. I think that most people on both sides will probably be happy to vote for this because this is a way we get to a final solution out of the disagreements we have had here. I look forward to the vote.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I congratulate my distinguished colleague, because I doubt that we would be where we are right now had we not had the debate yesterday and the debate this morning. I think the Senator from Ohio would concur in that.

Mr. GLENN. I would, indeed.

Mr. WARNER. Therefore, Mr. President, I express my appreciation to the distinguished Republican leader, the Republican whip and others who worked on this resolution. The amendment, which was reported out from the Rules Committee, will be amended by the distinguished majority leader, and I will be a cosponsor, whereby we add the word "improper." That reflects on the original document that I drew from; namely, the Watergate amendment which we referred to several times on the floor. That contained that particular word, and it has been throughout the various expressions by the Governmental Affairs Committee as to their desire. But that does not in any way infringe on the continuing role of the Rules Committee or the continuing role of the Ethics Committee.

Again, there is a clear division under the underlying resolution from the Rules Committee that these three committees will work together as a team and, hopefully, resolve many problems relating to campaign reform and campaign finance and otherwise. I certainly will say to my distinguished colleague, and I see on the floor the distinguished chairman of the Governmental Affairs Committee, with whom I have had a dialog just about every day, their main focus will be on the question of allegations of illegality and the presence, or lack thereof, of illegality in the generic subject of campaign finance and campaign reform.

Mr. President, unless the distinguished Senator from Ohio has further remarks, I yield back the time and we can proceed with the vote.

Mr. GLENN. Mr. President, I don't want to get into another debate before we even get around to this vote, but I think the focus on where the wrongdoing is can be either on illegalities or on improprieties with the change that has been proposed by the leaders. I would not want to let it be said right now or let it be indicated that the main focus—what the main focus will be, I think, is up to the committee chairman and the ranking minority member to work out. I think we have language in here that will do that. It might be inappropriate at sometime to take up an illegality if it was looked at as fairly minor, or a giant impropriety over that, in our judgment, needed to be looked at first. I would not agree at this point that this vote we are about to take specifies exactly which direction we would go. I hope that my colleague will agree with that.

Mr. WARNER. Mr. President, at this time, I think all time has expired, has it not?

The PRESIDING OFFICER. The Senator has 30 seconds remaining. The Senator from Ohio also has 30 seconds remaining.

Mr. GLENN. I yield such time as I have to the Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if we can ask directly, the Senator, with this amendment, is not establishing any priorities between illegality and impropriety; is that correct? Either one would be within the scope, is that accurate?

Mr. WARNER. Very clearly we have drafted the language so that the word "improper" is added to the underlying resolution of the Rules Committee in two places.

Mr. LEVIN. And it is not given any lesser strength than the word "illegality," is that correct?

Mr. WARNER. I say to the Senator, we simply added one word. It speaks for itself.

Mr. LEVIN. Except that our good friend from Virginia suggested there might be a greater emphasis on one than the other. Is there anything in this——

Mr. WARNER. If I did, I did not wish to infer that. I thank my colleague.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 23, offered by the Senators from Mississippi, Tennessee, and Virginia.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SPECTER. Before the roll is called—I withdraw my request, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll on amendment No. 23.

The assistant legislative clerk called the roll.

Mr. DODD (when his name was called). Present.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—99

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

ANSWERED "PRESENT"—1

Dodd

The amendment (No. 23) was agreed to.

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

Mr. LOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 23, AS MODIFIED

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment No. 23 just agreed to be modified so that the word "and" is replaced with the word "or" each time it appears.

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

The amendment (No. 23), as modified, is as follows:

On page 10, line 19 after the word "illegal" add "or improper".

On page 10, line 23 after the word "illegal" add "or improper".

Mr. LIEBERMAN. Mr. President, I rise today to support the Senate's wise decision to amend the scope provision of Senate Resolution 39, the funding resolution for the Governmental Affairs Committee investigation into campaign finance. I had planned to offer this afternoon an amendment virtually identical to what the Senate has now adopted. This amendment addresses what most deeply troubled me about that resolution: the restriction in the version that came to the Senate floor of the scope of the investigation that previously every member of the Governmental Affairs Committee unanimously agreed to. Each and every member of our committee—Republican and Democrat alike—had voted to authorize an investigation into both illegal and improper campaign finance activities. Unfortunately, before our funding resolution got to the floor it had been modified in the rules committee to preclude the Governmental

Affairs Committee from exercising authority to look into "improper" activities, arguing that it was enough for us to look into only "illegal" activities.

Mr. President, I applaud the bipartisan decision to reverse that decision and to return the term "improper" to the scope of the Governmental Affairs Committee's investigation. Without the return of that authority, I was concerned that our committee's hopes of conducting a thorough and bipartisan investigation would have been dashed. We would have been forced to conduct an investigation that I feared would have failed to expose the ills of our campaign finance system and would have further undermined the public's confidence in the working of our political institutions.

The continuing revelations about the state of our campaign finance system may not only shake the American people's confidence in the integrity of our political system, but our own confidence and self-respect. It is therefore our obligation in Congress to conduct a thorough investigation into the cause and scope of those problems, into the extent of any illegal and improper activities that occurred, and then, on the basis of those inquiries, to decide what action Congress must take to prevent these things from ever happening again and what activities should be illegal. For that reason, and like each and every one of my colleagues on the Governmental Affairs Committee—Republican and Democrat alike—I voted to conduct a broad-based inquiry into the problems that have plagued our campaign finance system. In a unified and strong voice, our Committee declared an intention to explore and expose all improper activities taken during recent Federal campaigns. If there were illegal activities taken by anyone, we declared—whether they be in the White House, in the national parties or in the Congress—we planned to investigate them. If there were activities taken that some would call illegal, but because of a technicality in the law, may not be—still, we declared, we want to investigate them. And, if there were activities taken that clearly were not illegal, but just as clearly were improper and so threatened to undermine the integrity of our political system, we declared, then we must be able to investigate those too, so that we could decide what behavior is now legal that we want to make illegal. That is what we mean by campaign finance reform. On January 30, 1997, I joined all of my colleagues on the Governmental Affairs Committee—Republicans and Democrats alike—in voting to authorize an investigation that would do all of those things.

Unfortunately, some disagreed with the Governmental Affairs Committee's desire to expose all improprieties in our campaign finance system, not just acts that are illegal. In what I have been told is an unprecedented action, there was an effort to deny the Governmental Affairs Committee this jurisdiction.

Accepting that vote and limiting the scope of the Governmental Affairs Committee's investigation to merely "illegal" activities would have limited us in investigating what most people agree is wrong with the system; it would have damaged our ability to obtain evidence and subpoena witnesses; and it ultimately may have led to a partisan breakdown on the Governmental Affairs Committee over the meaning of the term "illegal." The net effect clearly would have been to make it less likely for Congress to adopt campaign finance reform this session.

Let me give just a couple of examples of how this restricted scope would have caused problems for the Governmental Affairs Committee investigation. Most people seem to agree that our committee should look into the influence of so-called foreign money. Those supporting the limitation of our investigatory scope to illegal activities argue that that limitation has no impact on our ability to investigate foreign money. And, it is true that we have a statute, section 441e of title 2 of the United States Code that makes it—and I quote—"unlawful for a foreign national * * * to make any contribution * * * in connection with an election to any political office * * * or for any person to solicit, accept, or receive any such contribution from a foreign national." This provision has been cited for the proposition that any and all contributions by non-U.S. citizens or greencard holders to political parties is a criminal offense.

But as is often true with the law, not everything is as it seems. Instead, under the election law's own definition of the term "contribution" and the Supreme Court's previous interpretations of election law terms similar to "in connection with an election,"—provisions, I might add, that those seeking to limit our investigation seem not to want to change—under those laws it is highly likely that the Court would find that section 441e does not criminalize so-called soft money contributions to national parties by foreigners. Let me say that again: soft money donations from non-U.S. citizens likely are not "illegal." That is because under the way our campaign laws now are drafted, soft money contributions are, by definition, not made in connection with an election, and only contributions made in connection with an election are illegal. Instead, "soft money" contributions go to fund party building and grassroots activities, as well as to help pursue issues advocacy, and apparently no statute says that foreign money cannot go to that. In fact, it is a similar statutory term that allows corporations and unions to give millions of dollars to the national parties, despite the fact that our Federal election laws make it illegal for those entities to make contributions in connection with elections for Federal office.

In short, under a strict reading of the statute, if foreign money goes for issues advocacy or for grassroots activity or for practically anything else but to fund a particular candidate's direct campaign, it is likely not illegal, and therefore the Governmental Affairs Committee, absent this amendment, would not have been able to investigate it.

Now I know that some will say that I am splitting legal hairs, and I would agree with you. It is splitting legal hairs. But, as a former State Attorney General, I can tell you that the splitting of legal hairs is precisely what often goes into making a determination of what is legal and what is illegal. For as long as our Bill of Rights has been in place, the enforcement of our laws—and particularly of our criminal laws—has not rested on what we think a criminal statute should have said or what we wish it did say. Instead, it rests with what Congress actually did say, regardless of whether you or I in hindsight wish we had said something different. And the reason for this is a very good one. Our Constitution requires that everyone of us have clear notice of what is and is not legal, and consequently requires us in Congress to say in precise and clear terms what is criminal and what is not. Whenever there is any doubt about whether a statute makes conduct criminal or not, the Supreme Court has told us on innumerable occasions, the law requires a finding against criminality. And I can say with confidence that that is precisely the finding our courts would make if asked whether foreign contributions for issues advocacy and grassroots activities violate our laws. So again, we would not have been able to investigate a critically important issue.

Let me give you another example of what would not have been within our investigation's scope had we not expanded it to cover improper as well as illegal activities. There has been a lot of criticism about soliciting or receiving contributions in the White House. Some have claimed that there was a violation of the criminal law based on a statute that says that "it shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties * * *." But, as Attorney General Reno declared the other day, and for reasons similar to the ones I just cited, that provision does not make it unlawful to receive all contributions in the White House. Instead, it only applies to what the campaign laws define as a contribution—what we usually call "hard money."

This, of course, does not mean that it is proper for anyone to solicit or receive any contributions in the White House. And, even more importantly, it clearly does not mean that foreigners should be able to contribute to the DNC or the RNC—I think that neither is proper and that we need to fully investigate whether our elections were in any way wrongly influenced by people who have no business being involved in our political system. What it does, of course, mean is that we need to reflect upon the fact that our laws don't make these things illegal and to change our laws to make sure it doesn't happen again.

Now, none of this matters so long as the Governmental Affairs Committee can investigate both illegal and improper activities, because I can tell you for sure that foreign contributions—regardless of their legality—are improper and should be investigated and exposed. But had we not amended the Rules Committee's scope provision, we likely would not have been able to investigate these things because they are not illegal.

The problems with limiting our committee's scope to just illegal activities would not have ended with being forced to exclude critical issues from our investigation. No—there were many more problems with this definition of our scope. For one, it would have seriously jeopardized our committee's ability to obtain evidence and get witnesses to testify, and it therefore would have threatened the very ability of our committee to proceed with its investigation. After all, our committee has authority to subpoena only those documents that are related to the legitimate scope of its inquiry. If the scope of our committee's investigation were limited to illegal activities alone, then I would suggest that any attorney representing a client whose documents have been subpoenaed would have responded by saying "my client did nothing illegal and therefore you have no rights to these documents." Our investigation would have been stopped dead in its tracks right there.

In sum, it would have been wrong on every level to limit our investigation to just illegal activities. It would have prevented us from investigating things that should be investigated, it would have led us to prolonged battles with witnesses who otherwise would be obliged to come forward and cooperate and it would have made it likely that the partisan rift we have thus far been seeing on the committee would grow wider rather than undergo the seriously needed repair we began making today. But the worst of it could have been the harm our institution will suffer in the minds of the public. Had we not expanded the scope of this investigation, the U.S. Senate would have gone on record, in full public view, opposing the investigation of unethical and improper campaign activities of Members of Congress. If that would not have been perceived as a stonewall and a coverup, I don't know what would be.

Finally, let me say just a few words about one other issue: That the Rules Committee could have separately investigated the improprieties I wish to see exposed by our committee. With all due respect to the members of the Rules Committee, for whom I have tremendous respect, that simply is not a viable—or a rational—option. As the examples I gave above demonstrate, although some of what is now under scrutiny may be illegal, most of it probably is just improper. The task of investigating the massive universe of improper activities is therefore an enormous one, as is deciding what should be illegal. In light of the facts that many of the same people will have committed both improper and illegal activities and that much of the conduct under investigation arguably would fall into both categories, it just would not have made sense for the Rules Committee to conduct an investigation that will, in many ways, duplicate what our committee will be doing. In fact, it was this precise insight—that it did not make sense from a resource allocation standpoint to spend taxpayer funds on duplicative investigations—that led the majority at the beginning of this Congress to wisely decide to consolidate all investigations in the Governmental Affairs Committee.

Mr. President, let me just close with a few thoughts on what the goal of this investigation should be. We're about to enter a long, dark tunnel, and the question of whether that tunnel has a dead end, or there is light at the other end, hinges entirely on whether we get serious about this campaign finance investigation and about campaign finance reform. The public didn't send us here to bicker; that's essentially what President's Bush and Clinton had to say in their inaugural addresses. They also didn't send us here to dicker endlessly, especially on matters of importance to them like investigating and straightening out our campaign finance laws. I hope that the showing of bipartisanship we made today in agreeing to return a broader scope to the Governmental Affairs Committee's investigation can continue through the rest of our investigation and, I hope just as strongly, can bring us together to enact the reforms that our campaign finance system so sorely needs.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now stand in recess until 4:45 p.m. today.

There being no objection, the Senate, at 4:18 p.m., until 4:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMAS).

The PRESIDING OFFICER. The assistant majority leader is recognized.

RECESS

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate stand in recess until the hour of 5 o'clock.

There being no objection, at 4:45 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

Mr. CRAIG addressed the Chair.

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

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

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

VISIT TO THE SENATE BY THE PRESIDENT OF THE ARAB REPUBLIC OF EGYPT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now go into recess for 5 minutes for the purpose of receiving the President of Egypt, President Mubarak.

[Applause.]

RECESS

There being no objection, at 5:07 p.m., the Senate recessed until 5:12 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF FEDERICO PEÑA

Mr. LOTT. Mr. President, I ask unanimous consent that at 9:30 on Wednesday, March 12, the Senate proceed to executive session to consider the nomination of Federico Peña to be Secretary of Energy, and it be considered under the following agreement: The first 30 minutes under the control of Senator GRAMS; 10 minutes equally divided, then, between the chairman and the ranking member of the committee; and that following the conclusion or yielding back of that time, the Senate proceed to vote on the confirmation without any intervening action or debate.

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

AUTHORIZING EXPENDITURES BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS

The Senate continued with consideration of the resolution.

Mr. WARNER. 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. LOTT. 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. LOTT. Mr. President, at the beginning, I thank all concerned for the efforts that have been put into coming to this agreement, especially the Democratic leader. There has been a lot of discussion involving Senators on both sides of the aisle and all the different committees involved. I think this is the right thing to do and we can move on, then, with the proper investigation, in a bipartisan way.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Glenn amendment No. 21 be withdrawn, and the committee substitute, as amended, be agreed to.

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

The amendment (No. 21) was withdrawn.

The committee substitute, as amended, was agreed to.

Mr. LOTT. I further ask unanimous consent that there be 1 hour equally divided between the two leaders or their designees, with an additional 10 minutes under the control of Senator SPECTER—I want to emphasize that I presume that time will be 30 minutes on our side, under the control of Senator THOMPSON, and 30 minutes on the other side, under the control of Senator GLENN—and following the conclusion or yielding back of the time, the Senate proceed to vote on adoption of Senate Resolution 39, as amended, without further action or debate, and that the vote occur at 6:30 p.m. this evening.

Mr. DASCHLE. Reserving the right to object, let me just use this opportunity to thank the majority leader and all of his senior leadership on the committees, as well as the leadership on our side, Senator GLENN, Senator LEVIN, and certainly Senator FORD, and all of those responsible for bringing us to this point. This has not been easy. This has been a matter that has divided us for too long a period of time.

For us now to be able to come together on this matter, I think, is a good omen. I am very appreciative of the contribution made by so many colleagues on both sides of the aisle, and I hope that with unanimity we can support this request this afternoon.

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

Mr. LOTT. Let me add, Mr. President, I had intended to offer an amendment this afternoon to the resolution calling for the appointment of an independent counsel. However, I had agreed earlier with the Democratic leader to withhold that until at least this Thursday to allow the Judiciary Committee to discuss the issue of appointment of independent counsel and see if there is some way that a bipartisan agreement could be reached there, also.

In view of that commitment that I believe we basically entered into a week ago, I felt it was important that I keep that commitment, and therefore we will withhold action until we see what comes out of the Judiciary Committee on the independent counsel issue.

Mr. DASCHLE. If I could, Mr. President, indicate that we had intended to offer an amendment dealing with a date certain for taking up campaign finance reform, and obviously because we have made so much progress on this issue and because the majority leader has indicated his desire to work with us on the issue of an independent counsel, as well, we will defer that until another time and another circumstance. We are not intending at this point to offer legislation which would direct the Senate in that regard.

I appreciate, again, the cooperation and consensus that we have been able to work out on both sides on both these matters.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMPSON. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. THOMPSON. Mr. President, I think that we have made substantial progress. In fact, I think remarkable progress. I cannot express the extent of my delight in the cooperation we have seen here in the last few hours in the U.S. Senate.

The minority leader is absolutely correct in that we have tended to get off track and we have done a little too much disagreeing and not enough coming together. What we have done now is, really, I think for the first time, focused on some of these issues. I think that many of our Members have not had the opportunity to really focus on the legal and procedural issues and what some of these things will mean to us as we go down the road in trying to conduct an investigation. I think Members on both sides, when you come right down to it, and they stop and think about it and focus on these issues, really have a whole lot more in agreement than in disagreement.

I think we all want to see this investigation done in a fair manner, in a thorough manner, and as expeditiously as possible. That is what we tried to set out in January when I took the floor and tried to set out what I thought should be the scope of the investigation and where I thought we were going and how we were going to do it. We have not always, every day, been able to adhere to that.

Today, I think that we really are back on track again. I want to compliment the majority leader. There have been strong feelings on all sides of these issues, a lot of misunderstandings, and a lack of focus in terms of really what was involved and at stake here. He has brought us all together, I think, and required us to do that, along with the minority leader. The two of them working together, with Senator GLENN and others, has resulted in something that I think is very, very good today.

The Governmental Affairs Committee, on the scope issue, came with what we felt was a good, broad scope of things we should look at. The Rules Committee came back with what many felt was too narrow a scope. And now we are somewhere in the middle of that, with the ability to look at not only illegal activities, but improper activities. That is where we ought to be, there is no question about that. It's not that we gain so much by having it in our mandate, it is what we lose if we don't have it in our mandate. We could not be in a position of not looking at improper activities, and Members on both sides came to that conclusion once they focused in on it.

We have had a good debate. I watched most of the debate yesterday that we had. Members were heard on both sides. Many of the Republican Members pointed out the serious accusations and reports that are out there—some of the most grievous things that this country has seen, if they prove to be true, having to do with foreign influence in our country and what they were trying to obtain with regard to foreign contributions and things of that nature. Of course, they were right in that. Other Members, from the Democratic side, pointed out the fact that we needed to make sure that our scope was not so narrow as to look like we were either trying to protect ourselves or trying to keep from looking at things that might prove embarrassing to one side or another. They were correct, also. What today represents is a coming together of both of those approaches that we saw in the debate yesterday.

The scope we have now of looking at illegal and improper activities is in the tradition of the Governmental Affairs Committee. As Senator GLENN pointed out yesterday, this is the McClellan committee, the Kefauver committee, the Truman committee; this is the primary investigative committee of this body. So, therefore, it's certainly now more in the traditional range of what the jurisdiction and scope of Governmental Affairs' activity has been in times past. Does it mean that we have solved all of our problems? Certainly not.

We are going to have to be judges. The committee is going to have to make determinations right along as to what is illegal or improper allegations

that might lead to illegalities, or might lead to evidence of improprieties, or what is the threshold. Is there a credible report, or is there credible evidence that there might be illegalities? Or are they illegalities or improprieties? Those are things that people, in good faith, can have different views of. I am convinced that we, as a committee, as we consider these matters, will come to the right conclusion. Whether it is merely illegalities, as the jurisdiction was before this compromise, or whether its illegalities and improprieties, as it is now, we are in the same position that we were in and Senator INOUYE was in during the Watergate investigation. Determinations had to be made at that time as to what was allegedly illegal or improper. So we are really in no different position, in terms of that, than we have been in in times past. It will not always be pleasant for the members of the committee to have to make these determinations. But that is a part of our job, and we can do that job.

I think now, with this broader scope, it makes it more clear in some areas that things can be appropriately looked at and looked into, which perhaps were murky before we reached this agreement. I do not think that it is wise for me or anyone else to prejudge an individual, or an activity, or anything of that nature before you know what the facts are. But I think it's fair to say that some of these activities that we have heard about are more clear now in terms of whether or not we have the jurisdiction to look at them. Some of them are still not clear.

We will just have to sit down again, in good faith, and work out with each other what activities merit our attention, what activities merit our investigation. I should say that not everyone who receives a subpoena, for example, or not everyone who is asked to appear as a witness is being accused of an illegality or an impropriety. Sometimes people have evidence of illegalities or improprieties, or information that could be helpful, and they themselves have no problems at all. So that issue has been raised in some form, and I think we need to put people's minds at ease about that.

I think it is also clear that—as I have said many times before—we will have to set priorities. I do not think we ought to say that anything in terms of illegal or improper is off the table. It is all there for us to look at. You can have what some people might refer to as a minor illegality or technicality on a very serious impropriety, and you would have to take that into consideration. But I think it is fair to say that we should look at the more serious matters first.

What are the more serious matters? We will have to make those determinations. In my own estimation, certainly matters that have to do with national security, matters that have to do with the security of this country, clearly illegal matters that we would not have any good-faith disagreement on, matters that are clearly illegal, matters of that category would certainly have to be at the top of the list, not only because of obvious reasons, but because of very practical reasons, and that is that people in a clearly criminal category tend to be the ones who leave the country, the ones who make determinations to take the fifth amendment, the ones to get together with other people in that category and reach agreements of silence, and things of that nature. They tend to be the ones to destroy documents that might incriminate them. We have had some evidence of that. It has been in the public domain. So by their very nature they have to be ranked pretty high.

So we will have to constantly prioritize. That does not mean we have to wait months and months to get into some matters that do not fit into that category I have just mentioned. It just means we operate in good faith, with common sense, prioritize, keep our eyes on the ball, make sure that we as Republicans are mindful that procedural safeguards have to be instituted. It is important not only that we be fair, but that we perceive to be fair, as we proceed.

It's important that the Democrats understand that we in the majority always have the responsibility of carrying the ball forward and pushing it forward and getting into these serious matters that affect all of us as citizens, whether we are Democrats or Republicans. There is no reason we can't do that, Mr. President.

I think this is an opportunity here to start a new day. I know that in the little battles we have had back and forth here on these issues, some procedural issues and subpoenas, and so forth, that if I had decisions to make over again, I would make them in a different way than I have in times past. I have tried to adhere to what I said from the first day, and that is to walk that tightrope between toughness and thoroughness on the one hand, and fairness and bipartisanship on the other. That is not always an easy tightrope to walk. I haven't always walked it as well as I would liked to have walked it, but I am committed to starting forward from today and making sure that we get back on track.

The Watergate committee was mentioned several times in the last couple days, and I was just thinking about the fact that the Watergate committee, I believe, was created by a vote of this body 99 to nothing, the creation of the committee. I do not believe, in its entire existence, and it was about a year and a half—I am not sure what the official time was, but it took about a year and a half for the report to be filed—that there was ever any battle over jurisdiction; there was never any partisan fight over money; there was never any fight over scope; and there was never any fight over duration because they worked together through those tough problems.

There is no reason why we cannot do that either. There is no reason why we cannot do the same thing either, because at the end of the day, if we have conducted ourselves well, gone through these tough times, had our disagreements—and we will have our disagreements, but if we have done it in a fair way and everybody has tried to do their best and is willing to go forward with an investigation that a lot of people are not going to like, at the end of the day these procedural matters and these fights that we have, skirmishes that we have had are not going to mean very much. Where we come out on these things that we are resolving today is not going to mean very much if we do the right thing and have a good investigation, a good set of hearings promptly and make a report back to the American people as to what we found.

So, again, I want to commend the majority leader especially and also the minority leader, Senator GLENN, and others who have worked this scope problem out. I think we can go forward now. That has been my primary concern here for the last several days. There were some times there when I wondered if it was going to go forward. But I believe that our better selves were shown today, and we refocused on this matter. And hopefully now we are back on the right road.

I understand that my colleagues will have some questions concerning my own views on some of what we have done, and I stand ready to respond to any questions my colleagues might have.

I yield back the remainder of my time.

Mr. GLENN addressed the Chair.

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

Mr. GLENN. Mr. President, I welcome the remarks by Senator THOMPSON. I think his statement is excellent. I think it does provide a new basis for starting ahead with these investigations, a better basis than where we were before, I am sure he would agree. It is a new day, and we can make a fresh start. We can set priorities, and those priorities can be set as a matter of judgment between us on not only just what is illegal, you would have something that is barely illegal but some giant thing that is improper that we now can look at on a priority basis, and we can make those judgments. And that is fine. I agree with that.

I think what we have called scope, or whether you want to call it jurisdiction, we are on a much better basis than we were before, and I think we are

now prepared to move ahead. I will have some other remarks in the colloquy that is to be provided in this half hour. I know that Senator DORGAN had a couple of particular things he wanted to mention. He has another commitment. And I ask if he might be able to do that now. How much time?

Mr. DORGAN. Mr. President, if I might just ask the Senator from Ohio to yield for a question that I could then perhaps direct to the Senator from Tennessee as well.

Mr. GLENN. Go ahead and address your questions. Five minutes?

Mr. DORGAN. That would be sufficient.

Mr. GLENN. Fine.

Mr. DORGAN. Mr. President, my question was on the procedure with respect to subpoenas. I listened to the Senator from Tennessee—I have great respect for the Senator from Tennessee—and the discussions on the work of this committee dealing with very serious questions and sensitive issues. I trust that that work will be carried out in a way that will make the American people confident and proud that Congress did its job.

On the question of subpoenas, the question that I was wanting to ask was about procedure. The select committee on the Watergate issue, for example, had a procedure which seems to me to make a lot of sense. And the procedure was, if the chairman or the vice chairman of a committee were proposing a subpoena, for example, a vice chairman of that committee, the procedure was if that vice chairman proposed a subpoena that the chair might have objected to, the vice chair had a right to go to the committee to get a vote of the committee on that subpoena question.

It seems to me to be the right kind of procedure in order to protect both the chairman and also the ranking member of a committee like this, especially with respect to the subpoena power. And I was wanting to understand whether there has been any agreement on that kind of procedure as between the chairman of the committee and the ranking member.

Mr. THOMPSON. There has been no agreement with regard to that, but I think that is a sound procedure. I have not revisited that in several years, as you might imagine. I do recall now that the Senator mentions it that that was the procedure during the Watergate committee hearings, and that gives the minority an opportunity to make their views known to the majority that they might not otherwise have. I tend to view that favorably. I would bring that to the attention of the committee, I say to the Senator. For myself, I would tend to view that favorably.

Mr. DORGAN. Mr. President, if I might, I had noticed an amendment that I would have intended to offer on this. The unanimous consent precludes me from doing that. I accepted that judgment on the basis of the discussion I had had previously with Senator LEVIN, Senator GLENN, Senator THOMPSON, and others.

I am heartened by the Senator's answer. My expectation would be then that when you have had an opportunity to present this to the committee, the committee would probably want to adopt this procedure.

This procedure seems to me to be sound and fair and the right kind of approach to deal with these very difficult issues. And certainly subpoena powers represent one of the most difficult issues.

Mr. THOMPSON. It does. It has already proven to be a delicate situation. We got off on a bit of a wrong foot with regard to subpoenas. I take my share of blame for that. I do not think Senator GLENN was fully aware of all of the work that went into preparing our first subpoena list. But on the other hand, I did nothing personally to make him aware of that. I was depending on a lot of staff work. But what happened was that we came forth with several subpoenas that some people categorized as Republican subpoenas on Democrats and only a couple of Democrat subpoenas on Republicans.

I did not look at it that way. They were subpoenas which basically ultimately Senator GLENN, I do not think, really had any problem with. I thought they were more or less basic documents that we could get into business with.

But it is a delicate matter. It is a very powerful tool and can be a powerful weapon in the wrong hands. I appreciate that. We need to make sure that we work a little closer together as we prepare these subpoena lists because there is nothing—if you want to divide up into sides—there is nothing that one side cannot do to the other side. You might not have the ultimate authority to get the subpoenas out, but you can obstruct and do other things that Senator GLENN knows better than anybody, the tools that a minority has to protect them. I know them, too. But we do not want to get bogged down into that. We want to try to get on past that, and I think we can. I think the Senator's suggestion has a lot of merit to it.

Mr. DORGAN. Mr. President, let me point out that my suggestion and my inclination to offer an amendment was not prejudging whether one might or might not have misused subpoena power at all. It seemed to me this represented a procedure that made a great deal of sense. My understanding is that the Senator will be presenting this and let the committee make a judgment on it, and I am confident that the committee would reach the right conclusion.

I, again, appreciate the answer of the Senator from Tennessee and the Senator from Ohio.

Mr. GLENN. I thank the Senator.

Mr. President, the colloquy we had proposed earlier, I, in my part of this, can be rather brief, and I would allot myself such time as I may require. I feel very certain that the distinguished Senator from Tennessee, my chairman, will agree with this. But let me just put this forward as a colloquy so we can help clarify some of the understanding that has gone into this today.

With the addition of the term "improper," to expand the scope of the investigation to be conducted by our committee, the Governmental Affairs Committee, it is my understanding that the committee's jurisdiction to investigate now includes activities which are improper, even though they may not be in violation of any law or regulation. The term "improper" means not conforming to appropriate standards, and that is a broad term. I believe that the scope of the committee's investigation would cover—and this is the important part here—would cover the areas set forth in the prior unanimously approved scope of the committee's investigation that was voted out unanimously by the committee.

I would also assume that allegations of illegality or impropriety by a reputable source, such as the sources previously used by the committee to issue the subpoenas, shall be sufficient for us to initiate investigative action if necessary.

Would that be basically the Senator's understanding of what we have done here today?

Mr. THOMPSON. As I look over the original scope that the Senator referred to that came out of the Governmental Affairs Committee, a few things jump out at me that I think clearly come within our jurisdiction, or in the scope as we now have it. Foreign contributions are clearly illegal, not only improper; conflicts of interest resulting in misuse of Government offices, failure by Federal Government employees to maintain or observe legal barriers between fundraising and official business, certainly are within the scope of illegal or improper.

I think there are others here that fit that category. Frankly, I think there are some other categories where it is not so clear. We are dealing with categories of activities here. It is very difficult for me to, with great precision, say what category in any given set of circumstances might or might not fall within our scope. Many times the answer depends upon the facts of the case. You might have a certain activity that may or may not be improper, depending on facts that we do not know yet.

So, while, in summary, and in answer to the Senator's question, I think that certainly there is a good deal here of the delineation of the scope that came out of Governmental Affairs that certainly is picked up by this expanded

scope that we have here today, but I would not want to pass judgment on, as one individual member of the committee when the committee itself will have to make the determinations on individual situations—I would not, as one member, want to pass judgment on any particular activity or group of people or anything like that, without knowing more about the facts.

Mr. GLENN. I understand that. I appreciate that answer. I guess a different way to state it would be: Are there any parts of that original proposal that the chairman would specifically rule out as for any consideration under impropriety?

Mr. THOMPSON. You are asking me to be pretty specific. Again, we are talking about categories of activities and situations that depend on the facts. I will say that the prelude to the specific areas that we are talking about now, foreign contributions, misuse of Government offices, et cetera, says that we should look into illegal or improper activities or practices in the 1996 campaigns, "including but not limited to * * *." So I think the original scope kind of speaks for itself there. There is a further delineation, but it still has to be improper or illegal.

You have to understand, now, I am just one member talking, as far as my own views are concerned on this. But I would assume that there would still be, for example, some soft money activity that would not either be illegal or improper. If the rules and regulations permit it, it was done in a correct way, there was no collusion involved, it was not done from a Federal building—which of course in and of itself is problematic, depending upon your legal interpretation. If someone gave a $20,000 soft money contribution, I am not prepared, today, to say that that is improper.

These are the kinds of things that the committee will have to decide. I can assure you that we will have an opportunity for full discussion on any area the Senator brings up.

Mr. GLENN. OK. I will certainly accept that answer now. I think the indication of what has happened here today with regard to the compromise in this particular area and on this bill is something that I think, with all the discussion, both on the floor here and privately with the different groups that have met today, shows we have made a lot of progress. It is our view that I am not going to try and pin the Senator down on every single one of these points and go through them one by one. I don't think that is necessary. I think what he has indicated is in general we are going to look into these things where there is impropriety involved, in addition to illegality, and we will make judgments on what is most important.

We have broadened the scope tremendously from what it was before and it certainly fits more into the line of what was unanimously approved as the scope by the Governmental Affairs Committee by a unanimous vote. That has been the trend of this today, and I think this gives us a whole new broadened level of investigation and one that we welcome, because I think it will lay a better base for campaign finance reform over the long term. That is going to be very good, something that people of this country certainly need. I think, had this been just restricted just to straight violations of law, to illegalities, we would not have had that kind of scope.

I know, with the time limits we have here today, I would like to move on. I certainly accept the Senator's view of these things as he has expressed them. I know Senator LEVIN had some concerns he was going to express about the processes, and have a colloquy in that particular area to try and delineate some of these things a little better and I yield him such time as he may require.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am very pleased that we have been able to make significant progress this afternoon on this resolution. Adding back the term "improper" has brought this investigation, basically, back to where members of the Governmental Affairs Committee unanimously intended it to be. We returned to a broader investigation: both ends of Pennsylvania Avenue, both parties. It is only through this kind of a bipartisan investigation will this investigation, indeed, bear fruit. It is a positive conclusion to what was turning out to be an unfortunate development in the history of the Senate in its power to investigate.

On the other hand, on the procedures questions, I was going to offer an amendment to attempt to establish procedures for how we conduct this investigation on a bipartisan basis. Based on the progress that we made in restoring the breadth of the investigation, and based on private conversations that we have had with Senator THOMPSON and Senators GLENN, DASCHLE, LOTT and others, I became sufficiently optimistic about the conduct of this investigation that I was able to waive my right to offer an amendment as others have waived their rights to offer amendments relative to this resolution.

I have looked at 10 prior resolutions, which initiated major congressional investigations, and in all 10 cases, bipartisan procedures were adopted either in the resolution creating the investigation or by the committee shortly thereafter. So I would like to engage the chairman of the committee, the distinguished chairman, in a colloquy and ask a few questions about procedures. One of them is a general question.

I am wondering whether or not my friend, the chairman, would agree that one of the first orders of business for the committee following approval of this resolution would be to attempt to establish procedures, bipartisan procedures, for the conduct of the investigation?

Mr. THOMPSON. Yes, I would agree with that.

Mr. LEVIN. Is it the chairman's hope and intention that the committee's depositions be conducted jointly?

Mr. THOMPSON. Yes. I think that without any question it is important that we attempt to have joint participation in the depositions. I think that whichever side notices the deposition, there should be a certain period of time when the other side is notified and given the opportunity to attend the deposition. There might be instances where that's impossible, in terms of someone participating, but the notice should always go. The notice should always be there.

And we need to have a firm procedure as to who has notices given, so there is no question about the fact that notice has been given. And we need to exercise a little good faith and leeway. If the time that is agreed upon is not fully needed, for example, the side not taking the deposition should not insist on it. If a little more time is needed for scheduling purposes, the side scheduling the deposition should be reasonable there. But I think it is very important, to maintain the credibility of what we are doing, that if at all possible we have both sides at the depositions unless there is an agreement that it is not significant enough a deposition for both sides to be there. So, those are the goals that I would work toward.

Mr. LEVIN. I thank the chairman for that. Is it also the chairman's hope, or intention, that, where feasible, and I emphasize the words, "where feasible," investigative interviews be conducted—I ask this question knowing that there will be occasions when it is impossible to notify the other side of a telephone conversation or some other conversation—but that there would be a good-faith effort, where feasible, to have investigative interviews be conducted jointly?

Mr. THOMPSON. Yes. I think we need to use our best efforts to ensure that by providing reasonable notice under those circumstances, at least of all significant interviews. As you say, as these things go, there are going to be people scattered out in various places, and I think on many occasions they can go in teams. I think that will be good. But many times they are not going to be able to do that.

As the Senator knows, we have been talking about procedures a lot here for the last couple of months. Now we have to get down to the heavy lifting. We have people to interview all across this

country and people in other parts of the world. We are not going to always be able to do it side by side. But best efforts should be made to provide reasonable notice for all significant interviews, whether taken by the majority or the minority, so that the other side will have the opportunity to be there.

I think the other important part of that is that regardless of whether or not there is participation or presence, that there is access to the information that comes from that interview. Although the opportunity to question might be lost if the person is not present, they still should have access to that information. That should be a part of the agreement also.

Mr. LEVIN. I thank the chairman for that, and that was, indeed, my next question relative to access to information, documents, and, through a number of discussions, I think it is safe for me to say it is the chairman's intention that both the majority and minority would have equal and contemporaneous access to all documents and be given adequate notice of the filing of those documents?

Mr. THOMPSON. That is correct.

Mr. LEVIN. The chairman, in his conversation with Senator DORGAN, addressed one very important issue and did so in a way which was very reassuring to the minority, and that was relative to the calling of a committee meeting relative to a request to issue a subpoena on the part of the minority in the event that the committee chair does not think that subpoena should issue, and I will not go further into that subject other than to say I welcome the chairman's assurance on that.

Finally, on a related subject, we have had some problem relative to subpoenas because we haven't had the sufficient consultation in advance of a decision to issue them and the presentation of those subpoenas to the minority. I think the chairman has addressed this issue, too, in a way which is satisfactory when he said, I believe, a few moments ago that he looks forward to a process where we would work together preparing a subpoena list. I assume from that comment that that would be in advance of the formal presentation of subpoenas, which trigger that 72-hour rule. I think when that is done, we are going to find ourselves agreeing on a lot more of these subpoenas than would otherwise be the case.

Mr. THOMPSON. I think the Senator is probably right. But let's talk about what we are really concerned about here. I think the Senator is wanting to be included in the front end of the consideration, basically. I think that is reasonable. It is not required by the rules. None of this is required by the rules of the Governmental Affairs Committee. This is my attempt to go beyond the rules in order to do something that I think is right and the fair thing to do.

Let me not mislead you here. I think these are things that I always felt were best worked out at the staff level, but I think we are going to have to address them now. I do not think it is ever practical to have Senators sit down around the table for the very first conversation about who we are going to subpoena. I think we have to let the staff do their work. They have to come to us individually and as a group. They have to come to me as chairman and Senator GLENN with their ideas. There has to be opportunity to have free discussion back and forth, and if somebody writes a list of names or companies down that they feel should have top priority, they should not have to be apologetic about that. It has to start somewhere.

So we need to let the staff do their work, then we need to have the staff submit that to the members, and then the members need to talk to each other. That is my idea of proceeding.

Now, if you want to do it otherwise, if you really think that it is good for us to involve ourselves that much on the front end, I will consider something else. But I think you want to consider that very, very carefully, because I don't think that is the highest and best use of our time.

Prior to now, in the 54 subpoenas that were issued, I believe, if Senators will check, they will find that the staff did work together. There was considerable time; there was a requirement to give 72-hour notice. We gave more than that, all on the staff level. But there was lots of discussion. Whether or not somebody came up with a list before they started talking or they made the list in the presence of each other, I don't really care, and I don't think we should care.

But what happened was, I think where we broke down was, I didn't call Senator GLENN and tell him, basically, what was going on at the staff level, and I think that was a mistake on my part.

So I hear what you are saying. You want to be included on the front end of the discussion. But we are going to get into some busy activity around here. We all are going to be challenged tremendously, not only with regard to this investigation, but with regard to our regular business. It is going to be fast and furious for a long time, and I don't want to be accused anymore of being unfair to anybody.

So I want to lay it on the table on the front end. If you want more than I think right now is reasonable, I will be willing to discuss that. What I think is reasonable is to let the staff do their job, then report to the members, then the members sit down. The crucial part is not what is written down on a piece of paper; the crucial part is what comes out the other end.

The rules require 72-hour notice. We will try our best to have consultation over and above what the rules require. I don't see any reason why we can't learn from past experience and be able to have a procedure where both sides are satisfied on the subpoena issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEVIN. I think the chairman is correct when he says we shouldn't be involved in the front end of every subpoena discussion. I couldn't agree with you more on that issue. But my question was whether or not, prior to a presentation of a decision to the ranking member, it would be agreeable that there be some kind of a working-together, informal discussion.

Mr. THOMPSON. I will strive toward that end. I think that is what I should have done last time and didn't. Although it is not required, it is something I should have done in retrospect, because I think it sent a signal that I didn't mean to send. There are going to be times when I may not be able to do that, but I will make my best efforts along those lines.

Mr. LEVIN. I am sorry, the Chair apparently indicated my time has expired. I wonder if the Senator from Ohio will yield 1 additional minute to me. Apparently, we are under controlled time. I just need 1 additional minute, basically, to thank the chairman.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. This discussion relative to procedures is helpful. It is something that we worked on this afternoon as part of this unanimous-consent agreement, and I think it can help put us back on track.

It is something with today's action that I think we not only have basically adopted the committee's original scope and resolved the funding issue and an end date, but we also, I think, made some progress in terms of taking the next step toward adopting some bipartisan procedures. All of that is going to help this committee have a thorough bipartisan investigation which covers, again, both ends of Pennsylvania Avenue, both parties, soft money and independent expenditures and illegalities and whatever else the committee in its good conscience feels is appropriate for investigation because it is either improper or illegal. I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Ohio.

Mr. GLENN. Mr. President, may I ask how much time is remaining on each side?

The PRESIDING OFFICER. There are 5 minutes on your side and 15 minutes on the other side.

Mr. GLENN. How much for the other side?

The PRESIDING OFFICER. Fifteen minutes on the other side.

Mr. GLENN. I will yield to Senator LIEBERMAN. But let me add, Senator LIEBERMAN and Senator LEVIN have worked and worked on this particular situation. I certainly appreciate their efforts, as all the Governmental Affairs Committee members have on the Democratic side, and I appreciate all their efforts.

I yield some time to Senator LIEBERMAN.

How much time do you need?

Mr. LIEBERMAN. Four minutes.

Mr. GLENN. Four minutes. We have 5 left. That is fair enough.

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

Mr. LIEBERMAN. Perhaps, in the spirit of bipartisanship that is on the floor now, if I use the remaining 4 minutes of Senator GLENN's time, I may turn to Senator THOMPSON and ask him to yield a few.

Mr. President, I want to thank everyone involved in what occurred here today. This is an extraordinarily significant accomplishment, not only on its face but in what it says about the willingness of the U.S. Senate to deal directly with the problem of too much money in American politics to deign to do something about it.

This is a significant victory which is attributable in large measure to the leadership of the Senate, the majority leader, Democratic leader, and the leadership of the committee, the Senator from Tennessee, the chairman, and the Senator from Ohio. But it is, in truth, as has been said on other occasions, not a victory for any person or any party, it is truly a victory for the public interest.

Mr. President, over the last couple of weeks there was a strange and troubling discontinuity between the growing avalanche of revelations about the impact of money on American politics and the impression it gives that American democracy is for sale, on the one hand, and the seeming movement here in the Senate, particularly in the vote in the Rules Committee last week. I am not saying this was the intention, but it certainly gave the impression of going into a kind of bunker of not being willing to have a full and open investigation of the problem of the way in which campaigns are financed in this country. By limiting the jurisdiction of the investigation to be performed by the Governmental Affairs Committee to illegal activities in association with the 1996 Federal elections, the impact would have been effectively to have crippled the investigation, in my opinion.

Who would have decided what was illegal? Could not anyone subpoenaed by the committee have claimed that their client had not done anything illegal, and therefore the subpoena was improper?

Of course, the basic purpose here, if we are serious about campaign finance reform, should be to investigate and reveal and inform, as the chairman of the committee said in one of his opening statements in this investigation, to inform the public about what is legal today but ought to be illegal, what is improper or unclear but ought to be illegal. That is what campaign finance reform is all about, taking some of the vagaries of the current system, some things that are not vague but are clearly improper, not illegal, and making them illegal.

And as disappointing as the vote of the Rules Committee was last Thursday, I believe the vote of the Senate today, bipartisan as it is, is heartening. Reason has prevailed. I think Members of the Senate on both sides of the aisle focused in on the impact of this constricting jurisdiction for the investigative committee and decided it was not right. And that resulted in the addition of these simple two words, "or improper." But there is a world of difference in those.

A significant step forward has been taken today on the road to campaign finance reform. What is most important is that we have done it together, Republicans and Democrats, acting not as Republicans and Democrats, but as Americans facing a very serious challenge to our democracy.

Mr. President, I wonder if I might ask the Senator from Tennessee if he would yield me 2 minutes of his time?

Mr. THOMPSON. I would be happy to yield that time.

The PRESIDING OFFICER. The Senator has an additional 2 minutes.

Mr. LIEBERMAN. I thank the chairman.

Mr. President, this is serious business. There are some people, I think, who rightly say the American people do not really care about all this campaign finance trouble, maybe because they are numb to these kinds of revelations. Some say maybe, "Oh, they all think it goes on anyways, so what's the difference. Everybody does it."

I do not know whether the American people are listening or watching. I believe they really are. But I know that history is watching. And I know that we will be judged as to how we respond to this fundamental challenge to our democracy: the basic premise of equal access to Government, the basic premise of a Government in which one person has one vote and one person who may have a lot of money to put in politics does not have any more influence than that one person with one vote.

But when people can walk in and give hundreds of thousands of dollars, and money moves from committees to committees, when people in politics, as we know because we are there, have to spend as much time as they do and feel the relentless pressure that they do to meet the competition, to raise the money to pay for the advertisements, then the standards of each one of us are tested and the standards of the system are challenged.

A lot has been made in this debate and in the media about allegations that foreign countries or interests may have attempted to purchase influence, used campaign contributions. Mr. President, I will tell you that that is despicable behavior. But what we have to say to our ourselves is, they have done so because they believe, apparently, if these allegations are right, that American democracy is for sale. None of us want to leave that impression. And the way to correct it is by reforming our campaign finance laws. The way to begin that process is to do the kind of full and open investigation that the Senate, by this amendment, will now authorize. I have great confidence in the chairman of the committee.

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

Mr. LIEBERMAN. I have great confidence in our ranking Democrat. And I believe together we are going to go forward to cleanse and elevate the way campaigns are financed in America and to reestablish and rebuild the basic core of our Democratic system.

I thank the Chair, and I thank the chairman of the committee and the ranking Democrat. I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. I yield myself 2 minutes.

I thank the Senator from Connecticut for his usual eloquent remarks. I think I agree with everything that he said. I am one of those who have thought for a long time that we needed to make some significant changes in our campaign finance reform system. And I still believe that way stronger today than ever before.

But I want to leave one thought, not in response to what the Senator said, but from watching the talk shows and some of the comments that some of the people at the White House have made, and so forth, about this. When talking about the issue of the need for campaign finance reform, my remarks on the floor on January 28 were referred to earlier. Something rang home with me, so I got them. And here is one of the things I said then. I said:

> But those of us with responsibility in this area, whether it be the President or Members of Congress, cannot let the call for campaign finance reform serve to gloss over serious violations of existing law. If we do that, the reform debate will be cast in a totally partisan context and ensure that once again campaign finance reform will be killed.

So it occurred to me that once again we must be reminded of the fact that those of us who want campaign finance reform must remember that the best thing we can do for campaign finance reform is to continue to talk about it if we want to, but also make sure we do

a good set of tough bipartisan hearings that the American people have some confidence in.

For those who want campaign finance reform, let us get about the money laundering, the foreign contributions, the allegations of selling public policy, allegations of violations of the Hatch Act, the Ethics Act, and the serious matters, that will do more for campaign finance reform than anything else.

I thank the President and yield back the balance of the 2 minutes I was referring to.

How much time is remaining?

The PRESIDING OFFICER. The Senator from Pennsylvania has 10 minutes of his own right and the Senator from Tennessee continues to have 10 minutes.

Mr. THOMPSON. The Senator is welcome to use either 10.

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Tennessee for allowing me some of his time, as well as the 10 minutes. I will try to be relatively brief to move the process along.

Mr. President, this has been a good showing by the U.S. Senate today as we have come together on a bipartisan basis, Republicans and Democrats, trying to structure an inquiry and hearings which will help reform the American campaign system where virtually everyone agrees there is too much money in it, and it is a very troublesome factor.

The vote was 99 to 0, with one abstention, to broaden the scope of this investigation to include improper as well as illegal activities. I think we have achieved a very significant broadening of the committee's charge. It really is very close to what the committee did initially on a unanimous vote, nine Republicans and seven Democrats, saying we would investigate both illegal and improper activities. It was narrowed by the Rules Committee, and now it has been broadened again, and for very important reasons.

One reason is that we may expect everything our committee does to be subjected to the most microscopic minute examination and legal challenge. Already, there have been two challenges by those under subpoena on subpoenas already issued by the committee. If we had a charter which allowed us to look only at illegal activities, it might well be held by a court someday that such an investigation was beyond the scope of what the Congress or the Senate could do, because our function is to legislate or our function is to have oversight. Our function is not to prosecute. Our function is not to go into matters that just are illegal. When we go into matters which are improper, then it is with a view to changing the law. This is our legitimate function.

Now, it could be said that we could look into illegal matters from a narrower point of view to change the penalty, but that is very constrictive and might well fail. We could have been tied up for a long period of time if we only had illegal activity with someone mounting a challenge that it was beyond the scope of what Congress could do.

Also, if we are dealing only with illegal activity, there are many interpretations that might be made as to what is legal and what is illegal, and when those issues are raised they go to court and that can take a very long time. For example, Dick Morris, the President's campaign impresario, wrote in his book that President Clinton was personally involved in editing the commercials which were paid for by the Democratic National Committee with so-called soft money.

Now that would appear on its face to be illegal because you may have independent expenditures but you may not have coordinated expenditures when someone has accepted public financing. But the argument was made that what was done was legal. I am not saying the President did it. This accusation is written in a book and it is inadmissible hearsay. We have to find out about it. Someone could challenge our inquiry if we were limited to illegal activities, although on the face, if true, this allegation certainly has all the appearance of illegality.

Last Thursday the Attorney General said that it was not a contribution under the statute for someone to give thousands of dollars, millions of dollars, in soft money because that is used only on issue advocacy instead of urging the election or defeat of a specific candidate. So that if someone gave $1,000 where the money is used to, say, elect John Jones or defeat Frank Smith, that would be a contribution, but the millions of dollars in soft money would not be a contribution under the statute. In my legal judgment, that is palpably incorrect, but someone could raise that kind of a consideration.

So I think we have taken a very, very significant step forward here in expanding the scope to cover improper and illegal activities, and as the distinguished chairman pointed out, that gives us an opportunity to serve the American public by having campaign finance reform.

Mr. President, I had asked for this special 10 minutes because of another deep concern I have in the resolution that is currently drawn, and that is with an ending date of December 31, 1997. When you have a cutoff date, it is an open invitation to people who want to avoid the investigation to engage in legal maneuvers which might well be construed to be stalling tactics, although they have a right to do so, which could delay the matter long past the expiration day. For example, where someone is subpoenaed and the person then pleads the privilege against self-incrimination under the fifth amendment, which the individual would have a constitutional right to do, it would be up to the committee and the Congress to bring forward a charge of contempt of Congress because the Congress cannot impose a penalty but has to go for enforcement to the U.S. District Court for the District of Columbia. That all takes time. Then if the individual loses, they have a right to take an appeal to the circuit court of appeals, then appeal for a petition for certiorari to the Supreme Court of the United States.

So one of the important items I think we need to have a discussion on here today is what we will do when we face that situation. The mood of the Senate was not such that we could get into extensive amendments of this resolution and we agreed not to offer amendments. I think we can cover this matter reasonably well by having a discussion with the distinguished chairman, the distinguished ranking member. The committee can always come back to Congress and ask for an extension.

What I seek to do here today, Mr. President, is to get a sense from the managers as to the circumstances where we would ask for an extension. I do not say these are the sole circumstances, but illustratively, if someone is subpoenaed and that individual pleads the fifth amendment, privilege against self-incrimination, granted immunity, ordered to answer, refuses to answer, and there is a contempt citation, it goes to the district court and the circuit court and then the Supreme Court, I ask my distinguished colleague from Tennessee, the chairman of the committee, if that would be an appropriate time for our committee to ask for an extension, and I will ask the same question of the distinguished ranking member, Senator GLENN, if that would be an appropriate circumstance for our committee to seek an extension and obtain an extension from the full Senate for whatever time we lost by those legal proceedings to compel an answer to that question, and, also, then to complete whatever leads that may result? We know it is not just the answer that the witness would give but it might lead to other evidence, and otherwise if we did not have an extension of time we would be stymied on our legitimate investigation.

I ask my colleague from Tennessee if that would be an occasion for us to get an extension beyond the December 31 cutoff.

Mr. THOMPSON. In response, I think that would be one of the circumstances that might lead us to ask for an extension of time.

It would depend, I think, on the totality of the circumstances. We would need to feel that we really needed the

additional information that was important to our investigation. With that being the case, that would be one of those circumstances.

I might add, the Senator makes a very good and valid point, and one that I raised in January on this floor. It is one that I raised in the Governmental Affairs Committee when we were discussing scope and duration. I also raised it in the Rules Committee the other day. The Senator points out the fact that a good defense can sometimes take you past any cutoff date that you might establish out there as a target.

I do not know if the Senator will ask about other circumstances, but I can certainly think of a couple of other circumstances that would cause the same problem. The White House, for example, in times past, has taken positions with regard to questions of executive privilege that were not valid. If you want the documents or the testimony, usually documents, then you have to go through a process, and you have to wind up in court, if you think the documents are important. So that is another situation where it would certainly be appropriate, if you needed that information, to come back before the Senate and ask for an extension of time.

Third, and most obvious circumstance, would be simply where you run into additional leads that are material and substantial and that you need to follow up on to make a credible and complete report back to the U.S. Senate. All along the way, I have pointed out this problem, as has the Senator from Pennsylvania. What we have reached here today on that issue is a bit troubling to me, quite frankly. I have tried to point out that, although we have a so-called cutoff date of December 31, we have said that when those circumstances arise—the three we have discussed here—or any other circumstances arise where we have just cause to come back, that we will be back. I have been assured by members of both parties, and the Governmental Affairs Committee and the Rules Committee, that they would be right there with us in attempting to get an extension under those circumstances.

Mr. SPECTER. Mr. President, I thank my colleague for those answers. He has expanded beyond the example I gave of a stalling witness to take in other matters. There might be a challenge to our entire investigation, which is not possible for us to anticipate today, and legal challenges might occur, or other impediments, which may come before the investigation or may occur to lead us to seek additional time. I am glad to hear the Senator say—and he put it in the RECORD—that he discussed it with the leadership and members of the Rules Committee, as I have.

Frankly, I don't like the cutoff date. But people who might tend to delay or wear us down will be on notice that we are not unaware of that, and that we have anticipated it, to the maximum extent possible.

I would like to address a question to the ranking member, the Senator from Ohio, and ask if he agrees with what the chairman has replied to in the colloquy.

Mr. GLENN. Basically, yes, Mr. President. I think it is right that the Senator from Pennsylvania brings this up out of his own prosecutorial background. He knows how long court cases can be extended. He has had more experience, probably, than anybody in the Senate Chamber on that. So he sees a pitfall that we will have to deal with. I agree with that.

I agree, also, that it is impossible for us at this point to say what might occur in this area and what court cases there might be or other delays or leads that we are having to follow up on that may not be wound up or not be brought to conclusion at that exact date. I think what it points out is that, as members of that committee, and as chairman and as a member of that committee, we just have to be aware that if anything like that starts to occur, we bring it back to the floor as fast as possible. That is rather key to this whole thing, because our authority is only as the Senate gives it to us to go ahead with this.

So it is incumbent upon us to bring it back here as fast as possible to get an extension every time, or whatever else is necessary to do. I hypothesize here as to whether this happens or that happens, but the point the Senator makes is an excellent point and one we are going to have to be aware of through the years.

Mr. SPECTER. I thank my colleague for that answer. We do know that investigations take a very long time, and it is not my preference to have a cutoff date of December 31. I think that is very difficult. But the reality is that we faced obstacles in the Rules Committee which limited the scope, and now we have broadened them and limited the time. You have Independent Counsel Kenneth Starr, who has been on an investigation for 3 years. You have had independent counsel on Iran-Contra on the investigation for many years. The Senator from Tennessee and I, in 1995, were on an investigation of Ruby Ridge. We had 15 days of hearings and 70-some witnesses. We filed a 150-plus page report, all from Labor Day to the end of the year, in 4 months. And the Department of Justice has undertaken an investigation involving four FBI agents who may not have told the entire story. They started that inquiry in late 1995, and 15, 16, 17 months have passed.

I recently wrote to the Attorney General and asked her when she is going to finish the investigation so we can conclude, and I got a reply that it is still months away.

The Senator from Ohio is correct. When I was district attorney of Philadelphia, I ran lots of grand jury proceedings and investigations. I know from experience that we are going to face the most tenacious and microscopic examinations by the best lawyers in the country coming to look at everything we do. I don't like to see a December 31 date. But now it has been established, as best we can on the floor, as a target date. We are going to respond, and we will extend the time if we have to.

Let us put people on notice that they cannot gain anything by delaying with frivolous lawsuits. If they take up our time, we are going to get an extension of the time. I thank my colleagues and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I would like to engage the senior Senator from Virginia and the Senator from Tennessee in a colloquy regarding the issue of referrals to the Ethics Committee. The resolution before us, as amended, states that "the Committee on Governmental Affairs shall refer any evidence of illegal or improper activities involving any Member of the Senate revealed pursuant to the investigation authorized by subsection (b) to the Select Committee on Ethics."

In the event the Governmental Affairs Committee develops facts which implicate a Senator or Senators in any illegal or improper activities, as those terms are used in this resolution, they shall report such findings promptly to the Ethics Committee; however, such reporting does not preclude the Governmental Affairs Committee from continuing its investigation, provided it is not for the specific purpose of determining the culpability, or lack thereof, of such Senator or Senators.

Do my distinguished colleagues agree?

Mr. WARNER. Yes, I agree with the interpretation of the senior Senator from Ohio.

Mr. THOMPSON. Yes, I also agree with this interpretation by the ranking member of the Government Affairs Committee.

Mr. DASCHLE. Mr. President, shortly after I was elected to this body, I made a call on one of my heroes. His office walls were covered with photographs. One of them was an old picture of two men standing next to an airplane. I couldn't make out the faces, but there was no mistaking the signature. It read simply, "To our good friend Claude Pepper, Wilbur and Orville Wright."

Next to that was a picture of an astronaut standing on the surface of the Moon. I couldn't see his face. But again, the signature was clear. It read, "To my good friend Claude Pepper, Neil Armstrong."

Here was a man who had seen practically the whole scope of the 20th century. He'd served in both the House and

the Senate. I asked him what advice he had for a new Senator from South Dakota.

He told me, "The election's over now. It doesn't matter any more whether you're an 'R' or a 'D.' What matters now is whether you're a 'C' or a 'D'—a 'constructive' or a 'destructive.' I've been here a long time. I've seen a lot of people try to tear this country down, and too few people who have tried to build it up."

"America needs more constructives," he told me.

I've thought of that conversation many times during the past few weeks as we have debated, on and off this floor, how this investigation should proceed.

As the Governmental Affairs Committee has proceeded—hiring lawyers and issuing subpoenas—Democrats have raised concerns about how this investigation was being structured.

Our purpose was not to stall this inquiry, but to ensure that it serves a constructive purpose, not a destructive one. We have always wanted the investigation to go forward. But we also want it to shed light on illegal and improper activities—wherever they may have occurred. And, most important, we want this investigation to provide a road map for real reform of our campaign finance laws.

How can we make sure this process results in reform, not merely revenge? That's what the debate over these last few weeks has been about.

To a large extent, that debate has now been resolved. And Democrats are resolved, in turn, to join with Republicans to see that this inquiry addresses the significant concerns we all have about the problems that surfaced during the last campaign cycle.

I want to thank Senator GLENN for all he has done to get us to this point. He and his staff have been dogged in their determination to make sure that this inquiry is truly bipartisan, and that it will lead to legislative solutions.

I also want to thank Senator THOMPSON.

We agreed with Senator THOMPSON when he first said that the investigation should examine illegal and improper activities in all Federal elections, Presidential and congressional. We fought when others tried to narrow that scope.

We objected to a budget request that was unprecedented and, in our opinion, lacked accountability. At the same time, we proposed a process to allow the committee to request additional funds and ensure that this inquiry does not lapse prematurely.

We insisted that Congress set at least a tentative date by which the inquiry would end, just as earlier Congresses did with investigations into the Iran-Contra and Whitewater affairs. Again, we said that process could be extended, if necessary.

We said the Governmental Affairs Committee must produce a public report after it completes its work. If the American people are going to invest $5 million taxpayer dollars in this investigation, they deserve to know what we learn. So we fought for accountability.

Finally, we believe it's not enough to document the problems in the glare of television lights. When the lights are turned off, we have to be serious about the hard work of solving the problems. So we asked for a commitment from our colleagues that the Senate would debate campaign finance reform this year.

These are the issues we raised—that we were obligated to raise.

Nearly all of our concerns have been incorporated into the funding resolution we will adopt today. Their inclusion is a victory not for one party or another, but for the integrity of the inquiry itself.

It is the strength of our system of government that, when the debate has ended and the real work begins, both parties cooperate where they can to address public concerns. This, I believe and hope, is where we now stand.

On the central question, Democrats and Republicans agree: this is an important investigation.

Most critical of all is the question of improper foreign influence in U.S. elections, and on U.S. policy. This is an American issue, not a partisan issue. Have foreign governments sought to influence the outcome of American elections?

Democrats support and will join in the most vigorous inquiry into this troubling question. American elections must be decided by American voters and funded by Americans, and only Americans.

Another question, perhaps looming over all the others, is how could we get to this point? How could the campaign finance laws break down, or appear to break down, so completely that we now must conduct an investigation of unprecedented scope and size?

Many of our Republican colleagues insist that the system is working. Yet, in asking for nearly $5 million to conduct this investigation, they admit more tellingly than words alone that there is a cancer at the core our election laws and their enforcement.

Congress can't convene hearings of this kind after every election to address questions of illegal fundraising. It will have to rely on appropriate laws—and effective enforcement. Ensuring sound laws and energetic enforcement is the real test of whether the hearings we are about to begin make a lasting contribution.

So, for each of the activities the hearings examine, relevant questions need to be asked:

How widespread was illegal or improper questionable activity? Will we find various but discrete episodes, or a pattern to circumvent campaign finance laws?

Who was responsible for failing to oversee compliance? Were the violations a result of individual misconduct, or a climate of indifference to the law?

What was the law at the time? Was it clear or unclear? Where we find misconduct, was it deliberate, reckless, or inadvertent?

Where were the lawyers?

Where was the FEC? What notice was given to the FEC that these practices were occurring? What actions, if any, did the FEC take? Are there still actions the FEC should take?

Did the public records, including reports on file with the FEC, reflect the misconduct? Or are they inadequate to the task of informing the public that something is seriously amiss in the financing of campaigns?

These are critical questions. If we will ask these and other questions—without fear or favor—we can achieve historic reforms.

Will we seize this opportunity, or squander it?

Will we be "constructives" or "destructives?"

The choice is up to us.

Mr. THOMPSON. Does the Senator from Ohio need additional time?

The PRESIDING OFFICER. The Senator from Tennessee has 4 minutes 30 seconds. The Senator from Ohio has 1 minute.

Mr. GLENN. I think the vote was called for 6:30. I think we have about exhausted everything we need to comment on.

I will yield back my time.

Mr. THOMPSON. I will yield back the balance of my time, also.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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. CHAFEE. 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 clerk will call the roll.

The legislative clerk called the roll.

Mr. DODD. (When his name was called) Present.

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—99

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

ANSWERED "PRESENT"—1

Dodd

So the resolution (S. Res. 39), as amended, was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

MORNING BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

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

The Senator from Delaware.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH and Mr. MOYNIHAN pertaining to the introduction of S. 425 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO MARTY SLATE

Mr. KENNEDY. Mr. President, all of us who knew Marty Slate and who worked with him over the years were saddened to learn of his recent, untimely death.

Marty was an exceptionally dedicated public servant. He worked effectively throughout his extraordinary career to improve the quality of life for working men and women. He served well in many capacities, directing the field operations of the Equal Employment Opportunity Commission, leading the ERISA Division of the Internal Revenue Service, and as Executive Director of the Pension Benefit Guaranty Corporation. Marty also worked hard, on a daily basis, to improve the quality of life of those around him, particularly his staff and coworkers.

Marty was a brilliant lawyer and a gifted manager who knew how to get things done. He inspired the people who worked for him and helped make them some of the most effective and productive public servants in the Nation. Everywhere he went, his ability and dedication brought out the very best in his colleagues and his staff.

Marty was a superb legislative strategist who understood the role of Government and the impact that Government could have on working Americans. He was the moving force behind the Retirement Protection Act, the pension funding legislation that Congress approved in 1994.

Early in the Clinton administration, Marty brought together representatives of the PBGC, Treasury, IRS, Labor, Commerce, OMB, and other Federal agencies as part of an impressive task force. The task force worked effectively under Marty's leadership to identify the problems that caused pension underfunding, and the best solutions to those problems. As chairman of the task force, Marty's door was always open. No person or group was ever shut out of the process. Needless to say, the task force issued its findings and recommendations in a timely manner.

After the task force report was issued, Marty looked to the future, and worked closely with Congress on legislation to address the problem of pension underfunding. As my Senate colleagues will recall, we approved the funding reforms in the Retirement Protection Act, the most significant pension legislation since the enactment of the Employee Retirement Income Security Act in 1974. It was an extraordinary bipartisan accomplishment, and it was Marty's accomplishment, too. Millions of working men and women have pensions that are more secure today because of Marty Slate.

In his years at the Equal Employment Opportunity Commission, Marty worked hard to assure that workers did not suffer from discrimination.

Under his leadership, the EEOC wiped out case backlogs and vigorously prosecuted discrimination complaints. As director of field operations for the agency, he was responsible for the day-to-day activities of 46 field offices. The large numbers of working men and women who were protected from discrimination because of Marty's efforts owe him an enormous debt of gratitude.

When Marty left the EEOC to work for the Internal Revenue Service, he established the Georgetown-IRS Masters of Taxation Fellowship Program." This program was designed to help those who were not historically represented in the fields of taxation and pensions because of discrimination and lack of opportunity. Under this program, students applied for admission to Georgetown's Masters of Taxation Program, while simultaneously applying for a job at the IRS. The IRS, the university, and the student-fellow would share the costs of tuition.

When Marty left the IRS in 1993, he created a similar fellowship program at the PBGC. The fellowship programs that Marty created have been extremely successful, and have enabled many African-Americans and other minority students to break through longstanding barriers and find jobs in the fields of taxation and pensions. One graduate of this program is now a professor at Catholic University.

In ways like these, Marty Slate didn't just talk about fair play and equal opportunity. He helped to assure that new opportunities for African-Americans and other minorities actually existed, and the graduates of these fellowship programs will carry on Marty's fine work.

Marty is warmly remembered by those who worked with him as a person who took genuine personal interest in helping them to advance their careers. With all his myriad of responsibilities, he was never too busy to write a letter or place a phone call to help someone develop their career. He was never too busy to reach out. He was there for the people he led and managed because he cared deeply about them.

Marty also loved sports. He was a true Boston Red Sox fan and he had a great love for sports trivia. A local radio station in this area has a call-in trivia contest for sports fans, which takes place in the middle of the night. Marty would regularly set his alarm for 2 o'clock or 3 o'clock in the morning and get up and call into the talk show. He called so often that he was known on the show as "Marty from Bethesda." Marty almost always knew the answer and would win Baltimore Orioles tickets. He would then share the tickets he won with his friends.

As a Boston Red Sox fan myself, I am particularly fond of a story from Marty's childhood. One day, when he was about 6 years old, he wanted to go to Fenway Park to watch the Red Sox play. His parents were concerned, because they couldn't go that day, and they didn't want him to go alone.

Marty found a way to heed his parents' advice. The Red Sox won and he had a wonderful time. But when he came back, police and emergency vehicles were parked on his street. They were there because 6-year old Marty had, in fact, listened to his parents. He did take someone to the game. The problem was that it was the 3-year-old child of a neighbor. And the police were

looking for the missing child in the neighborhood. Even at that young age, Marty was demonstrating his extraordinary sense of responsibility.

Now that he has left us, all of us who were touched by Marty's brilliance and compassion will work harder to carry on his work. That's the way Marty would have wanted it.

My heartfelt condolences go to the Slate family, to Marty's wife, Dr. Caroline Poplin, to his parents, Albert and Selma Slate, to his brother, Dr. Jerome Slate, to his sister, Emily Slate, and to all of Marty's friends and coworkers. He touched all our lives, and we will never forget him.

THE HARSH IMPACT OF THE WELFARE BILL ON IMMIGRANTS

Mr. KENNEDY. Mr. President, last year Congress passed a comprehensive welfare reform bill that drastically restricted the ability of legal immigrants to participate in public assistance programs. It prohibits legal immigrants from receiving food stamps, SSI, and Federal non-emergency Medicaid benefits. The bill also gives States the option to ban legal immigrants from State Medicaid services and temporary assistance to needy families (formerly AFDC).

In the past 2 months, we have begun to see the harsh impact of this bill on legal immigrant families in all parts of the country. Many face being turned out of nursing homes, and cut off from disability payments. These human tragedies will only continue to grow in number and severity without congressional action.

Last month, President Clinton proposed some changes to the law to prevent these harsh effects. I urge Congress to act quickly on these proposals, and I ask unanimous consent that recent news stories on this crisis may be printed in the RECORD.

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

[From Newsday, Feb. 28, 1997]

ON THEIR OWN—ELDERLY, AILING NONCITIZENS FACE LOSS OF FEDERAL BENEFITS

(By Geoffrey Mohan)

Gladys Boyack will be 106 by the time tough new federal regulations on welfare go in to effect in August.

She'll also find herself cut from the rolls of a federal program designed to be a safety net for the elderly, disabled and blind.

A British citizen who has lived in the United States for 40 years, working most of those years as a nanny, Boyack never applied for U.S. citizenship. Now, the Islip resident regrets her omission; welfare regulations enacted by Congress are expected to cut nearly 5,000 elderly, blind and disabled immigrants on Long Island from Supplemental Security Income rolls. All of them are legal permanent residents, a status that is a step below citizenship.

Among them is Lucrecia Lopez, 75, of Freeport, a Dominican immigrant who has been in Freeport for 17 years and labored for eight years in a local factory assembling artificial Christmas trees.

Boyack and Lopez received letters this month saying they will lose their monthly payments—$556 and $570, respectively—because neither became a citizen during their stay in the United States.

"I couldn't believe it when I got that letter," said Susan Levin, Boyack's granddaughther, who takes care of Boyack in a first-floor apartment at Levin's house. "There's nothing we can do. The last check will come in July."

Boyack and Lopez face a difficult choice at a late juncture in life: struggle through the forms, tests and language requirements of naturalization, or enroll in local aid programs.

Boyack is household and nearly deaf. Lopez, who speaks only Spanish, would have to learn English at 75.

So both will probably apply for less-generous state aid, and depend on their families or charities to make up the difference.

"She's 75 years old," said Lopez' son Jose, an import-export businessman from Miami who supports a wife and two children. "Who's going to take the load? As we say in the Dominican Republic, we have to put more water in the soup."

Boyack and Lopez are just two of 4,929 immigrants on Long Island considered likely to lose their SSI benefits as part of Congress' get-tough welfare policies, adopted in August and scheduled to take effect Aug. 22.

The changes, aimed at saving the federal government $9 billion over four years, will cut off all but a narrow sector or noncitizen immigrants from SSI.

Similar cuts are looming in the food stamp, Medicaid and Aid to Families With Dependent Children programs.

Congress enacted the cutbacks in an effort to slow so-called chain migration, which occurs when immigrants who obtain citizenship petition to bring elderly family members to America from their home country. The elderly relatives often have a few wage-earning and taxpaying years ahead of them and little means of support from their sponsors.

"We are paying for the sinners who abuse the system," Jose Lopez said.

Congress also made sponsors' pledges of support as legally binding as a contract and increased the period of time in which the sponsors' income can be considered in calculating the new immigrant's need for federal aid.

In part, the moves were inspired by statistics showing that the number of immigrants using welfare programs has greatly increased. For example, the number or immigrants receiving SSI quadrupled in a decade ending in 1993, and immigrants rose from 4 percent of all SSI clients to more than 11 percent over that time period, according to the General Accounting Office, Congress' investigative arm.

"The SSI system is available to people who come to this country and never pay into the system and didn't work," said Dan Stein, executive director of the Federation for American Immigration Reform, which supported the welfare revisions.

But Stein acknowledged that Congress may not have intended to pull the safety net away from unemployable immigrants over age 64 who worked and paid taxes.

"The fact that there are tough cases out there has underscored the need for some grandfathering of hardship cases," Stein said. "But we won't support this if we encourage more chain immigration."

On this point only, Stein agrees with activists like Margie McHugh, executive director of the New York Immigration Coalition. "We still don't believe the American people really intended to throw elderly people out onto the street in the name of welfare reform," she said.

"No one that I know of argues with the idea of people being responsible for the folks they bring into the country, but I think that for immigrants, like everyone else, unforeseen things happen," McHugh added.

Federal officials have since loosened citizenship rules for the disabled, but have not moved to reinstate benefits to unforeseen hardship cases, McHugh said.

Pro-immigration activists like McHugh worry that the philosophical shift from federal to local responsibility implied in welfare overhauls is not accompanied by a shift of money from federal to local coffers.

Such may be the case for SSI. Current state budget proposals would provide a maximum of $350 in vouchers to people like Boyack and Lopez, according to Terrance McGarth, spokesman of the State Department of Social Services.

So if both qualify for the maximum, their families or charities would have to bridge the $200-plus gap between their SSI benefits and the new state benefits.

Not all noncitizens face this peril. Immigrants granted asylum and refugees were excluded, and anyone who can show roughly 10 years of work, even combined with their spouse's work history, can remain on the rolls.

SSI benefits are administered by the Social Security Administration, but they come from general tax revenues, not Social Security taxes.

Boyack, who worked off the books as a nanny, never paid federal income taxes. Lopez did, but not for the required 10 years. Neither woman's husband ever came to the United States, so they cannot be counted in the work experience minimum; both men are deceased.

Activists say women like Lopez and Boyack are victims of flawed reasoning behind welfare cuts for immigrants, a population that frequently works off the books or has not been in the United States long enough to draw meaningful Social Security benefits, SSI becomes their only alternative, by default.

That option is about to disappear.

"I feel very worried and sad," said Lucrecia Lopez. "I asked myself, 'How am I going to support myself?' And so many people are having the same thing happen." SSI and Welfare law.

Supplemental Security Income was established in 1974 to provide monthly payments for the aged, blind and disabled. It is run by the Social Security Administration, but draws its resource from general tax revenues. SSI pays out about $2.4 billion per month to nearly 6 million beneficiaries.

Nationwide, 12 percent of those recipients are legal immigrants, or were when they applied for SSI benefits. On Long Island, 19.8 percent of recipients are legal immigrants, or were when they applied.

Nationwide, 522,000 immigrant SSI recipients could become ineligible under welfare revisions to take effect in August. On Long Island, 4,929 are likely to lose SSI. An additional 2,552 will be asked to show evidence of eligibility, but are not considered in jeopardy.

According to the Social Security Administration, welfare changes will cut off all noncitizen immigrants from SSI benefits except:

Refugees and immigrants granted asylum, who are eligible only for the first five years after arrival.

Immigrants whose deportation has been suspended; eligibility is limited to the first five years after arrival.

Certain active-duty military personnel, including honorably discharged veterans, their spouses and dependent children.

Permanent residents who can document 10 years of work by themselves or in conjunction with a spouse. * * * Immigrants and SSI Percent of SSI recipients who are classified by the Social Security Administration as legal immigrants:

WELFARE REFORM STARTS HITTING HOME

(By Kathy Matheson)

Changes mandated by federal welfare reform are beginning to ripple slowly through Montgomery County, but not slowly enough for Silver Spring resident Marta Medina.

Medina, who came to America in 1987 after fleeing civil war and communism back home in Nicaragua, received notice earlier this month that her Supplemental Security Income benefits will end in August unless she becomes an American citizen or meets one of five other narrow criteria.

Medina has received SSI checks for three years since breaking her arm and injuring her back while working at a hotel in San Antonio. SSI, which is run by the Social Security Administration, is a federal assistance program for elderly and disabled people with low incomes.

Through an interpreter, Medina said she needs the monthly $484 SSI check she receives from the government to buy medication for lingering physical and emotional problems she suffered as a result of the accident. She is currently unemployed.

To find out how she may still qualify for disability benefits, Medina and her husband, Luis, met with SSI officials last week at a special office in Wheaton Plaza.

"We want to know what we can do," said Luis Medina.

The Medinas are not alone. Under the Welfare Reform Act signed by President Clinton last year, most legal immigrants are no longer eligible for SSI.

Approximately 4,000 Montgomery County immigrant residents receive SSI checks each month, and they, too, will be getting notification letters soon. About 400 letters are going out each week, and recipients have 90 days to respond and have their eligibility reevaluated.

To meet the anticipated response, officials at the Wheaton Social Security office have leased a former Crestar Bank facility at Wheaton Plaza and staffed it with five new workers to evaluate cases like Medina's.

Rich Fenton, manager of the Wheaton office, said the temporary site currently handles about 25 to 30 people per day. But he expects visits from as many as 50 to 60 people each day as more residents are notified.

"I'm expecting that the volume will increase pretty substantially," Fenton said.

SSA spokesman Tom Margenau said out of 6.5 million SSI recipients nationwide, approximately 900,000 are legal immigrants. Benefit checks will stop flowing to an estimated 500,000 of those, according to federal officials, resulting in government savings of $9.9 billion through 2002.

The government also will save money by cracking down on SSI fraud, officials said. SSA's Office of the Inspector General closed 833 fraud cases in fiscal 1996, spokesman Dan Devlin said.

States also may save money when immigrants lose their SSI benefits. As non-citizen residents are removed from SSI, Margenau said most also will lose Medicaid benefits, which come from a state program administered through the county Department of Health and Human Services.

Local officials are unsure how many people may be dropped.

"We don't have a good sense yet of what the numbers are," said Corinne Stevens, chief of Montgomery County's Crisis, Income and Victim Services. "So many people, if they're able to, are really moving toward citizenship."

Marta Medina said she would like to be a U.S. citizen, especially since Helane DiGravio, an interpreter and manager of the temporary SSI site in Wheaton, said it doesn't look like Medina will qualify for SSI any other way.

"She's going to apply for citizenship, but she knows it'll take a while," DiGravio said.

Medina, who holds a college degree from a university in Guatemala, has lived in the United States for 10 years, twice as long as needed to become a citizen. Her husband, who is unemployed but does not receive SSI, has been here since 1989.

Marta Medina said she knows education and work are needed to get ahead in America, and she'd like to take training courses for home health care workers offered by the county's Workforce Development Corp., formerly called the Private Industry Council.

But Medina said that as a result of her emotional problems and injuries from her hotel job, she hasn't felt well enough to enroll in job training or English classes, or to study for the citizenship test.

Some experts argue that the test, which requires knowledge of the English language as well as American government, is not difficult to pass—especially for someone who has been here as long as Medina.

"The language exams are extraordinarily easy," said Robert Rector of the Heritage Foundation, a conservative think tank based in Washington. "The language exam does not pose much of a barrier, partly because you can take it over and over and over."

Rector was a major congressional adviser during the welfare reform debate in 1996. When the law was finally signed, Clinton was criticized for excluding legal residents from SSI benefits, since many have worked and paid taxes for years just like U.S. citizens.

Some states, including Maryland, are considering picking up the tab for immigrant residents denied SSI. Margenau said there are 9,645 immigrant SSI recipients in Maryland—about half of whom live in Montgomery County—receiving average monthly benefits of $345.

Gov. Parris N. Glendening has said he wants to continue food and medical support for children of legal immigrants who would otherwise be cut off, Glendening spokesman Ray Feldmann said.

The governor appointed a Task Force on the Loss of SSI Benefits for Legal Immigrants in Maryland, which issued a draft report Feb. 6. Its findings have not yet been made public.

[From the Nogales International, Feb. 21, 1997]

HUNDREDS OF NON-CITIZENS HERE LEGALLY FACE AID LOSS

(By Kathy Vandervoet)

Hundreds of non-citizens living legally in Nogales or other Santa Cruz County communities will lose their supplemental Social Security income this summer under the new federal welfare reform law.

They will no longer be eligible for food stamps, cash welfare, Medicaid and disability.

Roberto Mendez, manager of the Nogales Social Security Administration office, said there are 1,300 individuals receiving the supplemental payments.

Of those, 475 are legal residents, but not citizens of the United States. All are subject to losing their monthly benefits checks in about four months, he said.

"But there aren't going to be that many. There will be exceptions," Mendez said.

It's up to the men and women to visit the office, located at 441 No. Grand Ave., to determine if they fit under the exceptions clause.

The 475 recipients are being notified by a letter, which are being sent out in weekly batches. Some will receive their letter earlier than others, Mendez said.

They then have 90 days to comply if they want to retain their monthly check.

Those who will qualify for continued aid have worked and earned 40 quarters of coverage, Mendez said.

It can be the individual, a parent, a husband, a wife or the combination of a couple's work to arrive at the 40 quarters total, he said.

Mendez said he is urging concerned recipients, some of whom have lived in the United States for 20 or 30 years, to earn their U.S. citizenship.

"I refer a lot of them to the public library for their citizenship program," Mendez said. He's been told it takes about eight months from the time a person applies until he or she meets the citizenship requirements.

As well, the person must have been a permanent U.S. resident for five years. Those married to a citizen can apply after three years.

Mendez said he's heard from worried residents who say they will have to give up their independence and move in with a family member, while others will be left with no choice but to leave Nogales and move to Mexico.

For additional information, call the Social Security Administration at 1-800-772-1213.

TRIBUTE TO SENATOR WENDELL H. FORD OF KENTUCKY

Ms. MIKULSKI. Mr. President, with sadness, I rise today to pay tribute to a remarkable Member of this body and a very dear friend, the senior Senator from Kentucky, WENDELL FORD. Senator FORD has announced his retirement after a third of a century in public service, including the last 22 years in the U.S. Senate. When WENDELL FORD leaves the Senate at the end of next year to return to his family and his beloved Kentucky, I will miss his leadership and his friendship tremendously.

For the past 3 years, it has been my pleasure to serve with Senator FORD in the Democratic leadership in my capacity as conference secretary. Since 1990 Senator FORD has served in the leadership as Democratic whip, where he has been an energetic leader and has had a positive impact on the Senate's agenda. During the years I have served with him I have appreciated his good

advice and his no-nonsense style. Senator FORD's insights into the issues and problems we address in the Senate, as well as his good word, have made him a valuable and trusted leader. Our leadership, the Senate, and most of all the State of Kentucky have greatly benefited from his service.

Throughout his career in public service, Senator FORD has remained true to his constituents by being a strong advocate for his home State of Kentucky. He knows that a Senator's ultimate responsibility is to the people of his State. As a result of his advocacy and his honesty, Kentucky voters have returned him to Washington three times with landslide election victories.

Senator FORD has also served as an advocate for the Senate. As chairman of the Rules Committee he has helped ensure the smooth operation of the Senate and has been a leader in looking for ways to make the Senate work more efficiently. As a member of the Committees on Commerce, Science, and Transportation, as well as Energy and Natural Resources, Senator FORD has been at the center of many of our most important national debates.

I believe that I speak for all of my colleagues when I say that the departure of Senator FORD will leave a huge void in this institution. He has been an effective leader, a strong legislator, a fearless defender of his State, and a good friend. As he approaches retirement, I want to thank WENDELL FORD for his service to his country and congratulate him for his extraordinary career. We will truly miss him.

THE 86TH BIRTHDAY OF ARNOLD ARONSON

Mr. LEAHY. Mr. President, I come to the Senate floor to wish Arnie Aronson a happy 86th birthday and to commend him on his many achievements.

Arnie has been working for civil rights for over 50 years. He began at a time when help wanted ads openly specified "Gentile only" or "Irish need not apply." In the early 1940's he organized a coalition of religious, ethnic, civil rights, social welfare, and labor organizations into the Chicago Council Against Religious and Racial Discrimination. By 1950 he was working with Roy Wilkins and many others to organize support for President Truman's proposed civil rights effort and engineered the combination of national organizations that created the Leadership Conference on Civil Rights.

He and the leadership Conference were instrumental in the enactment of the first extensive Federal civil rights laws since Reconstruction, the landmark 1964 Civil Rights Act, the fundamental Voting Rights Act of 1965, and the pivotal Fair Housing Act of 1968. They have been critical to our civil rights efforts at every turn ever since.

The statement of purpose he drafted for the Leadership Conference says a great deal about this extraordinary man and his dedication to the rights of all:

> We are committed to an integrated, democratic, plural society in which every individual is accorded equal rights, equal opportunities and equal justice and in which every group is accorded an equal opportunity to enter fully into the general life of the society with mutual acceptance and regard for difference.

Arnie went on to help organize clergy, churches, and synagogues. He was a founding member of the National Urban Coalition and a charter member of Common Cause. In the last 10 years, while well in his 70's, he assumed the presidency of the Leadership Conference Education Fund and helped invigorate its educational and public service activities.

While he gave leadership and inspiration to the country he never forgot his family. I know the influence he had on his niece and nephew, Jenette and Si Kahn.

Their lives were changed as were ours. I wish him a happy birthday.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 10, the Federal debt stood at $5,354,330,021,048.50.

One year ago, March 10, 1996, the Federal debt stood at $5,017,404,000,000.

Five years ago, March 10, 1992, the Federal debt stood at $3,848,675,000,000.

Ten years ago, March 10, 1987, the Federal debt stood at $2,249,369,000,000.

Fifteen years ago, March 10, 1982, the Federal debt stood at $1,048,663,000,000 which reflects a debt increase of more than $4 trillion, $4,305,667,021,048.50 during the past 15 years.

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.)

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–1342. A communication from the Acting Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures from April 1 through September 30, 1996; to the Committee on Appropriations.

EC–1343. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Child Nutrition Programs, (RIN0584–AC15) received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1344. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to approval of applications, received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1345. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to financial reports, received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1346. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule relative to contract market review, received on March 10, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1347. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to brucellosis in cattle, received on March 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1348. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to quarantine regulations, received on March 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1349. A communication from the Assistant Secretary for Human Resources and Administration, Department of Energy, transmitting, pursuant to law, the 1996 annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC–1350. A communication from the Director of Fiscal Services, Department of the Interior, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1351. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1352. A communication from the Assistant Secretary of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1353. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the 1996 annual report of the Bank under the Freedom of Information Act; to the Committee on the Judiciary.

EC–1354. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the 1995 annual report of the Bank under the Freedom of Information Act; to the Committee on the Judiciary.

EC–1355. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to

law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1356. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1357. A communication from the General Counsel of the National Science Foundation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1358. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1359. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1360. A communication from the Acting Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1361. A communication from the Secretary of Defense, transmitting, pursuant to law, the notice concerning a retirement; to the Committee on Armed Services.

EC–1362. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a rule entitled "National Flood Insurance Program" (RIN3067–AC54) received on March 6, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1363. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, the report relative to Regular Trade Adjustment Assistance for fiscal year 1997; to the Committee on Finance.

EC–1364. A communication from the Director of the U.S. Information Agency, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999; to the Committee on Foreign Relations.

EC–1365. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "The National Vaccine Injury Compensation Program" (RIN0906–AA36) received on March 10, 1997; to the Committee on Labor and Human Resources.

EC–1366. A communication from the Congressional Affairs Officer of the Federal Election Commission, transmitting, an errata sheet; to the Committee on Rules and Administration.

EC–1367. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Veterans' Affairs.

EC–1368. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of rules received on March 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1369. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twenty rules including a rule relative to Airworthiness Directives (RIN2120–AA64, AA65, AA66, AE47, AE92); to the Committee on Commerce, Science, and Transportation.

EC–1370. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology for 1996; to the Committee on Commerce, Science, and Transportation.

EC–1371. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, five rules including a rule entitled "American Lobster Fishery" (RIN0648–XX81, AJ48, XX72); to the Committee on Commerce, Science, and Transportation.

EC–1372. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a program for flood damage reduction; to the Committee on Environment and Public Works.

EC–1373. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules including a rule entitled "Clofencet" (FRL5679–4, 5591–9, 5593–1, 5592–2, 5591–7) received on March 6, 1997; to the Committee on Environment and Public Works.

EC–1374. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule entitled "Truck Size and Weight" (RIN2125–AE08) received on March 6, 1997; to the Committee on Environment and Public Works.

EC–1375. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered Status" (RIN1018–AC85) received on March 10, 1997; to the Committee on Environment and Public Works.

EC–1376. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1377. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996 and the report of the Office of Inspector General for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–1378. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, a rule entitled "Executive Agency Ethics Training Program Regulation Amendments" (RIN3209–AA07) received on March 6, 1997; to the Committee on Governmental Affairs.

EC–1379. A communication from the Human Resources Manager of CoBank, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Governmental Affairs.

EC–1380. A communication from the Executive Director of the D.C. Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report concerning procurement; to the Committee on Governmental Affairs.

EC–1381. A communication from the Chief Financial Officer of the Export-Import Bank, transmitting, pursuant to law, a report for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1382. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report relative to the correctional complex in Lorton, Virginia; to the Committee on Governmental Affairs.

EC–1383. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–533 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC–1384. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–534 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC–1385. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–15 adopted by the Council on February 4, 1997; to the Committee on Governmental Affairs.

EC–1386. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–5 adopted by the Council on February 4, 1997; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

Keith R. Hall, of Maryland, to be an Assistant Secretary of the Air Force.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOND (for himself, Mr. LOTT, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. COCHRAN, Mr. KOHL, Mr. INOUYE, Mr. MOYNIHAN, Mr. CHAFEE, Mr. DASCHLE, Mr. BREAUX, Mr. HELMS, Mr. WYDEN, Mr. KERREY, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, Mr. BINGAMAN, and Mr. DORGAN):

S. 419. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself and Mr. BUMPERS):

S. 420. A bill to amend the Internal Revenue Code of 1986 to phase in by the year 2000 a 100 percent deduction for the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 421. A bill to amend title 35, United States Code, to establish the Patent and Trademark Office as a Government corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. JEFFORDS, and Mr. DODD):

S. 422. A bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic

discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act; to the Committee on Labor and Human Resources.

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

S. 423. A bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 424. A bill to adjust the Federal medical assistance percentage determined for Alaska under the medicaid program to reflect Alaska's cost-of-living; to the Committee on Finance.

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

S. 425. A bill to provide for an accurate determination of the cost of living; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND (for himself, Mr. LOTT, Mr. HOLLINGS, Mr. HUTCHINSON, Mr. COCHRAN, Mr. KOHL, Mr. INOUYE, Mr. MOYNIHAN, Mr. CHAFEE, Mr. DASCHLE and Mr. BREAUX):

S. 419. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

THE BIRTH DEFECTS PREVENTION ACT OF 1997

Mr. BOND. Mr. President, I rise today to introduce the Birth Defects Prevention Act of 1997. I introduce this on behalf of myself, Senators LOTT, DASCHLE, HOLLINGS, HUTCHINSON of Arkansas, COCHRAN, KOHL, INOUYE, MOYNIHAN, CHAFEE, and BREAUX.

The March of Dimes and their volunteers are here today to lend support to an often overlooked, but a very compelling health care problem in the United States today. Many people do not realize that birth defects are the leading cause of infant deaths in the United States. This year alone, an estimated 150,000 babies will be born with a serious birth defect, and one out of every five of these babies will die. Nationally, birth defects affect 3 percent of all births, and among the babies who survive, birth defects are a significant cause of lifelong disability. Depending on the particular type of problem and its severity, special medical treatment, education, rehabilitation and other services may be required into adulthood, costing billions of dollars each year.

A 1995 Centers for Disease Control and Prevention report revealed that the lifetime cost for just 18 common birth defects occurring in a single year is $8 billion. Yet, only about 22 percent of those born with birth defects are included in these figures. And, of course, it is impossible to measure the pain and the heartache that birth defects cause.

Let me share with you just a couple of experiences I have had in Missouri. I have worked for a long time to improve children's health. I appropriated money in the early 1970's in Missouri to fund the high-cost, but highly effective, neonatal care units at our hospitals. They do a wonderful job of saving very-low-birth-weight babies and babies with severe defects. But that is not enough. We can do some things to lower the incidence of birth defects, and birth defects can strike any family.

I know, many people say one of the real problems is we have too many young women, often unmarried, who do not know that you cannot use tobacco or alcohol or drugs during pregnancy without expecting a bad birth outcome.

But there are many other things that we have only recently learned that are extremely important. Four hundred milligrams a day of folic acid, vitamin B, for women of childbearing years can substantially reduce the risk of a child born with spina bifida. A very good friend of ours had a child born with spina bifida. He was a wonderful young man, but he has had to go through many expensive operations. His parents went through much heartache, and he still is not able to move as the rest of us can.

Birth defects can be dealt with if we have a concerted national strategy to direct the Centers for Disease Control to collect the information on birth defects, to provide funding and support in research at the State level and to set up five regional centers to deal with birth defects. A few years ago, the incidence of birth defects became a very major concern in certain Hispanic communities in southwest Texas, and, as a result, the Hispanic caucus joined with me in past years, in past sessions of Congress, to sponsor this legislation.

We were able to appropriate some moneys for the Centers for Disease Control, but we have not been able to establish a national strategy, maybe because there are not lobbyists for those who have not yet been born who may be at risk of birth defects, but there are effective spokespeople, like the March of Dimes, the American Academy of Pediatrics, and a long list of distinguished organizations.

The time has come to join with them, with the Easter Seals Society, the American Hospital Association, and all of the other organizations, in developing and directing the Centers for Disease Control to work with States and local governments to survey birth defects, to bring together the information on birth defects so that researchers have a means of dealing with it.

Mr. President, birth defects are the leading cause of infant death in the United States. This year alone, an estimated 150,000 babies will be born with a serious birth defect, and 1 out of every 5 of these babies will die.

In addition, birth defects affect 3 percent of all births nationally.

Among babies who survive, birth defects are a significant cause of lifelong disability. Depending on the particular type of problem and its severity, special medical treatment, education, rehabilitation, and other services may be required into adulthood—costing billions of dollars each year.

A 1995 Centers for Disease Control and Prevention report revealed that the lifetime cost for just 18 common birth defects occurring in a single year is $8 billion—yet only about 22 percent of those born with birth defects are included in these figures.

And, of course, it is impossible to measure the pain and heartache that birth defects cause.

It may surprise you to learn that the United States does not have a coordinated strategy for reducing the incidence of birth defects. It is both shocking and disappointing how few Federal resources are devoted to prevent this tragic, perhaps even partly preventable public health problem.

So today, in an effort to tackle this devastating problem head on, I am introducing the Birth Defects Prevention Act of 1997. Congressmen SOLOMON ORTIZ and HENRY BONILLA are simultaneously introducing this bill in the House of Representatives.

This bill will prioritize our efforts and make congressional intent clear—more resources should be directed to the prevention of the leading killer of babies, birth defects.

An unfortunate situation in the State of Texas a few years ago exemplifies how the lack of a birth defects prevention strategy delayed the response to an outbreak of birth defects and may have needlessly cost innocent lives. Health professionals in Texas observed that six infants were born with anencephaly over a 6-week period. Anencephaly is a fetal birth defect characterized by an absence of brain tissue.

The Texas Department of Health conducted a study after this information was reported. The study revealed that since 1989, at least 30 infants in south Texas had been born without or with little brain tissue. However, because Texas did not have a birth defects surveillance program, the severity of the problem was not recognized until the incidence of anencephaly was so high that it was difficult to miss.

This tragic event in south Texas underscores the need for a coordinated national effort to research the causes of birth defects and to prevent such defects from occurring in the first place. A little prevention goes a long way in preventing family pain and heartache. It is up to our Nation to seize on this excellent opportunity to protect our most vulnerable resources—our children.

To achieve the goal of protecting our Nation's kids, this legislation does several things.

First, the bill provides Federal grants to State health authorities for the purpose of collecting, analyzing, and reporting birth defects statistics. Today, only about half of the States have some kind of birth defects surveillance system.

Second, this legislation calls for the establishment of at least five regional centers of birth defects prevention research. These regional programs will collect and analyze information on the number, incidence, and causes of birth defects within a region as well as provide education and training for health professionals aimed at the prevention of birth defects.

At least one of the centers will focus on birth defects among ethnic minorities.

Third, the Centers for Disease Control and Prevention [CDC] is directed to be the coordinating agency for birth defects prevention activities. The CDC will serve as a clearinghouse for the collection and storage of data generated from State and regional birth defects monitoring programs.

Finally, grants will be available to State departments of health, universities, or other private, or nonprofit entities to develop and implement birth defect prevention strategies, such as programs using folic acid vitamin supplements to prevent spina bifida and alcohol avoidance strategies to prevent fetal alcohol syndrome.

Again, when we talk about birth defects, it is important to note that many birth defects are preventable. For instance, we now know that a simple 400 mg dose of the B vitamin folic acid each day could prevent 50 to 70 percent of all cases of spina bifida and anencephaly—saving about $245 million annually and more importantly, saving some families the heart ache that many of us have witnessed friends and families go through.

We must broaden public and professional awareness of birth defects and prevention opportunities, and we must have a coordinated national strategy to achieve this goal.

The economic and emotional burden of birth defects on families and society as a whole presents a vivid, human picture of the need for a national research and prevention strategy.

Although infant mortality in the United States has been falling steadily over the past few decades, 25 other countries have lower infant mortality rates than the United States.

This bill is an important step in improving the health of our Nation. The tragedy of birth defects compels our Nation to become a stronger partner for charitable and medical groups in fulfilling our obligation to protect our Nation's most vulnerable population. Let us hope that more tragedies are not necessary to push Congress into action.

This legislation has the support of many national organizations, including: the March of Dimes Foundation, the Spina Bifida Association of America, American Academy of Pediatrics, National Association of Children's Hospitals, the National Easter Seals Society, American Association of Mental Retardation, Association of Maternal and Child Health Programs, and the American Hospital Association.

The bill also has broad bipartisan support.

Let me conclude by taking special note of the help of the National and Missouri March of Dimes, as well as numerous health and child advocate organizations, for their assistance in developing and advocating this legislation. Specifically, I wish to thank Dr. Jennifer Howse, Jo Merrill, and Marina Weiss of the March of Dimes for their persistence and commitment to this endeavor.

Mr. President, I send a copy of the bill to the desk and ask unanimous consent that it be printed in the RECORD.

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

S. 419

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

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Birth Defects Prevention Act of 1997".

(b) FINDINGS.—The Congress makes the following findings:

(1) Birth defects are the leading cause of infant mortality, directly responsible for one out of every five infant deaths.

(2) Thousands of the 150,000 infants born with a serious birth defect annually face a lifetime of chronic disability and illness.

(3) Birth defects threaten the lives of infants of all racial and ethnic backgrounds. However, some conditions pose excess risks for certain populations. For example, compared to all infants born in the United States, Hispanic-American infants are more likely to be born with anencephaly spina bifida and other neural tube defects and African-American infants are more likely to be born with sickle-cell anemia.

(4) Birth defects can be caused by exposure to environmental hazards, adverse health conditions during pregnancy, or genetic mutations. Prevention efforts are slowed by lack of information about the number and causes of birth defects. Outbreaks of birth defects may go undetected because surveillance and research efforts are underdeveloped and poorly coordinated.

SEC. 2. BIRTH DEFECTS PREVENTION AND RESEARCH PROGRAM.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317F the following:

"BIRTH DEFECTS PREVENTION AND RESEARCH PROGRAMS

"SEC. 317G. (a) NATIONAL BIRTH DEFECTS SURVEILLANCE PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control, may award grants to, enter into cooperative agreements with, or provide direct technical assistance in lieu of cash to States, State health authorities, or health agencies of political subdivisions of a State for collection, analysis, and reporting of birth defects statistics from birth certificates, infant death certificates, hospital records, or other sources and to collect and disaggregate such statistics by gender and racial and ethnic group.

"(b) CENTERS OF BIRTH DEFECTS PREVENTION RESEARCH.—

"(1) IN GENERAL.—The Secretary shall establish at least five regional birth defects monitoring and research programs for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of birth defects, to include information regarding gender and different racial and ethnic groups, including Hispanics, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(2) AUTHORITY FOR AWARDS.—For purposes of paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control, may award grants or enter into cooperative agreements with State departments of health, universities, or other private, nonprofit entities engaged in research to enable such entities to serve as Centers of Birth Defects Prevention Research.

"(3) APPLICATION.—To be eligible for grants or cooperative agreements under paragraph (2), the entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may prescribe, including assurances that—

"(A) the program will collect, analyze, and report birth defects data according to guidelines prescribed by the Director of the Centers for Disease Control;

"(B) the program will coordinate States birth defects surveillance and prevention efforts within a region;

"(C) education, training, and clinical skills improvement for health professionals aimed at the prevention and control of birth defects will be included in the program activities;

"(D) development and evaluation of birth defects prevention strategies will be included in the program activities, as appropriate; and

"(E) the program funds will not be used to supplant or duplicate State efforts.

"(4) CENTERS TO FOCUS ON RACIAL AND ETHNIC DISPARITIES IN BIRTH DEFECTS.—One of the Centers of Birth Defects Prevention Research shall focus on birth defects among ethnic minorities, and shall be located in a standard metropolitan statistical area that has over a 60 percent ethnic minority population, is federally designated as a health professional shortage area, and has an incidence of one or more birth defects more than four times the national average.

"(c) CLEARINGHOUSE.—The Centers for Disease Control shall serve as the coordinating agency for birth defects prevention activities through establishment of a clearinghouse for the collection and storage of data and generated from birth defects monitoring programs developed under subsections (a) and (b). Functions of such clearinghouse shall include facilitating the coordination of research and policy development to prevent birth defects. The clearinghouse shall disaggregate data by gender and by racial and ethnic groups, the major Hispanic subgroups, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(d) PREVENTION STRATEGIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, shall award grants to or enter into cooperative agreements with State departments of health, universities, or other

private, or nonprofit entities to enable such entities to develop, evaluate and implement prevention strategies designed to reduce the incidence and effects or birth defects including—

"(A) demonstration projects for the prevention of birth defects, including—

"(i) at least one project aimed at enhancing prevention services in a 'high-risk area' that has a proportion of birth to minority women above the national average, is federally designated as a health professional shortage area, and has a high incidence of one or more birth defects; and

"(ii) at least one outcome research project to study the effectiveness of infant interventions aimed at amelioration of birth defects; and

"(B) public information and education programs for the prevention of birth defects, including but not limited to programs aimed at educating women on the need to consume the daily amount of folic acid (pteroylmon oglutomic acid) as recommended by the Public Health Service and preventing alcohol and illicit drug use during pregnancy in a manner which is sensitive to the cultural and linguistic context of a given community.

"(2) CONSULTATION.—In carrying out programs under this subsection, the Secretary, acting through the Centers for Disease Control and Prevention, shall consult with State and local governmental agencies, managed care organizations, nonprofit organizations, physicians, and other health professionals and organizations.

"(e) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish an Advisory Committee for Birth Defects Prevention (in this subsection referred to as the 'Committee'). The Committee shall provide advice and recommendations on prevention and amelioration of birth defects to the Secretary and the Director of the Centers for Disease Control.

"(2) FUNCTIONS.—With respect to birth defects prevention, the Committee shall—

"(A) make recommendations regarding prevention research and intervention priorities;

"(B) study and recommend ways to prevent birth defects, with emphasis on emerging technologies;

"(C) identify annually the important areas of government and nongovernment cooperation needed to implement prevention strategies;

"(D) identify research and prevention strategies which would be successful in addressing birth defects disparities among the major Hispanic subgroups, non-Hispanic whites, African Americans, Native Americans, and Asian Americans; and

"(E) review and recommend policies and guidance related to birth defects research and prevention.

"(3) COMPOSITION.—The Committee shall be composed of 15 members appointed by the Secretary, including—

"(A) four health professionals, who are not employees of the United States, who have expertise in issues related to prevention of or care for children with birth defects;

"(B) two representatives from health professional associations;

"(C) four representatives from voluntary health agencies concerned with conditions leading to birth defects or childhood disability;

"(D) five members of the general public, of whom at least three shall be parents of children with birth defects or persons having birth defects; and

"(E) representatives of the Public Health Service agencies involved in birth defects research and prevention programs and representatives of other appropriate Federal agencies, including but not limited to the Department of Education and the Environmental Protection Agency, shall be appointed as ex officio, liaison members for purposes of informing the Committee regarding Federal agency policies and practices;

"(4) STRUCTURE.—

"(A) TERM OF OFFICE.—Appointed members of the Committee shall be appointed for a term of office of 3 years, except that of the members first appointed, 5 shall be appointed for a term of 1 year, 5 shall be appointed for a term of 2 years, and 5 shall be appointed for a term of 3 years, as determined by the Secretary.

"(B) MEETINGS.—The Committee shall meet not less than three times per year and at the call of the chair.

"(C) COMPENSATION.—Members of the Committee who are employees of the Federal Government shall serve without compensation. Members of the Committee who are not employees of the Federal Government shall be compensated at a rate not to exceed the daily equivalent of the rate in effect for grade GS–18.

"(f) REPORT.—The Secretary shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a biennial report regarding the incidence of birth defects, the contribution of birth defects to infant mortality, the outcome of implementation of prevention strategies, and identified needs for research and policy development to include information regarding the various racial and ethnic groups, including Hispanic, non-Hispanic whites, African Americans, Native Americans, and Asian Americans.

"(g) APPLICABILITY OF PRIVACY LAWS.—The provisions of this section shall be subject to the requirements of section 552a of title 5, United States Code. All Federal laws relating to the privacy of information shall apply to the data and information that is collected under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) For the purpose of carrying out subsections (a), (b), and (c), there are authorized to be appropriated $15,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.

"(2) For the purpose of carrying out subsection (d), there are authorized to be appropriated $15,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 and 2001.

"(3) For the purpose of carrying out subsections (e) and (f), there are authorized to be appropriated $2,000,000 for each of the fiscal years 1998 through 2001.".

By Mr. DORGAN (for himself and Mr. BUMPERS):

S. 420. A bill to amend the Internal Revenue Code of 1986 to phase in by the year 2000 a 100 percent deduction for the health insurance costs of self-employed individuals; to the Committee on Finance.

THE HEALTH INSURANCE COST TAX EQUITY ACT OF 1997

• Mr. DORGAN. Mr. President, today I rise to introduce the Health Insurance Cost Tax Equity Act of 1997, which is legislation to finally put our Nation's sole proprietors on par with their larger corporate competitors with respect to the tax treatment of health insurance costs.

Last summer in the Health Insurance Portability and Accountability Act, Congress took a great stride in addressing one of urgent tax matters facing our family farmers and ranchers. This act, which was passed by Congress and signed into law by the President, included a proposal to increase the amount that farmers, ranchers and other sole proprietors may deduct for their health insurance costs to 80 percent by the year 2006, a significant improvement from its current level of 40 percent.

But we cannot stop at this point. It is indefensible that our tax laws tell some of our biggest corporations that they still can deduct 100 percent of their health insurance costs, while others, mostly smaller businesses, are told they can deduct only a smaller share of their health insurance costs.

This provision is absolutely critical to the health care concerns of farmers, ranchers and small business owners who conduct their businesses as sole proprietors. That is why I'm reintroducing legislation this year to ensure complete fairness in the Tax Code for sole proprietors who acquire health insurance coverage for themselves and their families. My bill will increase the deduction for the health insurance costs of the self-employed to 60 percent and 80 percent in 1998 and 1999, respectively. After that, Americans who work for themselves could deduct 100 percent of their insurance costs, just as large corporations do.

The health of a farm family or small business owner is no less important than the health of the president of a large corporation, and the Internal Revenue Code should reflect this simple fact.

I urge my colleagues to cosponsor this legislation. It promotes tax justice and the well-being of our independent producers and the entire country.•

By Mr. LAUTENBERG:

S. 421. A bill to amend title 35, United States Code, to establish the Patent and Trademark Office as a Government corporation, and for other purposes; to the Committee on the Judiciary.

THE PATENT AND TRADEMARK OFFICE REFORM ACT

• Mr. LAUTENBERG. Mr. President, today I reintroduce the Patent and Trademark Office Reform Act, a bill to establish the Patent and Trademark Office as a Government corporation and to provide needed reforms to its operations. The handful of changes I have made from the legislation I sponsored in the last Congress are designed to provide assurance to the Office's users that their fees will only be applied toward Patent and Trademark Office purposes and additional protections to the Office's employees.

Our country's Patent and Trademark Office is one of the finest in the world. It has been and continues to be integral to America's competitiveness and economic growth. It is no exaggeration to state that tens of millions of jobs have been created as a result of the PTO's actions. I have seen first-hand the benefits of this Office in my home State of New Jersey, which although it is the ninth most populated State in the Union, receives the third largest number of patents per capita. Despite the comparative quality of work of the current PTO, laws and regulations outside of the control of the PTO's management have prevented it from being as efficient as it should be, and as its users deserve. And unless remedied by legislation, certain circumstances that I will detail below will cause PTO's performance to decrease dramatically.

The Patent and Trademark Office is currently subject to the same procurement and personnel requirements, including personnel ceilings, as other Federal agencies. While these requirements make sense and, indeed, are essential for other Government entities, they hinder the effectiveness of the PTO and are not appropriate for a completely user fee-funded agency. By converting the PTO into a Government corporation, we would free the Office from most of these laws and regulations, but would keep its inherently governmental function within the Federal Government and its work would be continued by federal employees.

Mr. President, the new PTO will be a wholly owned Government corporation run by a commissioner and two assistants. They will report to the Secretary of Commerce on patent and trademark policy matters only. Like my bill from the last Congress, I have inserted a firewall to prevent the Commerce Department from interfering with internal management decisions of the Office, as opposed to policy decisions. My legislation establishes an Office of the Under Secretary for Intellectual Property within the Commerce Department. The Under Secretary will ensure both attention to intellectual property issues at the Cabinet level and a coordinated Government approach to these matters.

The new PTO will be able to procure equipment, supplies, even office space without the constraints of the Brooks Act, the Public Buildings Act, and the Federal Property and Administrative Services Act. These changes are in response to criticism of undue procurement delays that have resulted in lower quality products at higher costs to the Office. My legislation would also permit PTO to lease, buy, or build office space that is more practical for PTO's needs. Currently, PTO is spread throughout over a dozen buildings, which is not only inconvenient for its employees, it's inefficient.

Much of the work performed at the PTO requires specialized skills. Those skills are the main reason that the PTO's employees are so highly sought by the private sector. Limited by the general schedule and an overly structured employee classification system, the Office has been hindered in its ability to retain a large number of its workers. My legislation will enable the new PTO to provide its employees with competitive pay so that it might keep and hire top talent. The Office will no longer be subject to personnel ceilings, including those established in the Federal WorkForce Restructuring Act of 1994. There will also be a one-year carry-over of all PTO employees during the transition from the current PTO to the PTO as a Government corporation.

One of the more significant differences between the bill I am introducing today and the one I sponsored last Congress involves personnel issues. Although both bills give the new PTO the flexibility to competitively compensate its employees, S. 421 permits collective bargaining over pay and other important terms and conditions of employment. This increased employee participation will provide an essential balance to needed managerial flexibility. I have also established a floor on basic pay for current PTO employees so that they will be assured of receiving no less than they do now after PTO becomes a Government corporation.

Mr. President, this bill would give the users, who have fully funded the Office's operations since 1991, an advisory role over such matters as PTO's performance, fees, and budget. This advisory board will review and recommend changes to promote the Office's patent and trademark operations. This board will be comprised of 12 persons selected by the President and Congress who will serve for 4-year terms and who will meet at least quarterly. The Commissioner is required to consult with the board prior to changing or proposing to change fees or regulations. The board will submit an annual report containing its review of the Office to the President, the Commissioner, and Congress.

In addition to the oversight of the Office's operations provided by the advisory board, I have included safeguards to ensure the new PTO remains accountable to Congress and its users. The new Office will have its own inspector general, who will be appointed by the President, to investigate waste, fraud, and abuse. The Office's annual financial statements will be audited by either an independent CPA or the Comptroller General, and the results of such audits shall be provided to Congress. Furthermore, the new PTO is required to submit annual management reports to Congress and business-like budgets to the President. These reports and budgets must include statements on cash flows, operations, financial position, and internal accounting and administrative control systems.

Congress will continue to set the user fees for the new Office, and thus, control, to a large extent, the PTO's revenue stream. This should provide comfort to my colleagues and the PTO's users concerned that, with its newfound freedom, the Office will move into plush offices or pay its employees unwarranted sums. I realize the decision to keep the fee-setting authority with Congress is counter to most government corporations. Hopefully we can revisit this issue in a few years after we see how well the new PTO is performing.

Mr. President, there is one last difference between S. 421 and the bill I introduced 2 years ago that I would like to discuss today and that involves the patent surcharge fee. When Congress created the patent surcharge fee in the Omnibus Budget Reconciliation Act of 1990, it was done to make the Office completely user fee funded, and therefore, to reduce the budget deficit. Although the surcharge, which amounted to an almost 70 percent increase in fees, was intended to be applied only to Patent and Trademark Office uses, Congress has diverted approximately $140 million over the past 6 fiscal years for unrelated purposes. Until this year, the administration has not advocated, nor even supported, such action. In the President's proposed budget for fiscal year 1998, however, over $90 million of the patent surcharge account will be applied for deficit reduction. In following fiscal years, the administration has proposed diverting all of the patent surcharge fees through 2002.

As the ranking Democrat on the Budget Committee, I understand the strain on the administration and on this body to balance the budget. This is a goal supported by colleagues on both sides of the aisle. While I share the administration's budget priorities and commend the President for putting forth a budget that balances in 2002, I regretfully disagree with this component of his budget. Should this proposed diversion be enacted, the PTO would be prevented from hiring over 500 patent examiners this year, and patent pendency rates would double from the current 21 months to an estimated 42 months by 2003. The PTO projects that this delay will reduce PTO's revenues by over $400 million in lost issue and maintenance fees on top of the lost $570 million in surcharge fees. Not only will PTO suffer from this diversion, our economy will as well. Doubling the pendency times will slow the development of new technologies, hurt our productivity, and put us at a competitive disadvantage in the world marketplace.

Mr. President, the legislation I introduced in the last Congress would have ended the patent surcharge fee in October 1, 1998. However, I am now convinced that the PTO needs the fees it should receive from the surcharge to

make necessary hires and improvements to the Office's operations. Therefore, S. 421 continues the surcharge but reclassifies it as an "offsetting collection" like all other PTO user fees rather than an "offsetting receipt." This modification to the 1990 OBRA would ensure that these fees are only applied toward PTO uses.

Mr. President, although I might disagree with the administration on the surcharge diversion issue, the President and the Vice-President, in particular, deserve commendation for their support of reinventing the Patent and Trademark Office. The Vice President has been a tireless advocate on reforming Government and making it more responsive to the public. It is my understanding that the administration will soon send its own PTO reform legislation to Capitol Hill. The legislation I am introducing today is merely the starting point for discussion and I look forward to working with the administration to advance the concepts I have described above.

I would also like to acknowledge the efforts of my colleagues and former colleagues in both Houses for their contributions on this issue. Unbeknownst to many Members, we came very close to enacting PTO government corporation legislation in the last Congress, largely due to the work of Senator HATCH and former Representatives Moorhead and Schroeder. I am pleased to note that Representative Moorhead's successor, Representative COBLE, has continued the momentum and his Judiciary subcommittee favorably reported out a patent bill last week that contained a PTO government corporation section as well as protection against patent surcharge fee diversion.

Mr. President, I hope my colleagues will support this bill, which will provide the means to improve the Patent and Trademark Office's operations and which will make the Office more accountable to its users. I ask unanimous consent that a copy 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. 421

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 "Patent and Trademark Office Reform Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES PATENT AND TRADEMARK OFFICE

Sec. 101. Establishment of Patent and Trademark Office as a Government corporation.
Sec. 102. Powers and duties.
Sec. 103. Organization and management.
Sec. 104. Management Advisory Board.
Sec. 105. Conforming amendments.
Sec. 106. Trademark Trial and Appeal Board.
Sec. 107. Board of Patent Appeals and Interferences.
Sec. 108. Suits by and against the Office.
Sec. 109. Annual report of Commissioner.
Sec. 110. Suspension or exclusion from practice.
Sec. 111. Funding.
Sec. 112. Audits.
Sec. 113. Transfers.
Sec. 114. Nonapplicability of Federal workforce reductions.

TITLE II—EFFECTIVE DATE; TECHNICAL AMENDMENTS

Sec. 201. Effective date.
Sec. 202. Technical and conforming amendments.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. References.
Sec. 302. Exercise of authorities.
Sec. 303. Savings provisions.
Sec. 304. Transfer of assets.
Sec. 305. Delegation and assignment.
Sec. 306. Authority of Director of the Office of Management and Budget with respect to functions transferred.
Sec. 307. Certain vesting of functions considered transfers.
Sec. 308. Availability of existing funds.
Sec. 309. Definitions.

TITLE IV—UNDER SECRETARY FOR INTELLECTUAL PROPERTY

Sec. 401. Under Secretary for Intellectual Property.

TITLE I—UNITED STATES PATENT AND TRADEMARK OFFICE

SEC. 101. ESTABLISHMENT OF PATENT AND TRADEMARK OFFICE AS A GOVERNMENT CORPORATION.

Section 1 of title 35, United States Code, is amended to read as follows:

"§ 1. Establishment

"(a) ESTABLISHMENT.—The United States Patent and Trademark Office is established as a wholly owned Government corporation subject to chapter 91 of title 31, separate from any department of the United States, and shall be an agency of the United States under the policy direction of the Secretary of Commerce. For purposes of internal management, the United States Patent and Trademark Office shall be a corporate body not subject to direction or supervision by any department of the United States, except as otherwise provided in this title.

"(b) OFFICES.—The United States Patent and Trademark Office shall maintain its principal office in the metropolitan Washington, D.C. area, for the service of process and papers and for the purpose of carrying out its functions. The United States Patent and Trademark Office shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located, except where jurisdiction is otherwise provided by law. The United States Patent and Trademark Office may establish satellite offices in such other places as it considers necessary and appropriate in the conduct of its business.

"(c) REFERENCE.—For purposes of this title, the United States Patent and Trademark Office shall also be referred to as the 'Office' and the 'Patent and Trademark Office'.".

SEC. 102. POWERS AND DUTIES.

Section 2 of title 35, United States Code, is amended to read as follows:

"§ 2. Powers and duties

"(a) IN GENERAL.—The United States Patent and Trademark Office shall be responsible for—

"(1) the granting and issuing of patents and the registration of trademarks;

"(2) conducting studies, programs, or exchanges of items or services regarding domestic and international law of patents, trademarks, and related matters, the administration of the Office, or any other function vested in the Office by law, including programs to recognize, identify, assess, and forecast the technology of patented inventions and their utility to industry;

"(3) authorizing or conducting studies and programs cooperatively with foreign patent and trademark offices and international organizations, in connection with the granting and issuing of patents and the registration of trademarks; and

"(4) disseminating to the public information with respect to patents and trademarks.

"(b) SPECIFIC POWERS.—The Office—

"(1) shall have perpetual succession;

"(2) shall adopt and use a corporate seal, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

"(3) may sue and be sued in its corporate name and be represented by its own attorneys in all judicial and administrative proceedings, subject to the provisions of section 7;

"(4) may indemnify the Commissioner, and other officers, attorneys, agents, and employees (including members of the Management Advisory Board established in section 5) of the Office for liabilities and expenses incurred within the scope of their employment;

"(5) may adopt, amend, and repeal bylaws, rules, regulations, and determinations, which—

"(A) shall govern the manner in which its business will be conducted and the powers granted to it by law will be exercised;

"(B) shall be made after notice and opportunity for full participation by interested public and private parties;

"(C) shall facilitate and expedite the processing of patent applications, particularly those which can be filed, stored, processed, searched, and retrieved electronically, subject to the provisions of section 122 relating to the confidential status of applications; and

"(D) may govern the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Office, and may require them, before being recognized as representatives of applicants or other persons, to show that they are of good moral character and reputation and are possessed of the necessary qualifications to render to applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office;

"(6) may acquire, construct, purchase, lease, hold, manage, operate, improve, alter, and renovate any real, personal, or mixed property, or any interest therein, as it considers necessary to carry out its functions;

"(7)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 and following), the Public Buildings Act (40 U.S.C. 601 and following),

and the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 and following); and

"(B) may enter into and perform such purchases and contracts for printing services, including the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it considers necessary to carry out the functions of the Office, without regard to sections 501 through 517 and 1101 through 1123 of title 44;

"(8) may use, with their consent, services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government, on a reimbursable basis, and cooperate with such other departments, agencies, and instrumentalities in the establishment and use of services, equipment, and facilities of the Office;

"(9) may obtain from the Administrator of General Services such services as the Administrator is authorized to provide to other agencies of the United States, on the same basis as those services are provided to other agencies of the United States;

"(10) when the Commissioner determines that it is practicable, efficient, and cost-effective to do so, may use, with the consent of the United States and the agency, government, or international organization concerned, the services, records, facilities, or personnel of any State or local government agency or instrumentality or foreign government or international organization to perform functions on its behalf;

"(11) may determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid, subject to the provisions of this title and the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946');

"(12) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office, including for research and development and capital investment;

"(13) shall have the priority of the United States with respect to the payment of debts from bankrupt, insolvent, and decedents' estates;

"(14) may accept monetary gifts or donations of services, or of real, personal, or mixed property, in order to carry out the functions of the Office;

"(15) may execute, in accordance with its bylaws, rules, and regulations, all instruments necessary and appropriate in the exercise of any of its powers; and

"(16) may provide for liability insurance and insurance against any loss in connection with its property, other assets, or operations either by contract or by self-insurance.

"(c) CONSTRUCTION.—Nothing in this section shall be construed to nullify, void, cancel, or interrupt any pending request-for-proposal let or contract issued by the General Services Administration for the specific purpose of relocating or leasing space to the United States Patent and Trademark Office.".

SEC. 103. ORGANIZATION AND MANAGEMENT.

Section 3 of title 35, United States Code, is amended to read as follows:

"§ 3. Officers and employees

"(a) COMMISSIONER.—

"(1) IN GENERAL.—The management of the United States Patent and Trademark Office shall be vested in a Commissioner of the United States Patent and Trademark Office (in this title referred to as the 'Commissioner'), who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall be a person who, by reason of professional background and experience in patent or trademark law, is especially qualified to manage the Office.

"(2) DUTIES.—

"(A) IN GENERAL.—The Commissioner shall be responsible for the management and direction of the Office, including the issuance of patents and the registration of trademarks, and shall perform these duties in a fair, impartial, and equitable manner.

"(B) ADVISING THE PRESIDENT.—The Commissioner shall advise the President, through the Secretary of Commerce, on the operation of the Office.

"(C) CONSULTING WITH THE MANAGEMENT ADVISORY BOARD.—The Commissioner shall consult with the Management Advisory Board established in section 5 on a regular basis on matters relating to the operation of the Office, and shall consult with the Board before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations.

"(D) SECURITY CLEARANCES.—The Commissioner, in consultation with the Director of the Office of Personnel Management, shall maintain a program for identifying national security positions and providing for appropriate security clearances.

"(3) TERM.—The Commissioner shall serve a term of 5 years, and may continue to serve after the expiration of the Commissioner's term until a successor is appointed and assumes office. The Commissioner may be reappointed to subsequent terms.

"(4) OATH.—The Commissioner shall, before taking office, take an oath to discharge faithfully the duties of the Office.

"(5) COMPENSATION.—The Commissioner shall receive compensation at the rate of pay in effect for level II of the Executive Schedule under section 5313 of title 5 and, in addition, may receive as a bonus awarded by the Secretary, an amount up to the equivalent of the annual rate of basic pay for such level II, based upon an evaluation by the Secretary of Commerce of the Commissioner's performance as defined in an annual performance agreement between the Commissioner and the Secretary. The annual performance agreement shall incorporate measurable goals as delineated in an annual performance plan agreed to by the Commissioner and the Secretary.

"(6) REMOVAL.—The Commissioner may be removed from office by the President. The President shall provide notification of any such removal to both Houses of Congress.

"(7) DESIGNEE OF COMMISSIONER.—The Commissioner shall designate an officer of the Office who shall be vested with the authority to act in the capacity of the Commissioner in the event of the absence or incapacity of the Commissioner.

"(b) OFFICERS AND EMPLOYEES OF THE OFFICE.—

"(1) ASSISTANT COMMISSIONERS.—The Commissioner shall appoint an Assistant Commissioner for Patents and an Assistant Commissioner for Trademarks for terms that shall expire on the date on which the Commissioner's term expires. The Assistant Commissioner for Patents shall be a person with demonstrated experience in patent law and the Assistant Commissioner for Trademarks shall be a person with demonstrated experience in trademark law. The Assistant Commissioner for Patents and the Assistant Commissioner for Trademarks shall be the principal policy and management advisers to the Commissioner on all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively.

"(2) OTHER OFFICERS AND EMPLOYEES.—

"(A) IN GENERAL.—The Commissioner shall—

"(i) appoint such officers, employees (including attorneys), and agents of the Office as the Commissioner considers necessary to carry out the functions of the Office;

"(ii) fix the compensation of such officers and employees, except as otherwise provided in this section; and

"(iii) define the authority and duties of such officers and employees and delegate to them such of the powers vested in the Office as the Commissioner may determine.

"(B) LIMITATIONS.—The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation.

"(c) LIMITS ON COMPENSATION.—Except as otherwise provided by law, the annual rate of basic pay of an officer or employee of the Office may not be fixed at a rate that exceeds, and total compensation payable to any such officer or employee for any year may not exceed, the annual rate of basic pay in effect for the Commissioner for that year involved. The Commissioner shall prescribe such regulations as may be necessary to carry out this subsection.

"(d) INAPPLICABILITY OF TITLE 5 GENERALLY.—Except as otherwise provided in this section, officers and employees of the Office shall not be subject to the provisions of title 5 relating to Federal employees.

"(e) CONTINUED APPLICABILITY OF CERTAIN PROVISION OF TITLE 5.—

"(1) IN GENERAL.—The following provisions of title 5 shall apply to the Office and its officers and employees:

"(A) Section 2302 (relating to prohibited personnel practices).

"(B) Section 3110 (relating to employment of relatives; restrictions).

"(C) Subchapter II of chapter 55 (relating to withholding pay).

"(D) Subchapters II and III of chapter 73 (relating to employment limitations and political activities, respectively).

"(E) Chapter 71 (relating to labor-management relations), subject to paragraph (2) and subsection (g).

"(F) Section 3303 (relating to political recommendations).

"(G) Subchapter II of chapter 61 (relating to flexible and compressed work schedules).

"(2) COMPENSATION SUBJECT TO COLLECTIVE BARGAINING.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of applying chapter 71 of title 5 pursuant to paragraph (1)(D), basic pay and other forms of compensation shall be considered to be among the matters as to which the duty to bargain in good faith extends under such chapter.

"(B) EXCEPTIONS.—The duty to bargain in good faith shall not, by reason of subparagraph (A), be considered to extend to any benefit under title 5 which is afforded by paragraph (1), (2), (3), or (4) of subsection (f).

"(C) LIMITATIONS APPLY.—Nothing in this subsection shall be considered to allow any limitation under subsection (c) to be exceeded.

"(f) PROVISIONS OF TITLE 5 THAT CONTINUE TO APPLY, SUBJECT TO CERTAIN REQUIREMENTS.—

"(1) RETIREMENT.—(A) The provisions of subchapter III of chapter 83 and chapter 84 of title 5 shall apply to the Office and its officers and employees, subject to subparagraph (B).

"(B)(i) The amount required of the Office under the second sentence of section 8334(a)(1) of title 5 with respect to any particular individual shall, instead of the amount which would otherwise apply, be equal to the normal-cost percentage (determined with respect to officers and employees of the Office using dynamic assumptions, as defined by section 8401(9) of such title) of the individual's basic pay, minus the amount required to be withheld from such pay under such section 8334(a)(1).

"(ii) The amount required of the Office under section 8334(k)(1)(B) of title 5 with respect to any particular individual shall be equal to an amount computed in a manner similar to that specified in clause (i), as determined in accordance with clause (iii).

"(iii) Any regulations necessary to carry out this subparagraph shall be prescribed by the Office of Personnel Management.

"(C) The United States Patent and Trademark Office may supplement the benefits provided under the preceding provisions of this paragraph.

"(2) HEALTH BENEFITS.—(A) The provisions of chapter 89 of title 5 shall apply to the Office and its officers and employees, subject to subparagraph (B).

"(B)(i) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the eligibility of such individual to participate in such program as an annuitant (or of any other person to participate in such program as an annuitant based on the death of such individual) shall be determined disregarding the requirements of section 8905(b) of title 5. The preceding sentence shall not apply if the individual ceases to be an officer or employee of the Office for any period of time after becoming an officer or employee of the Office pursuant to subsection (h) and before separation.

"(ii) The Government contributions authorized by section 8906 of title 5 for health benefits for anyone participating in the health benefits program pursuant to this subparagraph shall be made by the Office in the same manner as provided under section 8906(g)(2) of title 5 with respect to the United States Postal Service for individuals associated therewith.

"(iii) For purposes of this subparagraph, the term 'annuitant' has the meaning given such term by section 8901(3) of title 5.

"(C) The Office may supplement the benefits provided under the preceding provisions of this paragraph.

"(3) LIFE INSURANCE.—(A) The provisions of chapter 87 of title 5 shall apply to the Office and its officers and employees, subject to subparagraph (B).

"(B)(i) Eligibility for life insurance coverage after retirement or while in receipt of compensation under subchapter I of chapter 81 of title 5 shall be determined, in the case of any individual who becomes an officer or employee of the Office pursuant to subsection (h), without regard to the requirements of section 8706(b) (1) or (2) of such title, but subject to the condition specified in the last sentence of paragraph (2)(B)(i) of this subsection.

"(ii) Government contributions under section 8708(d) of such title on behalf of any such individual shall be made by the Office in the same manner as provided under paragraph (3) thereof with respect to the United States Postal Service for individuals associated therewith.

"(C) The Office may supplement the benefits provided under the preceding provisions of this paragraph.

"(4) EMPLOYEES' COMPENSATION FUND.—(A) Officers and employees of the Office shall not become ineligible to participate in the program under chapter 81 of title 5, relating to compensation for work injuries, by reason of subsection (d).

"(B) The Office shall remain responsible for reimbursing the Employees' Compensation Fund, pursuant to section 8147 of title 5, for compensation paid or payable after the effective date of the Patent and Trademark Office Reform Act in accordance with chapter 81 of title 5 with regard to any injury, disability, or death due to events arising before such date, whether or not a claim has been filed or is final on such date.

"(g) LABOR-MANAGEMENT RELATIONS.—

"(1) LABOR RELATIONS AND EMPLOYEE RELATIONS PROGRAMS.—The Office shall develop labor relations and employee relations programs with the objective of improving productivity, efficiency, and the quality of working life of Office employees, incorporating the following principles:

"(A) Such programs shall be consistent with the merit principles in section 2301(b) of title 5.

"(B) Such programs shall provide veterans preference protections equivalent to those established by sections 2108, 3308 through 3318, and 3320 of title 5.

"(C)(i) The right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.

"(ii) No person shall be required, as a condition of employment or continuation of employment—

"(I) to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;

"(II) to become or remain a member of a labor organization;

"(III) to pay any dues, fees, assessments, or other charges of any kind or amount to a labor organization;

"(IV) to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro rata portion of dues, fees, assessments, or other charges regularly required of members of a labor organization; or

"(V) to be recommended, approved, referred, or cleared by or through a labor organization.

"(iii) This subparagraph shall not apply to a person described in section 7103(a)(2)(v) of title 5 or a 'supervisor', 'management official', or 'confidential employee' as those terms are defined in section 7103(a) (10), (11), and (13) of such title.

"(iv) Any labor organization recognized by the Office as the exclusive representative of a unit of employees of the Office shall represent the interests of all employees in that unit without discrimination and without regard to labor organization membership.

"(2) ADOPTION OF EXISTING LABOR AGREEMENTS.—The Office shall adopt all labor agreements which are in effect, as of the day before the effective date of the Patent and Trademark Office Reform Act, with respect to such Office (as then in effect).

"(h) CARRYOVER OF PERSONNEL.—

"(1) FROM PTO.—Effective as of the effective date of the Patent and Trademark Office Reform Act, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Office established under this Act or may be reassigned to the Office of the Under Secretary for Intellectual Property, without a break in service.

"(2) OTHER PERSONNEL.—Any individual who, on the day before the effective date of the Patent and Trademark Office Reform Act, is an officer or employee of the Department of Commerce (other than an officer or employee under paragraph (1)) shall be transferred to the Office if—

"(A) such individual serves in a position for which a major function is the performance of work reimbursed by the Patent and Trademark Office, as determined by the Secretary of Commerce;

"(B) such individual serves in a position that performed work in support of the Patent and Trademark Office during at least half of the incumbent's work time, as determined by the Secretary of Commerce; or

"(C) such transfer would be in the interest of the Office, as determined by the Secretary of Commerce in consultation with the Commissioner.

Any transfer under this paragraph shall be effective as of the same effective date as referred to in paragraph (1), and shall be made without a break in service.

"(3) NONSEPARATION.—No person who becomes an officer or employee of the Office under this subsection shall, for a period of 1 year after the effective date of the Patent and Trademark Office Reform Act, be subject to separation as a consequence of the establishment of the Office.

"(4) ACCUMULATED LEAVE.—The amount of sick and annual leave and compensatory time accumulated under title 5 before the effective date described in paragraph (1), by those becoming officers or employees of the Office pursuant to this subsection, are obligations of the Office.

"(5) TERMINATION RIGHTS.—Any employee referred to in paragraph (1) or (2) of this subsection whose employment with the Office is terminated during the 2-year period beginning on the effective date of the Patent and Trademark Office Reform Act shall be entitled to rights and benefits, to be afforded by the Office, similar to those such employee would have had under Federal law if termination had occurred immediately before such date. An employee who would have been entitled to appeal any such termination to the Merit Systems Protection Board, if such termination had occurred immediately before such effective date, may appeal any such termination occurring within this 2-year period to the board under such procedures as it may prescribe.

"(6) CONTINUATION IN OFFICE OF CERTAIN OFFICERS.—(A) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Reform Act may serve as the Assistant Commissioner for Patents until the date on which an Assistant Commissioner for Patents is appointed under subsection (b).

"(B) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Reform Act may serve as the Assistant Commissioner for Trademarks until the date on which an Assistant Commissioner for Trademarks is appointed under subsection (b).

"(i) COMPETITIVE STATUS.—For purposes of appointment to a position in the competitive service for which an officer or employee of

the Office is qualified, such officer or employee shall not forfeit any competitive status, acquired by such officer or employee before the effective date of the Patent and Trademark Office Reform Act, by reason of becoming an officer or employee of the Office pursuant to subsection (h).

"(j) SAVINGS PROVISIONS.—

"(1) IN GENERAL.—Compensation, benefits, and other terms and conditions of employment in effect immediately before the effective date of the Patent and Trademark Office Reform Act, whether provided by statute or by rules and regulations of the former Patent and Trademark Office or the executive branch of the Government of the United States, shall continue to apply to officers and employees of the Office, until changed in accordance with this section (whether by action of the Director or otherwise).

"(2) PROVISIONS SPECIFIC TO BASIC PAY.—(A) With respect to any individual who becomes an officer or employee of the Office pursuant to subsection (h), the rate of basic pay for such officer or employee may not, on or after the effective date of the Patent and Trademark Office Reform Act, be less than the rate in effect immediately before such effective date, except—

"(i) pursuant to a collective-bargaining agreement entered into under this section; or

"(ii) for inefficiency, neglect of duty, or misconduct, on the part of such individual.

"(B) For purposes of this paragraph, the term 'basic pay' includes any amount considered to be part of basic pay for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

"(k) REMOVAL OF QUASI-JUDICIAL EXAMINERS.—The Office may remove a patent examiner or examiner-in-chief, or a trademark examiner or member of a Trademark Trial and Appeal Board, only for such cause as will promote the efficiency of the Office.".

SEC. 104. MANAGEMENT ADVISORY BOARD.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 4 the following:

"§ 5. Patent and Trademark Office Management Advisory Board

"(a) ESTABLISHMENT OF MANAGEMENT ADVISORY BOARD.—

"(1) APPOINTMENT.—The United States Patent and Trademark Office shall have a Management Advisory Board (hereafter in this title referred to as the 'Board') of 12 members, 4 of whom shall be appointed by the President, 4 of whom shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives, and 4 of whom shall be appointed by the majority leader of the Senate in consultation with the minority leader of the Senate.

"(2) TERMS.—Members of the Board shall be appointed for a term of 4 years each, except that of the members first appointed by each appointing authority, 1 shall be for a term of 1 year, 1 shall be for a term of 2 years, and 1 shall be for a term of 3 years. No member may serve more than 1 term.

"(3) CHAIR.—The President shall designate the chair of the Board, whose term as chair shall be for 4 years.

"(4) TIMING OF APPOINTMENTS.—Initial appointments to the Board shall be made within 3 months after the effective date of the Patent and Trademark Office Reform Act, and vacancies shall be filled within 3 months after they occur.

"(5) VACANCIES.—Vacancies shall be filled in the manner in which the original appointment was made under this subsection. Members appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor is appointed.

"(6) COMMITTEES.—The Chair shall designate members of the Board to serve on a committee on patent operations and on a committee on trademark operations to perform the duties set forth in subsection (e) as they relate specifically to the Office's patent operations, and the Office's trademark operations, respectively.

"(b) BASIS FOR APPOINTMENTS.—Members of the Board shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the United States Patent and Trademark Office, and shall include individuals with substantial background and achievement in corporate finance and management.

"(c) APPLICABILITY OF CERTAIN ETHICS LAWS.—Members of the Board shall be special Government employees within the meaning of section 202 of title 18.

"(d) MEETINGS.—The Board shall meet at least quarterly and at any time at the call of the chair to consider an agenda set by the chair.

"(e) DUTIES.—The Board shall—

"(1) review the policies, goals, performance, budget, and user fees of the United States Patent and Trademark Office, and advise the Commissioner on these matters; and

"(2) within 60 days after the end of each fiscal year, prepare an annual report on the matters referred to in paragraph (1), transmit the report to the President, the Commissioner, and the Committees on the Judiciary of the Senate and the House of Representatives, and publish the report in the Patent and Trademark Office Official Gazette.

"(f) COMPENSATION.—Members of the Board shall be compensated for each day (including travel time) during which they are attending meetings or conferences of the Board or otherwise engaged in the business of the Board, at the rate which is the daily equivalent of the annual rate of basic pay in effect for level III of the Executive Schedule under section 5314 of title 5, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

"(g) ACCESS TO ASSISTANCE AND INFORMATION.—

"(1) ASSISTANCE.—The Office shall provide at the request of the Board such assistance as is necessary for the Board to perform its functions.

"(2) INFORMATION.—Members of the Board shall be provided access to records and information in the United States Patent and Trademark Office, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122.".

SEC. 105. CONFORMING AMENDMENTS.

(a) DUTIES.—Chapter 1 of title 35, United States Code, is amended by striking section 6.

(b) REGULATIONS FOR AGENTS AND ATTORNEYS.—Section 31 of title 35, United States Code, and the item relating to such section in the table of sections for chapter 3 of title 35, United States Code, are repealed.

SEC. 106. TRADEMARK TRIAL AND APPEAL BOARD.

Section 17 of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067) is amended to read as follows:

"SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

"(b) The Trademark Trial and Appeal Board shall include the Commissioner, the Assistant Commissioner for Patents, the Assistant Commissioner for Trademarks, and members competent in trademark law who are appointed by the Commissioner.".

SEC. 107. BOARD OF PATENT APPEALS AND INTERFERENCES.

Chapter 1 of title 35, United States Code, is amended by striking section 7 and inserting after section 5 the following:

"§ 6. Board of Patent Appeals and Interferences

"(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the United States Patent and Trademark Office a Board of Patent Appeals and Interferences. The Commissioner, the Assistant Commissioner for Patents, the Assistant Commissioner for Trademarks, and the examiners-in-chief shall constitute the Board. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability.

"(b) DUTIES.—The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a). Each appeal and interference shall be heard by at least 3 members of the Board, who shall be designated by the Commissioner. Only the Board of Patent Appeals and Interferences may grant rehearings.".

SEC. 108. SUITS BY AND AGAINST THE OFFICE.

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 6 the following new section:

"§ 7. Suits by and against the Office

"(a) ACTIONS UNDER UNITED STATES LAW.—Any civil action or proceeding to which the United States Patent and Trademark Office is a party is deemed to arise under the laws of the United States. The Federal courts shall have exclusive jurisdiction over all civil actions by or against the Office.

"(b) REPRESENTATION BY THE DEPARTMENT OF JUSTICE.—The United States Patent and Trademark Office shall be deemed an agency of the United States for purposes of section 516 of title 28.

"(c) PROHIBITION ON ATTACHMENT, LIENS, ETC.—No attachment, garnishment, lien, or similar process, intermediate or final, in law or equity, may be issued against property of the Office.".

SEC. 109. ANNUAL REPORT OF COMMISSIONER.

Section 14 of title 35, United States Code, is amended to read as follows:

"§ 14. Annual report to Congress

"Not later than 180 days after the end of each fiscal year, the Commissioner shall report to Congress the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, and other information relating to the Office. The report under this section shall also meet the requirements of section 9106 of title 31, to the extent that such requirements are not inconsistent with the preceding sentence. The report required under this section shall be deemed to be the report of the United States Patent and Trademark Office under

section 9106 of title 31, and the Commissioner shall not file a separate report under such section.".

SEC. 110. SUSPENSION OR EXCLUSION FROM PRACTICE.

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: "The Commissioner shall have the discretion to designate any attorney who is an officer or employee of the United States Patent and Trademark Office to conduct the hearing required by this section.".

SEC. 111. FUNDING.

(a) IN GENERAL.—Chapter 4 of title 35, United States Code, is amended by striking section 42 and inserting the following:

"§ 42. Patent and Trademark Office funding

"(a) FEES PAYABLE TO THE OFFICE.—All fees for services performed by or materials furnished by the United States Patent and Trademark Office shall be payable to the Office.

"(b) USE OF MONEYS.—Moneys from fees shall be available to the United States Patent and Trademark Office to carry out the functions of the Office. Moneys of the Office not otherwise used to carry out the functions of the Office shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed by the United States, or in obligations or other instruments which are lawful investments for fiduciary, trust, or public funds. Fees available to the Office under this title shall be used for the processing of patent applications and for other services and materials relating to patents. Fees available to the Office under section 31 of the Act of July 5, 1946 (commonly referred to as the 'Trademark Act of 1946'; 15 U.S.C. 1113), shall be used only for the processing of trademark registrations and for other services and materials relating to trademarks.

"(c) BORROWING AUTHORITY.—The United States Patent and Trademark Office is authorized to issue from time to time for purchase by the Secretary of the Treasury its debentures, bonds, notes, and other evidences of indebtedness (hereafter in this subsection referred to as 'obligations') to assist in financing its activities. Borrowing under this subsection shall be subject to prior approval in appropriations Acts. Such borrowing shall not exceed amounts approved in appropriation Acts. Any borrowing under this subsection shall be repaid only from fees paid to the Office. Such obligations shall be redeemable at the option of the Office before maturity in the manner stipulated in such obligations and shall have such maturity as is determined by the Office with the approval of the Secretary of the Treasury. Each such obligation issued to the Treasury shall bear interest at a rate not less than the current yield on outstanding marketable obligations of the United States of comparable maturity during the month preceding the issuance of the obligation as determined by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Office issued under this subsection and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this subsection of the purchase price of such obligations of the United States Patent and Trademark Office shall be treated as public debt transactions of the United States.

"(d) REFUND.—The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required.".

(b) EXTENSION OF SURCHARGES ON PATENT FEES.—

(1) IN GENERAL.—Section 10101 of the Omnibus Budget Reconciliation Act of 1990 (35 U.S.C. 41 note) is amended by striking subsections (a) through (c) and inserting the following:

"(a) SURCHARGES.—There shall be a surcharge on all fees authorized by subsections (a) and (b) of section 41 of title 35, United States Code, in order to ensure that the amounts specified in subsection (c) are collected.

"(b) USE OF SURCHARGES.—Notwithstanding section 3302 of title 31, United States Code, all surcharges collected by the United States Patent and Trademark Office—

"(1) shall be credited to a separate account established in the Treasury and ascribed to the United States Patent and Trademark Office activities in the Department of Commerce as offsetting collections;

"(2) shall be collected by and made available to the United States Patent and Trademark Office for all authorized activities and operations of the Office, including all direct and indirect costs of services provided by the Office; and

"(3) shall remain available until expended.

"(c) ESTABLISHMENT OF SURCHARGES.—The Commissioner of the United States Patent and Trademark Office shall establish surcharges under subsection (a), subject to the provisions of section 553 of title 5, United States Code, in order to ensure that $119,000,000, but not more than $119,000,000, are collected in fiscal year 1999 and each fiscal year thereafter.

"(d) APPROPRIATIONS ACT REQUIRED.—Notwithstanding subsections (a) through (c), no fee established by subsection (a) shall be collected nor shall be available for spending without prior authorization in appropriations Acts.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1998.

SEC. 112. AUDITS.

Chapter 4 of title 35, United States Code, is amended by adding at the end the following new section:

"§ 43. Audits

"(a) IN GENERAL.—Financial statements of the United States Patent and Trademark Office shall be prepared on an annual basis in accordance with generally accepted accounting principles. Such statements shall be audited by an independent certified public accountant chosen by the Commissioner. The audit shall be conducted in accordance with standards that are consistent with generally accepted Government auditing standards and other standards established by the Comptroller General, and with the generally accepted auditing standards of the private sector, to the extent feasible. The Commissioner shall transmit to the Committees on the Judiciary of the House of Representatives and the Senate the results of each audit under this subsection.

"(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General may review any audit of the financial statement of the United States Patent and Trademark Office that is conducted under subsection (a). The Comptroller General shall report to Congress and the Office the results of any such review and shall include in such report appropriate recommendations.

"(c) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General may audit the financial statements of the Office and such audit shall be in lieu of the audit required by subsection (a). The Office shall reimburse the Comptroller General for the cost of any audit conducted under this subsection.

"(d) ACCESS TO OFFICE RECORDS.—All books, financial records, report files, memoranda, and other property that the Comptroller General deems necessary for the performance of any audit shall be made available to the Comptroller General.

"(e) APPLICABILITY IN LIEU OF TITLE 31 PROVISIONS.—This section applies to the Office in lieu of the provisions of section 9105 of title 31.".

SEC. 113. TRANSFERS.

(a) TRANSFER OF FUNCTIONS.—Except to the extent that such functions, powers, and duties relate to the direction of patent or trademark policy, there are transferred to, and vested in, the United States Patent and Trademark Office all functions, powers, and duties vested by law in the Secretary of Commerce or the Department of Commerce or in the officers or components in the Department of Commerce with respect to the authority to grant patents and register trademarks, and in the Patent and Trademark Office, as in effect on the day before the effective date of this Act, and in the officers and components of such Office.

(b) TRANSFER OF FUNDS AND PROPERTY.—The Secretary of Commerce shall transfer to the United States Patent and Trademark Office, on the effective date of this Act, so much of the assets, liabilities, contracts, property, records, and unexpended and unobligated balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Commerce, including funds set aside for accounts receivable, which are related to functions, powers, and duties which are vested in the United States Patent and Trademark Office by this Act.

SEC. 114. NONAPPLICABILITY OF FEDERAL WORKFORCE REDUCTIONS.

No full-time equivalent position in the United States Patent and Trademark Office shall be eliminated to meet the requirements of section 5 of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 3101 note).

TITLE II—EFFECTIVE DATE; TECHNICAL AMENDMENTS

SEC. 201. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 4 months after the date of the enactment of this Act.

SEC. 202. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—

(1) The item relating to part I in the table of parts for chapter 35, United States Code, is amended to read as follows:

"I. United States Patent and Trademark Office ..... 1".

(2) The heading for part I of title 35, United States Code, is amended to read as follows:

"PART I—UNITED STATES PATENT AND TRADEMARK OFFICE".

(3) The table of chapters for part I of title 35, United States Code, is amended by amending the item relating to chapter 1 to read as follows:

"1. Establishment, Officers and Employees, Functions ..... 1".

(4) The table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

"CHAPTER 1—ESTABLISHMENT, OFFICERS AND EMPLOYEES, FUNCTIONS

"Sec.

"1. Establishment.
"2. Powers and duties.
"3. Officers and employees.
"4. Restrictions on officers and employees as to interest in patents.
"5. Patent and Trademark Office Management Advisory Board.
"6. Board of Patent Appeals and Interferences.
"7. Suits by and against the Office.
"8. Library.
"9. Classification of patents.
"10. Certified copies of records.
"11. Publications.
"12. Exchange of copies of patents with foreign countries.
"13. Copies of patents for public libraries.
"14. Annual report to Congress.".

(5) The table of sections for chapter 4 of title 35, United States Code, is amended by adding after the item relating to section 42 the following:

"43. Audits.".

(6) Section 41(a)(8)(A) of title 35, United States Code, is amended by striking "On" and inserting "on".

(b) OTHER PROVISIONS OF LAW.—

(1) Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(R) the United States Patent and Trademark Office.".

(2) Section 500(e) of title 5, United States Code, is amended by striking "Patent Office" and inserting "United States Patent and Trademark Office".

(3) Section 5102(c)(23) of title 5, United States Code, is amended by striking "Patent and Trademark Office, Department of Commerce" and inserting "United States Patent and Trademark Office".

(4) Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Intellectual Property, Department of Commerce.".

(5) Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Inspector General, United States Patent and Trademark Office.".

(6) Section 5316 of title 5, United States Code (5 U.S.C. 5316) is amended by striking "Commissioner of Patents, Department of Commerce.", "Deputy Commissioner of Patents and Trademarks.", "Assistant Commissioner for Patents.", and "Assistant Commissioner for Trademarks.".

(7) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B)) is amended to read as follows:

"(B) the Commissioner of the United States Patent and Trademark Office; and".

(8) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended by striking "(d) Patent and Trademark Office;" and redesignating subsections (a) through (g) as paragraphs (1) through (6), respectively.

(9) Section 1127 of title 15, United States Code, is amended by striking "Commissioner of Patents and Trademarks" and inserting "Commissioner of the United States Patent and Trademark Office".

(10) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r) is amended—

(A) by striking "Patent and Trademark Office of the United States" and inserting "United States Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(11) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)) is amended by striking "Commissioner of Patents and Trademarks" and inserting "Under Secretary for Intellectual Property".

(12) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)) is amended by striking "Commissioner of Patents and Trademarks" and inserting "Under Secretary for Intellectual Property".

(13) The Act of April 12, 1892 (27 Stat. 395; 20 U.S.C. 91) is amended by striking "Patent Office" and inserting "United States Patent and Trademark Office".

(14) Sections 505(m) and 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m) and 360b(o)) are each amended by striking "Patent and Trademark Office of the Department of Commerce" and inserting "United States Patent and Trademark Office".

(15) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(16) Section 2151t-1(b)(1) of title 22, United States Code, is amended by striking "Patent and Trademark Office" and inserting "Under Secretary for Intellectual Property".

(17) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking "United States Patent Office" and inserting "United States Patent and Trademark Office".

(18) Section 1744 of title 28, United States Code is amended—

(A) by striking "Patent Office" each place it appears in the text and section heading and inserting "United States Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(19) Section 1295(a)(4) of title 28, United States Code, is amended—

(A) in subparagraph (A) by inserting "United States" before "Patent and Trademark"; and

(B) in subparagraph (B) by striking "Commissioner of Patents and Trademarks" and inserting "Commissioner of the United States Patent and Trademark Office".

(20) Section 1745 of title 28, United States Code, is amended by striking "United States Patent Office" and inserting "United States Patent and Trademark Office".

(21) Section 1928 of title 28, United States Code, is amended by striking "Patent Office" and inserting "United States Patent and Trademark Office".

(22) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181) is amended in subsections c. and d. by striking "Commissioner of Patents and Trademarks" and inserting "Commissioner of the United States Patent and Trademark Office".

(23) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182) is amended by striking "Commissioner of Patents and Trademarks" each place it appears and inserting "Commissioner of the United States Patent and Trademark Office".

(24) Section 160 of the Atomic Energy Act of 1954 (42 U.S.C. 2190) is amended—

(A) by striking "United States Patent Office" and inserting "United States Patent and Trademark Office"; and

(B) by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(25) Section 305(c) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457(c)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(26) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)) is amended by striking "Commissioner of the Patent Office" and inserting "Commissioner of the United States Patent and Trademark Office".

(27) Section 1111 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(28) Section 1114 of title 44, United States Code, is amended by striking "the Commissioner of Patents,".

(29) Section 1123 of title 44, United States Code, is amended by striking "the Patent Office,".

(30) Sections 1337 and 1338 of title 44, United States Code, and the items relating to those sections in the table of contents for chapter 13 of such title, are repealed.

(31) Section 10(i) of the Trading With the Enemy Act (50 U.S.C. App. 10(i)) is amended by striking "Commissioner of Patents" and inserting "Commissioner of the United States Patent and Trademark Office".

(32) Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in paragraph (1)—

(i) by striking "and" before "the chief executive officer of the Resolution Trust Corporation;";

(ii) by striking "and" before "the Chairperson of the Federal Deposit Insurance Corporation;";

(iii) by striking "or" before "the Commissioner of Social Security,"; and

(iv) by inserting "or the Commissioner of the United States Patent and Trademark Office;" after "Social Security Administration;"; and

(B) in paragraph (2)—

(i) by striking "or" before "the Veterans' Administration,"; and

(ii) by striking "or the Social Security Administration" and inserting "the Social Security Administration, or the United States Patent and Trademark Office".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REFERENCES.

Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this Act—

(1) to the head of such department or office is deemed to refer to the head of the department or office to which such function is transferred; or

(2) to such department or office is deemed to refer to the department or office to which such function is transferred.

SEC. 302. EXERCISE OF AUTHORITIES.

Except as otherwise provided by law, a Federal official to whom a function is transferred by this Act may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act.

SEC. 303. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, any officer or employee of any office transferred by this Act, or any other Government official, or by

a court of competent jurisdiction, in the performance of any function that is transferred by this Act, and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) PROCEEDINGS.—This Act shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the effective date of this Act before an office transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS.—This Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this Act, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUITS.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this Act such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this Act, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this Act.

SEC. 304. TRANSFER OF ASSETS.

Except as otherwise provided in this Act, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this Act shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

SEC. 305. DELEGATION AND ASSIGNMENT.

Except as otherwise expressly prohibited by law or otherwise provided in this Act, an official to whom functions are transferred under this Act (including the head of any office to which functions are transferred under this Act) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this Act shall relieve the official to whom a function is transferred under this Act of responsibility for the administration of the function.

SEC. 306. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.

(a) DETERMINATIONS.—If necessary, the Director of the Office of Management and Budget shall make any determination of the functions that are transferred under this Act.

(b) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

SEC. 307. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.

For purposes of this Act, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.

SEC. 308. AVAILABILITY OF EXISTING FUNDS.

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this Act shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities.

SEC. 309. DEFINITIONS.

For purposes of this Act—

(1) the term "function" includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term "office" includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

TITLE IV—UNDER SECRETARY FOR INTELLECTUAL PROPERTY

SEC. 401. UNDER SECRETARY FOR INTELLECTUAL PROPERTY.

(a) APPOINTMENT.—There is established in the Department of Commerce, an Under Secretary for Intellectual Property, who shall be appointed by the President by and with the advice and consent of the Senate. Pending appointment of the Under Secretary by and with the advice and consent of the Senate, the individual serving as Commissioner of Patents and Trademarks prior to the enactment of the Act shall perform the functions of the Under Secretary.

(b) FUNCTIONS.—The Under Secretary for Intellectual Property, under the direction of the Secretary of Commerce, shall—

(1) advise the President, through the Secretary of Commerce, on national and international intellectual property policy issues;

(2) advise the Secretary of Commerce on international trade issues concerning intellectual property;

(3) promote in international trade the United States industries that rely on intellectual property;

(4) advise Federal agencies on ways to improve intellectual property protection in other countries through economic assistance and international trade;

(5) review and coordinate all proposals by agencies to assist foreign governments and international intergovernmental agencies in improving intellectual property protection;

(6) carry on studies related to the effectiveness of intellectual property protection throughout the world; and

(7) in coordination with the Department of State, carry on studies cooperatively with foreign intellectual property offices and international organizations.

(c) CONSULTATION.—In connection with the performance of this section, the Under Secretary for Intellectual Property shall, in advance of major policy initiatives, consult with the Commissioner of the United States Patent and Trademark Office and the Register of Copyrights.●

By Mr. DOMENICI (for himself, Mr. JEFFORDS, and Mr. DODD):

S. 422. A bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this act; to the Committee on Labor and Human Resources.

THE GENETIC CONFIDENTIALITY AND NONDISCRIMINATION ACT OF 1997

Mr. DOMENICI. Mr. President, fellow Senators, I rise today to introduce a measure, the title of which will be the Genetic Confidentiality and Nondiscrimination Act of 1997.

Let me just suggest, during the last 2 weeks at every turn we have seen and heard reports of the latest achievements in the advancement of genetic technologies. Man has been controlling the genetics of domestic animals and plants for many thousands of years, but the latest announcements about the cloning of sheep and monkeys have been particularly dramatic. Most of the drama arises from the media speculation that follows about the possibility of cloning human beings.

Such an event is widely viewed as next to impossible because the scientific community and officers of Federal funding and oversight vigorously reject the concept of creating genetic copies of human beings. But what these new events do bring home to us, and

what is of significance to us, is that genetics is important in our daily lives now.

Let me suggest that the time has come to protect information about human genetics that has been obtained by researchers or otherwise from individual human beings, individual citizens of this country.

I have a rather detailed bill, in which Senator DODD is joining me, as is Senator JEFFORDS, the chairman of the Labor, Health and Human Resources Committee. This will actually say that what we are going to have to get is the consent of the person whose genetic information we intend to use in almost any way. We know that genetic information is just as significant as fingerprints of the past in terms of identifying people.

Much can be determined about a person's life, about a person's future, from genetic information. Now is the time to have a serious debate in the U.S. Congress about how that information should be protected. The bill which I introduce will begin that dialogue in the appropriate committee.

I send to the desk the bill. For those who have been giving us constructive information about it, this is the very last draft after many people in industry, in the biotechnology community, and in the community of genetics have given us information. I have a side by side on this bill and a detailed statement explaining it. I send them all to the desk and ask that the bill be referred to the appropriate committee.

Now I yield to my good friend, Senator DODD, from Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding. Let me begin my brief remarks by commending our colleague from New Mexico for, once again, taking leadership on a significant health issue. I have had the privilege, Mr. President, of working with my colleague from New Mexico, Senator DOMENICI, on numerous issues, most recently things like frivolous lawsuits and mental health. I am delighted to join him as a principal cosponsor of this proposal of the Genetic Confidentiality and Nondiscrimination Act of 1997.

Mr. President, this legislation is critically important. It deals with basic concerns that people have today. It is of critical importance to our country, important to individuals and to researchers. We are not claiming here this is perfect, but the kind of work that Senator DOMENICI has done already, in communication with those who would be most directly interested in the legislation, I think has taken us a long way.

We are fortunate, Mr. President, to live in an extraordinary—an extraordinary—crossroads in the history of our Nation and, indeed, of our species. I can only compare it, Mr. President, to the dawn of the nuclear age. Then, by the elemental act of splitting an atom, we became able to generate seemingly unlimited energy but, also, as we all know, the ability to destroy all forms of human life.

Today, Mr. President, we stand at the dawn of the genetic age and once again confront heretofore unknown power over our destiny on this small planet. The recent reports of the cloning of mammals places this power in sharp relief. Within a few short years, Mr. President, the human genome project will decipher the entire human genetic code. The entire genetic human code will be deciphered in our lifetime, providing a blueprint of a human being's most personal and potent information.

This blueprint, Mr. President, will hopefully allow us to understand and remedy illnesses in all its forms. We are already reaping some of the benefits of this newfound knowledge of our genetic makeup. Genetic testing, as many are already aware, is available for several serious diseases and illnesses, including breast cancer and colon cancer. Armed with this genetic information, individuals can take additional steps to safeguard their health. For instance, more frequent screenings and checkups.

However, Mr. President, it will allow the exploitation of the human frailty to which one might be genetically predisposed, and concerns have been raised about the privacy of this information. Many Americans are concerned that dissemination of this information could lead to job discrimination and difficulty in getting or maintaining health insurance or life insurance. These are important issues.

Clearly, in this area of increasing medical technology, we must be able to ensure a balance between scientific advancement and the privacy rights of individuals. This bill that my colleague from New Mexico has offered begins that critical process. It requires strict informed consent procedures while allowing genetic scientific research to continue. Specifically, this legislation provides protections against unwarranted disclosure of genetic information to employers and insurance companies.

Mr. President, I am cosponsoring this legislation because I believe it is important that we address these issues today rather than wait. I know some have voiced concerns about this legislation. We hear them. We recognize this is a complex area of law with many important interests at stake. In fact, Mr. President, we will be having a hearing in the Labor Committee this week on the issue of cloning, to which our colleague from New Mexico will be testifying—not specifically about this bill, but I suspect this bill may be the subject of some dialog in that hearing.

So we are already beginning to look to try and raise the questions that people, I think, would want us to address, protecting people's privacy rights, so that that information that we are able to glean will not be misused. I think this is an important step in that effort. I commend my colleague from New Mexico. I am delighted to cosponsor his bill.

The PRESIDING OFFICER. The time has expired.

Mr. DOMENICI. I ask unanimous consent for an additional minute.

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

Mr. DOMENICI. Mr. President, I did not, in my statement, mean to tie cloning into this bill. It is just that all of that is part of this explosion of the science of genetics and its application for various aspects of both human and animal life in America and in the world.

Let me suggest that if we are going to continue research, we have this major American project called the Genome Project wherein all of the chromosomes of the human being are going to be mapped, all 23 pairs of them. We will know where most of the diseases are located within the chromosome system of the human being. Our scientists can then take this information and begin the long journey toward curing most of humankind's serious diseases over time.

While all that is going on, the one thing we do not need, we do not need an abuse of the information by either researchers, scientists, insurance companies or the like, such that it would excite the American people to turn against such research. One thing we ought to do in that regard is pass some kind of protection for genetic information. That is what this bill attempts to do.

Obviously, there is a whole field of ethics that must be really put together and nourished across the land regarding this, or we will cause breakouts to occur in terms of abuse of genetic information, all of which could be very harmful to the greatest wellness effort in humankind, in human history. That is, finding out the basic genetic structure of the human being.

Mr. President, during the past 2 weeks, at every turn, we have been seen and heard reports of the latest achievement in the advance of genetic technologies. Man has been controlling the genetics of domestic animals and plants for many thousands of years, but the latest announcements about cloning sheep and monkeys have been particularly dramatic. And most of the drama arises from the media speculation that follows about the possibility of cloning humans. Such an event is widely viewed as next to impossible because the scientific community and offices of Federal funding and oversight vigorously reject the concept of creating genetic copies of human beings. But what these new events do bring home to us is the grave significance of genetics in our daily lives.

I rise today to revisit a timely and momentous issue in the discovery and elucidation of human genetic information—the issue of genetic confidentiality and nondiscrimination.

The human genome project is rapidly proceeding toward its goal of deciphering the human genetic code. Current projections tell us that the goal of reading the entire genetic script of 3 billion nucleotides and some 100,000 genes of the human genome will be reached by the year 2005, which will be several years earlier than was initially projected when the project was undertaken in 1990.

When the project is complete, we will have knowledge of man's complete genetic blueprint—a blueprint that is the most personal and most private information that any human being can have.

We will have a wealth of knowledge of how our countless individual traits are determined. And perhaps more important, we will have fundamental knowledge about the 3,000 or more genes that can cause sickness and sometimes even death. And we will have realized one of mankind's greatest scientific achievements.

At the time the human genome project was first brought to my attention 11 years ago, I realized that deciphering our genetic code would have immense implications for our medical welfare. But equally important, if not more so, were the implications of genetic information with respect to ethics and the law. This is why I insisted that the budget for the human genome project include funds specifically allocated for addressing the ethical, legal, and social implications of our new genetic technologies.

Now that we have the know-how to generate genetic information on individuals and their families, we find ourselves asking some very basic questions about who has a right to control access to personal genetic information. Should our personal physicians know this information? Our families and friends? Our insurers and employers? As we begin to consider these questions, we find that they are deeply troublesome issues that reach into the lives of many Americans.

Today I place before you a bill that addresses the broad issues of genetic confidentiality and nondiscrimination. This legislation will affirm the right of the individual to have some control over his or her most personal information. To be sure, much of our genetic information is similar—even identical—among all human beings. This is what makes us all members of the family of man. But much of our genetic information is also unique—it is the information that makes each human distinct from all others. And it is information that can be deciphered from cells in a drop of blood or cells that are stored in a laboratory after we have medical tests.

Our personal and unique genetic information is the essence of our individuality. And today we seek to protect this information from public scrutiny or disclosure without the express consent of the individual who is the source of the information.

So, today, I, and my colleagues, Senator JEFFORDS and Senator DODD introduce the Genetic Confidentiality and Nondiscrimination Act of 1997. This legislation is designed to reinforce the statutes that some 19 state legislatures have enacted. This legislation echoes the concerns of many of my colleagues in this Chamber as we all seek to come to grips with this pressing and ubiquitous issue. I hope that this bill will invite exhaustive debate and legislative review, so that we will achieve a firm national standard for individual privacy with respect to genetic information.

The bill that I introduce today focuses on two areas of serious concern.

The first issue is the relationship between the interests of genetics research and the individuals who selflessly participate as subjects in hundreds of genetics research projects. The past year, 1996, witnessed the 50th anniversary of the birth of the Nuremberg Code and the public acknowledgement of the doctrine of informed consent for participation in research. Over this half century, we have repeatedly affirmed the right of the individual to be fully informed about any research project that he or she is asked to participate in and to give voluntary consent to participation.

In this present bill we will extend the concept of informed consent to give each individual the right to control the deciphering of his or her most personal information and the disclosure of that information to other persons. And we will create a partnership between researchers and the people—the subjects—who are the foundation of research in genetics.

We might consider a recent example of genetic testing that was carried out on a collection of samples that had been retained for some years in a genetics laboratory. These samples had been gathered for the purpose of detecting carriers of a recessive gene for Tay Sachs disease, a disease that invariably causes the death of infants who get a double dose of the gene, one from each parent. The more recent question concerned the frequency of one of the breast cancer genes in that population. So samples that were originally collected for one purpose were later used for another purpose, without the permission of the people who had donated the samples and without the possibility of getting any new information back to the people who had donated the samples.

Both protection and partnership are critical as we continue to define our genetic legacies, particularly because genetics has implications in many facets of our everyday lives, including medicine, employment, insurance, education, forensics, finance, and even our own self-perceptions.

The second issue addressed in this legislation is the relationship between individuals, on the one hand, and employers and health insurers, on the other. This legislation will very simply preclude employers or health insurers from requesting or requiring genotype information as a condition of employment or health insurance.

Many people in our society have already been discriminated against because other people had access to information about their genes. We want to avoid any more situations in which healthy people are denied employment or insurance when they disclose information about their genes. Consider, for example, the man who acknowledged that he had genes for hemochromatosis. This is a disease that can be devastating if untreated, but it can be successfully treated. This man was successfully treated and was completely healthy, but he was denied insurance simply because of his genes, and this should not happen.

We do, however, carve out one exception to the general rule, for protecting employees and coworkers from hazardous conditions or situations in the workplace. For example, an employer may have a valid reason to know whether an employee has a genetic susceptibility to a certain chemical that is a part of the work environment. So the exception allows a request for genetic information if it is a matter of immediate business necessity.

I would like to be very clear that this legislation does not make it illegal to collect, or store, or analyze, or even disclose, an individual's genetic information. It simply gives the individual control over this process through a rigorous procedure for written, informed consent. The only exceptions for individual control are questions of compulsory process, such as criminal investigations, or court-ordered analyses.

Specifically, the purposes of this legislation are:

First, to define the circumstances under which DNA samples and genetic information may be collected, stored, analyzed, and disclosed; second, to define the rights of individuals with respect to genetic information; third, to define the responsibilities of third parties with respect to genetic information; fourth, to protect individuals and families from genetic discrimination; and fifth, to establish uniform rules that protect individual genetic privacy.

The need for this legislation is clear and pressing. I look forward to working with my colleagues in the Senate and in the House to bring this issue to a satisfactory resolution for the American people. The Human Genome Project holds the greatest promise of

benefits for mankind, but these benefits will elude us if people are afraid of the consequences of deciphering their own genetic formulas.

I forward a summary of this bill to the desk and ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

S. 423. A bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason; to the Committee on Energy and Natural Resources.

THE GEORGE MASON MEMORIAL ESTABLISHMENT ACT OF 1997

• Mr. ROBB. Mr. President, I introduce a bill to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor a distinguished Virginian, George Mason.

In 1776, George Mason wrote the Virginia Declaration of Rights, the first document in America calling for freedom of the press, freedom of religion, proscription of unreasonable searches, and the right to a speedy trial. The Virginia Declaration of Rights not only served as a model for our national Bill of Rights; but historians believe that Mason's refusal to sign the Constitution for its failure, initially, to include a declaration of rights was a major impetus for eventual adoption of the first 10 amendments to the Constitution.

George Mason sacrificed friendships by insisting that a strong national government could not be purchased at the cost of individual rights, and Mason inevitably chose his family over politics. He retired from public office following the Constitutional Convention and died just a few years later in 1792. His contemporaries, Thomas Jefferson and James Madison, lived decades longer and were elected Presidents of the United States, and thus Mason's contributions were soon overshadowed.

Efforts were combined during the 101st Congress to at last honor America's "Forgotten Founder." Legislation authorizing a private, nonprofit organization to establish a memorial to George Mason on Federal land in the District of Columbia passed and was signed by then-President George Bush. In the 102d Congress, a resolution concurred that George Mason was an individual "of preeminent historical significance to the nation," and authorized the placement of the memorial within select area I lands, in sight of the memorials of two of Mason's closest friends: George Washington and Thomas Jefferson. The legislation was signed into law on April 28, 1992, and approved by the National Capital Memorial Committee in December 1993.

To pay homage to a man whose ideas played a prominent role in the founding of the American Republic, a fitting memorial has been designed for this supreme site, located between Ohio Drive and the 14th Street Bridge, overlooking the Tidal Basin. The memorial designs have been completed and submitted for review to all necessary advisory and review boards and by agreement, the United States Park Service is to maintain the memorial once completed. In accordance with the Commemorative Works Act of 1986, $1 million must be raised in non-Federal funds to construct this gift to Washington and all Americans and ground-breaking is ordered to occur no later than August 1997. The Board of Regents of Gunston Hall Plantation, a historical organization that oversees Mason's family home in Fairfax County, is dedicated to raising the necessary funds for the monument and seeing this important project through to its completion, however, the August 1997 deadline is rapidly approaching. At this time, it seems that the fundraising effort will not be completed and that's why today I introduce the necessary legislation granting an extension until August 2000.

The Commemorative Works Act, passed into law to prevent overcrowding on the Mall, requires two separate acts of Congress before a memorial may be placed in area I lands, and both of these hurdles have been cleared. The final battle is a fundraising one and the Board of Regents of Gunston Hall has a plan of attack. Last year, they launched Liberty 2000, a campaign to share George Mason's legacy of liberty. The Board of Regents hope to build an endowment fund to ensure a secure future for Gunston Hall and attain the necessary non-Federal funds to break ground and complete their efforts to bring George Mason's legacy to the Mall. I ask that you join me in swiftly supporting this 3-year extension so we may properly commemorate this great statesman and Virginian, George Mason.•

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 424. A bill to adjust the Federal medical assistance percentage determined for Alaska under the Medicaid Program to reflect Alaska's cost of living; to the Committee on Finance.

THE ALASKA MEDICAID EQUITY ACT OF 1997

• Mr. MURKOWSKI. Mr. President, I, along with my distinguished colleague, Senator STEVENS, introduce legislation that will more accurately reflect the appropriate Federal/State funding formula for Alaska's Medicaid Program.

One-sixth of Alaska's population is eligible to receive Medicaid, and the population is growing. These Medicaid recipients are the needy children, pregnant women, disabled, and elderly poor of Alaska.

Ever since the Medicaid Program was established in 1965, the Federal/State funding formula has failed to recognize the extraordinarily high cost of living that all Alaskans face. Under current law, the funding formula that is used to determine the Federal matching payment is based on a comparison between average per capita income in the United States and each individual State's per capita income.

Under the current formula, the minimum Federal Medicaid match is 50 percent. The highest Federal match is 77.2 percent and is provided to the State with the lowest per capita income—Mississippi. By contrast, Alaska has a 50/50 Federal/State match based on the fact that it has the seventh highest per capita income in the United States, $17,961 based on 1993 data.

However, many Federal programs recognize that per capita income, by itself, is not a fair measure of wealth. For example, a special Federal Government cost-of-living adjustment is provided to Federal employees in Alaska to reflect our cost differential. Other Federal formulas, such as the formula for the Federal School Lunch Program, Food Stamp Program, and certain housing programs each recognize and take into consideration Alaska's high cost of living.

Mr. President, I recognize that Alaska's $17,961 per capita income suggests it is one of the wealthier States. However, when the 25 percent higher cost of living is factored in, the State looks far less wealthy. In fact, when Alaska's high cost of living is factored into the equation, it would appear that an Alaskan with an income of $17,961 lives at the same economic level as a person in Iowa with a per capita income of $14,399. Yet Iowa enjoys a 62/38 Federal/State Medicaid match.

Why is Alaska's cost of living higher than the lower 48 States? The answer is primarily because of the high cost of shipping goods to Alaska. Almost everything of substantial size or volume comes to Alaska by water, and despite healthy competition among carriers, prices remain high due to the distance traveled and the fact that Alaska remains an importer of goods, not an exporter. That means most vessels are unable to carry a backhaul cargo that would lower the overall cost of the round trip. Moreover, because of an undeveloped road structure, most food transported to remote villages in Alaska rely exclusively on air freight.

What this high shipping cost means is that it costs a family of four in Bethel, Alaska's largest rural community, nearly $30 more each week to feed their family, compared to the average family in the United States. And, it is these rural Alaska areas that have the highest number of Medicaid recipients.

The present Medicaid formula is fundamentally unfair because it doesn't reflect these facts. What it means is that more people in Alaska are eligible for Medicaid, but the Federal match isn't adjusted accordingly. Basically,

the current Federal formula gives us more Medicaid users and provides less money to pay for their services. to exacerbate this inequity—health care costs in Alaska are estimated to be 71 percent higher than the national average.

The legislation we are introducing today, The Alaska Medicaid Equity Act, finally resolves this inequity. It adjusts the Medicaid formula for Alaska to factor in the State's high cost of living. Passage of this legislation would result in an estimated savings of $40 to $50 million for the State of Alaska Legislature.

This adjustment was included in legislation that was reported from the Senate Finance Committee as part of the reconciliation bill that was adopted in 1995. However, that omnibus bill was ultimately vetoed for unrelated reasons.

Mr. President, we in Alaska have endured this historic inequity for nearly a third of a century. I hope my colleagues will agree, the time to right this wrong is this year.●

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

S. 425. A bill to provide for an accurate determination of the cost of living; to the Committee on Finance.

COST-OF-LIVING BOARD ACT OF 1997

Mr. ROTH. Mr. President, today my good friend, Senator MOYNIHAN, and I are introducing a landmark piece of legislation to create a cost-of-living board that will improve our Government's ability to index Federal programs with a more accurate measurement of inflation. Clearly, there are a number of ways to address the accurate measure of inflation with regard to our indexed Federal tax and benefit programs. In my view, this bill represents one possible way to achieve greater accuracy. It is not the only way, but I believe it is our best effort to create a mechanism to fairly compensate taxpayers and benefit recipients alike.

One of the most significant issues that faces Congress this year is the accuracy of the Consumer Price Index, and I believe that Congress and the President need to seriously address the economic ramifications of an inaccurate measure of the cost of living. The five-member board created in our bill will meet throughout the year to, first, review the statistical evidence about inflation produced by the Bureau of Labor Statistics and others, and after careful review of all the evidence regarding inflation, the board will then produce a cost-of-living adjustment by a majority vote of the members of the commission not later than November 1 of each year.

This inflation adjustment number will serve as a number for which all Federal benefit programs and tax items will be indexed for the coming year without further action by the Congress or the President. If, however, the cost-of-living board fails by a majority vote to produce a cost-of-living adjustment, then current law applies. That is to say, that the BLS-produced CPI will be used to index tax and benefit programs.

Let me be clear. This cost-of-living board will not—and I emphasize not—study the accuracy of the Consumer Price Index. We have already had the Boskin commission which did just that. The report was widely praised within the Economic Community, including many highly respected economists, such as Dr. Alan Greenspan and Dr. Martin Feldstein.

One of the roles in Government is to protect American families from inflation. In doing so, it is important that we are able to measure inflation as precisely as possible, and I view this board as our best hope of accurately measuring inflation.

I cannot emphasize too greatly the importance of an accurate measurement of inflation. If the index is too high, it overcompensates retirees and others and undertaxes many taxpayers. If it is too low, it undercompensates retirees and overtaxes the taxpayer. What we want is fairness to all with as accurate an index as possible.

I want to stress that any action we take on this issue must be broadly and deeply bipartisan. We must have the full cooperation and leadership by President Clinton. I hope the President will not miss an opportunity to consider this board as one possible option that will "take the politics out of it" and fulfill his goals set out in his State of the Union Address to "do the right thing for the country." Clearly, this reform will not be successful without the President's leadership.

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. 425

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 "Cost-of-Living Board Act of 1997".

SEC. 2. COST-OF-LIVING ADJUSTMENTS.

Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"PART D—COST-OF-LIVING ADJUSTMENTS

"DETERMINATION OF INFLATION ADJUSTMENT

"SEC. 1180. (a) IN GENERAL.—The Cost-of-Living Board established under section 1181 shall each calendar year after 1996 attempt to determine a single percentage increase or decrease in the cost-of-living which shall apply to any cost-of-living adjustment taking effect during the next calendar year.

"(b) ADOPTION OR REJECTION OF PERCENTAGE.—

"(1) ADOPTION.—

"(A) IN GENERAL.—If the Cost-of-Living Board adopts by majority vote a single percentage increase or decrease under subsection (a), then, notwithstanding any other provision of law, any cost-of-living adjustment to take effect during the following calendar year shall be made by using such percentage and not by using the change in the Consumer Price Index (or any component thereof).

"(B) APPROPRIATE MODIFICATIONS.—The Cost-of-Living Board shall make appropriate modifications to the single percentage applied to any cost-of-living adjustment if—

"(i) the period during which the change in the cost-of-living is measured for such adjustment is different than the period used by the Cost-of-Living Board; or

"(ii) the adjustment is based on a component of an index rather than the entire index.

"(2) REJECTION.—If the Cost-of-Living Board fails by majority vote to adopt a single percentage increase or decrease under subsection (a) for any calendar year, then any cost-of-living adjustment to take effect during the following calendar year shall be determined without regard to this part.

"(c) REPORT.—Not later than November 1 of each year, the Cost-of-Living Board shall submit a report to the President and Congress containing a detailed statement with respect to—

"(1) the percentage (if any) agreed to by the Board under subsection (a); and

"(2) the decision of the Board on whether or not to adopt such a percentage.

"(d) JUDICIAL REVIEW.—Any determination by the Cost-of Living Board under subsection (a) or (b)(1)(B) shall not be subject to judicial review.

"(e) DEFINITION OF COST-OF-LIVING ADJUSTMENT.—In this part, the term 'cost-of-living adjustment' means any adjustment under any of the following which is determined by reference to any Consumer Price Index (or any component thereof):

"(1) The Internal Revenue Code of 1986.

"(2) Titles II, XVI, XVIII, and XIX of this Act.

"(3) Any other Federal program.

"COST-OF-LIVING BOARD

"SEC. 1181. (a) ESTABLISHMENT OF BOARD.—

"(1) ESTABLISHMENT.—There is established a board to be known as the Cost-of-Living Board (in this section referred to as the 'Board').

"(2) MEMBERSHIP.—

"(A) COMPOSITION.—The Board shall be composed of 5 members of whom—

"(i) 1 shall be the Chairman of the Board of Governors of the Federal Reserve System;

"(ii) 1 shall be the Chairman of the President's Council of Economic Advisers; and

"(iii) 3 shall be appointed by the President, by and with the advice and consent of the Senate.

The President shall consult with the leadership of the House of Representatives and the Senate in the appointment of the Board members under clause (iii).

"(B) EXPERTISE.—The members of the Board appointed under subparagraph (A)(iii) shall be experts in the field of economics and should be familiar with the issues related to the calculation of changes in the cost of living. In appointing members under subparagraph (A)(iii), the President shall consider appointing—

"(i) former members of the President's Council of Economic Advisers;

"(ii) former Treasury department officials;

"(iii) former members of the Board of Governors of the Federal Reserve System;

"(iv) other individuals with relevant prior government experience in positions requiring appointment by the President and Senate confirmation; and

"(v) academic experts in the field of price statistics.

"(C) DATE.—

"(i) NOMINATIONS.—Not later than 30 days after the date of enactment of the Cost of Living Board Act of 1997, the President shall submit the nominations of the members of the Board described in subparagraph (A)(iii) to the Senate.

"(ii) SENATE ACTION.—Not later than 60 days after the Senate receives the nominations under clause (i), the Senate shall vote on confirmation of the nominations.

"(3) TERMS AND VACANCIES.—

"(A) TERMS.—A member of the Board appointed under paragraph (2)(A)(iii) shall be appointed for a term of 5 years, except that of the members first appointed under that paragraph—

"(i) 1 member shall be appointed for a term of 1 year;

"(ii) 1 member shall be appointed for a term of 3 years; and

"(iii) 1 member shall be appointed for a term of 5 years.

"(B) VACANCIES.—

"(i) IN GENERAL.—A vacancy on the Board shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(ii) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(C) EXPIRATION OF TERMS.—The term of any member appointed under paragraph (2)(A)(iii) shall not expire before the date on which the member's successor takes office.

"(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting. Subsequent meetings shall be determined by the Board by majority vote.

"(5) OPEN MEETINGS.—Notwithstanding section 552b of title 5, United States Code, or section 10 of the Federal Advisory Committee Act (5 U.S.C. App.), the Board may, by majority vote, close any meeting of the Board to the public otherwise required to be open under that section. The Board shall make the records of any such closed meeting available to the public not later than 30 days of that meeting.

"(6) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

"(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members appointed under paragraph (2)(A)(iii).

"(b) POWERS OF THE BOARD.—

"(1) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this part.

"(2) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out the provisions of this part, including the published and unpublished data and analytical products of the Bureau of Labor Statistics. Upon request of the Chairperson of the Board, the head of such department or agency shall furnish such information to the Board.

"(3) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(4) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

"(c) BOARD PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—Each member of the Board who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who otherwise are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

"(3) STAFF.—

"(A) IN GENERAL.—The Chairperson of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

"(B) COMPENSATION.—The Chairperson of the Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5316 of such title.

"(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without additional reimbursement (other than the employee's regular compensation), and such detail shall be without interruption or loss of civil service status or privilege.

"(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(d) TERMINATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as are necessary to carry out the purposes of this part.".

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I am honored to be a cosponsor of this measure which our revered chairman has brought to the floor. I would like to endorse each and every thing he has said.

This legislation would create an independent Cost of Living Board to determine annually what cost of living adjustments should be made for the following calendar year. In the event a majority of the Board cannot agree on a decision, then by default the automatic adjustments would be based on the change in the Consumer Price Index as calculated by the Bureau of Labor Statistics.

The Board would have five members and would be comprised as follows: the Chairman of the Board of Governors of the Federal Reserve System; the Chairman of the President's Council of Economic Advisers; and three others appointed by the President with the advice and consent of the Senate. The bill specifies that members of the board shall be professional economists familiar with issues related to the calculation of changes in the cost of living, such as index number theory.

There is a growing consensus that the CPI overstates the cost of living. In December 1996, the Advisory Commission to Study the Consumer Price Index appointed by the Finance Committee—the Boskin Commission—concluded that the Consumer Price Index overstates the inflation by 1.1 percentage points. The distinguished Chairman of the Board of Governors of the Federal Reserve, Alan Greenspan, agrees. And in testimony before the Finance Committee, Chairman Greenspan provided the definitive response to those who have argued that this issue should not be "politicized." He said:

> There has been considerable objection that such a . . . procedure would be a political fix. To the contrary assuming zero for the . . . bias is the political fix. On this issue, we should let evidence, not politics, drive policy.

I referred earlier to index number theory. I might add that in the last decade or two, there has been very considerable advancement in the subfield of index number theory—the point where mathematics meets economics. We know a lot more than we did. We can do it better than we do. There are persons who have specialized in this.

The first particular study goes back to 1961, when the National Bureau of Economic Research, at the request of the then Bureau of the Budget, gave us a report by a committee chaired by George J. Stigler, soon to be a Nobel laureate, on the price indexes of the Federal Government. It concluded the indexes overstated changes in the cost of living.

They did not have any estimates of the bias at the time, but they knew there was a bias. And in the manner of academic work, people addressed it. For what it is worth, perhaps one of the most distinguished practitioners now teaches at the University of British Columbia. In any event, we are able to do so much more than we have done,

and the need to get it right is paramount, it is our obligation, as persons responsible for the public fisc.

This bill represents the next step in a logical progression. We are beyond a fact-finding commission. The overwhelming evidence is that the CPI overstates the change in the cost of living by between 0.5 and 1.5 percentage points.

It is now time to consider how to go about getting the number right—and getting it right every year henceforth. As the chairman indicated, it is our intention in introducing this bill to suggest one possible mechanism. Certainly there are other options, and I would not rule out any alternative at this point. Our purpose today is to keep attention focused and keep the dialogue moving on this issue, for delay is costly. If we get our numbers right—and that is all we propose to do—then we save $1 trillion over 12 years. If we delay for 2 years, then the savings are reduced to $750 billion.

I believe this Board, with the Chairman of the Federal Reserve Board, the Chairman of the Council of Economic Advisers, and the three economists nominated by the President and confirmed by the Senate, is a superb approach. We hope it will be given the attention it deserves now that it has been made clear by the White House that they see the necessity for doing this.

Our distinguished majority leader, over there in the corner even as I speak, has spoken to this matter. And now we have a proposal for legislative action. With great and renewed thanks for our chairman, I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Let me start out by thanking the distinguished Senator from New York for his leadership in this critically important matter. I can say, fairly, that nothing would have happened if it had not been for his willingness to step out early on and take measures that I think are in the best interests of this Nation and the people of this great country.

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. HATCH, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Wyoming [Mr. ENZI] were added as cosponsors of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 347

At the request of Mr. CLELAND, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 347, a bill to designate the Federal building located at 100 Alabama Street NW, in Atlanta, GA, as the "Sam Nunn Federal Center".

S. 359

At the request of Mr. THOMAS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 359, a bill to amend title XVIII of the Social Security Act to change the payment system for health maintenance organizations and competitive medical plans.

S. 405

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 406

At the request of Mr. HATCH, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 406, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 418

At the request of Mr. WARNER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 418, a bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes.

SENATE RESOLUTION 50

At the request of Mr. ROTH, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Utah [Mr. HATCH], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Nebraska [Mr. HAGEL], the Senator from Colorado [Mr. ALLARD], the Senator from Wyoming [Mr. ENZI], the Senator from Virginia [Mr. ROBB], the Senator from Nevada [Mr. BRYAN], the Senator from Wisconsin [Mr. KOHL], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Resolution 50, a resolution to express the sense of the Senate regarding the correction of cost-of-living adjustments.

AMENDMENTS SUBMITTED

COMMITTEE ON GOVERNMENTAL AFFAIRS EXPENDITURES AUTHORIZATION RESOLUTION

LOTT (AND WARNER) AMENDMENT NO. 22

Mr. LOTT (for himself and Mr. WARNER) proposed an amendment to amendment No. 21 proposed by Mr. GLENN to the resolution (S. Res. 39) authorizing expenditures by the Committee on Government Affairs; as follows:

In the pending amendment, strike all after "(b)" and insert the following:

"(b) PURPOSE OF ADDITIONAL FUNDS.—The additional funds authorized by this section are for the sole purpose of conducting an investigation of illegal activities in connection with 1996 Federal election campaigns.

"(c) REFERRAL TO COMMITTEE ON RULES AND ADMINISTRATION.—Because the Committee on Rules and Administration, not the Committee on Governmental Affairs, has jurisdiction (rule 25) over all proposed legislation and other matters relating to—

"(1) federal elections generally, including the election of the President, the Vice President, and Members of the Congress, and

"(2) corrupt practices,

the Committee on Governmental Affairs shall refer to the Committee on Rules and Administration any evidence of activities in connection with 1996 federal election campaigns which activities are not illegal but which may require investigation by a Committee of the Senate revealed pursuant to the investigation authorized by subsection (b)."

LOTT (AND OTHERS) AMENDMENT NO. 23

Mr. LOTT (for himself, Mr. THOMPSON, and Mr. WARNER) proposed an amendment to the resolution (S. Res. 39) supra; as follows:

On page 10, line 19 after the word "illegal" add "and improper".

On page 10, line 23 after the word "illegal" add "and improper".

NOTICES OF HEARINGS

JOINT COMMITTEE ON PRINTING

Mr. WARNER. Mr. President, I wish to announce that the Joint Committee on Printing will meet in S–128 of the Capitol on Thursday, March 13, 1997, at 2 p.m. to hold an organizational meeting of the Joint Committee on Printing and an oversight hearing of the Government Printing Office.

For further information, please contact Eric Peterson of the Joint Committee on Printing at 224–7774.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Energy and Natural Resources to receive testimony regarding S. 417, a bill "to extend energy conservation programs under the Energy

Policy and Conservation Act through September 30, 2002," S. 416, a bill "to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency," and S. 186, a bill "to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes." The hearing will take place on Tuesday, March 18, 1997, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel (202) 224-3543 or Betty Nevitt, staff assistant at (202) 224-0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, March 11, 1997, at 10 a.m. in open session, to receive testimony from the unified commanders on their military strategies and operational requirements in review of the Defense authorization request for fiscal year 1998 and the Future Years Defense Program.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. 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 Tuesday, March 11, 1997, at 9 a.m. in SR-328A to receive testimony regarding agriculture research reauthorization.

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

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, March 11, 1997, beginning at 10:30 a.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 11, at 9:30 a.m. for a hearing on Census 2000.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, March 11, 1997, at 9:30 a.m. in room 485 of the Russell Senate Building to approve the committee's letter to the Committee on the Budget relating to budget views and estimates for fiscal year 1998 for Indian Programs.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary and the House Subcommittee on the Constitution be authorized to hold a joint hearing on Tuesday, March 11, 1997, at 9:30 a.m. in room G50 of the Senate Dirksen Building, on "Partial Birth Abortion: The Truth."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Employment and Training Subcommittee Hearing on Oversight of Federal Job Training Programs, during the session of the Senate on Tuesday, March 11, 1997, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 11, 1997, at 2:30 p.m. to hold an open hearing on the nomination of Anthony Lake to be Director of Central Intelligence.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2:15 p.m. on Tuesday, March 11, 1997, in open session, to receive testimony on the Science and Technology Programs in the Department of Defense authorization request for fiscal year 1998 and the Future Years Defense Program.

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

ADDITIONAL STATEMENTS

TRIBUTE TO TED STONE

• Mr. FAIRCLOTH. Mr. President, today I would like to recognize a great American from my home State, a man who is working to show all Americans that individuals can make a difference in the war against drugs. Ted Stone, a native of Durham, NC, wanted to do something to raise awareness about our Nation's drug problems. Ted has been a motivational speaker for over 20 years now on the subject of drug abuse. He has spoken to millions of people in churches, schools, civic organizations, prisons, and drug treatment facilities. But he wanted to do something more.

On March 14, 1996, here in Washington, DC, on the steps of our Nation's Capitol, Ted began a 3,700 mile walk across America. He completed that trek on November 19 of last year in Los Angeles, CA on the steps of city hall.

Ted's dramatic journey across America took him to the State capitals of Texas, New Mexico, and Arizona, where he brought his antidrug message personally to Gov. George W. Bush, Gov. Gary Johnson, and Governor Fife Symington.

Ted carried an American flag with him throughout his walk across our beautiful country as a symbol that the American spirit can turn the tide in our Nation's war on drugs. Working together in our local communities I, too, believe we can raise awareness of our Nation's drug abuse problems.

At one point on his journey, a little boy asked Ted if he was like Forrest Gump. Ted replied:

> No, because when people asked Forrest Gump why he was walking, he didn't know. I'm walking so that boys like you can grow up in a country that is drug-free.

Ted believes, as I do, that the war on drugs will not be won in the courtroom or even here in Congress, but in our local communities. And in fact, Ted knows personally about winning the war on drugs, because he himself is a recovered amphetamine addict. He is living proof that individuals can overcome drug addiction.

Today I hope my colleagues will join me in saluting a great American, Ted Stone, for his efforts to keep our Nation drug-free.•

MAYOR DENNIS ARCHER

• Mr. LEVIN. Mr. President, I have the honor of paying tribute to my friend, Mayor Dennis Archer of Detroit, who will be recognized by the Hartford Optimists Club of Detroit as 1997 Optimist of the Year. Mayor Archer is being honored for his efforts to "optimistically build a renaissance in Detroit for the 21st century."

Since he was elected mayor in 1993, Dennis Archer's energy and efforts have infused the people of Detroit with a new spirit of hope. While Detroit faces many challenges, Mayor Archer's work is convincing people from Michigan to Washington, DC that Detroit is in the midst of a great comeback.

Mayor Archer has worked to build partnerships with community and civic groups, businesses, and the State and Federal Governments. These partnerships have led to success in creating jobs, improving public safety, and raising the standard of living for many of Detroit's residents. In fact, Detroit's unemployment rate has been cut in half since Mayor Archer took office.

Under Mayor Archer's stewardship, residential and business development is moving forward at a dynamic pace. In

November, taxpayers approved a plan to build new baseball and football stadiums in the city. Twenty-five new residential developments are under construction, as are new retail developments. General Motors recently decided to keep its world headquarters in Detroit, purchasing and moving to the Renaissance Center. And Detroit's empowerment zone leads those in all other cities in job creation.

Dennis Archer has always had confidence in the city of Detroit and in its people, and the results of his first 3 years are proving his optimism to be well-founded. While no one expects Detroit's problems to be solved overnight, the city's progress under the Mayor's leadership is undeniable.

Mr. President, I hope my colleagues will join me in saluting Mayor Dennis Archer of Detroit, who truly deserves to be honored as 1997 Optimist of the Year.•

NATIONAL SPORTSMANSHIP DAY

• Mr. CHAFEE. Mr. President, I am pleased to commemorate the seventh annual celebration of National Sportsmanship Day, which took place on March 5. Designed to promote ethics, integrity, and good sportsmanship in athletics, National Sportsmanship Day was established by the Institute for International Sport at the University of Rhode Island. This year, over 8000 schools in all 50 States and 75 countries overseas participated in National Sportsmanship Day.

There seems to be no shortage of stories about assaults on referees, players, and even press photographers. I am particularly pleased, therefore, that the Institute for International Sport tackled the issue of violence in sports head-on. As part of National Sportsmanship Day, the Institute held a daylong town meeting where athletes, coaches, journalists, students, and educators engaged in a lengthy discussion about the causes and possible solutions for violence on the playing field. I think that the Institute's work to foster this kind of dialogue among our young people is critical.

In addition to the town meeting, the Institute for International Sport also sponsored an essay contest in which students wrote and shared their views on good sportsmanship, fair play, and courtesy on the playing field. Several winning essays were published in USA Today and the Providence Journal Bulletin, and I ask that they be printed in the RECORD at the conclusion of my remarks.

Another key component of National Sportsmanship Day is the Student-Athlete Outreach Program. This program encourages high schools and colleges to send talented student-athletes to local elementary and middle schools to promote good sportsmanship and serve as positive role models. These students help young people build self-esteem, respect for physical fitness, and an appreciation for the value of teamwork.

I remain very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who participated in this inspiring event. Likewise, I congratulate all of those at the Institute for International Sport, whose hard work and dedication over the last 7 years have made this program so successful.

The material follows:

[From the Providence Journal-Bulletin, Mar. 4, 1997]

WHETHER THEY REALIZE IT OR NOT, NATIONAL ATHLETES ARE ROLE MODELS

(By Steven E. Sylven, Jr.)

Sportsmanship. Today, it seems to be as valuable as my '86 Escort, which died a month ago. Is it any wonder though? Look around at some of the players in any of the pro leagues. You'll find guys who headbutt officials, spit on umpires, throw towels at their coaches, and kick cameramen. These "professional" athletes just ooze with sportsmanship and set a great example for kids don't they?

Some of these players say they don't want to be considered role models; that children should not look toward them as one. Well, news flash fellas, you are role models. There is no getting around this because you are professional athletes and are forever in the spotlight. Kids see your every move and they will imitate it. Why? Because they see you get away with it and they think it's cool.

When I was a kid, I loved playing sports and, like most kids, I would pretend to be my favorite player when playing. When I was playing baseball, I was Dwight Evans; when playing hockey, I was Mike Bossy; football, I was Dan Marino; and when playing tennis, I was John McEnroe. Yes, John "I will yell at anything that does not go my way" McEnroe.

I won't kid around here, I liked him for one reason and only one reason, he could shoot his mouth off at anyone and get away with it. I thought he was the best thing since sliced bread, plus he was a good tennis player to boot. Talk with any of my childhood friends who would play with me, they'd probably tell you I put McEnroe to shame. I was bad.

There was one time I was playing and I missed a shot on a critical point. Well, as critical a point as you can have when you are playing your friend in a park; but I wasn't a kid, I was John McEnroe and this was Wimbledon.

Anyway, I went off on about a five-minute tirade, spewing forth any and every obscenity you can think of and then some. It was so bad that a lady who was clear on the other side of the park, came over and asked me to stop my mouth because she had her little children with her. I just brushed her off. After all, she was not my mother and besides McEnroe does it. Why couldn't I?

Incidentally, this screaming after points became a habit with me whenever I played and continued through high school. So bad was it that I would almost get into fist fights with opponents from other schools. One time, during the state doubles championships, I was running my mouth so bad that my coach almost pulled my partner and I out of the tournament * * * and we were in the quarterfinals. Playing tennis the way John McEnroe did was the only style I came to know.

Now, I'm not saying that all kids who imitate the bad behavior of professional athletes are going to behave that way for the rest of their lives. Nor am I saying that kids only pay attention to the conduct of unruly players, for there are far more players exhibiting the qualities of sportsmanship than there are not.

What I am saying is that a player who screams and shouts when things don't go his or her way and gets away with it, may spark the interest of a child more than someone who just accepts the fate the sports gods lay out for them. I speak from experience here.

So as we celebrate National Sportsmanship Day today, it would be nice if the not-so-sportsmanlike athletes of the nation would take the time to recognize the value of sportsmanship. If not for themselves or respected leagues, at least for the little Wayne Gretzkys, Pete Samprases, and Kerri Struggs out there.

SPORTS' CODE: BE YOUR BEST AT ALL TIMES

(By Brian Bert, Grade 5, Metcalf School, Exeter, R.I.)

I think good sportsmanship is not who wins or loses, but playing your best. You have to remember it is just a game. A good sport does not insult other teammates. He helps other players up when they fall.

When I play sports I see a lot of good and bad sportsmanship. Sometimes I see players who won't shake other players' hand at the end of the game. I sometimes see teammates blaming other teammates for losing the game. I see coaches arguing with refs.

I also a lot of good sportsmanship like helping other teammates up when they fall. Most good players shake hands at the end of the game and say "good game." A good sport would say to others "don't worry about your mistakes, it is just a game".

I felt I show good sportsmanship. I enjoy playing the game. It does not matter who wins, I feel good sportsmanship will help me through my life. It is a good lesson to learn.

WIN OR LOSE, STRONG HEARTS NEVER DIE

(By Erin K. Hannon, Grade 10, Exeter/West Greenwich High)

The 1996 Exeter/West Greenwich High School football team showed opponents that winning is not everything. Despite their nine losses, these young men displayed outstanding sportsmanship and character throughout the season. Their love and devotion to the game of football kept their spirits alive whenever hope seemed to be fleeting. Although they did not achieve the win they had been looking for they gained the respect of many last year.

The tradition of football is just beginning to blossom in the rural towns of Exeter and West Greenwich. This past season was only the second year that the school had had a team. Experience was the key to playing the game, and many of these boys had never played organized football before. With only 19 boys on the roster, including only one senior, these young men found it difficult to compete with larger, more experienced teams across the state. However, giving up was out of the question. They stood tall and repeatedly showed that they deserved the respect that all of the opposing teams were receiving. These boys continued to give all that they had until the last whistle of the season had been blown.

As the manager and statistician of the team, I witnessed the pain in the eyes of each and every young man after a loss. They put forth tremendous effort not only during the games, but every day in practice. Their coaches, Mark Graholski, John Houseman and Craig Belanger, pushed every one of the boys until they could be pushed no further. They taught the boys the fundamentals on the football field, and more importantly, how the football team becomes a family during the season. They learned how to stick together through thick and thin and that although losing is not the greatest, earning respect and dignity is far greater than winning.

One of the team's greater accomplishments last year was receiving the Dick Reynolds Outstanding Sportsmanship Award. This honor recognized not only the talent, but the impetus and determination that came from within each and every young man on the team. It also allowed the team to be noticed by all not for their winning percentage, but for the way they played the game. The players realized that winning was only the icing on the cake and they were proud in what they had accomplished overall.

The members on the Exeter/West Greenwich football team learned more than the game of football last year, they learned many aspects of the game of life. They learned that being able to stand tall with a smile on your face is a far better goal to achieve than winning. Their character and sense of pride through a season filled with struggles showed that they had the will to continue and the power to be successful, win or lose. Although the pain and anguish of losing will fade away, the character and sportsmanship of these young men will remain for years to come.

PROFESSIONAL ATHLETES NEED TO LEARN SELF-CONTROL

(By Kaycee Roberts, Grade 7, Westerly's Babcock School)

The behavior of professional atheletes today is extremely out of hand. Players and coaches alike go to the outler limits to win, and often, to make the other team look bad. Referees allow many more things to go on (and so do coaches) than they should. Sports are played mainly for fun, but if athletes and coaches keep acting in such an impolite and downright ridiuculous manner, they will take the fun right out of it. Therefore the behavior of role models in sports needs to be improved.

First, children are watching these morally irresponsible actions. They will see their idols commit these acts. So, of course, they will act the same way. For example, when you see a baseball player throw the bat and swear at the umpire, children will think it is cool to do that, and they will go out and repeat the same action. It is not right to introduce this behavior to the youth of America.

Second, they celebrate and taunt, yet they are only doing their job. When football players shout and dance because they score a touchdown, they are celebrating actions they are expected to perform. The football players are supposed to score for their team. These flamboyant actions are totally uncalled for. It would be like a stockholder screaming and boasting because he sold stocks. They need to put aside their ridiculous and foolish antics and play the game.

Last is the obvious fact that such behavior has absolutely no point and does not benefit anyone. It certainly doesn't benefit the subject of the taunt, nor does it benefit anyone watching the game. Finally, role models in professional sports desperately need to improve their attitudes. We are going to be living in a very sad world if people cannot simply control their tempers and behavior . We want to see athletes set aside silly and childish ways and promote the youth of America by freshly nourishing them in a good way.

[From the USA Today, Mar. 4, 1997]

PUSHING TO IMPROVE IS MARK OF A WINNER

(By Daryl Myer, Edinboro (PA) University)

His gait is modest and true, his body strong yet unpretentious. His eyes glow with the vibrancy for life all too few know. His smile is contagious. Ask any of his friends, and they will tell you the truth: His work ethic and will to win rate second to none. He is always trying to become better, not only on the track, but in life as well.

It is practice time, and his teammates and coach have gathered on the track for another workout. His coach reads aloud the workout, and all the others quietly whine and complain. He hears one teammate complaining about a blister on his toe and another about a headache. He remains quiet, showing no signs of apprehension about the pain that awaits him. Ultimately, he realizes that his sore muscles and screaming lungs will make him stronger and more proficient. His goal is to become a national champion.

Many people might guess that he does poorly in track meets. The exact opposite is true. His desire to win is incomparable. He trains hard and races hard. He speaks only a choice few words. What he says is profound, and he never speaks about himself. In a day and age where athletes draw attention to themselves in any way possible, he chooses to place the emphasis on his team, not himself. Others taunt and point fingers; he simply congratulates his competitors for a job well done.

He is a true gentleman in every facet of the word. He accepts responsibility for his actions and remains humble at all costs. Honesty and integrity are of the same importance as gold medals and records. His goals are high, but his will is strong. He will be fair and just.

These are the ideals of a true sportsman, ideals my mother and father taught me. It is my desire to follow their lead. I want to become like "him."

COMPETITORS SHOULD RAISE BAR ON ETHICS

(By Brian Bokor, Senior, Shorecrest Prep, St. Petersburg, FL)

We live in a world where winning supersedes all other considerations. Moral values have been clouded by the desire to win at any price. This is evident in business, politics and in sports.

I have played organized sports for the last six years of my life, and I have learned about sacrifice, hard work, self-discipline and working with others. However, there is also a dark side to the lessons taught in competition. Many athletes will do whatever it takes to achieve a competitive edge.

I remember reading a couple of years ago about Colorado defeating Missouri in a football game. After review of the game film, it was discovered that Colorado scored on a fifth-down play. The mistake was acknowledged, but Colorado refused to forfeit the game. The Colorado coaches blamed the "mistake" on the referees. Later that season, Colorado won a share of the national championship. I believe this "win" proves that most people consider winning to be far more important than being fair.

My parents and I had discussed my concerns of a "must-win" attitude in many aspects of society. Most people now accept "unfair business practices," "dirty tricks politics" and "academic irregularities" as the norm. I now question whether sports has encouraged this attitude in society or whether society has imposed these practices on sports. No matter what the answer, I believe society and sports need to adopt a new code of ethics.

Sports participation has helped prepare me for success in a competitive society. However, the unethical practices illustrated in sports have led many competitors into confusing what fairness and sportsmanship are all about. I feel a responsibility to replace the "winning-at-all-costs" attitude with an attitude of fairness and sportsmanship that was the original intent of competitive sports.

GOOD STARTING POINT IS POSITIVE ATTITUDE

(By Meghan Murray, Sixth-grader, Unqua School, Massapequa, NY)

What is sportsmanship? The definition is the qualities or conduct of a sportsman, fair play. To me, sportsmanship's a kind of attitude you have to a person or anything else. The attitude can be positive or negative. To other people, sportsmanship can relate only to sports. But, in fact, sportsmanship doesn't relate only to sports. Jobs, homes, schools, and friends can relate to sportsmanship.

Positive sportsmanship is a person who can take constructive criticism, learn from it and turn it into positive abilities. You can achieve sportsmanship by expressing your skills. You have to earn positive sportsmanship by working hard and concentrating on the challenging situations that may arise.

Another thing about sportsmanship is the attitude. You can shake the other team's hand after you win or lose a game. That shows respect to the players as well as the coaches and fans. If you don't shake the other team's hands, people might think you are disrespectful toward the game.

After losing a game, disappointment may occur but this should not reflect a bad attitude. A bad team player would walk off the field mad. A good team player would want to meet with his coach and team to see what went wrong and maybe fix it for the next game.

Winning or losing should always result in good sportsmanship. If you win and rub it in, you are not practicing good sportsmanship! Don't be unkind and disrespectful.

To be the most effective team player, you must start by giving of yourself 100%. Such as attending all practices, respect all team players and your coaches. Following all rules and regulations of the game. Give all that you've got. Keep up your grades at school. Take charge of what is your destiny and take the responsibilities that may come.•

INTERNATIONAL WOMEN'S DAY

• Mr. FEINGOLD. Mr. President, I rise today to mark the recent celebration of International Women's Day, which took place on March 8, 1997. Women have made great strides in the past century, both here in the United States and around the globe. As we prepare to enter a new century, however, we must recognize that there is still much work to be done in the areas of equality and human rights for all women.

Here in the United States, women are making impressive contributions at all levels of society. They are daughters, mothers, wives, and sisters; they are entrepreneurs, research scientists, teachers, and scholars; they serve our Nation in the military, as civil servants, and as Members of the House, of the Senate and of the President's Cabinet.

This year, I was proud to be a Member of the Senate which unanimously approved the nomination of the first female Secretary of State, Madeleine K. Albright. More women serve in the 105th Congress than any other Congress in history, with 9 women in the Senate and 53 in the House. While women have made great progress in running for and attaining public office, we cannot forget that women are still vastly underrepresented at virtually every level of government.

In 1996, American women celebrated the 75th anniversary of winning the right to vote. Sadly, many women—and men—in the United States fail to take advantage of this aspect of democracy. As we prepare to enter the next century, we ought to encourage women to participate fully in our democracy, as informed voters and as candidates for public office at the local, State, and National level.

One striking inequity that persists for American women is in their earnings as compared to men. According to 1995 data from the U.S. Census Bureau, women earn only 71 percent of the wages of men. This wage gap varies by race: compared to white men, African-American women earn only 64 cents on the dollar, Hispanic women earn only 53 cents, and white women earn 71 cents.

Sixty percent of women are employed in traditionally female jobs. Women also make up a large segment of the United States contingent work force, which includes independent contractors, part-time and temporary workers, day laborers, and on-call workers. According to the American Association of Retired Persons (AARP), participation in this contingent work force has a significant impact on women aged 45 and above because contingent workers receive lower pay and fewer benefits and have less opportunity for advancement than do full-time workers. Women are more likely than men to be contingent employees due to an unequal distribution of parenting and household responsibilities which prevent many women from seeking full-time employment.

Only part of this disparity is explained by differences in men's and women's career paths. Women and men employed in the same job also receive unequal pay. According to 1995 data from the U.S. Bureau of Labor Statistics, women received equal pay for only 2 of 90 occupations that were studied.

As we look toward the 21st century, we must continue to fight for equal pay for equal work and continue to reform our Nation's health care and Social Security systems for all Americans. While we have made great progress with the Family and Medical Leave Act and the Health Insurance Portability and Accountability Act, there is still much work to be done.

Women abroad have also made progress over the past century. As the ranking member of the Subcommittee on African Affairs, I have had the opportunity to review the status of women on that continent. Last year, I was pleased to be a part of a hearing, chaired by Senator KASSEBAUM, which explored the status of African women. African women are becoming more active in the economy, in politics, and in solving national problems than they ever have before. Many development indicators that affect women—the number of girls attending primary school and life expectancy, for example—are also improving.

But with all these advancements, we cannot forget the challenges that women face in Africa. In many countries, women are legally prevented from owning property or signing official documents without the consent of their husbands. Women comprise a substantial majority of the nearly 7 million refugees in Africa. And, in Africa, women suffer more from the HIV virus than do men.

As we prepare to enter the 21st century, the great strides made by African women, and women in others areas of the world, should be applauded, but the fact that there is still much work to be done should not be forgotten.

In closing, Mr. President, I see International Women's Day as both an opportunity to celebrate the advancements of the last century and to outline goals for the next century.●

MIT: THE IMPACT OF INNOVATION

● Mr. KERRY. Mr. President, I commend the attention of the Senate to a significant new study released this week by BankBoston regarding the impact of the Massachusetts Institute of Technology on the economy of the United States and of the world.

Mr. President, we in Massachusetts have always known that MIT plays an outsized role in the economy of Massachusetts and of the United States, but this new study by BankBoston quantifies the impact. And the impact is staggering.

The report shows that MIT graduates are responsible for the formation of over 4,000 companies worldwide, and the creation of over 1.1 million jobs, including 733,000 jobs in the United States.

If MIT graduates constituted an economy all by themselves, they would be the 24th largest economy in the world.

Just as significant, the report shows that fully 80 percent of the jobs created by MIT-related companies are manufacturing jobs, and that MIT-related companies are heavily invested in the production of goods and services for export outside the United States.

In other words, the fruit of the sophisticated research and training offered at MIT is real jobs for real working Americans, and real net wealth for the U.S. economy.

We are proud of MIT and its accomplishments, but what this Congress should appreciate about the new MIT study is not what it says about MIT, but what it says about our research universities throughout the country, for the MIT story is one that could easily be told at research universities throughout the United States.

The moral of this story is that our historic Federal commitment to university-based research, and to support higher education, has paid off in jobs and in new wealth for this country, not to mention superior national security and continued advances for human health.

As we face tough fiscal choices this year on the way to a sustainable balanced budget, we must keep the lessons of the MIT study in mind. We will ill serve this country if, in the name of sustaining our economy through a balanced budget, we underinvest in the very things—research and education—that have made this country the unquestioned economic leader it is today.

I ask that the following article, "Study Reveals Major Impact of Companies Started by MIT Alums," be printed in the RECORD.

The article follows:

STUDY REVEALS MAJOR IMPACT OF COMPANIES STARTED BY MIT ALUMS

(By Kenneth D. Campbell)

In the first national study of the economic impact of a research university, BankBoston reported today that graduates of MIT have founded 4,000 firms which, in 1994 alone, employed 1.1 million people and generated $232 billion of world sales.

"If the companies founded by MIT graduates and faculty formed an independent nation, the revenues produced by the companies would make that nation the 24th-largest economy in the world," said the report, entitled "MIT: The Impact of Innovation."

Within the United States, the companies employed a total of 733,000 people in 1994 at more than 8,500 plants and offices in the 50 states—equal to one out of every 170 jobs in America. Eighty percent of the jobs in the MIT-related firms are in manufacturing (compared to 16 percent nationally), and a high percentage of products are exported.

The 36-page BankBoston report, which is the result of an MIT survey of 1,300 CEOs and two years of fact-gathering and checking by MIT and the bank, "represents a case study of the significant effect that research universities have on the economies of the nation and its 50 states." The study notes that many of the MIT-related founders also have degrees from other universities, and that these entrepreneurs maintain close ties with MIT or other research universities and colleges.

"In a national economy that is increasingly emphasizing innovation, these findings

extend our understanding of how MIT has been instrumental in generating new businesses nationwide," said Wayne M. Ayers, chief economist of BankBoston. "MIT is not the only university that has had a national impact of this kind, but because of its historical and continuing importance, it illustrates the contribution of research universities to the evolving national economy."

MIT President Charles M. Vest, commenting on the report, said, "About 90 percent of these companies have been founded in the past 50 years, in the period of the great research partnership between the federal government and research universities. The development of these business enterprises is one of the many beneficial spinoffs of federally funded research, which has brought great advances in such fields as health care, computing and communications."

The five states benefiting most from MIT-related jobs are California (162,000), Massachusetts (125,000), Texas (84,000), New Jersey (34,000) and Pennsylvania (21,000). Thirteen other states have more than 10,000 MIT-related jobs—from west to east, Washington, 10,000; Oregon, 10,000; Colorado, 15,000; Kansas, 13,000; Iowa, 13,000; Wisconsin, 12,000; Illinois, 12,000; Ohio, 18,000; Virginia, 15,000; Georgia, 14,000; Florida, 15,000; New York, 15,000; and Connecticut, 10,000.

Another 25 states have 1,000 to 9,000 jobs from MIT-related companies—Alabama, South Carolina, Missouri, and New Hampshire, 9,000; North Carolina, 8,000; Arizona and Michigan, 7,000; Maryland and Tennessee, 6,000; Kentucky, Minnesota, New Mexico, and Idaho, 5,000; Oklahoma, Indiana, Utah, Rhode Island and Arkansas, 2,500 to 5,000; Delaware, Louisiana, Maine, Nebraska, Nevada, West Virginia and Mississippi, 1,000 to 2,500 jobs. Only seven low-population states and the District of Columbia had less than 1,000 jobs from MIT-related companies.

More than 2,400 companies have headquarters outside the Northeast.

The report noted, "MIT-related companies have a major presence in the San Francisco Bay area (Silicon Valley), southern California, the Washington-Baltimore-Philadelphia belt, the Pacific Northwest, the Chicago area, southern Florida, Dallas and Houston, and the industrial cities of Ohio, Michigan and Pennsylvania."

The report said the MIT-related companies "are not typical of the economy as a whole; they tend to be knowledge-based companies in software, manufacturing (electronics, biotech, instruments, machinery) or consulting (architects, business consultants, engineers). These companies have a disproportionate importance to their local economies because they usually sell to out-of-state and world markets, and because they so often represent advanced technologies." Other industries represented include manufacturing firms in chemicals, drugs, materials and aerospace, as well as energy, publishing and finance companies.

"Firms in software, electronics (including instruments, semiconductors and computers) and biotech form a special subset of MIT-related companies. They are at the cutting edge of what we think of as high technology. They are more likely to be planning expansion than companies in other industries. They tend to export a higher percentage of their products, hold one or more patents, and spend more of their revenues on research and development," the report said.

In interviews, MIT graduates cited several factors at MIT which spurred them on to take the risk of starting their own companies: faculty mentors, cutting-edge technologies, entrepreneurial spirit and ideas. The study profiled seven MIT founders who started companies in Maryland, Massachusetts, California, Washington state, Illinois and Florida. Nearly half of all company founders who responded to the MIT survey maintain significant ties to MIT and other research universities in their area.

The findings of the study also reveal:

MIT graduates and faculty have been forming an average of 150 new firms a year since 1990.

In Massachusetts, the 1,065 MIT-related companies represent 5 percent of total state employment and 10 percent of the state's economic base (sales in other states and the world). MIT-related firms account for about 25 percent of sales of all manufacturing firms and 33 percent of all software sales in the state.

The study also looked at employment around the nation and the world from MIT-related companies. Massachusetts firms related to MIT had world employment of 353,000; California firms had 348,000 world jobs. Other major world employers included firms in Texas, 70,000; Missouri, 63,000; New Jersey, 48,000; Pennsylvania, 41,000; and New Hampshire, 35,000.

In determining the location of a new business, the 1,300 entrepreneurs surveyed said the quality of life in their community, proximity to key markets and access to skilled professionals were the most important factors, followed by access to skilled labor, low business cost, and access to MIT and other universities.

The companies include 220 companies based outside the United States, employing 28,000 people worldwide.

Some of the earliest known MIT-related companies still active are Arthur D. Little, Inc. (1886), Stone and Webster (1889), Campbell Soup (1900) and Gillette (1901).

The report said the MIT-related companies would rank as the 24th-largest world economy because the $232 billion in world sales "is roughly equal to a gross domestic product of $116 billion, which is a little less than the GDP of South Africa and more than the GDP of Thailand." •

FATHER WILLIAM CUNNINGHAM

• Mr. LEVIN. Mr. President, I rise to pay tribute to Father William T. Cunningham, who will be recognized by the Hartford Optimist Club of Detroit as 1997 Optimist of the Year. Father Cunningham is being honored for his efforts to "optimistically build a renaissance in Detroit for the 21st century."

A longtime advocate of social justice and racial equality, Father Cunningham is one of the most respected and admired people in Michigan. In 1968, he and cofounder Eleanor Josaitis began a civil and human rights organization in Detroit called Focus:HOPE. Focus:HOPE provides a unique combination of programs which seek to improve race relations, deliver food to 86,000 low-income women, children and elderly each month, and provide advanced technology training for low-income young men and women. Father Cunningham and Focus:HOPE have changed the lives of thousands of people throughout metropolitan Detroit by bringing to life the proverb "Give a person a fish and you feed him for a day; teach him to fish and you feed him for a lifetime."

Father Cunningham's commitment to the people of Detroit has never wavered. I have been proud to be with President Clinton, Gen. Colin Powell, Ron Brown and many others on tours of Focus:HOPE. While each of these dignitaries has walked away impressed by the size and scope of Focus:HOPE's mission, they have been equally inspired by the spiritual nature of Focus:HOPE and by the man whose vision and hard work have made Focus:HOPE the success it is today.

Today, Mr. President, Father Cunningham's optimism is in full public view as he fights a battle against cancer. His determination to continue his legendary career serving the people of Detroit is as strong as ever. Father Cunningham's faith and courage is an inspiration to all who witness it.

Father William Cunningham is an American treasure. I know my colleagues will join me in congratulating Father Cunningham as he receives the "1997 Optimist of the Year" award, and in wishing him good health and continued success in the years ahead.•

CARM LOUIS COZZA

• Mr. LIEBERMAN. Mr. President, the State of Connecticut, sports fans, and alumni of Yale University said goodbye to a true national coaching legend when Carm Cozza stepped down as coach of the Yale University football team last fall.

Carm was Yale's head coach for 32 years, winning a school-record 179 games and coaching 1,300 players. He led the Elis to 10 Ivy League championships and coached future National Football League stars like Calvin Hill, who went on to win a championship with the Dallas Cowboys in the 1970's and Gary Fencik, a member of the Super Bowl XX champion Chicago Bears. He is a Connecticut and American coaching icon.

"I think Cozza epitomizes the champion that all of us try to be, that we strive to be," said Fencik, an All-American in 1975, in a recent interview with the New Haven Register.

"You learn a lot more about a man under adversity and Carm had tremendous adversity that first year. My first year we didn't even have a winning record and he treated that season the same as the next two when we won league titles," said Hill in the same story.

Cozza began his coaching career at Yale at a time when Ivy League football was truly top-notch college football. But as the prestige of Ivy League football faded, and Division I–AA football slipped in general, Carm stayed at Yale. He was offered jobs at the University of Virginia and Princeton, but

elected to stay in Connecticut. And we're grateful for that, because he's touched the lives of so many Ivy League athletes and so many other people in our State. A true testament of how successful Cozza's former players have become is in the numbers—Seven NCAA post-graduate scholarship winners, seven GTE /CoSIDA District I academic All-Americans, five National Football Foundation Hall of Fame Scholar-Athletes, and five Rhodes Scholars. These numbers make Cozza the proudest and the best of leaders.

His coaches have also gone on to bigger and better positions. Eleven of his assistant coaches became head coaches on the college level. Included on the list are Buddy Amendola, who led Central Connecticut State University, Jim Root—William & Mary—Bill Mallory—Indiana—Bill Narduzzi—Youngstown State.

Cozza's football coaching career commenced at the high school level at Gilmour Academy and Collinwood High, both in Ohio, before he became the head freshman coach at Miami in 1956. Five seasons later, he joined the varsity as an assistant. He left Miami in 1963 to join John Pont's staff at Yale and after Pont resigned to become head coach at Indiana, Cozza became the Bulldogs' new head coach.

The lives he touched—let's just say they all remember. They all are grateful. At a farewell dinner last fall, all but one of his captains came back to pay tribute. The only one who didn't appear was on business and couldn't get away. Each shared a story about him.

Sending written tributes, congratulating the coach on an incredible career, were President Clinton and former Presidents Bush and Ford. Gov. John Rowland proclaimed the day he coached his final game Carm Cozza Day and New Haven Mayor John DeStefano did the same for the city.

Carmen Louis Cozza was born on June 10, 1930, in Parma, OH. He earned 11 varsity letters in football, basketball, track, and baseball, while serving as class president his last 3 years, at Parma High and was inducted into the school's Hall of Fame in 1982. Cozza and his wife, the former Jean Annable, reside in Orange, not far from his beloved Yale.

We'll all miss this living legend's presence on the football field. But his presence in our hearts and the memories of his great career will live on.•

HUMAN RIGHTS ABUSES IN EAST TEMOR

• Mr. FEINGOLD. Mr. President, on Sunday, March 2, 1997, the Washington Post ran two op-eds profiling how the award of the Nobel Peace Prizes to Asian democratic activists in recent years have helped draw attention to the terrible human rights situation in Burma and in East Timor. The two companion articles highlighted the work of 1991 Nobel winner Aung San Suu Syi and the 1996 cowinners Bishop Carlos Ximenes Belo and Jose Ramos Horta.

I had the pleasure of meeting Mr. Ramos Horta late last month, and he told me how—since the Nobel Committee's announcement in October—the attention of international policymakers and the press on the plight of East Timor has increased dramatically.

Mr. President, the joint award to Bishop Belo and Mr. Ramos Horta, followed by the attention in the United States focused on political campaign contributions from Indonesians, has made United States policy toward Indonesia and human rights issues related to East Timor the subject of heightened interest. The Nobel Committee said it hoped the 1996 award would draw international attention to the situation in East Timor, and help build momentum for resolution of the conflict there.

I commend the Nobel Committee's decision, because I believe the more light that the international community sheds on the horrible abuses taking place in East Timor, the sooner we will come to a resolution of this conflict.

Mr. President, I ask unanimous consent that the text of the March 2, 1997, Washington Post article be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 2, 1997]

IN EAST TIMOR, TEETERING ON THE EDGE OF MORE BLOODSHED

(By Matthew Jardine)

"Hello, Mister. Where are you from?"

I had just arrived at the tiny airport in Dili, capital of Indonesian-occupied East Timor. The man, clad in civilian clothes, didn't identify himself except to say he was from Java, Indonesia's principal island. His questions—and the respect he seemed to command from uniformed officials at the airport—led me to believe he was an intelligence agent. As the only obviously non-Indonesian or East Timorese on this daily flight from Bali a few months ago, I attracted his attention.

"Are you a journalist?" the man asked, examining my passport. "Where are you planning to stay?"

I mentioned a local hotel and told him I was a tourist, a common lie that journalists tell to avoid immediate expulsion from places such as East Timor. I wasn't surprised by the scrutiny: During my first trip to East Timor in 1992, I was frequently followed and questioned as I traveled around the tropical, mountainous territory, which makes up half of an uncommonly beautiful island at the eastern end of the Indonesian archipelago, 400 miles north of Australia.

But the beauty belies a harsh reality. In the more than 21 years since Indonesia invaded East Timor and annexed it, more than 200,000 people—about one-third of the country's pre-invasion population—have died as a result of the invasion, Indonesia's subsequent campaign of repression, the ensuing famine and East Timorese resistance to the ongoing occupation, according to Amnesty International.

East Timor was a backwater of the Portuguese colonial empire until April 1974, when the military dictatorship in Lisbon was overthrown. Two pro-independence political parties sprung up in East Timor; this development scared the Indonesian military, which feared that an independent East Timor could incite secessionist movements elsewhere in the ethnically diverse archipelago or serve as a platform for leftist subversion.

Indonesian intelligence agents began covertly interfering in East Timor's decolonization, helping to provoke a brief civil war between the two pro-independence parties. Amid the chaos, Portugal abandoned its rule of the island. Soon after, Indonesian troops attacked from West Timor (Indonesia has governed the island's western half since its own independence in 1949), culminating in a full-scale invasion on Dec. 7, 1975. They met with fierce resistance from Falintil, the East Timorese guerrilla army. But the war turned in Indonesia's favor with the procurement of counterinsurgency aircraft from the Carter administration.

The Indonesian military was able to bomb and napalm the population into submission, almost destroying the resistance as well. An Australian parliamentary report later called it "indiscriminate killing on a scale unprecedented in post-World War II history."

Until 1989, East Timor was virtually closed to the outside world. Then the Indonesian government "opened" the territory to tourism and foreign investment, but continued to restrict visits by international human rights monitors and journalists.

As my taxi left the airport, I saw immediate evidence of change since my 1992 visit: On a wall near the airport entrance, someone had boldly spray-painted "Viva Bishop Belo," a tribute to Carlos Filipe Ximenes Belo, the head of East Timor's Catholic Church. Belo and José Ramos Horta were awarded the 1996 Nobel Peace Prize for their opposition to Indonesian oppression.

During my 1992 visit, most East Timorese seemed too afraid to make direct eye contact with me. This time, many people greeted me as I walked the streets in Dili, a picturesque city of 150,000. Some, particularly younger people, flashed a "V" sign for victory, a display of their nationalist sympathies.

East Timorese with the means to own a parabolic antenna can now watch Portuguese state television (RTP)—which beams its signal into the territory over Indonesia's objections—and catch glimpses of pro-independence leaders in exile or those hiding in the mountains. During my visit, RTP broadcast a documentary on Falintil, which now numbers around 600 guerrillas. The documentary, clandestinely made by a British filmaker, contained footage of David Alex, a 21-year veteran in the struggle against the Indonesian military and third in the Falintil command. He is well known to the East Timorse, but few had ever seen him or heard his voice until the broadcast.

Despite these openings, East Timor remains a place where few dare to speak their minds in public and even fewer dare to invite foreigners into their homes. "We are very happy that the world has recognized our suffering with the Nobel Prize," a middle-aged woman told me in a brief conversation on a shady street, "but we still live in a prison." Our talk ended abruptly when a stranger appeared.

The streets of Dili are empty by 9 p.m. Accordingly to several people I interviewed, Indonesian soldiers randomly attack people,

especially youths, who are outside at night. Matters are worse in rural areas, where the Catholic Church has less of a presence. "Outside the towns, people are at the total mercy of the Indonesian military," one priest said.

Increasing international scrutiny has forced Indonesia to be more discreet in dealing with suspected pro-independence activists. But arrests, torture and extrajudicial executions are still common, human rights researchers say.

Such repression, however, has not stilled opposition to Indonesia's authority. Open protests have been a sporadic occurrence since November 1994, when 28 East Timorese students and workers occupied the U.S. Embassy in Jakarta during President Clinton's visit to Indonesia. Demonstrations and riot erupted in Dili and in other towns.

Protesters sometimes target Indonesian settlers and businesses, a manifestation of the deep resentment caused by the large scale migration of Indonesians into the territory. There are upwards of 150,000 Indonesian migrants in East Timor (out of a population of 800,000 to 900,000), according to researchers. This influx, combined with administrative corruption and the destruction caused by the war, has overwhelmed the indigenous population. Joblessness and underemployment, especially among the young East Timorese, are high.

Indonesia maintains order through a highly visible military force of 20,000 to 30,000 troops and an extensive administrative apparatus. But a sophisticated underground resistance in the towns and villages challenges its authority. The underground has strong links to Falintil guerrillas in the mountains and to the resistance's diplomatic front abroad, led by Ramos Horta.

I saw this firsthand when I spent 24 hours during my trip with David Alex and 10 of the 150 Falintil guerrillas under his command. Underground activists drove me to a rural safe house, where I was taken on a lengthy hike to the guerrillas' mountain camp. My transport in and out of the region relied on the cooperation of numerous people from many walks of life, exposing the hollowness of Indonesia's claims that the resistance is marginalized and isolated within East Timor.

Many East Timorese told me that only the United States, Indonesia's longtime military and economic patron, has the clout to pressure the Jakarta government into resolving the conflict. Successive U.S. administrations have provided Indonesia with billions in aid since the 1975 invasion, despite United Nations resolutions calling upon Indonesia to withdraw and allow the East Timorese to determine their own future.

Bill Clinton, who called U.S. policy toward East Timor "unconscionable" before he became president, seems just as beholden as his predecessors to the lure of Indonesia, which Richard Nixon once called "by far the greatest prize" in Southeast Asia. The Clinton administration has provided Indonesia with almost $400 million in economic aid, has sold or licensed the sale of $270 million in weaponry.

Meanwhile, East Timor teeters on the edge of increased violence. On Dec. 24, 100,000 people gathered in Dili to welcome Bishop Belo back from receiving the Nobel Prize in Oslo. Youths in the crowd, apparently fueled by rumors of an Indonesian military plot to assassinate Belo, attacked two men who they suspected of being in the Indonesian military and killed another carrying a pistol and a walkie-talkie. (Belo had announced a month before that the military had twice made attempts on his life.)

In the past three weeks, rioting has broken out in two different regions of the territory. Indonesian troops have responded with a major crackdown and numerous arrests. Rep. Frank Wolf (R-Va.), after a recent three-day visit to East Timor, described the atmosphere as one of "terror" and "total and complete fear."

Some East Timorese I met on my recent visit expressed fears that the violence and repression will intensify. "The people here are desperate," one priest said. "If the situation does not change soon, there will be much more bloodshed."•

MR. HERMAN C. GILBERT: A MAN WHO MADE A DIFFERENCE

• Ms. MOSELEY-BRAUN. Mr. President, later today, a number of the friends of Herman C. Gilbert will come together to remember a man whose life embodied the core values we hold so dear. While many people will attend tonight's service at Cosmopolitan Community Church in Chicago, however, they will be only a very small fraction of those whose lives he touched, and those whose lives he made better.

Herman Gilbert was a leader; he was a doer; he made things happen. All of his life, he worked to make his community a better place in which to live. All of his life he worked to open the doors of opportunity. All of his life he strove to turn what Dr. Martin Luther King called the American "Declaration of Intent" into the reality of life for every American.

Herman Gilbert led in many fields. He was a publisher; he cofounded Path Press to publish books by and about African-Americans. He was a political leader; he was one of the cofounders of the Chicago League of Negro Voters in 1959, and he served as chief of staff to Congressman Gus Savage for 2 years. He was a civil rights leader, working closely with Dr. King and Mayor Harold Washington of Chicago to fulfill the promise of America for minority Americans. He was a labor leader, active in the United Packinghouse Workers, a progressive union.

Herman Gilbert was a strong man, with strong views. He brought determination, intelligence, good judgment, and perhaps most importantly, a real commitment to principle and to fundamental values, in everything he did. He knew that nothing worth having comes easily, that real achievement is built on hard work—and he worked hard all of his life for his family, for his community, for African-Americans as a people, and for his country.

I know he will be greatly missed by his wife, Ivy, by his sister, Addie Lawrence, by his son, Vincent, by his daughter, Dorothea, by his stepdaughter, Lynnette Tate, and by his grandchildren. He will also be missed by the people of Mariana, AR, where he was born, by the people of Cairo, IL, where his family moved in 1937, by the people of the city of Chicago, where he spent most of his life, and by people all across this country who have so benefited from his lifetime of effort on their behalf, and on behalf of us all.

I will greatly miss him, Mr. President. His was a life that made a difference for many, many people; his was a life that made an important difference for me. Like the others whose lives he touched, I have greatly benefited from the legacy embodied in the life and work of Herman C. Gilbert.•

COMMENDATION UPON THE RETIREMENT OF KAY DOWHOWER

• Mr. DORGAN. Mr. President, it is with great honor that I rise to commend Kay S. Dowhower. After more than 9 years of committed service, Kay is leaving her role as director of the Evangelical Lutheran Church's governmental affairs office in the Nation's capital to pursue other advocacy efforts within the church. The Evangelical Lutheran Church in America is a church with a membership of over 5.2 million people and 11,000 congregations.

During those 9 years, she has worked tirelessly for social justice in the formulation of public policy. She has been a committed spokesperson for the poor and the powerless in this Nation and abroad. Her competent work has provided her church, her colleagues, and those in Government with encouragement and a model of excellence.

Kay Dowhower, you will be missed. We have been the better because of your unwavering efforts to challenge us to do what is just for the least of these in our Nation and in the world.•

RURAL HEALTH IMPROVEMENT ACT

• Mr. THOMAS. Mr. President, I would like to take this opportunity and make a few comments about a bill that my colleague, Senator MAX BAUCUS introduced yesterday. The bill, known as the Rural Health Improvement Act, is designed to help struggling, small, rural hospitals across America.

I am pleased to join Senator BAUCUS as an original cosponsor of this important bill. It will go a long way in helping people served by rural facilities.

As cochairman of the Senate Rural Health Caucus, I have worked long and hard to ensure rural families have access to quality care. This is an issue that concerns not just a select few, but all Senators because every State has at lease some low-population areas.

Unfortunately, too many of our small hospitals are confronted with the decision of having to close because they can no longer contend with declining inpatient stays, costly regulations, and low Medicare reimbursement rates. However, closing hospitals is not an acceptable option in Wyoming. In my

State, if a town loses its most important point of service—the emergency reoom—it is typical for patients to drive 100 miles or more to the closest tertiary care center.

With the Medicare trust fund going broke, it also is understood that underutilized facilities cannot continue to be subsidized. However, an alternative must still be available. That is why it is necessary to give small rural hospitals the ability to downsize without having to maintain a full-service operation.

Mr. President, the Rural Health Improvement Act allows facilities to reconfigure their service and reduce excess bed capacity while retaining access to emergency care. In short, the bill presents communities with a viable option. It accommodates different levels of medical care throughout a State while providing stabilization services needed in remote areas.

The bill is one in a series of measures the Rural Health Caucus is working on designed to improve quality medical care in rural America. It is similar to legislation I introduced as a Member of the House of Representatives, and I look forward to working with Senator BAUCUS to pass this important, bipartisan piece of legislation.●

SAFE AND SOBER STREETS ACT

● Mr. LAUTENBERG. Mr. President, on March 10, 1997, I introduced S. 412, the Safe and Sober Streets Act of 1997. I now ask that the text of the bill be printed in the RECORD.

The bill text follows:

S. 412

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 "Safe and Sober Streets Act of 1997".

SEC. 2. STANDARD TO PROHIBIT OPERATION OF MOTOR VEHICLES BY INTOXICATED INDIVIDUALS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. National standard to prohibit the operation of motor vehicles by intoxicated individuals

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2000, if the State does not meet the requirement of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(3), and 104(b)(5)(B) on October 1, 2001, and on October 1, of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.

"(3) REQUIREMENT.—A State meets the requirement of this paragraph if the State has enacted and is enforcing a law that considers an individual who has an alcohol concentration of 0.08 percent or greater while operating a motor vehicle in the State to be driving—

"(A) while intoxicated; or

"(B) under the influence of alcohol.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which those funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to that State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld from apportionment under subsection (a) are to remain available for apportionment to a State under paragraph (1), the State meets the requirement of subsection (a)(3), the Secretary shall, on the first day on which the State meets that requirement, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year during which those funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Sums not obligated at the end of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld from apportionment under subsection (a) are available for apportionment to a State under paragraph (1), the State does not meet the requirement of subsection (a)(3), those funds shall—

"(A) lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(5)(B), lapse and be made available by the Secretary for projects in accordance with section 118.".

"(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. National standard to prohibit the operation of motor vehicles by intoxicated individuals.".●

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 83–420, as amended by Public Law 99–371, appoints the Senator from Arizona [Mr. MCCAIN] to the Board of Trustees of Gallaudet University.

The Chair, on behalf of the Vice President, in accordance with Public Law 81–754, as amended by Public Law 93–536 and Public Law 100–365, appoints the Senator from Vermont [Mr. JEFFORDS] to the National Historical Publications and Records Commission.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ROTH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the executive calendar: Calendar No. 41.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, 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 nomination was considered and confirmed as follows:

DEPARTMENT OF JUSTICE

Lyle Weir Swenson, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

REGARDING UNITED STATES OPPOSITION TO THE PRISON SENTENCE OF TIBETAN ETHNOMUSICOLOGIST NGAWANG CHOEPHEL

Mr. ROTH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar order No. 22, Senate Resolution 19.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 19) expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

The Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, Ngawang Choephel is lonely, locked up in a Chinese prison in Tibet. I do hope, Mr. President, that somehow, through Radio Free Asia or other means, he will learn that the Senate of the United States is sincerely concerned about him and will continue to work for his freedom—as we will for all prisoners of conscience in China and Tibet.

Senate Resolution 19 proposes to put the U.S. Senate on record in support of

the release of Mr. Choephel, a strong resolution on China and Tibet at the U.N. Human Rights Commission in Geneva and access to Tibet for internationally recognized human rights group.

This resolution assures Tibetans—those in Nepal and India where they wait for the day they can reclaim their homeland, and those inside Tibet where they resist the cultural, religious, and political oppression of the Chinese Central Government—we in the United States have not forgotten you. We are with you. We will always be with you.

Yesterday, March 10, was Tibet National Uprising Day, the anniversary of Tibet's 1959 uprising against the Chinese occupation.

For almost 40 years, the Tibetan people have been resisting Chinese occupation, while working to preserve their culture in exile in India and Nepal. Repression inside Tibet has been raised to a level not seen since the Cultural Revolution. China has absorbed large portions of Tibet into neighboring provinces and conducted a concerted campaign to dilute Tibet's population through the relocation of Han Chinese. Tibet's leaders fear that Tibetans are now in the minority inside Tibet.

China seeks to limit the number of young people who enter religious life. Monks are forced to undergo political indoctrination and to renounce the Dalai Lama. The Dalai Lama himself is the focus of virulent attacks. His photograph is banned. China has detained the Panchen Lama, a young boy who is the reincarnation of Tibet's second most important religious figure, and selected its own rival Panchen Lama. The number of political prisoners has increased dramatically—Ngawang Choephel, the subject of this resolution is just one case. There are many, many others.

Yesterday was also the opening day of the U.N. Human Rights Commission in Geneva. Mr. President, Senate Resolution 19 reminds President Clinton and his administration of their responsibility to support and bring about the passage of a strong resolution on China and Tibet at Geneva, and to raise relentlessly Mr. Choephel's case, and other cases, with the Chinese Government, while pressing for access to Tibet by human rights monitors.

The administration must take this responsibility seriously and sincerely. However, according to news reports, the administration's position on a China resolution at the Commission is just a bargaining chip in United States-China relations. There are frequent reports that the United States may drop, or soften, a resolution at Geneva in exchange for some future progress on human rights in China.

We have been down this road before with the administration. It is difficult to fathom what the administration believes it is achieving by rushing to entice China with softer positions on human rights, on proliferation, or on Hong Kong. Last year, the administration itself reports, human rights in China deteriorated. The President himself admitted that his engagement policy has not brought results. It makes no sense to mute or abandon our objections to China's record at the U.N. Human Rights Commission in exchange for nebulous commitments. The administration must tell the truth at Geneva.

In Burma, as well, the administration has recognized a marked deterioration in human rights over the past year. For several months, the administration has been reviewing its policy toward Burma in order to determine whether to impose a ban on new United States investment. The administration last year signed into a law specifying criteria for imposing an investment ban—first, restrictions on, physical harm to, or the exile of Aung San Suu Kyi, or second, widespread repression of the democratic opposition.

The SLORC regime is doing both, and the administration knows it. Since last summer, the SLORC has conducted a campaign of intimidation, arrests, disappearances, and some executions of democratic activists, and those close to them. Aung San Suu Kyi has repeatedly been kept from meeting and communicating with her supporters. Her phone service has been periodically cut. Her car was attacked.

Throughout all of this, the administration continued to review the law. It's time to follow the law. By failing to do so, the administration has signaled both the SLORC and our allies in the region that the United States isn't serious about supporting democracy or combating drug trafficking in Burma.

Now comes a new tragedy in Burma. For the past few weeks, the SLORC has been waging a campaign against the ethnic Karen rebels, the only major ethnic army which has not yet signed a cease-fire with the regime. The Karen, who are Christian, will not submit to SLORC's control. The Thai Army has been repatriating refugees to Burma—in violation of international law. The carnage on the border provides yet another reason to invoke sanctions on the SLORC regime not just because it's the decent thing to do, but because U.S. law requires it.

The Karen National Union was one of several ethnic nationalities which agreed in January to a common platform of support for democracy, opposition to Burma's membership in ASEAN, rejection of the rigged constitutional convention and the SLORC's cosmetic actions against narcotics production and trafficking, and opposition to foreign investment.

The Karen National Union is part of the democratic opposition in Burma. The massive and brutal attacks on the KNU by the SLORC regime clearly trigger the Cohen-Feinstein condition on widespread repression of the democratic opposition.

Mr. MOYNIHAN. Mr. President, yesterday, March 10, marked the 38th anniversary of the Tibetan uprising, at a time when many Tibetan citizens gave their lives to defend their freedom and to prevent the Dalai Lama from being kidnaped by the Chinese Army. For those who stand with the Tibetan people, it is a day to consider what can be done to lend support to their aspirations. The United States Senate will mark the occasion by adopting this resolution Senate Resolution 19, introduced on the first day of the 105th Congress, condemning the egregious prison sentence imposed by the Chinese Government on Hgawang Choephel. The Foreign Relations Committee has considered the measure and unanimously reported-out the resolution last week.

Mr. Choephel, a Tibetan ethnomusicologist and Fulbright Scholar, returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts. He was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996.

On December 26, 1996, the Chinese Government sentenced Ngawang Choephel to an 18-year prison term plus 4 years subsequent deprivation of his political rights following a secret trial. This is the most severe sentence of a Tibetan by the Chinese Government in 7 years.

The imprisonment of Ngawang Choephel reflects the broader conflict between Tibetans and Chinese. Mr. Choephel's arrest, and harsh sentence, appear to stem from his collecting information to preserve Tibetan performing arts. Such treatment of Tibetans is indicative of the extreme measures the Chinese Government continues to take to repress all forms of Tibetan cultural expression. To the Chinese Government, which views Tibetan religion and culture as an impediment to successfully unifying Tibet with the "motherland," such efforts are reactionary. As we have seen, they are so threatening that Mr. Choephel has been sentenced to 18 years imprisonment for his efforts. The New York Times editorial on January 2 explains:

> The basis of Ngawang Choephel's conviction is unclear, but even taping Tibetan culture for export could qualify as espionage under Chinese law. Since its invasion of Tibet in 1950, Beijing has gradually increased its efforts to erase Tibet's identity. China has arrested those who protested the takeover and tried to eradicate the people's affection for the leader of Tibetan Buddhism, the Dalai Lama.

My first encounter with this transcending issue came with my appointment as Ambassador to India a near

quarter-century ago. In 1975, along with my daughter Maura Moynihan, I visited China as a guest of George Bush, who was then Chief of our U.S. Liaison Office in Peking. By this time, I was persuaded the Soviet Union would break up along ethnic lines. But I was not prepared for the intensity of ethnic tensions in the People's Republic. One was met at the Canton railroad station by a giant mural of Mao surrounded by ecstatic non-Chinese peoples who occupy more than half the nominal territory of the People's Republic. In Beijing, 3-year-olds in the Neighborhood Revolutionary Committee of Chi Eh Tao nursery school sang a patriotic song for us which began:

We will grow up quickly to settle the border regions. We will denounce and crush Lin Piao and Confucious

A refrain which ended:

We will each grow a pair of industrial hands.

Much of that Stalinoid dementia has disappeared from the coastal regions of China, at least for the moment, but not from Tibet. My daughter Maura has traveled to Tibet several times. After her most recent trip last year, she wrote in the Washington Post of the Chinese assault on Tibetan religion and culture:

Beijing's leaders have renewed their assault on Tibetan culture, especially Buddhism, with an alarming vehemence. The rhetoric and the methods of the Cultural Revolution of the 1960s have been resurrected—reincarnated, what you will—to shape an aggressive campaign to vilify the Dalai Lama.

The resolution before us records the United States Senate's response to these Chinese policies. We reject Chinese efforts to "erase Tibet's identity" and their "assault on Tibetan culture." Tibetans must be free, not only to preserve their identity and culture, but to determine their future for themselves.

In the words of the International Commission of Jurists in 1960, "Tibet demonstrated from 1913 to 1950 the conditions of statehood as generally accepted under international law." The Government of the People's Republic of China should know that as the Tibetan people and His Holiness the Dalai Lama of Tibet go forward on their journey toward freedom the Congress and the people of the United States stand with them.

I thank all my colleagues who have cosponsored this resolution. In particular I would like to recognize the long commitment that the chairman of the Foreign Relations Committee Senator HELMS, has shown in support of Tibetans and thank him for joining me in this effort today. I would also thank both Senators from Vermont, who have remained engaged in this matter since it was made known and for their joining me as a cosponsor of this measure.

Mr. FEINGOLD. Mr. President, I rise today to commend the Senate's passage of Senate Resolution 19, regarding United States opposition to the prison sentence of Tibetan ethno-musicologist Ngawang Choephel by the Government of the People's Republic of China. I am proud to be an original cosponsor of this resolution, which was introduced by Senator MOYNIHAN, and was successfully reported out of the Senate Foreign Relations Committee last week.

This resolution expresses the Senate's strong sense that Ngawang Choephel should be released from the prison where he has been held in since 1995. It also urges the United States to raise the issue of his release with Chinese officials, to promote a resolution at the U.N. Human Rights Commission, and to seek access for human rights monitors in Tibet.

Mr. Choephel, a Tibetan national who—with the support of a Fulbright scholarship—studied ethno-musicology at Middlebury College in Vermont, was detained by the Chinese authorities in Tibet in August 1995. After being held incommunicado for a year, he was charged with espionage in October 1996. In December of that year, the Chinese sentenced him to a 18-year prison term following a secret trial.

Mr. Choephel was preparing a documentary film about traditional Tibetan performing arts when he was detained. The State Department says there is no evidence that his activities were anything but academic. Unfortunately, Mr. Choephel's arrest and sentence appear consistent with previous Chinese actions to repress cultural expression in Tibet.

The U.S. State Department and several human rights organizations, including Amnesty International and Human Rights Watch, note that China consistently denies Tibetans their fundamental human rights. According to the most recent State Department Human Rights report, Chinese authorities continue to commit widespread and well-documented human rights abuse, in violation of internationally accepted norms. Credible reports include instances of death in detention, torture, arbitrary arrest, detention without public trial, and intensified controls on religion and on freedom of speech and the press, particularly for ethnic Tibetans.

Since its occupation of Tibet in 1949, the Chinese have also been responsible for the destruction of much of Tibetan civilization. The arrest of Mr. Choephel, who was engaged in efforts to preserve Tibetan culture, reflects China's systematic attempt to repress cultural expression in Tibet.

It is crucial that the Senate continue to send the signal that human rights abuses should not be tolerated, and should figure prominently in foreign policy deliberations. As a member of the Senate Subcommittee on Asia, I feel that the United States must continue to urge China to respect Tibet's unique religious, linguistic, and cultural traditions and observe fundamental human rights in Tibet and elsewhere.

Mr. ROTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and 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. 19) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 19

Whereas the Chinese Government sentenced Ngawang Choephel to an 18 year prison term plus 4 years subsequent deprivation of his political rights on December 26, 1996, following a secret trial;

Whereas Mr. Choephel is a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968;

Whereas Mr. Choephel studied ethnomusicology at Middlebury College in Vermont as a Fulbright Scholar, and at the Tibetan Institute of Performing Arts in Dharamsala, India;

Whereas Mr. Choephel returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts;

Whereas Mr. Choephel was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996;

Whereas there is no evidence that Mr. Choephel's activities in Tibet involved anything other than purely academic research;

Whereas the Government of the People's Republic of China denies Tibetans their fundamental human rights, as reported in the State Department's Country Reports on Human Rights Practices, and by human rights organizations including Amnesty International and Human Rights Watch, Asia;

Whereas the Government of the People's Republic of China is responsible for the destruction of much of Tibetan civilization since its invasion of Tibet in 1949;

Whereas the arrest of a Tibetan scholar, such as Mr. Choephel who worked to preserve Tibetan culture, reflects the systematic attempt by the Government of the People's Republic of China to repress cultural expression in Tibet;

Whereas the Government of the People's Republic of China, through direct and indirect incentives, has established discriminatory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, and have excluded Tibetans from participation in important policy decisions, which further threatens traditional Tibetan life;

Whereas the Government of the People's Republic of China, withholds meaningful participation in the governance of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans;

Whereas the Dalai Lama of Tibet has stated his willingness to enter into negotiations

with the Chinese and has repeatedly accepted the framework Deng Xiaoping proposed for such negotiations in 1979;

Whereas the United States Government has not developed an effective plan to win support in international fora, such as the United Nations Commission on Human Rights, to bring international pressure to bear on the Government of the People's Republic of China to improve human rights and to negotiate with the Dalai Lama;

Whereas the Chinese have displayed provocative disregard for American concerns by arresting and sentencing prominent dissidents around the time that senior United States Government officials have visited China; and

Whereas United States Government policy seeks to foster negotiations between the Government of the People's Republic of China and the Dalai Lama, and presses China to respect Tibet's unique religious, linguistic, and cultural traditions: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Ngawang Choephel and other prisoners of conscience in Tibet, as well as in China, should be released immediately and unconditionally;

(2) to underscore the gravity of this matter, in all official meetings with representatives of the Government of the People's Republic of China, United States officials should request Mr. Choephel's immediate and unconditional release;

(3) the United States Government should take prompt action to sponsor and promote a resolution at the United Nations Commission on Human Rights regarding China and Tibet which specifically addresses political prisoners and negotiations with the Dalai Lama;

(4) an exchange program should be established in honor of Ngawang Choephel, involving students of the Tibetan Institute of Performing Arts and appropriate educational institutions in the United States; and,

(5) the United States Government should seek access for internationally recognized human rights groups to monitor human rights in Tibet.

ORDERS FOR WEDNESDAY, MARCH 12, 1997

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Wednesday, March 12. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to executive session to consider the Peña nomination, as under the previous order.

I further ask unanimous consent that following the debate on the Peña nomination, the nomination be temporarily set aside, and at 12:30 on Wednesday the Senate return to executive session and proceed to a vote on the confirmation of the nomination. I further ask unanimous consent that following the vote, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

I now ask unanimous consent that following the debate on the nomination, the Senate return to legislative session and there then be a period of morning business until the hour of 12:30, with Senators to speak for up to 5 minutes each, with the following exceptions: Senator SESSIONS, 30 minutes; Senator MURKOWSKI, 15 minutes; Senator DOMENICI, 10 minutes; Senator DORGAN 1 hour.

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

Mr. ROTH. Mr. President, I ask unanimous consent that following the 12:30 vote on Wednesday, the Senate then begin consideration of Senate Joint Resolution 18, the Hollings resolution regarding a constitutional amendment on campaign financing.

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

PROGRAM

Mr. ROTH. Mr. President, for the information of all Senators, following the 40 minutes of debate tomorrow morning on the Peña nomination, the Senate will temporarily set aside the nomination with the vote occurring on confirmation at 12:30, Wednesday afternoon. Following the morning debate, there will be a period of morning business in order to accommodate a number of Senators. Following the morning business period and the 12:30 vote, the Senate will begin consideration of Senate Joint Resolution 18, which is the Hollings resolution on a constitutional amendment on campaign financing. Senators can, therefore, expect additional rollcall votes throughout Wednesday's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROTH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Wednesday, March 12, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 1997:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 1999, VICE JACK EDWARDS, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. JOHN J. BATBIE, JR., [redacted]
BRIG. GEN. WINFRED N. CARROLL, [redacted]
BRIG. GEN. DENNIS M. GRAY, [redacted]
BRIG. GEN. GRANT R. MULDER, [redacted]
BRIG. GEN. VIRGIL J. TONEY, JR., [redacted]

To be brigadier general

COL. WILLIAM E. ALBERTSON, [redacted]
COL. PAUL R. COOPER, [redacted]
COL. GERALD P. FITZGERALD, [redacted]
COL. PATRICK J. GALLAGHER, [redacted]
COL. EDWARD J. MECHENBIER, [redacted]
COL. JEFFREY M. MUSFELDT, [redacted]
COL. ALLAN R. POULIN, [redacted]
COL. GIUSEPPE P. SANTANIELLO, [redacted]
COL. ROBERT B. SIEGFRIED, [redacted]
COL. ROBERT C. STUMPF, [redacted]
COL. WILLIAM E. THOMLINSON, [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. JAMES R. BATTAGLINI, [redacted]
COL. JAMES E. CARTWRIGHT, [redacted]
COL. STEPHEN A. CHENEY, [redacted]
COL. CHRISTOPHER CORTEZ, [redacted]
COL. ROBERT M. FLANAGAN, [redacted]
COL. JOHN F. GOODMAN, [redacted]
COL. GARY H. HUGHEY, [redacted]
COL. THOMAS S. JONES, [redacted]
COL. RICHARD L. KELLY, [redacted]
COL. RALPH E. PARKER, JR., [redacted]
COL. JOHN F. SATTLER, [redacted]
COL. WILLIAM A. WHITLOW, [redacted]
COL. FRANCES C. WILSON, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

To be lieutenant colonel

DOUGLAS R. YATES, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be captain

EDWARD H. LUNDQUIST, [redacted]

To be lieutenant commander

MATTHEW P. FORD, [redacted]
JOHN D. O'BOYLE, [redacted]

CONFIRMATION

Executive Nomination Confirmed by the Senate March 1, 1997:

DEPARTMENT OF JUSTICE

LYLE WEIR SWENSON, OF SOUTH DAKOTA, TO BE U.S. MARSHAL FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF 4 YEARS.

HOUSE OF REPRESENTATIVES—*Tuesday, March 11, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. EHLERS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 1997.

I hereby designate the Honorable VERNON J. EHLERS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE] for 5 minutes.

CHILDREN'S HEALTH INSURANCE

Mr. PALLONE. Mr. Speaker, last Thursday the Washington Times reported that at long last House Republicans have finally developed an agenda for the 105th Congress. The news was also accompanied by a report that in the first 2 months of the 105th Congress the House was in session for a grand total of 58 hours, compared with 296 hours in the first 2 months of the last Congress.

Mr. Speaker, one would think that with all this spare time and with daily pressure from congressional Democrats, the Republicans would have included as a goal in their agenda the implementation of a plan to provide health insurance for the Nation's 10 million uninsured children. As far as the Republican agenda goes, however, health care for children is apparently not meant to be. There is no mention of any kind of children's health insurance plan in the Republican's vision of the future.

Since last spring, Democrats have been working to push the issue of children's only health care to the top of Congress' agenda, and our Families First agenda included a children's only plan. Day after day in this Congress Democrats have taken to the floor to protest the Republicans' failure to basically address anything more substantive than the propriety of hanging the Ten Commandments on the walls of Government buildings and courthouses. This is what we dealt with last week.

Mr. Speaker, Democrats are intent on passing a children's only health bill. Two weeks ago our Minority Leader GEPHARDT and our Senate Minority Leader DASCHLE sent a letter to Republican leaders GINGRICH and LOTT asking them to allow this issue to move forward. Last week we sent another letter, signed by over 175 members of the Democratic Caucus, asking the Speaker to provide a date certain for the consideration of a children's only health bill, and to date the Democrats have literally heard nothing from the Republicans on this issue.

I have to say, though, we have heard plenty from elsewhere around the country. We learned the week before last from New York City's public advocate that despite the existence of a State plan to insure children in New York, the rate of uninsured children in New York City grew by 6 percent in the last 5 years. We also learned that this happened at a time when many of New York's parents were working for companies that had over 1,000 employees. The public advocate's report, Mr. Speaker, underscored the need for a Federal children's only health plan for parents who make too much money to qualify for Medicaid but not enough to afford health insurance for their children.

Again I would say that, not having time to wait for this Congress to do something, many States around the country have taken matters into their own hands. Massachusetts, for instance, has implemented a children's only plan, similar to various proposals developed by congressional Democrats, that assists parents who would otherwise be unable to afford health insurance for their children. The Massachusetts plan is an important example to cite, in that it illustrates the value of not only providing health care for a sick child but of providing preventative care that obviates the need for more expensive care further down the line.

I want to stress how important preventative care is. It is wise not only for budgetary reasons but, simply put, it is the humane thing to do. More than half of the uninsured children with asthma, just as an example, never see a doctor during the year. Many of these children end up hospitalized with problems that could have been prevented and could have cost less to treat. Similarly, one-third of uninsured children with recurring ear infections never see the doctor. Many suffer permanent hearing loss.

Democrats believe these problems should be prevented because they can be prevented. Our concern, again, Mr. Speaker, is rooted firmly in the notion that the right thing to do is to make sure every child in this country has access to medical care.

I have to point out that in their agenda released last week the GOP claims it wants to strengthen America's families by fighting child abuse and neglect. I find it ironic that this goal can be included in their agenda and yet they propose to do absolutely nothing about health insurance for children.

Mr. Speaker, I believe the GOP needs to go back to the drawing board. It is incredible that a health plan for children did not make it into their agenda, and I hope, and we will continue to press, that they will change their minds and bring up legislation that addresses the issue of kids' health insurance.

WHY BALANCE THE BUDGET?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to address the most imperative issue facing this Nation, and, that is, the Federal budget.

The last time our Nation, the greatest Nation on Earth, balanced its books, Nixon was President, the first moon landing occurred, and the Mod Squad was a top TV show. It was 1969. And in the 28 years that followed, the Federal Government has spent almost $6 trillion more money than it has taken in. Put simply, this irresponsibility, this addiction to deficit spending, poses the greatest national threat to our future, to the financial security of our Nation, and to the economic well-being of our families. A balanced budget is not simply a desirable ideal. It is absolutely necessary.

And not simply because of our precarious situation as a Nation, but because putting a stop to deficit spending is good for all Americans. It means a

lower cost of living, lower interest rates and a financially stable Government.

A study by McGraw Hill projects that a balanced budget would yield a 2-percent drop in interest rates. This means yearly savings of $1,230 on a $50,000 home loan, $200 on an auto loan, and $216 on a student loan. Perhaps even more important is the moral responsibility to stop robbing future generations of their opportunities and a chance to achieve prosperity. A child born today owes nearly $200,000 in taxes over his or her lifetime just to pay the interest on the national debt. Is such a crushing legacy something we want to leave to our children and our grandchildren?

It is important to note that balancing the Federal budget does not require drastic spending cuts or massive tax increases as many would have the American public believe. Instead it requires exercising common sense and leadership. I know that I have to stay within a budget in running my congressional office and caring for my family. This is nothing new. Most of us have to stay within our means. Why can the Federal Government not do the same thing? The truth is it can. Look at what we did in the 104th Congress. Over a 2-year span we reduced Federal spending by $53 billion from the level proposed by the President, not by slashing prudent and necessary Government programs but by eliminating 300 wasteful and duplicative programs, projects, and grants.

I cannot stress the following statement enough: Our national debt does not result from the American people being taxed too little, it is a product of Government that overspends.

Since 1981, there have been 19 separate tax increases, the largest being President Clinton's tax hike in 1993. Yet the debt continues to rise. Today Americans pay more in taxes than ever before in history. In fact the average American family pays 40 percent of its income in taxes. That is more than it spends on housing, food, and clothing combined. Taking more money from the taxpayers has not proven the ability for us to reduce our debt. It has, however, proven to increase the size of the Federal bureaucracy. We in Congress and in the White House have an obligation to serve the public interest, a responsibility to work toward a balanced budget while taking less money from hardworking Americans.

There is a right way and a wrong way to prepare our Nation for the next century. Following the right way, we should reach a balanced budget by the year 2002 and we should keep the budget balanced without tax hikes or gimmicks. We should provide permanent tax relief for families, and we should offer an honest means of extending the life of vital and important programs, like Medicare and Social Security. Earlier this year President Clinton submitted his budget proposal. Despite his claims and promises, his budget fell well short of these criteria.

First of all, the President's budget will not reach balance in 2002, or in any year before or after. Applying the methods used by Congress in making budget projections, Mr. Clinton's budget will be $69 billion in the red in 2002. In fact, he would have us run deficits in the $120-billion range until after he left office. Under his plan, an amazing 98 percent of the proposed spending reduction would occur in the years 2001 and 2002, when he has retired to Little Rock.

Shakespeare said it best over 400 years ago, "Though it be honest, it is never good to bring bad news." True, President Clinton's budget deserves little praise, but this is not a case of partisan carping. Every President since President Nixon, Republican and Democrat, have at least put forth a proposal on paper that would achieve a balanced budget. Yet here we are today with a debt of almost $6 trillion.

Nevertheless, there is something that we can do to bring about economic sanity. Congress can pass the balanced budget amendment to the Constitution.

The fact that for over 20 years the temporary residents of the White House have offered plans to balance the budget underscores the need for this amendment. We must remove the concept from policy papers and the rhetoric of politicians and bureaucrats and instead place it in the Constitution of the United States. Rather than talking about eliminating deficit spending, let's do it. An amendment is the only way to ensure that Washington permanently changes its ways, to make the Government accountable for every one of your tax dollars, and to prevent the next generation from being saddled with the cost of our profligacy.

This is not a partisan issue. We must not be separated by party affiliation. We must come together and share a vision for our Nation's future.

Knowing that facts do not sustain their cause, supporters of the status quo will fall back on their most potent weapon—fear. President Clinton has already brandished this weapon through his partisan charge that the amendment is a threat to Social Security. But remember what the late Paul Tsongas had to say, "I'm embarrassed as a Democrat to watch a Democratic President raise the scare tactics of Social Security to defeat the balanced budget amendment."

Although I support taking Social Security off budget, the immutable truth is, the greatest threat to Social Security is the national debt itself. Of the 5.5 trillion dollars of debt, almost $600 billion is owed to the Social Security trust funds. If we do not balance the budget, that debt will double. Do you really think that if the Government goes bankrupt it can pay that $1.2 trillion debt back to the trust funds without hyperinflation or a depression? The future solvency of Social Security depends solely on putting our fiscal house in order—it depends on approving the balanced budget amendment.

This is not a time to stand helplessly to the side. This is one of those moments that will define our country's destiny. First and foremost, Congress and the President should come together to affect real and meaningful fiscal change and to bolster our efforts, we should feel obligated to send to the States the balanced budget amendment. Our future is at risk, and that means everything is at risk.

In conclusion, Mr. Speaker, I earnestly urge Members to consider and vote for a balanced budget amendment to the Constitution.

EQUALITY FOR PUERTO RICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] is recognized during morning hour debates for 5 minutes.

Mr. ROMERO-BARCELÓ. Mr. Speaker, Wednesday, February 26 was a historic day. It was a historic day for the 3.8 million United States citizens of Puerto Rico and for our Nation as a whole.

On Wednesday, February 26, a group of more than 75 Members of Congress of both parties introduced H.R. 856, the United States-Puerto Rico Political Status Act. It marked what I hope will be the beginning of the end of Puerto Rico's long journey toward enfranchisement and full self-government.

It was almost 100 years ago, in 1898, that Spain ceded Puerto Rico to the United States as a result of the Spanish-American War.

In 1917 Puerto Ricans became U.S. citizens, a citizenship that we have cherished and valued ever since and defended with our blood. In 1952 the island became a so-called Commonwealth of the United States, a change that did not affect the island's status as an unincorporated territory of the United States subject to the jurisdiction of Congress.

But if the Chinese proverb that a journey of a thousand miles must begin with a single step is true, then the actions to finally decolonize and end the disenfranchisement of the United States citizens of Puerto Rico is merely the first step.

H.R. 856 is undoubtedly the most important step that we have taken in this journey to resolve the issue of political and economic inequality that has infused the people of Puerto Rico for the last 100 years.

I have devoted most of my adult life to this struggle and to leading my people in this long and treacherous journey. As former mayor of San Juan, Puerto Rico's capital city, as former Governor and now a Member of Congress, I have heard my people's voices and have shared their dreams and aspirations. These voices, questions, and aspirations resonate loudly in the island, although to most Americans living in the continental United States

they may seem as distant echoes reflecting the deep unease and disenchantment with our current relationship.

College students in Puerto Rico ask me if our present status will deny them equal treatment in Federal education programs that they desperately need to succeed in today's competitive world. Young couples ask me why they have to move to the States in order to search for opportunities that are not available in Puerto Rico. Puerto Rican veterans who have served the United States gallantly in all of the Nation's wars and conflicts in this century ask me why they cannot vote for the President that as Commander in Chief may also send their sons and daughters to fight and die in times of war. The elderly ask me why their health benefits and other support programs are less than if they resided in New York, Illinois, California, Florida, or any other State of the Union. I have heard the voice of a grandmother wondering why her son who died in Vietnam gave his life for a country that denies her and her grandchildren the right to participate on equal terms. The answer to this question is clear. We are unequals because we are not partners.

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We are unequals because we are submerged in a colonial relationship in which our economic, social, and political affairs are controlled to a large degree by a government in which we have no voting influence and in which we do not participate. We are unequals because we cannot vote for the President of the Nation of which we are citizens of and because we do not have a proportional and voting representation in the Congress that determines our rules of conduct and our future.

Mr. Speaker, this great Nation of ours, the example and inspiration of democracies throughout the world, the inspiration to the Chinese that revolted in Tiananmen, the inspiration of the revolt, the Hasidic Revolt in Poland, the inspiration of the unification of Germany, the inspiration of many other countries throughout the world, the inspiration of the peaceful revolt in Russia, cannot continue to uphold the policy that denies political participation and disenfranchises 3.8 million of its own citizens. We cannot continue to hide our heads in the sand like ostriches and pretend that nothing is happening. We are talking about the lives, the well-being, and the voting rights of 3.8 million U.S. citizens. We are not talking about illegal immigrants or legal residents. We are talking about U.S. citizens.

I am encouraged by the fact that we have been able to gather so much bipartisan support for this legislation in so little time. A similar version of this bill will be introduced in the Senate within the next weeks, and the support there seems to be as strong and as bipartisan as it is here in the House.

We are more than halfway through the 1990's, a decade that the United Nations General Assembly declared to be the international decade for the eradication of colonialism. Next year Puerto Rico will commemorate its 100th year as a United States colony. Should we celebrate or should we mourn? Will we see a silver lining in the sky by 1998 or will we see more of the same?

Our Nation cannot seek to promote and at times enforce democracy elsewhere in the world while it relegates 3.8 million of its own citizens to indefinite second class status, disenfranchised, discriminated against, and unable to exercise the most basic right in a democracy, the right to vote and participate in its government.

Mr. Speaker, to ignore the situation of Puerto Rico is to betray the spirit of our democratic values and traditions.

THE MILITARY VOTING RIGHTS ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Texas, [Mr. SAM JOHNSON] is recognized during morning hour debates for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the voting rights of America's servicemen and servicewomen are being challenged. You know, in 1952, President Harry Truman said,

> Many of those in uniform are serving overseas or in parts of the country distant from their homes. If they are unable to return to their States, they are unable either to register or to vote. Yet these men and women who are serving their country and, in many cases risking their lives, deserve, above all others, the right to vote in an election year. At a time when these young people are defending our country and its free institutions, the least we can do at home is make sure they are able to enjoy the rights that they are being asked to fight to preserve.

Having been in the military, I can personally vouch for the importance of continuing the right of military personnel to vote in Federal, State, and local elections wherever they may be assigned in the world. During my 29 years in the Air Force, I often found myself thousands of miles away from my hometown of Plano, TX, but regardless of whether I was in Asia, Europe, or another far-off place, I was still a citizen of the United States and the State of Texas, and I shared the same interests and concerns as my fellow Texans.

Through my years in the military I saw countless acts of sacrifice by members of our Armed Forces to protect and ensure the rights of others less fortunate than us. I cannot imagine coming to a time in our history when someone would take action to deny the right of our servicemen and servicewomen to vote.

Unfortunately, that point was reached last November in Val Verde County in southern Texas when the votes of 800 military personnel were questioned in a general election. The margin in the sheriff's election was 257 votes, and for county commissioner it was 113. The Texas Rural Legal Aid has alleged that 800 military absentee ballots were improperly counted, and subsequently U.S. District Judge Fred Biery violated, in my view, the opinion and the will of the people and issued a preliminary injunction to prevent the sheriff and county commissioner from taking office. Texas Rural Legal Aid is a taxpayer funded group that is supposed to provide legal services for the poor. They receive about 80 percent of their funding from the Legal Services Corporation, an organization that is fully funded by U.S. taxpayers.

While the Legal Services Corporation's purpose is supposed to provide legal services to the poor, it is frequently embroiled in controversial cases which it works to advance liberal social policies. In fact, in this particular case the Legal Service Corporation efforts have been to the detriment of the poor, who are in need of legal help, but because they are so consumed with the Val Verde case, there is no one to offer legal services for those truly in need.

This raises a question: Does the taxpayer funded legal services agency have a political agenda? The lengths to which they are willing to go to make the case was illustrated in a 23-page questionnaire that was sent to all 800 military personnel whose ballots were rejected. They were instructed to return their notarized answers within 3 days.

The questionnaire is intrusive and totally out of line. It asked for personal information such as "What is the address where your spouse sleeps at night?" and to top it all off, taxpayer money was used again to produce and mail this intrusive questionnaire.

The response on Capitol Hill has been overwhelming. On January 6, Senators GRAMM and HUTCHINSON and Representative BONILLA wrote to Attorney General Janet Reno and asked her to intervene on behalf of the military voters. The Department of Justice answered that they cannot act on this until a judgment is rendered. The Senators also received the Legal Service's chairman to investigate the lawsuit and cut off all Federal funds.

On February 5, Senators GRAMM and HUTCHINSON introduced the Military Voting Rights Act of 1997. This bill will guarantee the right of all active military personnel, Merchant Marine, and dependents to vote in Federal, State, and local elections. This same bill has been introduced in the House by HENRY BONILLA and myself. We are fighting the battle here in Washington, and others are on the frontlines in Texas. A

united front will stop this kind of reckless activism from encroaching on the rights of all Americans.

I think this ridiculous lawsuit is a blatant challenge to the military's right to vote and sets a dangerous precedent for the denial of basic rights, the power of judges to interfere with valid election results. It used to be standard practice to impeach judges who nullify elections. Maybe it ought to be again.

VOTE AGAINST HOUSE JOINT RESOLUTION 58 TO DECERTIFY MEXICO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. REYES] is recognized during morning hour debates for 5 minutes.

Mr. REYES. Mr. Speaker, I rise this morning to urge my colleagues to support the President's decision to certify Mexico and vote against House Joint Resolution 58 to decertify Mexico.

Mr. Speaker, this is an issue that I know something about. Before being elected to Congress, I spent more than 26 years as a member of the U.S. Border Patrol enforcing this Nation's interdiction laws. I have personally observed Mexico's commitment to stem the tide of drug trafficking and have witnessed its strong cross-border drug interdiction efforts. I have been on the front lines in the so-called war on drugs, and I am here today to tell my colleagues that this resolution to decertify Mexico may be only symbolic to us, but it has with it some serious implications and consequences to those of us that live along the border, and I do not mean just people that live exclusively in Mexico.

We have developed a spirit of cooperation with Mexico in many areas: trade, environment, immigration, as well as drug interdiction. Our economies are interdependent along the border. In fact, more than 280 million people passed back and forth between Mexico and the United States during fiscal year 1996.

A vote to decertify Mexico would greatly jeopardize the spirit of cooperation we have developed with Mexico. In addition, the threat of decertification causes the peso to plunge, as we saw late last month, which not only has an adverse effect on the Mexican economy, but can also increase the pressures on our border communities and has the potential to increase illegal immigration.

Drug trafficking is not just a Mexican problem or issue. We on the northern side of the border must do more to stem the demand for illicit drugs. The good news is that the number of people using drugs last month declined. The bad news is an estimated 12.8 million Americans, or about 6 percent of the household population aged 12 and older, have used illicit drugs within the past 30 days.

Illegal drugs are readily available almost anywhere in the United States. We have not done enough to deter drug use among our Nation's children and in our Nation's neighborhoods. Illegal drug trafficking is not just a Mexican problem, it is our problem, and we must do more to reduce drug use and not just point fingers at our neighbor to the south.

Mexico has taken a number of steps in the last year to strengthen its efforts to fight the spread of illegal drugs, and they have done so by aggressively fighting corruption, they have done so by overhauling Federal agencies and recruiting qualified personnel. They have done so by strengthening counter-drug cooperation with the United States, and they have done so by improving their extradition policy. All of these things produce positive results in Mexico's fight on drugs.

The Republic of Mexico has been certified since 1986, and, moreover, the historical relationship between Mexico and the United States has been one of increasing cooperation and furtherance of mutual interests. Over the past 10 years our southern neighbor has cooperated with our efforts to stem drug trafficking while at the same time dealing with severe economic, political, and serious trade developments.

Mr. Speaker, if we want to address the basic problems surrounding the certification process, then let us do that. If we are serious about our efforts to combat drug abuse, then we need to do better on our side of the border. But this resolution does not resolve anything. It does not do anything to take drug dealers off the street, it does not do anything to help law enforcement agencies on our border, and it does not do anything to promote good will and understanding with our neighbors in Mexico. It only strains our relationship with our neighbor, and it is very counterproductive.

When all is said and done, Mr. Speaker, more is said than actually done. I urge all of my colleagues to refrain from political posturing in the name of fighting drug trafficking and to oppose this resolution.

OPPOSE HASTY ACTION ON REVISING THE CONSUMER PRICE INDEX

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. SAXTON] is recognized during morning hour debates for 5 minutes.

Mr. SAXTON. Mr. Speaker, I rise this morning to express my strong opposition to hasty action on the issue of revising the Consumer Price Index to adjust Federal income tax and benefit programs. Congress should closely examine the technical issues involving the Consumer Price Index until it has all the information needed to make policy changes in this area. A trillion dollars in tax increases and benefit restraints in programs like Social Security would affect too many millions of people to make decisions on the basis of incomplete information.

After all, it took a panel of five professional economists 2 years to sort out these issues in producing a report, which is known as the Boskin report, which came out last December. Members of Congress need to carefully consider the main issues in this report and judge for themselves whether its recommendations for congressional action are warranted or not.

The Consumer Price Index is produced by the Bureau of Labor Statistics, the same agency that generates employment and unemployment figures. The CPI is a fairly old statistic, and a committee headed by George Stigler reported to the JEC in 1961 its finding on issues related to this index involving product substitution, product quality changes, updating market baskets, treatment of new products, and a number of other issues. More recently, the Boskin Commission report reviewed many of these same issues, and this report has sparked considerable controversy.

I think it is fair to say that although there is consensus that the CPI may be overstating inflation, the extent of the overstatement is very debatable and questionable. It is also worthwhile to note that Congress, rightly or wrongly, choose to index a variety of Federal benefits and tax provisions after the Stigler committee issued its report in 1961. There would seem to be ample reason for Congress to examine these issues carefully before making hasty policy decisions.

□ 1300

Now, as I have pointed out, the policy decisions made regarding the CPI would affect millions of Americans. According to a recent Joint Economic Committee analysis, about 40 percent of the direct effects of legislative reductions to the CPI would comprise tax increases. That is, taxes would go up if the CPI is adjusted downward, and that would of course be primarily on middle class taxpayers, with tax increases averaging over $400 per year by the year 2008, and the remainder of the adjustments would fall on entitlement beneficiaries like Social Security recipients who would get lower annual cost-of-living adjustments. Congress should consider whether this mix of policy for deficit reduction achieves the desired results in the best way.

To date, the debate has been framed by the Boskin Commission report, but additional information and analysis is needed for balanced decisionmaking on this complicated issue. For this reason

I have requested an indepth Bureau of Labor Statistics study of the technical issues raised by the Boskin Commission.

It is my hope that the BLS will complete its investigation and report this summer. In fairness to the many millions of Americans that could be affected by these policy changes, I would hope that Congress would receive and digest the forthcoming BLS study before hasty actions are taken. Though the BLS is certainly not above criticism and perhaps should have acted more strongly in this area heretofore, more than one perspective is needed, and the BLS can provide that perspective for sound policymaking with respect to the CPI.

Mr. Speaker, the American people have seen enough tax increases, and they are entitled to know that Social Security cost-of-living adjustments will be safe. They do not need these programs tampered with through the back-door adjustment of the CPI.

OUR CHILDREN MUST BE OUR PRIORITY

The SPEAKER pro tempore (Mr. EHLERS). Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. MCGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, this Thursday, House Democrats will introduce one of the major planks of the families first agenda: the Children's Health Care Act.

Mr. Speaker, one child in seven living in the United States is without health insurance. That is about 10 million uninsured kids. This statistic is not really startling, it is simply unacceptable. It is unacceptable for a nation as wealthy and as powerful as ours to be denying our kids the health coverage that they need and that they deserve.

Mr. Speaker, I did not have to look very far to see firsthand evidence of this national crisis. Just 2 years ago in my home State of Massachusetts, 23 percent of children under the age of 18, or some 160,000 kids, were without even basic health insurance. And it does not take a pediatrician to understand what this meant for Massachusetts. Uninsured children are at risk of contracting preventable illnesses, illnesses that cost far more to treat than they do to prevent. Millions of kids without insurance means millions of kids without a secure future and millions of dreams deferred.

Families with uninsured kids do not want their children to be vulnerable, but they live from month to month and paycheck to paycheck with little money in the family budget to spare. These families are hard-working families, forced by their economic position to choose between paying for things like food and rent, hot water and electricity, and paying for things like prescriptions or doctor visits for their kids.

So what happens when a child's health needs are deferred? Well, their families pay dearly. For example, one-third of uninsured children with reoccurring ear infections never see a doctor. Many suffer hearing loss that is permanent and, what is worse, was preventable.

But the health care crisis goes beyond health and money; it affects our children's very capacity to learn and to grow. When I was a little kid, I remember having trouble learning in school. I was getting terrible headaches all the time and I had a lot of trouble concentrating. I remember vividly the day that my parents took me to the doctor to get my eyesight checked. As it turned out, I was getting headaches because I could not see the blackboard, and there was a simple solution: I needed eyeglasses.

Now, I would be lying if I said I was really excited about the prospect of getting eyeglasses as a kid. But as I was able to read what the teacher wrote on the board and as my headaches began to disappear and as my concentration began to improve, I was so inspired that I told my parents I wanted to grow up to be an eye doctor. To be frank, my mother still thinks that I should have become an eye doctor rather than the career path that I chose. But I learned a valuable lesson from that firsthand experience, and that is keeping our kids healthy is the best way to secure their future.

Now, my own State of Massachusetts has seen some very positive changes concerning health care in the past few years. Massachusetts worked hard to craft a bill called An Act to Improve Health Care Access. Now the law of the Commonwealth, this landmark piece of legislation is on the verge of giving basic coverage to some 125,000 kids in Massachusetts. That is 80 percent of the uninsured children in the State of Massachusetts.

So how was something like this financed? Well, Massachusetts has found the funds to undertake this bold plan in two areas. First, administrators found savings by streamlining and fine-tuning the way these programs are managed. Second, Massachusetts implemented a 25-cent-per-pack cigarette tax, a move that made my home State eligible for more Federal funding. Massachusetts is watching that revenue do what every State in the Nation should do, and that is cover children's health care.

Mr. Speaker, we must understand that it is in the best interests of our country to recognize and provide for children in need. As Members of Congress, we would not send troops into battle knowing that one-seventh of their equipment was faulty. As Government officials, we would not agree to build bridges if 1 in 7 fell to the ground. And as parents, we would never send our children to schools in which 1 student in 7 did not see a teacher.

Massachusetts should serve as an inspiration for the rest of our Nation. Mr. Speaker, it is a national scandal that 40 million Americans are without health insurance in this country, but it is absolutely unconscionable that nearly 10 million kids find themselves without proper health care. Every Member of this body earns an enormous salary and enjoys a first-rate health care plan. Why should our children deserve any less?

Now, I have no illusions about our present political environment. I understand that this Republican Congress is nowhere near heeding the call for universal health care coverage. But while we cannot cover everyone yet, we must do what we can today. So let us make sure that our kids are covered. As Members of Congress, we have a responsibility to prepare our children to be leaders tomorrow by insuring that they receive a healthy start today. Our children deserve no less.

OUR CHILDREN NEED OUR HELP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Georgia [Mr. LEWIS] is recognized during morning hour debates for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I am dismayed that in our great country, there are children who do not have health insurance. There are 10 million children. That is not right. That is not fair. That does not make sense.

Our country is too rich, too powerful, too strong to have children without health insurance. We cannot call ourselves truly great when we do not provide for our most vulnerable and most precious, our children.

This is a problem that we can fix and we must fix. As a nation we made a commitment to educate our children. We do this because it is good for them and it is good for all of us. Now we must make another commitment. It is time to keep all of our children healthy. Each and every child, rich and poor, black and white, in the big cities to the suburbs of rural America. Each and every child should be able to see a doctor, to get medicine when they are sick, to have medical care when they need help. A sick child cannot go to school, cannot learn. A sick child cannot build for the future. A healthy child can study, work, and dream.

Mr. Speaker, there is no one right way to solve this problem, but we must solve it. We must focus our collective energy, the House, the Senate, and the White House, to solve this problem for the sake of all of our children. Let us come together and make a real commitment to find a solution. Let us put

aside partisan differences, and let us join together to help each and every one of our children.

None of our children, not one, should be left out or left behind. We can, we must work together to provide health care for all of our children. The future of our children and the future of our Nation depends upon it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 10 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Reverend Dr. Ronald F. Christian, Evangelical Lutheran Church of America, Washington, DC, offered the following prayer:

Almighty God, we acknowledge that You have made us in Your own image, so we pray: Look with love and compassion on Your whole human family. Take away from any of us the arrogance we may have for our own importance and significance. Dissolve any hatred that infects our hearts and inflicts our spirits. Break down the walls that may separate us one from the other. And, through our struggle and confusion, use our work to bring about Your purpose, so that in Your good time and season our work and our efforts and our decisions may serve the common good of all Your people, and in quiet harmony may they promote Your will and goodness. 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 Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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 OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER. Pursuant to the provisions of 15 U.S.C. 1024(a), the Chair appoints the following Members of the House to the Joint Economic Committee: Messrs. STARK, HAMILTON, HINCHEY, and Mrs. MALONEY of New York.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, Capitol,
Washington, DC.

DEAR MR. SPEAKER: I request that I be granted a leave of absence from the House Committee on Small Business in order to accept an appointment to the House Permanent Select Committee on Intelligence.

Thank you very much for your time and cooperation.

Sincerely,

IKE SKELTON,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

MARKET ACCESS PROGRAM ELIMINATION ACT

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

Mr. CHABOT. Mr. Speaker, a lot of the backroom deals in this town involve taking money away from middle-class people who work for it and then giving it to special interests who lobby for it.

One of the most outrageous transfer programs around now is called the Market Access Program, or MAP. In this particular scheme the Government takes money away from taxpayers and gives it to corporate trade associations to advertise their products overseas. We are dipping into the pockets of average Americans in order to subsidize private, politically preferred business dealings. So when I say the program is outrageous, I mean just that. It should cause outrage. It is about as close to legalized theft as you can get.

If businesses want to advertise overseas, great. They should do it, but with their own money. They should not beg Congress to squeeze the taxpayers even more than they are already squeezed with the high taxes we have in this country.

That is why the gentleman from New York [Mr. SCHUMER] and I have introduced H.R. 972, the Market Access Program Elimination Act. If you want taxpayers to be able to keep more of their own money rather than having it go to groups like the Dry Pea and Lentil Council, please join us in this effort. Let us get rid of the Market Access Program.

AMERICA SOLD LOCK, STOCK, AND PORK BARREL

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

Mr. TRAFICANT. Mr. Speaker, news reports say that China tried to influence and buy last year's Federal elections, including the Presidency. All of America is in an uproar. Newspapers are in shock and people are calling the talk shows on the radio and saying they believe America is for sale. Can you blame them?

China gets most-favored-nation trade status but sells missiles to our enemies. Japan keeps raping our marketplace, approaching $70 billion in surpluses, and they keep denying our products. Mexico gets billions of dollars from us and they ship narcotics to our streets. And now American companies overseas are advertising in the newspaper for American workers to move overseas and get a good, livable wage job.

Beam me up, Mr. Speaker. America is not for sale. I think America has already been sold, and I think Congress should start looking into it. Sold, lock, stock, and pork barrel.

PROTECT AMERICA'S BORDERS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I like those last remarks.

Mr. Speaker, I am outraged, also, at the President's lack of leadership in protecting our borders from the invasion of Mexican drug lords.

An article in the Dallas Morning News yesterday illustrated the national disaster we now have on the Texas border. Our ranchers, their families, live in constant fear. Their cattle and dogs are being killed by the drug guys. Their houses are being robbed. Recently a Border Patrol guard was gunned down by drug smugglers. These Americans live in a virtual war zone with no relief in sight.

Eight months ago our drug czar stood in Texas and announced swift action must be taken. Congress responded by authorizing 1,000 new drug agents in each of the next 5 years. Guess what? Our President only actually implemented 500.

It is time for this President to stop paying lip service to a problem that demands attention now. No one in America should be held hostage in their own house. We protect the borders around the world. It is time we started protecting our own.

HEALTH CARE FOR CHILDREN

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

Ms. DELAURO. Mr. Speaker, during the time it takes me to give these remarks today, two American children will lose their health insurance. One minute, two children. Three thousand three hundred every day of the year added to the ranks of the uninsured. Children are losing their health insurance at twice the rate of adults. This is truly a national crisis.

Last weekend in Hershey, PA, Members of the Congress from both sides of the aisle came together for a bipartisan retreat. We talked about the importance of working together and finding common ground on important issues that face American families.

Surely we can all agree that there is no issue more important to our families than our children, for they are the future of this Nation. Let us pledge to work together, Democrats and Republicans, to see that every child in America has basic health care coverage. Let us come together and pledge to strengthen our families and to put the expansion of health care for children at the top of our legislative agenda.

TRIBUTE TO ROBERT PASCHAL

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to pay tribute to a great man and a great institution, Robert Paschal, the founder and owner of Paschal's Motor Hotel and Restaurant, who recently passed away.

Mr. Paschal moved to Atlanta at a young age and opened a soda fountain and a hot dog stand. The small stand grew into an Atlanta institution, an establishment famous for its fried chicken. He helped build a business the old-fashioned way, the hard way, through hard work.

My first meal in Atlanta was at Paschal's during the civil rights movement. This man practically fed the entire movement. Paschal's was one of the few places blacks and whites could socialize and discuss the order of the day. It was there we talked about the Selma march, the Poor People's Campaign, and the Mississippi summer project. It was there we checked the pulse of the movement. Paschal's was referred to as the Paschal precinct, and to this day it is a meeting place, a gathering place for all Atlanta.

So when Robert Paschal left us, we lost a part of Atlanta, part of our history and our hearts. He will be missed by our city and our State.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

WAIVING CERTAIN PROVISIONS OF TRADE ACT OF 1974 RELATING TO APPOINTMENT OF U.S. TRADE REPRESENTATIVE

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 5) waiving certain provisions of the Trade Act of 1974 relating to the appointment of the U.S. Trade Representative.

The Clerk read as follows:

S.J. RES. 5

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) became effective on January 1, 1996, and provides certain limitations with respect to the appointment of the United States Trade Representative and Deputy United States Trade Representatives;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to any individual who was serving as the United States Trade Representative or Deputy United States Trade Representative on the effective date of such paragraph (3) and who continued to serve in that position;

Whereas Charlene Barshefsky was appointed Deputy United States Trade Representative on May 28, 1993, with the advice and consent of the Senate, and was serving in that position on January 1, 1996;

Whereas paragraph (3) of section 141(b) of the Trade Act of 1974 does not apply to Charlene Barshefsky in her capacity as Deputy United States Trade Representative; and

Whereas in light of the foregoing, it is appropriate to continue to waive the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 with respect to the appointment of Charlene Barshefsky as the United States Trade Representative: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of paragraph (3) of section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)(3)) or any other provision of law, the President, acting by and with the advice and consent of the Senate, is authorized to appoint Charlene Barshefsky as the United States Trade Representative.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from New York [Mr. RANGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate Joint Resolution 5.

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

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of Senate Joint Resolution 5.

I strongly support Ambassador Barshefsky's nomination as USTR. In her capacity as Deputy USTR, Acting USTR and USTR-Designate, she has served the United States admirably, forging a number of important trade agreements which opened markets for U.S. exports.

Unfortunately, because of a provision adopted last Congress that amends the Trade Act of 1974, we must take action in the House today in order to permit Ambassador Barshefsky to serve as USTR. In very vague terms, current law bans the nomination of anyone as USTR or Deputy USTR if that person has ever aided, represented, or advised a foreign government in a trade negotiation or trade dispute. We must seek this waiver today because Ambassador Barshefsky had a minimal advisory role to the Canadian Government a number of years ago and would therefore be automatically precluded from serving as USTR despite this very, very minor role.

□ 1415

Now I agree we should not have individuals in positions of authority over our trade policy if there is any doubt of their loyalty to the United States and commitment to trade policies that benefit our economy, businesses and workers. However, I believe that this provision is an intrusion into the current confirmation process, which already permits Congress to consider the background of candidates and whether prior representation is relevant to the ability of an otherwise qualified individual to carry out the tasks of any of these positions. Indeed, it severely limits the pool of qualified candidates for these positions in a way that may well be unconstitutional.

In fact, when the provision was being considered last year, the Justice Department wrote to the gentleman from Illinois [Mr. HYDE] of the Committee on the Judiciary that the provision raises serious constitutional concerns because it limits the President's constitutional prerogatives to nominate persons to a senior executive position, particularly in the trade area, a letter that I am submitting for the RECORD today.

Accordingly, I urge my colleagues to support the waiver of this provision for Ambassador Barshefsky's nomination as USTR. I believe she has done a good job in her other capacities, and I think she will do a good job in the future.

Mr. Speaker, I include the following for the RECORD:

AGENCY VIEWS

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, November 7, 1995.

Hon. HENRY HYDE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This provides the views of the Department of Justice on S. 1060, the "Lobbying Disclosure Act of 1995," as passed by the Senate. We understand that the House may act on this legislation later this year.

The Department strongly supports the purpose of this bill and its central provisions. It will ensure that federal officials are aware of the outside sources of information and opinion made available to them and will significantly enhance public understanding of the lobbying process.

Certain features of the bill, however, present difficulties that can and should be remedied.

First, the Department has constitutional concerns about the role the bill gives to the Secretary of the Senate and the Clerk of the House; the bill's disqualification of certain persons from serving as United States Trade Representative or Deputy United States Trade Representative; and the specific manner in which the bill seeks to protect the exercise of religion, a goal with which the Administration strongly agrees.

Second, the Department has policy concerns about the relationship between the bill and the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq. (FARA).

Accordingly, we recommend that Congress pass this legislation with certain changes to ensure that it is both constitutional and effective.

Constitutional concerns

1. The bill provides that lobbyists would need to file disclosure statements with the Secretary of the Senate and the Clerk of the House of Representatives. If those officials determined that a lobbyist's statement did not comply with the law, they would notify the lobbyist. If the lobbyist did not correct the deficiency to their satisfaction, they could forward the matter to the United States Attorney for the District of Columbia, who could bring an action for a civil file. See §§4–7, S. 1060. The bill would define a civil offense consisting of the knowing failure to "remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives." See §7(2).

This arrangement would raise serious constitutional problems. Congress may not provide for its agents to execute the law. Bowsher v. Synar, 478 U.S. 714, 726, 733–34 (1986); see also Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, Inc., 501 U.S. 252 (1991). Here, in contrast to the current law that gives agents of the Congress the responsibility only to collect and publish information, see 2 U.S.C. §§261–70, the bill would provide that an action for one type of civil offense could be initiated against a lobbyist only if the congressional agents, pursuant to their interpretation of the statute, issued a notice finding the lobbyist's filing to be deficient.[1] The Secretary of the Senate and the Clerk of the House of Representatives thus would be performing executives functions of Buckley v. Valeo, 424 U.S. 1, 140–41 (1976) (executive functions include giving "advisory opinions" and making "determinations of eligibility for funds and even for federal elective office itself"), even though Congress may vest such functions only in officials in the executive branch.

2. The bill would forbid the appointment, as United States Trade Representative or Deputy United States Trade Representative, of anyone who had ever "directly represented, aided, or advised * * * a foreign [government or political party] in any trade negotiation or trade dispute with the United States." This provision, too, would raise serious constitutional concerns. The Department of Justice has long opposed broad restrictions on the President's constitutional prerogative to nominate persons of his choosing to senior executive branch positions. The restriction in the bill is particularly problematic because it operates in an area in which the Constitution commits special responsibility to the President, who "is the constitutional representative of the United States in its dealings with foreign nations." See, e.g., United States v. Louisiana, 363 U.S. 1, 35 (1960). The officers in question perform diplomatic functions as the direct representative of the President, a fact that Congress itself has recognized by providing that they should enjoy the rank of ambassador, 19 U.S.C. §2171(b). Regardless of whether the President would, as a policy matter, be willing to accept this particular restriction, Congress would exceed its constitutionally assigned role by setting such a broad disqualification. See, e.g., Civil Service Commission, 13 Op. Att'y Gen. 516, 520–21 (1871).

3. Section 3(8)(B)(xviii) would exempt lobbying contacts by churches and other religious organizations from the registration requirements. The Administration supports the strongest possible protection for the exercise of religion. We are concerned however, that the exemption now included in the bill could be susceptible to valid constitutional challenge in the courts. The Supreme Court has held that the Establishment Clause of the First Amendment prohibits the government from singling out religious organizations for especially favorable treatment, whether in the form of an exemption from a government requirement or in the form of a direct benefit. See, e.g., *Board of Educ. of Kiryas Joel* v. *Grumet*, 114 St. Ct. 2481, 2487 (1994) (plurality opinion) invalidating creation of a special school district for religious community) (Establishment Clauses requires that the government "pursue a course of neutrality toward religion, favoring neither one religions over other nor religious adherents collectively over nonadherents") (internal quotation omitted). In *Texas Monthly* v. *Bullock*, 489 U.S. 1 (1989), for instance, the Supreme Court held that the Establishment Clause prohibits a state from exempting certain periodicals distributed by religious organizations, and no other periodicals, from its sales and use tax.

At the same time, the Court has permitted the government in certain circumstances to provide an exclusive "accommodation" to religion. See *Corporation of Presiding Bishop* v. *Amos*, 483 U.S. 327 (1987) (upholding exemption of secular nonprofit activities of religious organization from Title VII prohibition on employment discrimination based on religion). The accommodation doctrine permits the government to provide religion with an exclusive exemption from a regulatory scheme when the exemption would "remov(e) a significant state-imposed deterrence to the free exercise of religion" *Texas Monthly*, 489 U.S. at 15 (plurality opinion); see also *Amos*, 483 U.S. AT 335 (government may act to "alleviate significant governmental interference" with religious exercise). Under the Court's accommodation doctrine, section 3(8)(B)(xviii) would be far less susceptible to constitutional challenge if it were rewritten to apply only when the operation of the Act would in fact burden the exercise of religion. Specifically, we recommend the following language, which tracks the standards enunciated by the Supreme Court and incorporated in the Religious Freedom Restoration Act, 42 U.S.C. 2000bb–4:

(B) The term "lobbying contract" does not include a communication that is * * *

(xviii) of such a nature that its coverage under this Act would substantially burden any person's exercise of religion. In determining whether coverage under this Act of any lobbying contact would substantially burden a person's exercise of religion, the standards of the Religious Freedom restoration Act, 42 U.S.C. 2000bb–2000bb–4, shall apply.

The bill could also include a provision that "any regulation promulgated hereunder shall incorporate the maximum protection under the Constitution and laws of the United States for the exercise of religion by lobbyists or clients."

Alternatively, a more general exemption, reaching non-religious as well as religious organizations, would not raise Establishment Clause problems. See *Texas Monthly*, 489 U.S. at 15–16 (plurality opinion); id. at 27–28 (Blackmun, J., concurring). The Establishment Clause would be implicated by a provision permitting churches and religious organizations to use the narrower definition of lobbying contained in 26 U.S.C. §499(d), which would relieve them of some of the burdens of the legislation in a manner similar to that afforded other non-profit organizations.

Relationship to Foreign Agents Registration Act

In addition to these constitutional concerns, we are concerned about the relationship between the bill and FARA set forth in sections 3(8)(B)(iv) and 9(3) of S. 1060. Exempting from registration under FARA all agents of foreign principals who register under this bill would significantly reduce public disclosure about such agents. It would also reduce the Department's receipts under its FARA user fees program, which may implicate the "Pay-As-You-Go" provisions of the Omnibus Budget Reconciliation Act of 1990.

FARA reflects a judgment that broad disclosure is particularly important with respect to foreign influences on the political process. Accordingly, the extent of disclosure with respect of activities, receipts and disbursements, including political contributions, required of agents of foreign principals under FARA is significantly more detailed than that required of all lobbyists under S. 1060. FARA also covers a broader range of political activities than this bill, including advertising, public relations activities and political fund-raising. The result of enactment of section 9(3) of the bill would be to exempt many agents of foreign principals from the wider and more detailed disclosure of their activities FARA intended, whenever they make a covered "lobbying contract" under this bill.

The Department recommends, therefore, that agents of foreign principals who are required to register under FARA, and who in fact do so, be exempted from registration under the Lobbying Disclosure Act. This approach would maintain the higher scrutiny

[1] The Secretary of the Senate and the Clerk of the House of Representatives would also "develop common standards, rules, and procedures for compliance" with the Act.

Congress has historically applied to foreign influences on the domestic political process. It also has the advantage of maintaining government "user fee" revenues, because FARA recovers the costs of the administration from the agent population, and the present bill has no comparable revenue producing mechanism.

In summary, we strongly support the laudable goals of S. 1060 and its central provisions. We stand ready to assist in the important effort to achieve reform in this area. Please do not hesitate to contact us if we may be of additional assistance in connection with this or any other matter. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I would prefer to let my distinguished colleague on the minority side take precedence over me.

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

Mr. Speaker, I rise in strong support of Senate Joint Resolution 5, legislation to waive certain provisions of the Lobbying Disclosure Act of 1995 with respect to the nomination of Ambassador Charlene Barshefsky to become the U.S. Trade Representative. This legislation is necessary to complete the nomination process of Ambassador Barshefsky. The Ambassador has broad bipartisan support and deserves to be our next Trade Representative.

Last week the other body approved her nomination and the waiver legislation before us today by overwhelming votes of 99 to 1 and 98 to 2, respectively. During her 4 years, nearly 4 years, of service at the Office of the USTR, first as Deputy USTR and since April of last year as Acting USTR, Ambassador Barshefsky has compiled an impressive record, opening foreign markets for U.S. exporters and defending U.S. trade interests. Recently, she concluded successful multinational agreements which will reduce or eliminate tariffs worldwide on trade and information technology products and which will open foreign markets for basic telecommunication services.

Last December, she concluded a bilateral agreement with Japan on insurance, which opens that market for United States insurance providers. Last year she also struck an agreement with China providing for stronger enforcement of United States intellectual property rights in that country.

Clearly, the Ambassador has shown that she is tough and a skillful negotiator internationally. More important, however, Ambassador Barshefsky understands that international trade and our Nation's trade policies have an impact on the lives and future of all Americans. For that reason she consults closely with Members of Congress and the public at large on her action, and she clearly recognizes that trade policy is a shared responsibility of the executive and legislative branches and carries her responsibilities out accordingly.

For those who have questions or concerns about this waiver, it must be noted that Congress has previously passed legislation to waive a statutory requirement on who may serve in a particular Government position with respect to a specific nominee. It should also be noted that as Deputy USTR, Ambassador Barshefsky was specifically exempt from the provisions in question in the Lobbying Disclosure Act. The Senate Finance Committee carefully studied her record in the private sector and agreed unanimously that a waiver was entirely appropriate for Ambassador Barshefsky.

Mr. Speaker, in the past several years I have come to know, admire, and work with Ambassador Barshefsky, who is a tireless, dedicated person on behalf of the American people. I heartily endorse the legislation before us today and urge my colleagues to support it. Ambassador Barshefsky will be a U.S. Trade Representative of which all of us will be proud.

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

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from New York.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order for 1 minute.)

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 1, THE WORKING FAMILIES FLEXIBILITY ACT

Mr. SOLOMON. Mr. Speaker, I ask for this time for the purpose of making an announcement.

Mr. Speaker, the Committee on Rules is planning to meet the week of March 17 to grant a rule which may limit the amendment process for H.R. 1, the Working Families Flexibility Act. The Committee on Education and the Workforce ordered the bill reported on March 5. Amendments should be drafted to the text of the bill as reported, which will be filed tomorrow, Wednesday, March 12. Copies are also available at the Committee on Education and the Workforce office should Members wish to view the bill today.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 12 noon on Monday, March 17, to the Committee on Rules, at room 312 in the Capitol. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that amendments comply with the rules of the House.

Again, I call my colleagues' attention to, if they want amendments considered to this legislation, they must prefile them with the Committee on Rules prior to noon on Monday, March 17.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today in support of Senate Resolution 5, which waives certain provisions of the Trade Act of 1974. This resolution would grandfather Ambassador Charlene Barshefsky from the application of certain restrictive provisions of the Lobbying Disclosure Act of 1995. The Senate has also done this on occasion when there has been an outstanding candidate before them also. I would like to note, however, that this resolution applies only to Ambassador Barshefsky and in no way modifies the statute, nor does it have implications for any other prospective nominee to serve as the U.S. Trade Representative.

As a member of the Committee on Ways and Means, I have indeed been fortunate to work with Ambassador Barshefsky and know very much how well she carries out her duties. Ambassador Barshefsky has been instrumental in developing and pursuing a strong international trade policy and has successfully completed many negotiations, but what I like best about the ambassador is she is able and willing to get up from the table and walk away when nothing is being offered. Given her tenacity and resolve on behalf of our country's trade interests, I firmly believe Charlene Barshefsky to be capable and well prepared. I have worked with few people who possess the ability to discuss the minimal, little, arcane, terribly, terribly difficult to understand details of a trade pact and then could look at the whole picture and explain it to people who have to understand it.

I am confident that the ambassador will continue to pursue a strong and fair trade agenda that seeks to promote our national interests. We could not be better represented than having this woman as our USTR.

Mr. CRANE. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from California [Mr. MATSUI], the ranking minority member on the Subcommittee on Trade.

Mr. MATSUI. Mr. Speaker, I thank the gentleman from Illinois, the chair of the Subcommittee on Trade for yielding me this time. Of course I thank the ranking member of the committee as well. I appreciate this. This is in the spirit of Hershey and bipartisanship.

Mr. Speaker, I would only like to support Senate Joint Resolution 5 as well. I think that this resolution is vitally needed given the fact that we

need a waiver and a grandfather specifically for the next U.S. Trade Representative, Ambassador Charlene Barshefsky. As everyone knows, Ambassador Barshefsky has been the Deputy USTR now for 4 years, and she has been perhaps one of the greatest representatives we have had in terms of overseas negotiations.

Most recently under her leadership as acting USTR, the United States completed a multilateral agreement, the Information Technology Agreement, which will cover over $500 billion in global trade, and just recently, in the last month, she and her staff have completed the basic Telecommunications Services Agreement, which will actually cover over 90 percent of the global population and perhaps have an additional to $600 billion worth of trade, and so I urge that we adopt Senate Joint Resolution 5 to make Charlene Barshefsky the next U.S. Trade Representative.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of Senate Joint Resolution 5. As chairman of the Committee on Agriculture, I believe it is vital that the person representing the United States in trade negotiations and resolutions of disputes recognize that agriculture is an extremely important and essential issue to be considered in all trade negotiations and resolutions of disputes. American farmers and ranchers, the most productive in the world, can prosper only where there is free and fair world trade.

In fact, in 1996, Mr. Speaker, agricultural exports totaled $60 billion, and the agricultural trade surplus exceeded $26 billion. There is nevertheless ample opportunity for expansion. It is incumbent upon the administration, through the Office of Trade Representative and the Department of Agriculture, to make sure that opportunities exist for trade expansion and that trade disputes are resolved in a timely manner.

I had the opportunity to meet Ambassador Barshefsky, and she assures me that her knowledge of agriculture and her commitment to ensuring the proper emphasis will be on agriculture export issues. In our discussion we agreed that agriculture is the No. 1 high technology export and that it is also the No. 1 priority with the U.S. Trade Representative. In my discussions with the Ambassador, she assures me that agriculture will be her top priority, and that is why I support Senate Joint Resolution 5 and the waiver needed to assure that she will be indeed the next U.S. Trade Representative.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of Senate Joint Resolution 5 regarding the appointment of Charlene Barshefsky as U.S. Trade Representative. I had the opportunity to work closely with the Ambassador and Deputy Trade Representative Jeff Lang during negotiations on the WTO Telecommunications Agreement, and I must say that I was pleased with her determination to consult regularly with Congress during these talks, and I do mean regularly. They were most helpful.

Perhaps more to the point, I was deeply impressed by what was achieved in Geneva. The agreement covers 95 percent of rural telecom revenue, giving United States firms unprecedented access to markets in Europe, Asia, and Latin America, and covers some 70 countries in its sweep.

In my opinion, the agreement is proof that Charlene Barshefsky's reputation as a tough, stalwart negotiator is well-deserved, and I would certainly support the waiver. I am just sorry that we really have to have a waiver because I think the provision in current law is too xenophobic and unrealistic.

On a related matter I want to correct a continued misperception that was repeated on the floor of the other body during debate on this measure. The gentleman from South Carolina took a statement from the RECORD made by the chairman of the House Committee on Commerce, the gentleman from Virginia [Mr. BLILEY], and inferred from it that the administration, by inference USTR, asked this Member to amend section 310(b) of the Communications Act on their behalf.

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This is simply not so. The statement alluded to our efforts during debate on the Telecommunications Act to satisfy the concerns of the executive branch regarding international investment in U.S. telecommunications firms. However, the chief changes made were in the area of national security, and we worked very closely with the FBI and National Security Agency and the CIA, and the effect was to tighten the law, not the loosen it.

The input we received from the executive branch came at the request of the cosponsor, the gentleman from Michigan [Mr. DINGELL], and the advice we received came primarily from the security agencies, as I recall, not from the Office of the Trade Representative.

Of course, I did consult with USTR on the effect my language would have on their negotiations, as any responsible legislator would, but these consultations came at my request, not the other way around, and I wanted to point that out for the record.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I oppose the resolution, I oppose the waivers.

Current law says that no one may be appointed as U.S. Trade Representative or Deputy Trade Representative if they have ever in their past represented a foreign government in a trade dispute or a trade negotiation with the United States. Now look, I think Charlene Barshefsky is a great woman, a great American, and may be doing a great job. However, one of the reasons we passed this legislation is some of these trade representatives, after they leave, go on the employ of some of these foreign governments and companies overseas.

Now, we just passed this law a year ago, and now we are about to waive it, with Japan approaching $70 billion in trade surpluses, China approaching $50 billion in trade surpluses. I have nothing against Charlene Barshefsky, but here is the question I pose to the Congress of the United States: Can we not find one qualified American to be the trade representative of our country that has never been in the employ of, represented a foreign interest, or had a connection in resolving or monitoring or negotiating or resolving a trade matter on behalf of a foreign country with our Nation? I think that is the issue.

I am certainly not going to ask for a vote, and I know this is going to pass overwhelmingly, but it is no surprise our young people are responding to ads in the newspaper box so-and-so where the job is in Mexico and overseas. There is not going to be a damn job left in this country.

The only thing that bothers me, I am beginning to wonder if we have anybody in the right circle that could actually apply for these positions that has never had a tie to a foreign nation. Beam me up, here. I am a "no." I am not going to ask for a vote, but I am opposed to this waiver, and I think the Congress should follow the laws that they pass that have some common sense attached to them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. GOODLATTE). The Chair would remind all Members to refrain from the use of profanity in their speech on the floor.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, let me say no one needs to be beamed up on this vote. This is a vote to confirm not only the appointment of Charlene Barshefsky, who is now our Deputy Trade Representative, to the Trade Representative, but also to pass a waiver that is necessary for that confirmation to be complete.

I want to first congratulate her on a near unanimous confirmation in the Senate and the near unanimous vote in the Senate on behalf of this resolution.

Let me point out that Charlene Barshefsky was already at USTR as Deputy Trade Representative when the law in question was passed last year. So this grandfathering is in fact a recognition of her already and continuous service at the USTR.

Let me also state that as chairman of the Subcommittee on Telecommunications and Trade of the Committee on Commerce, we have all been extraordinarily impressed with the caliber of service that this ambassador has already provided to this country. She has worked cooperatively with our committee in keeping us informed and interacting with us throughout all the WTO negotiations in Geneva that led to the successful passage of the recent agreement in Geneva on telecommunications and opening up those markets all over the world to U.S. investment.

That action alone is going to create opportunities for American jobs and businesses throughout the world in telecommunications. It is patterned very much after the 1996 Telecommunications Act that this House and the Senate so unanimously joined in just 1996 to create an open market for the United States in telecommunications.

I look forward as chairman of the subcommittee very soon to receiving the testimony of Ms. Barshefsky before our subcommittee, in not only reporting on that successful negotiation of which we are all so proud, but on the continuing efforts to bring other countries in with new and improved offers so that we can continue to open up markets for telecommunications services throughout the world for American businesses and American jobs. I urge the adoption of this resolution.

Mr. RANGEL. Mr. Speaker, I have no further requests for time.

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

Mr. Speaker, I rise in support of Senate Joint Resolution 5 in the nomination of Ambassador Charlene Barshefsky to serve as U.S. Trade Representative. I have had the pleasure of working with Ambassador Barshefsky over the last few years. I cannot say enough about her toughness, her tenacity and her aggressive advocacy on behalf of U.S. interests.

I know Ambassador Barshefsky is tough because the companies in my district have benefited from her toughness. The Eighth Congressional District of Illinois, my district, is home to some of the leading high-technology companies in the country, and they have gained market share, increased their export sales, and hired new workers in part due to Ambassador Barshefsky's tenacity. It is because of her toughness that the cellular phone market in Japan is now more open than ever, that China has signed a rigorous agreement protecting intellectual property rights, and that Motorola, to take just one example from my district, has gained greater access to the Chinese market.

I have seen her in action. A year ago Ambassador Barshefsky started building support among the Quad nations for a landmark information technology agreement. At the WTO ministerial meeting in Singapore last December, I watched her work around the clock to hold together an alliance and put in place an unprecedented market-opening agreement. It was an honor and a pleasure to see her rolling up her sleeves, getting the nitty-gritty detail and coming out with a superior deal. She does not give up and she does not give in. I am very hopeful that under her leadership at USTR we would be able to pass fast-track legislation that would permit the negotiation of further market-opening initiatives.

It has been a real pleasure to work with Ambassador Barshefsky in large part because of her rare ability to reach across party lines and work with Members from both sides of the aisle to craft good deals that best serve our companies and our workers. Good jobs and a strong economy are American goals, not Republican or Democrat goals. Ambassador Barshefsky helps us reach those goals together by putting aside politics and hammering out good policy that opens markets, increases exports, creates jobs and strengthens the American economy so that we can remain the world's most competitive Nation into the next century and beyond.

Mr. Speaker, I agree with the gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means, that we should not be forced to consider a waiver today because the underlining provision that we seek to waive is ill-advised and should not be in place. I would like to place in the RECORD a resolution and report recently adopted by the American Bar Association which clearly and cogently set forth the arguments in opposition to the preemployment restrictions imposed by the underlying provision.

Mr. Speaker, I strongly support the nomination of Ambassador Barshefsky as U.S. Trade Representative and urge my colleagues to vote for the waiver on Senate Joint Resolution 5.

AMERICAN BAR ASSOCIATION SECTION OF INTERNATIONAL LAW AND PRACTICE RECOMMENDATION TO THE HOUSE OF DELEGATES

RECOMMENDATION

Be it resolved, That the American Bar Association urges the Government of the United States to proceed as follows:

I. Congress should avoid statutory provisions that disqualify senior executive or judicial appointees on the basis of clients they have previously represented.

II. Congress and the Administration should continue to utilize traditional mechanisms (including the Senate's power of confirmation), rather than special pre- or post-employment rules, to ensure that senior executive and judicial positions are filled only by highly qualified persons who will fulfill the responsibilities of their positions with complete integrity.

III. Ethics-in-government rules, whether addressed to pre- or post-government employment activities, should not single out foreign policy or trade functions for special, restrictive treatment. Congress should repeal the 1995 amendments to 18 U.S.C. §207 and 19 U.S.C. §2171(b), whose effect is to restrict the pre- and post-employment activities of U.S. Trade Representatives ("USTRs") and Deputy USTRs on behalf of foreign interests, and should not extend those provisions to cover other senior government positions.

AMERICAN BAR ASSOCIATION SECTION OF INTERNATIONAL LAW AND PRACTICE REPORT TO THE HOUSE OF DELEGATES

I. INTRODUCTION

On July 24, 1995, while debating the Lobbying Disclosure Act of 1995 ("LDA"),[1] the Senate accepted an amendment creating a new restriction on who could serve as United States Trade Representative ("USTR") or Deputy USTR.[2] Specifically, the statute defining the positions of USTR and Deputy USTR, 19 U.S.C. §2171(b), was amended to disqualify from eligibility anyone who at any time in the past had directly represented, aided or advised a foreign government or political party in a trade negotiation or trade dispute with the United States. A related section of the LDA created new restrictions on the post-employment conduct of persons who have served as USTR or Deputy USTR. Prior law had contained a special restriction, enacted in 1992, against a former USTR's representing, aiding or assisting any foreign government within three years of having served as USTR.[3] The LDA extended the ban's duration to a lifetime ban and its coverage to include Deputy USTRs.

The Senate accepted these two provisions (hereinafter the "USTR Amendment," reproduced in full at Appendix I to this Report) virtually without debate, and the provisions passed the House after some unsuccessful attempts to expand their reach. The President signed the Lobbying Disclosure Act, including the USTR Amendment, while recognizing the Justice Department's concern that the new pre-government employment restrictions may unconstitutionally impinge on the President's appointments power. In 1996, more bills were introduced to expand these restrictions to other government officials, but none were enacted.

The American Bar Association ("ABA") urges repeal of the USTR Amendment. While both the pre- and post-employment restrictions are objectionable, as discussed below, it is the pre-employment disqualification that raises the most serious issues, and it is this provision that most urgently should be repealed. The provision sets a dangerous precedent for limiting the availability of qualified candidates to serve in the U.S. Government. It automatically disqualifies potential nominees solely based on a prior relationship with a particular type of client. Such a rule, which effectively equates an advocate's personal views with those of his or her client, reflects an unwarranted and incorrect view of the lawyer/client relationship, especially in view of the ethical obligations of lawyers and the constitutionally-recognized right to counsel. In addition, such a rule takes no account of the nature, length, significance or contemporaneity of

Footnotes at end of article.

the relationship with the former client. With regard to the new lifetime post-employment restrictions for USTRs and Deputy USTRs, there has been no demonstration that such a ban is needed to address any real problem, and there are compelling reasons not to restrict the post-employment conduct of trade negotiators in such an unusual and severe manner.

In sum, the Report supports the accompanying ABA resolution urging that the Congress: avoid enacting disqualifications for service in the U.S. Government which presume that lawyers and other advisors take on the views of their clients; avoid singling out foreign policy and trade functions for extra-restrictive pre- or post-government employment rules; and promptly repeal the USTR Amendment.

II. THE PRE-EMPLOYMENT RESTRICTIONS

The new pre-employment restriction is unique among provisions in the U.S. Code creating "primary officers" of the U.S. Government (i.e., positions requiring nomination by the President and the advice and consent of the Senate). Of the hundreds of appointees in this category, only USTR and Deputy USTR candidates can be disqualified based solely on the identity of their former clients.

There is a serious constitutional objection to this new pre-employment restriction, in that it infringes on the President's appointments power. The ABA notes, but does not rest its concerns on, that objection. The new pre-employment restriction is also troubling on several policy grounds: (1) it arbitrarily limits the flexibility of the President to choose and the Senate to confirm, the best possible person for a particular government position; (2) it presumes, without justification, that a person advising a foreign government personally embraces and retains views antithetical to those of the U.S. Government; (3) it creates perverse anomalies unconnected to any legitimate interest in ensuring the loyalty of senior appointees; and (4) comparable disqualifications could easily be enacted, based on the same flawed rationale, for other government positions.

A. The New Disqualification Is of Doubtful Constitutionality

As mentioned above, there is virtually no legislative history accompanying the USTR Amendment and thus, unlike the debate surrounding provisions restricting post-government employment activities, no discussion by the Congress of the legality of the new pre-employment restriction. As also noted above, before the USTR Amendment there were no statutory provisions disqualifying any class of persons from service as USTR or Deputy USTR.

It is well accepted that the Congress has the constitutional responsibility for creating the various government offices not specifically enumerated in the Constitution.[4] Further, it is well accepted that the Congress can attach qualifications to those government offices:

While Congress may not appoint those who execute the laws, it may lay down qualifications of age, experience and so on. Sometimes these qualifications significantly narrow the field of choice. However, any Congressionally imposed qualifications must have a reasonable relation to the office. Otherwise, Congress would be, in effect, creating the appointing power in Congress, rather than in the President.

Congress may, in short, create the office but may not appoint the officer. To distinguish between these two powers, the Court has developed a germaneness test.[5]

The Department of Justice articulated just such serious constitutional concerns with the USTR Amendment as it relates to the President's appointments power:

The Department of Justice has long opposed broad restrictions on the President's constitutional prerogative to nominate persons of his choosing to senior executive branch positions. The restriction in the bill is particularly problematic because it operates in an area in which the Constitution commits special responsibility to the President, who "is the constitutional representative of the United States in its dealings with foreign nations." *See, e.g., United States* v. *Louisiana*, 363 U.S. 1, 35 (1960). The officers in question perform diplomatic functions as the direct representative of the President, a fact that Congress itself has recognized by providing that they should enjoy the rank of ambassador. 19 U.S.C. §2171(b). Regardless of whether the President would, as a policy matter, be willing to accept this particular restriction, Congress would exceed its constitutionally assigned role by setting such a broad disqualification. *See, e.g., Civil Service Commission*, 13 Op. Att'y Gen. 516, 520–21 (1871).[6]

After passage of the Lobbying Disclosure Act by both the Senate and the House, Justice continued to express serious concerns about the new pre-employment provision, but did not recommend that the President veto the Act on this basis.[7] The President in signing the bill noted the constitutional issue.[8]

The new disqualification raises serious separation of powers questions. When such provisions are enacted without hearings, with virtually no floor debate or legislative history, and despite constitutional objections noted by the Department of Justice, the justifications underlying them should be carefully examined. Where such provisions are not only constitutionally suspect but also premised on a mistaken and troublesome view of the lawyer-client relationship, they should be removed.

B. It Is In The Public Interest for the President to Be Free to Appoint the Most Highly Qualified Nominees, Regardless of Past Clients

The new disqualification rules out many qualified individuals who could otherwise serve the nation effectively as senior trade negotiators. The best qualified candidate for a particular USTR or Deputy USTR appointment may be someone who has some experience advising foreign clients. (We note, in this regard, the adage that it is useful for a prosecutor to have experience serving as defense counsel.) Yet, the USTR Amendment would prevent such a person from serving.

While it is wrong to presume a link between advocacy and personal belief, it is even more wrong to freeze such a presumption into a statute. Categorical and difficult-to-amend statutory disqualifications cannot take into account the nuances of a particular candidate's history. These are precisely the factors that the President should weigh in choosing a nominee and the Senate should review in the confirmation process.

The new disqualification does not only restrict the President's appointments power. It also represents a failure to respect the Senate's constitutional role to consider, and where appropriate disapprove, the President's nominees. The Senate should preserve its prerogative to consider a particular nominee's record of advocacy for foreign clients, or foreign government clients, in the confirmation process and to determine whether anything in that record is sufficiently troubling to justify withholding confirmation.[9]

C. The Unstated Premise of the New Disqualification—That An Advocate is Either Tainted By or Continuously Captive to the Interests of a Former Client—Is Inconsistent with U.S. Traditions and Values

During the 1974 Senate consideration of legislation to establish the office of special prosecutor and to depoliticize the position of Attorney General, former Supreme Court Justice Arthur Goldberg described the attorney-client relationship in the following manner:[10]

One of the traditional concepts applicable to the bar at large is too often overlooked in senatorial confirmation hearings involving nominees for Attorney General, Assistant Attorney General, Deputy, and U.S. Attorneys. That concept—which I fear, Mr. Chairman, in the day of the organization man and big interests which lawyers are called upon to serve, is too often overlooked—is that the bar is independent, that it is not a servant of a client, but services a client; and that the men and women of the bar are independent and give counsel and advise independently. The principal law enforcement officers of the Government should be lawyers in that sense, ... Any nominee of a different mind or character should not be confirmed by the Senate.

For just such reasons, it is widely accepted that a lawyer should not be ineligible for nomination as a judge solely because of past representation of, for example, criminal defendants.

The USTR Amendment, and the proposals to extend the disqualification so that it applies to other government positions, adopts a different and inaccurate view of the relationship between advocates and their clients. It is wrong to assume that an outside adviser, such as a lawyer, necessarily concurs with the views or actions of his or her client, or will apply those views in carrying out the duties of a public office. Certainly, if someone represents more than one group of clients—for example, foreign governments in some matters and U.S. corporations in others—it cannot fairly be presumed that the foreign government representation determines or more accurately represents the person's own beliefs.

When an individual leaves the private sector and becomes a government official, he or she takes on totally new responsibilities and must move beyond all prior client interests—those of domestic and foreign clients alike. Other than preserving their confidences, an appointee has no continuing obligation to prior clients. The USTR Amendment wrongly ignores this aspect of public service.

Reflecting its inconsistency with U.S. traditions and values, the new disqualification is utterly without precedent in the U.S. Code. Appendix 2 to this Report identifies 126 statutory provisions, relating to U.S. Government civilian offices, that impose qualifications in addition to Senate confirmation.[11] As shown there, those 126 provisions fall into seven groupings: 3 provisions requiring that appointees be U.S. citizens; 19 provisions requiring that appointees be civilians at the time of their appointment; provisions that establish minimum representation on a board or commission of certain constituent groups; provisions requiring technical expertise; 6 provisions imposing "cooling off" periods to ensure civilian control of the military; 7 provisions imposing other temporary "cooling off" periods (e.g., sitting members of the U.S. Postal Service Board of Governors may not simultaneously be representatives of "special interests using the Postal Service"); and 2 provisions containing permanent, uncurable, disqualifications. Of

these, only the USTR disqualification is based on advocacy activities. The other provides that members of the permanent board of the Federal Agriculture Mortgage Corporation shall not be, or have been, officers or directors of a financial institution.

D. The New Disqualification Creates Perverse Anomalies

Before the USTR Amendment, there were no statutory qualifications upon who could be nominated and confirmed to serve as USTR or Deputy USTR. Not even U.S. citizenship, or a record free of criminal behavior, was (or is) statutorily required. Thus, the effect of the new pre-government employment restriction is that a non-citizen, a felon or even a juvenile could in principle be nominated and confirmed as USTR, while a highly skilled trade specialist who briefly advised a foreign government twenty years ago could not.

Such a rule could also deprive the nation of highly skilled and effective public servants. Had it been in effect at the time, the USTR Amendment might have disqualified one of President Reagan's USTRs, Dr. Clayton K. Yeutter, for activities that apparently did not dominate his pre-government professional work.[12] Extending the principle, as some have proposed, to representing, aiding or advising foreign private companies might have disqualified President Bush's USTR, Carla Hills.[13] Again, to the extent that questions arise in a particular case about the overlap between prior advocacy efforts and the advocate's own current beliefs, such questions can be effectively explored during the Senate confirmation process.

Broad and seemingly arbitrary interpretations of the USTR Amendment are possible given the lack of definitions, in either the statute or the legislative history, for crucial and open-ended terms such as, but not limited to, "aided" and "advised." For example, if a Senator meets with foreign government officials in an attempt to find a mutually advantageous solution to a particular bilateral trade dispute, it could be argued that he or she has "aided" or "advised" the foreign government in such a manner as to trigger disqualification from future service as USTR. On the other hand, it has been observed that the USTR Amendment would not prevent appointment of a corporate executive who, in order to increase profits at his ailing company, negotiates an enormous tax subsidy from a foreign government in order to move parts of his factory abroad and subsequently fires hundreds of his U.S. workers.[14]

E. The New Disqualification Sets an Undesirable Precedent for Other Government Positions

A significant danger of the USTR Amendment is that the same principle could be applied to other government positions involving disciplines other than international trade negotiation. Persons could be disqualified, by statute, from being federal judges because they had at some time in their past represented criminal defendants, even if their representations had been the result of occasional court appointment. Positions at the Environmental Protection Agency could be conditioned, by statute, on never having represented, aided or assisted clients in favor of, or opposed to, toxic dump cleanup. Positions at the Department of Energy could be conditioned, by statute, on never having represented, aided or assisted clients in favor of, or opposed to, offshore drilling. Positions at the Consumer Product Safety Commission could be conditioned, by statute, on never having represented, aided or assisted clients supporting, or opposing, specific product liability actions. More broadly, anyone who has given advice to entities in a regulated industry could be disqualified from putting his or her expertise to use as a regulator in that industry. Such a rule would dramatically restrict the pool of qualified regulators.

The ABA historically has advanced the view that rigid *i.e.*, statutory) pre-employment restrictions for government appointments should be avoided. For example, in the wake of the perceived politicization of Justice Department functions during the Watergate period, during consideration of what eventually became the Ethics in Government Act of 1978, the ABA was asked to comment on possible eligibility restrictions for senior law enforcement positions:

Question. There have been many recommendations to set the statutory requirements for appointees to the Offices of Attorney General, Deputy Attorney General, Director of the FBI, and others. Do you generally believe it is a good idea to set rigid eligibility standards by statute, considering that many highly qualified individuals would be arbitrarily excluded from consideration by such standards? If so, what sorts of standards would you suggest?

Answer. The ABA has not suggested rigid standards for appointment to any of the above-mentioned positions nor does it believe rigid standards are advisable.[15]

The USTR Amendment, by contrast, fails the test of narrow drafting and scope. It reaches backward in time without limit, disqualifying otherwise qualified candidates by reason of any covered representation or assistance at any earlier point in their careers. The amendment reaches candidates who agreed to assist foreign governments with no idea that doing so might preclude later public service. The amendment applies not to a carefully circumscribed category of activities, but to any representation or assistance, whether significant or insignificant, to any foreign government on any trade "negotiation" or "dispute" involving the United States. Finally, the amendment confuses the advocate's required role with his or her personal views.

III. THE POST-EMPLOYMENT RESTRICTIONS

A. Post-Employment Restrictions of General Application

There have been restrictions on the post-employment activities of various categories of federal workers since 1872.[16] The earliest versions approximating the current provisions were adopted in 1962, as part of an overall revision of the conflict-of-interest statutes.[17] In short, a full and generally effective array of government-wide post-employment restrictions has been in place for many years. Those restrictions, subjected to substantial revision and fine-tuning in the Ethics in Government Act of 1978[18] and the Ethics Reform Act of 1989,[19] include: a lifetime ban on appearing before or communicating with any U.S. Government body on behalf of a party other than the United States, on matters in which the official "participated personally and substantially" while a federal employee;[20] a two-year ban on appearing or communicating with any U.S. Government body on behalf of a party other than the United States on matters that were pending under his or her official responsibility in the year prior to departure from the agency;[21] a one-year ban for enumerated senior officials on all substantive contact with the former agency on behalf of a party other than the United States, which for Cabinet officers and certain other very senior officials extends to contacts with specified top officers of other agencies as well;[22] and a one-year ban prohibiting senior officials of all departments and agencies from (i) representing the interests of a foreign government or political party before any agency or department or (ii) aiding or advising a foreign government or political party with the intent to influence a decision of any department or agency.[23]

The last of these provisions, a special rule against senior officials' representing or advising foreign governments, drew a number of policy and constitutional objections prior to and at the time of its enactment.[24] This Report does not address the propriety of a broad, government-wide, one-year ban on post-employment activity for foreign governments. It is noteworthy, however, that this provision was justified against due process attack on the ground that it presented no absolute bar to pursuit of employment by covered officials, but "merely imposed a waiting period" of one year.[25]

These post-employment restrictions establish a comprehensive set of rules that apply across the board to federal officials and employees in all agencies and departments. For the most part, these rules appear to have worked successfully.[26] They apply with full force to USTRs and Deputy USTRs, and thereby provide a solid framework for protecting the public interest in regulating the post-employment activity of persons who occupy those positions.

B. Special Restrictions Placed Upon Senior Trade Negotiators

Beginning in 1992 and by expansion in the 1995 USTR Amendment, Congress created a special rule that singles out former USTRs and Deputy USTRs for special, more restrictive treatment than other, similarly-situated, former senior officials. Congress did so with virtually no meaningful deliberation or explanation. It is the ABA's view that, in so doing, Congress created a separate category of post-employment treatment for the senior U.S. trade officials that cannot be justified and should be eliminated.

The fist step along this path occurred in 1992, when Congress, as part of an appropriations bill, enacted a new Section 207(f)(2) which lengthened to three years the foreign entity ban as it applied to the USTR.[27] The Senate report describing this provision contained no meaningful explanation or justification of the longer period.[28] In signing the bill, President Bush took strong objection, noting that the change had been passed without any public discussion of the merits, without consideration of its relationship to the comprehensive amendments passed in the Ethics Reform Act of 1989, and without evaluation of "the implications of targeting for coverage just one position."[29] President Bush signed the bill because it was a necessary funding measure.

Continuing this pattern of acting without legislative hearings or development, the 1995 USTR Amendment enlarged this special USTR restriction to a lifetime ban, and expanded the ban to cover Deputy USTRs as well as USTRs. Like the initial 1992 creation of the special post-employment rules of the Ethics in Government Act of 1978 or the Ethics Reform Act of 1989, each of which underwent extensive legislative consideration—the USTR Amendment did so without any meaningful legislative background.

This action raises serious legal and policy questions. In departing from the "waiting period" rationale that underlay the general one-year ban on representation of foreign governments in the Ethics Reform Act of 1989,[30] the new lifetime ban raises the very

constitutional questions that led the Justice Department and other witnesses to express concern during the 1989 reform legislation. One of the bills leading to the 1989 Act contained a lifetime ban on certain high ranking officials representing or advising foreign entities. In hearings on that bill, a Justice Department spokesman agreed that the lifetime ban raised a serious constitutional problem.[31] Another Justice Department official doubted that reducing the ban to 10 years would remove the constitutional problem.[32] Commenting on a substitute version of the bill, a spokesperson for Common Cause agreed with shifting away from a lifetime ban on representing foreign governments in favor of a shorter period. While believing that the period for the ban should be longer than for other representations, Common Cause was "very troubled by a lifetime ban and would not recommend that."[33] Others testified that even a 10-year ban was too long.[34] The ACLU suggested that "[a]t the very least such a prohibition should expire if the party controlling the White House changes in the interim."[35]

More importantly, no persuasive rationale has been advanced for applying special rules to senior trade officials. Former USTRs were barred by pre-1992 law, for example: from ever assisting foreign governments in any matter in which they had direct involvement while in government;[36] for communicating with USTR officials on my policy issue for a period of the one year;[37] from communicating with USTR officials within two years on any matter that was active within USTR during the last year of the former USTR's service;[38] and from appearing before any agency, within one year after leaving government, on behalf of a foreign government or political party.[39]

Taken together, these rules adequately protect against the possibility, and against the appearance of "influence peddling" or "misuse of inside information" by former trade officials on behalf of foreign interests.

There are at least three other compelling reasons to repeal the new post-employment restrictions. First, the restrictions could easily hinder advancement of U.S. interests by diminishing the pool of qualified senior trade negotiator candidates. Among the factors cited in discouraging people from public service are increasingly severe post-employment restrictions. Past USTRs and Deputy USTRs have not made a full career of public service; like other senior appointees, they have returned to their communities and their private practices after serving in public office. Qualified candidates may decline to serve if their livelihoods—often after a relatively short period of government service—would thereby by materially jeopardized. Second, there has been no documented misconduct by former USTRs or Deputy USTRs which would justify the new, heightened restrictions. Third, there is no principled reason to single out trade negotiators; rather, the new restrictions simply penalize or demonize the representation of foreigners. Other government officials—e.g., the Secretaries of Defense or Transportation, or the Attorney General—could just as easily be subject to the same lifetime ban.

Meanwhile, there has been absolutely no showing that the general rules applicable to all other government officials insufficiently protect the interests of the United States. The public interest is in having nominees who become public officials adhere to the highest standards while executing the duties of their office. After someone leaves office, the government's interest is properly limited to preventing the misuse of its confidential information and the misuse of influence.[40]

IV. CONCLUSIONS AND RECOMMENDATIONS

For the reasons set out above, it is the view of the ABA that: Congress should avoid statutory provisions that disqualify senior executive or judicial appointees on the basis of clients they have previously represented. Congress and the Administration should continue to utilize traditional mechanisms (including the Senate's power of confirmation), rather than special pre- or post-employment rules, to ensure that senior executive or judicial positions are filled only by highly qualified persons who will fulfill the responsibilities of their positions with complete integrity. Ethics-in-government rules, whether addressed to pre- or post-government employment activities, should not single out foreign policy or trade functions for special, restrictive treatment. Congress should repeal the 1995 amendments to 18 U.S.C. §207 and 19 U.S.C. §2171(b), whose effect is to restrict the pre- and post-employment activities of U.S. Trade Representatives ("USTRs") and Deputy USTRs on behalf of foreign interests, and should not extend those provisions to cover other senior government positions.

Respectfully submitted,

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Chair, Section of International Law and Practice.

FOOTNOTES

[1] Pub. L. No. 104-65, 109 Stat. 691 (1995).

[2] See 141 Cong. Rec. S10560-61 (daily ed. July 24, 1995).

[3] Pub. L. No. 102-395, 106 Stat. 1873, codified at 18 U.S.C. §207(f)(2).

[4] See generally Laurence H. Tribe, American Constitutional Law 244 (2d ed. 1988) (analyzing the wording of Art. II, §2, cl. 2).

[5] John E. Nowak & Ronald D. Rotunda, Constitutional Law 265 (5th ed. 1995) (footnotes omitted).

[6] Letter from Andrew Fois, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice to the Hon. Henry Hyde, Chairman, House Committee on the Judiciary, concerning S. 1060 [the Senate bill pending before the House] 2-3 (Nov. 7, 1995).

[7] Letter from Andrew Fois, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice to the Hon. Alice M. Rivlin, Director, Office of Management and Budget concerning S. 1060 2 (Dec. 18, 1995).

[8] See 51 Weekly Compilation of Presidential Documents 2205-06 (December 25, 1995).

[9] The unwarranted breadth of the new disqualification is demonstrated by the more narrowly drawn alternatives that Congress did not select. Even assuming arguendo that assertive use of the Senate's confirmation authority is insufficient, narrower solutions are available. One is mandatory recusal with penalties for failure to do so, combined with strict reporting of prior activities. See, e.g., 28 U.S.C. §528 (Justice Department employees). Recent USTR and Deputy USTR nominees have disclosed prior representations, including foreign representations, and have voluntarily recused themselves (temporarily or permanently, as appropriate) with respect to issues involving those particular clients. Hearing to consider nomination of Michael Kantor Before Senate Comm. on Finance, 103rd Cong., 1st Sess. (1993); Nomination of Carla Anderson Hills: Before Senate Comm. on Finance, 101st Cong., 1st Sess. (1989). Nominations of Rufus Hawkins Yerza, Charlene Barshefsky, Walter Broadnex, Avis Lavelle, Jerry Klegner, David Ellwood, Kenneth Apfel, Bruce Vladeck, Hariet Rabb and Jean Hanson: Before Senate Comm. on Finance, 103rd Cong., 1st Sess. (1993). Other trade officials have done likewise. See, e.g., Rick Jenkins, "Trade Nominations Raises 'Revolving Door' Issue," Christian Science Monitor at 8 (Jan. 14, 1994). Another alternative is more extensive mandatory reporting of pre-employment activities over a set period before Senate confirmation, enhancing the Senate's ability to reject a nominee based on prior activities if it wishes. See, e.g., Hearings on S. 555 (Public Officials Integrity Act of 1977, Blind Trusts and Other Conflict of Interest Matters) Before the Senate Comm. on Governmental Affairs, 95th Cong., 1st Sess. 108-09 (1977) (testimony of Fred Wertheimer, Vice President for Operations, Common Cause). Requiring disclosure of clients is not without its problems. As noted by the ABA in 1977, such a regime could place a professional person in the position of having to violate the confidentiality of a privileged relationship. See Financial Disclosure Act: Hearings on H.R. 1, H.R. 9, H.R. 6954, and Companion Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 95th Cong., 1st Sess. 487, 490 (1977) (testimony of Prof. Livingston Hall and Prof. Herbert S. Miller on behalf of the American Bar Association).

[10] Removing Politics from the Administration of Justice: Hearings on S. 2803, S. 2978 Before the Subcommittee on Separation of Powers of the Senate Comm. on the Judiciary, 93rd Cong., 2d Sess. 62 (1974).

[11] These are all the provisions that could be identified through review of the U.S. Code, 1994 Edition, and Supplement I to that Edition. Some of these provisions are also subject to statutory requirements designed to ensure a balance of political affiliation on Boards and Commissions, e.g., an equal number of Democrats and Republicans on the U.S. International Trade Commission. Additionally, in some cases an office is required by statute to be filled by an existing federal, state or local government official. Appendix II largely ignores such requirements.

[12] Dr. Yeutter had served on the board of directors of the Swiss Commodities and Futures Association and had been the first American businessman invited to Japan (in 1982) under a Japanese government program to improve trade relations with the United States. See Hearing on the Nomination of Dr. Clayton K. Yeutter Before the Senate Comm. on Finance, 99th Cong., 1st Sess. 28-29, (1985) (vita submitted on behalf of Dr. Yeutter).

[13] According to third-party testimony at the time of her appointment, Ambassador Hills had previously been registered under the Foreign Agents Registration Act as an agent for Daewoo Industrial Co. See Hearing on the Nomination of Carla Anderson Hills Before the Senate Comm. on Finance, 101st Cong., 1st Sess. 32, 51 (1989) (testimony of Anthony Harrigan, President, U.S. Business and Industrial Council).

[14] See Donald DeKieffer, "The 1995 'Irrelevant Qualifications Act'" Journal of Commerce at 7A (Dec. 30, 1996).

[15] Watergate Reorganization and Reform Act of 1975: Hearings on S. 495 Before the Senate Comm. on Government Operations, 94th Cong., 1st Sess., pt. 2 at 174 (1976) (testimony of William B. Spann, Jr., President-Elect Nominee of the American Bar Association and Chairman, American Bar Association Special Committee to Study Federal Law Enforcement Agencies). The ABA did recommend limited measures to address perceived problems of politicization of the Department of Justice. See also id. at 270-71, 295, 298.

[16] See S. Rep. No. 99-396, 99th Cong., 2d Sess. 13-14 (1986); S. Rep. No. 100-101, 100th Cong., 1st Sess. 8-9 (1987).

[17] Prior provisions had barred former employees from prosecuting claims against the United States for two years after terminating government employment. See H. Rep. No. 748, 87th Cong., 1st Sess. 2-4 (1961).

[18] Pub. L. No. 95-521, 92 Stat. 1824, 1864-66 (1978).

[19] Pub. L. No. 101-194, 103 Stat. 1716-24 (Nov. 30, 1989).

[20] 18 U.S.C. §207(a)(1) (1996).

[21] 18 U.S.C. §207(a)(2).

[22] 18 U.S.C. §§207(c), (d).

[23] 18 U.S.C. §207(f).

[24] H. Rep. No. 1068, 100th Cong., 2d Sess. 13 (1988) (regarding H.R. 5043); Post-Employment Conflicts of Interest: Hearings on H.R. 5097 and Related Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 99th Cong., 2d Sess. 79-80 (1986) (testimony of John C. Keeney, Deputy Assistant Attorney General, Criminal Division, Department of Justice, on legislation leading up to the 1989 Act, arguing that post-employment restrictions could prohibit representations which were in the national interest). Similar views were forwarded by the ACLU, which maintained that a statute prohibiting the representation of foreign interests regulated political activity and, to be upheld, must withstand strict judicial scrutiny. See Post-Employment Restrictions for Federal Officers and Employees: Hearings on H.R.

2267 and Related Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 101st Cong., 1st Sess. 200, 204–06 (1989). See also Appendix III to this Report.

[25] S. Rep. No. 101, 100th Cong., 1st Sess. 14 (1987).

[26] The ABA may, of course, have occasion in the future to comment or suggest improvements that would enhance the effectiveness of these rules. That is not the subject of this Report.

[27] Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, Section 609, Pub. L. No. 102-395, 106 Stat. 1828, 1873 (1992).

[28] See S. Rep. No. 102-331, 102d Cong., 2d Sess. 118 (1992).

[29] 28 Weekly Compilation of Presidential Documents 1874 (Oct. 12, 1992) (statement by President George Bush upon signing H.R. 5678).

[30] See supra, fn. 25.

[31] Integrity in Post Employment Act of 1986: Hearings on S. 2334 Before the Senate Comm. on the Judiciary, 99th Cong., 2d Sess. 37–38, 41–43, 66 (1986) (testimony of John C. Keeney, Deputy Assistant Attorney General, Criminal Division, Department of Justice).

[32] Id. at 87–88 (testimony of Stephen S. Trott, Assistant Attorney General for the Criminal Division, Department of Justice).

[33] See id. at 179 (testimony of Ann McBride, Senior Vice President, Common Cause); Post-Employment Conflicts of Interest: Hearings on H.R. 5097 and Related Bills Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 99th Cong., 2d Sess. 103–04 (1986) (testimony of Ann McBride, Senior Vice President, Common Cause).

[34] See id. at 183, 186 (testimony of Norman J. Ornstein, American Enterprise Institute).

[35] Hearings on S. 2334 (Integrity in Post Employment Act of 1986) Before the Senate Comm. on the Judiciary, 99th Cong., 2d Sess. 199 (1986) (testimony of Morton H. Halperin and Jerry J. Berman on behalf of the American Civil Liberties Union).

[36] 18 U.S.C. §207(a)(1) (1989).

[37] 18 U.S.C. §207(c).

[38] 18 U.S.C. §207(a)(2).

[39] 18 U.S.C. §207(f).

[40] See Integrity in Post Employment Act of 1986: Hearings on S. 2334 Before the Senate Comm. on the Judiciary, 99th Cong., 2d Sess. 79–80 (1986) (testimony of David H. Martin, Director, Office of Government Ethics). The American Civil Liberties Union ("ACLU") also opined that the misuse of inside information should be the focus of ethics laws, rather than the identity of the client. Id. at 198 (testimony of Morton H. Halperin and Jerry J. Berman on behalf of the American Civil Liberties Union); Hearings on H.R. 2267 and Related Bills (Post-Employment Restrictions for Federal Officers and Employees) Before the Subcommittee on Administrative Law and Governmental Relations of the House Comm. on the Judiciary, 101st Cong., 1st Sess. 200, 210–11 (1989).

Mr. HILL. Mr. Speaker, I rise today to express my deep concern about our action to waive provisions of section 21 of the 1974 Trade Act relating to the appointment of the U.S. Trade Representative. As you know, Senate Joint Resolution 5 waives the prohibition banning individuals who represent or have previously represented foreign governments from serving as America's top trade representative.

Mr. Speaker, the law we are asked to waive today is not some arcane law that has been in the books for decades which may have run its time. It is a law that was approved only 2 years ago to prevent lobbyists of foreign governments from obtaining an appointment to be our chief trade negotiator. While I do not doubt the competency and ability of Ambassador Barshefsky to dedicate her best efforts as she has done as the Deputy U.S. Trade Representative, her association as a lobbyist for Canada touches a raw nerve in Montana.

Mr. Speaker, the farmers and ranchers of my home State of Montana are suspicious of the administration's commitment to ensure that NAFTA implementation is fair. To this point, evidence suggests it isn't. The Lobby Act says that anyone who has worked against the United States in trade negotiations ought to be excluded from U.S. Government service as trade representative. When the President signed the Lobby Act he singled out this provision for praise. Without being too political, it is an unusual request to waive the law just enacted. Though the issue is a material matter of law, it also goes to the heart of trust. For my farmers and ranchers in Montana, there is a constant threat of subsidized Canadian wheat and barley being dumped in United States markets. These actions threaten Montanan's livelihood and seriously question the free-trade agreements with our northern neighbor.

As you know, Mr. Speaker, I consider Canada a strong ally of the United States. We share the longest unfortified border in the world and a similar past of standing up against tyranny and for the values of democracy. However, many Montanans are greatly troubled by Canada's current trade practices. Despite the implementation of the North American Free-Trade Agreement [NAFTA], Canada continues to subsidize its various industries and commodities, including timber, beef, and grain.

Clearly, we need someone to vigorously negotiate and highlight American interests in our growing international trade. The stakes have never been higher for farmers and ranchers in my State of Montana. Our farmers need to find markets and secure agreements for free and fair trade. And they need to have confidence that Washington is behind them 100 percent. We passed a law to give them that confidence. Now is not the time to waiver.

Mr. Speaker, I believe that granting the waiver sends the wrong signal. Waiving the law only raises suspicion about our long-term dedication to free trade.

Mr. NEAL of Massachusetts. Mr. Speaker, I support the legislation before us which grandfathers Ambassador Barshefsky from certain provisions of the Lobbying Disclosure Act of 1995. When this legislation was considered in the Senate, Ambassador Barshefsky was grandfathered as Deputy U.S. Trade Representative [USTR]. This resolution would extend that grandfather to Ambassador Barshefsky as she moves up to the position of USTR.

I have served on the Subcommittee on Trade for 4 years and have had the opportunity to work closely with Ambassador Barshefsky. Prior to joining USTR, Ambassador Barshefsky specialized in trade law and policy for 18 years. She brings expertise to the position of USTR.

In her 4 years at USTR, Ambassador Barshefsky negotiated many major bilateral and multilateral agreements. With respect to Japan, Ambassador Barshefsky has been the key policymaker and negotiator. Her work has resulted in agreements on the following issues: Government procurement of telecommunications equipment and services, Government procurement of medical equipment and technology, insurance, flat glass, and cellular phones and equipment and agreements.

Ambassador Barshefsky was instrumental in reaching the intellectual property rights enforcement agreement with China. I admire her determination in reaching agreements when there were many skeptics. Several times it was down to the wire and she was able to come out with a solid agreement.

I urge you to vote for this resolution. I look forward to working with Ambassador Barshefsky in her role as USTR.

Mr. RANGEL. Mr. Speaker, I rise in strong support of Senate Joint Resolution 5, legislation to waive certain provisions of the Lobbying Disclosure Act of 1995 with respect to the nomination of Ambassador Charlene Barshefsky to become the U.S. Trade Representative. This legislation is necessary to complete the nomination process of Ambassador Barshefsky.

Ambassador Barshefsky has broad bipartisan support and deserves to be our next U.S. Trade Representative. Last week, the other body approved her nomination and the waiver legislation before us today by overwhelming votes of 99–1 and 98–2, respectively.

During her nearly 4 years of service at the Office of the USTR, first as Deputy USTR and since April of last year Acting USTR, Ambassador Barshefsky has compiled an impressive record opening foreign markets for U.S. exporters and defending U.S. trade interests. For example, she recently concluded successful multilateral agreements which will reduce or eliminate tariffs worldwide on trade in information technology products, and which will open foreign markets for basic telecommunications services. Last December she concluded a bilateral agreement with Japan on insurance which opens that market for U.S. insurance providers. Last year, she also struck an agreement with China providing for stronger enforcement of U.S. intellectual property rights in that country.

Clearly, Ambassador Barshefsky has shown that she is a tough and skillful negotiator internationally. More importantly, however, Ambassador Barshefsky understands that international trade and our Nation's trade policies have an impact on the lives and futures of Americans. For that reason, she consults closely with Members of Congress and the public at large on her actions. She clearly recognizes that trade policy is a shared responsibility of the executive and legislative branches and carries out her responsibilities accordingly.

For those who may have questions or concerns about this waiver, it must be noted that Congress has previously passed legislation to waive a statutory requirement on who may serve in a particular Government position with respect to a specific nominee. It should also be noted that, as Deputy USTR, Ambassador Barshefsky was specifically exempt from the provisions in question in the Lobbying Disclosure Act. The Senate Finance Committee carefully studies her record in the private sector and agreed unanimously that a waiver was entirely appropriate for Ambassador Barshefsky.

Mr. Speaker, in the past several years I have come to know and admire Ambassador Barshefsky's work and tireless dedication on behalf of the American people. I heartily endorse the legislation before us today and urge my colleagues to support it. Ambassador Barshefsky will be a U.S. Trade Representative of which we will all be proud.

Mrs. KENNELLY. Mr. Speaker, I rise today in support of Senate Joint Resolution 5 which waives certain provisions of the Trade Act of 1974. This resolution would grandfather Ambassador Charlene Barshefsky from the application of certain restrictive provisions of the Lobbying Disclosure Act of 1995. On occasion the Senate has granted similar waivers when a statutory provision would have barred a highly qualified nominee from serving our Nation's executive branch. Let me note, however, that this resolution applies only to Ambassador Barshefsky and in no way modifies the statute nor does it have implications for any other prospective nominees to serve as the U.S. Trade Representative or as Deputy USTR.

As a Member of the Ways and Means Committee, I have had the pleasure of working with Ambassador Barshefsky during her time at USTR, first as deputy to Mickey Kantor and recently in the acting capacity. Ambassador Barshefsky has been instrumental in developing and pursuing a strong international trade policy having successfully completed several multilateral trade and investment treaties. Not only has she demonstrated her commitment securing agreements beneficial to U.S. trade interests, she has also demonstrated her willingness to walk away from the table when other countries have made insufficient offers.

Given her tenacity and resolve on behalf of our country's trade interests, I firmly believe Charlene Barshefsky to be capable and well prepared for her role as Trade Representative. Her professional achievements, her tough negotiating skills and her knowledge of her subject are most remarkable. I have worked with few people who possess the ability to discuss both the intricate details of trade minutia and the whole picture with such clarity and coherence.

We are embarking on a new age in the global marketplace. If we are to remain competitive, we must be able to compete in foreign markets. The United States has vigorously pursued agreements and commitments from our trading partners to open their markets and reduce their trade barriers in both goods and services. These opportunities should benefit both American companies and consumers. That must be our goal in seeking expanded trade in the future; our economic well-being depends on it.

I am confident that Ambassador Barshefsky will continue to pursue a strong and fair trade agenda that seeks to promote our national interests abroad and at home. I urge my colleagues to support the waiver and vote for Senate Joint Resolution 5.

Mr. SMITH of Oregon. Mr. Speaker, I rise in support of Senate Joint Resolution 5, a joint resolution waiving provisions of the Trade Act of 1974 relating to the appointment of the U.S. Trade Representative. As the chairman of the Committee on Agriculture I believe that it is vital that the person representing the United States in trade negotiations and resolution of disputes recognize that agriculture is an extremely important and essential issue to be considered in all trade negotiations and resolutions of disputes. American farmers and ranchers, the most productive in the world, can prosper only where there is free and fair world trade.

In fact, if not for agriculture exports the U.S. trade deficit would be larger than it currently is. In 1996, U.S. agriculture exports totaled $60 billion and the agriculture trade surplus exceeded $26 billion. There is, nevertheless, ample opportunity for expansion of agriculture trade into the 21st century. It is incumbent on the administration, through the Office of the Trade Representative and the Department of Agriculture, to make sure that opportunities exist for trade expansion and that trade disputes are resolved in a timely manner.

I have had the opportunity to meet with Ambassador-Designate Barshefsky and she assures me of her knowledge of agriculture and her commitment to ensuring the proper emphasis on agriculture export issues. In our discussions we agreed that agriculture is the No. 1 high-tech export and the No. 1 priority with the USTR. Historically, agriculture has been a leader in biotechnology, a process through which researchers develop improved seeds and crops, such as those naturally protected from diseases and insects. This process has enabled farmers and ranchers to increase yields and thereby exports. It has also brought challenges from our trading partners. These challenges must be vigorously defended by the administration and Ambassador-Designate Barshefsky assures me that she will do so.

The Uruguay Round agreement included provisions on sanitary and phytosanitary disputes and provided that sound science be the basis for resolution of such disputes. Countries' use of nontariff trade barriers to restrict imports, especially those related to sanitary and phytosanitary issues, do great harm to American agriculture exports and thereby the income of our farmers and ranchers. This must be a high priority with the administration.

The Committee on Agriculture will hold a hearing on March 18, 1997, to discuss agriculture trade and the barriers that face exporters. The Secretary of Agriculture and the U.S. Trade Representative have been invited to testify. This will be an opportunity for the representatives of the administration to discuss implementation of trade agreements, the monitoring of the implementation of these agreements by other countries, and to delineate how they will secure fair treatment for American commodities in world trade.

In my discussions with Ambassador-Designate Barshefsky she assures me that agriculture will be a top priority under her watch. That is why I will support Senate Joint Resolution 5 and the waiver needed to allow her to assume the position of USTR.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 5.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate Joint Resolution was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 852, PAPERWORK ELIMINATION ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–15) on the resolution (H.Res. 88) providing for consideration of the bill (H.R. 852) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF ENERGY STANDARDIZATION ACT OF 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 649) to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

The Clerk read as follows:

H.R. 649

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 "Department of Energy Standardization Act of 1997".

SEC. 2. STANDARDIZATION OF DEPARTMENT OF ENERGY REQUIREMENTS WITH GOVERNMENT-WIDE REQUIREMENTS.

(a) DEPARTMENT OF ENERGY REGULATIONS.—Section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) is amended—

(1) by striking subsections (b) and (d),

(2) by redesignating subsection (c) as subsection (b) and by redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively, and

(3) in subsection (c) (as so redesignated), by striking "subsections (b), (c), and (d)" and inserting "subsection (b)".

(b) SPECIAL REQUIREMENTS AFFECTING ADVISORY COMMITTEES.—

(1) SECTION 624.—Section 624 of the Department of Energy Organization Act (42 U.S.C. 7234) is amended by—

(A) striking "(a)"; and

(B) striking subsection (b).

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 17 of the Federal Energy Administration Act of 1974 (15 U.S.C. 776) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 649 is a very straightforward measure and simply seeks to eliminate some of the unnecessary duplication that we have now within the DOE.

Currently, DOE is subject to two different standards for public notification and response to public comment. One set exists in the governmentwide Administrative Procedure Act and a separate set exists in the DOE organizational act. Likewise, DOE's advisory committees are subject to a separate and more restrictive public participation than required of other Federal agencies.

This measure would simply put DOE on the same par with other Federal agencies for public notice and response to comments. DOE would be fully subject to the provisions of the Administrative Procedure Act for advisory committees. This change simply allows DOE greater flexibility in closing off advisory committees to the public, fully consistent with the provisions of the Federal Advisory Committee Act.

During my time in Congress, I have been a very strong supporter of public participation in the political process. H.R. 649 will in no way diminish the ability of the public to participate in DOE's decisionmaking process, and will relieve some of DOE's administrative burden in complying with two different sets of standards.

I would especially like to thank the ranking member of the Subcommittee on Energy and Power, and fellow sponsor of this bill, the gentleman from Texas [Mr. HALL], for working with me in a very cooperative mood. We will have many more chances to work together in such a bipartisan effort and spirit as we move on.

H.R. 649 is supported by the Department of Energy. It is a bipartisan bill, and is a good, commonsense piece of legislation. I would recommend its adoption by the whole House.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I will be brief, Mr. Speaker, because the gentleman from Colorado, Mr. DAN SCHAEFER has pretty well closed in on the issue before us. However, I just want to say that I rise today very much in support of H.R. 649, the Department of Energy Standardization Act, which I had the pleasure of helping to introduce with my good friend and chairman of the Subcommittee on Energy and Power, the gentleman from Colorado, Mr. DAN SCHAEFER.

Actually, the DOE Standardization Act simply addresses the duplicative regulation being placed on the Energy Department in its public involvement process. This is a critical process, and it is a very critical process in any Federal decisionmaking, and it is defined within the boundaries of the Administrative Procedure Act and Federal Advisory Committee Act.

However, I think it was stated that the Department of Energy Organization Act and the Federal Administration Act of 1974 include provisions that are inconsistent with these two other acts. So because DOE is having to comply with different standards within various rulemaking statutes, H.R. 649 attempts to streamline these regulations by eliminating those provisions of the DOE Act and Federal Energy Administration Act of 1974 which conflict with or which overlap the requirements of the Administrative Procedure Act and Federal Advisory Committee Act.

So of course, streamlining these regulations is estimated to result in a savings of about a half a million dollars a year for the Federal Government, and I think that the gentleman from Colorado, Mr. DAN SCHAEFER, the chairman of the subcommittee, and all of our colleagues on both sides of the aisle can agree that cutting wasteful spending should always be a top priority in Congress, however small or however great, and I certainly urge my colleagues to vote "yes."

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

□ 1445

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER that the House suspend the rules and pass the bill, H.R. 649.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 649, the bill just passed and to insert extraneous material.

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

There was no objection.

EXTENDING DEADLINE FOR HYDROELECTRIC PROJECT IN WASHINGTON STATE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 651) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The Clerk read as follows:

H.R. 651

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

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 8864, the Commission shall, upon the request of the project licensee, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods.

(b) APPLICABILITY.—An extension under subsection (a) shall take effect for a project upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas, Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, under section 13 of the Federal Power Act, hydro project construction must begin within 4 years of the issuance of a license. If construction has not begun by that time, the FERC cannot extend the deadline and must terminate that license.

H.R. 651 and another bill we are going to be considering very shortly, H.R. 652, provide for up to three additional 2-year extensions of the construction deadline if the sponsor pursues the commencement of construction in good faith and with due diligence.

Mr. Speaker, these types of bills have not been controversial in the past. The bills do not change the license requirement in any way and do not change environmental standards, but merely extend the statutory deadline for commencement of construction. There is a need to act now, since the construction deadlines for these projects will soon expire. If Congress does not act, FERC will terminate the license, the project sponsors will lose many of the dollars they have invested in the projects, and communities will lose the prospect of significant job creation and added revenues.

H.R. 651 will authorize FERC to extend the deadline for the construction on the Calligan Creek project, a 5-megawatt project in King County, Washington, for up to 6 additional years. There is a reason to act quickly, since the construction deadline expires on May 13, 1997. FERC has no objection to H.R. 651.

I urge my colleagues to support H.R. 651.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 651, introduced by my good friend, the gentleman from Washington, Mr. RICK WHITE. This bill simply extends a construction deadline applicable to hydroelectric projects in the State of Washington, licensed by the Federal Energy Regulatory Commission.

The chairman has adequately explained the ramifications of the bill. I think FERC does oppose affording licensees more than a 10-year extension from the issuance date of the license, but in this case H.R. 651 extends the deadline up to 6 years, which in totality would extend the project from the beginning to exactly 10 years, in accordance with the law.

In accordance with the 10-year rule, FERC has no objection to the bill.

It is not without warranted reason that these hydroelectric projects are in need of license extensions. In the case of the project in Washington State, the lack of power purchase agreements is the main reason construction has not commenced. Without these power purchase agreements, the project is not economically viable because it cannot be financed; all the while the deadline clock is running. And these circumstances make it critical for a construction license to be granted in accordance with the 10-year rule and FERC's agreement.

This is an easy bill with no objection from FERC, and I strongly urge my colleagues to join me in voting.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington, RICK WHITE, who is the sponsor of the bill.

Mr. WHITE. I will be very brief, Mr. Speaker. I want to thank the chairman and ranking member for helping us bring these bills to the floor. I simply want to reiterate what they said.

Mr. Speaker, this is one of these bills that it is a great pleasure to work on, because I think we are all in agreement that this is the sort of thing we should do. These bills, both of them, H.R. 651 and 652, simply extend the deadline for construction of these dams within the 10-year period that FERC prefers. I want to thank both the chairman and the ranking member once again for allowing these bills to come forward.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 651.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 651 and to insert extraneous material on the bill.

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

There was no objection.

EXTENDING DEADLINE FOR HYDROELECTRIC PROJECT IN WASHINGTON STATE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 652) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The Clerk read as follows:

H.R. 652

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

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 9025, the Commission shall, upon the request of the project licensee, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods.

(b) APPLICABILITY.—An extension under subsection (a) shall take effect for a project upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER], and the gentleman from Texas, [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 652, similar to H.R. 651, would authorize FERC to extend the deadline for the construction of the Hancock Creek Project, a 6-megawatt project in King County, WA, for up to three additional 2-year periods.

According to the project's sponsor, construction has not commenced for the lack of a power purchase agreement. There is a reason for the subcommittee to act as the construction deadline expires on June 21 of 1997. FERC has no objection to this bill, H.R. 652, and I would urge support for the bill.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today again I rise in support of H.R. 652, also introduced by a fine young man, the gentleman from Washington, Mr. RICK WHITE. This bill simply allows the Federal Energy Regulatory Commission to extend the construction deadline for the Hancock Creek project in King County, WA.

As the chairman stated, this is exactly like H.R. 651, a similar bill we just finished speaking in support of. H.R. 652 authorizes FERC to extend the commencement of the construction for the 6.3-megawatt project in Washington State for up to 6 years. With this extension, the hydroelectric project would have a full 10 years.

I strongly urge Members to vote in support of H.R. 652 and allow this project sufficient time to commence its construction.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume the gentleman from Washington [Mr. WHITE].

Mr. WHITE. Mr. Speaker, once again I thank the chairman and ranking member for bringing this bill forward. It is exactly like H.R. 651. They both should pass for the same reasons.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 652.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 652, and to insert extraneous material.

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

There was no objection.

TRINITY LAKE

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 63) to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake".

The Clerk read as follows:

H.R. 63

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

SECTION 1. DESIGNATION OF TRINITY LAKE.

(a) DESIGNATION.—The reservoir created by Trinity Dam in the Central Valley project, California, and designated as "Clair Engle Lake" by Public Law 88-662 (78 Stat. 1093) is hereby redesignated as "Trinity Lake".

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the reservoir referred to in subsection (a) shall be considered to be a reference to "Trinity Lake".

(c) REPEAL OF EARLIER DESIGNATION.—Public Law 88-662 (78 Stat. 1093) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. Speaker, this basically is a simple name change to relieve a lot of confusion surrounding the name of this particular reservoir. Everything else in the area is referred to as Trinity Dam or Trinity Power Plant. Making this Trinity Lake would relieve the confusion and would, frankly, enhance the efforts of the communities to appeal more to tourism, which is what they are hoping to do.

Mr. Speaker, I know of no opposition to this. Similar legislation passed the House in the last Congress, but the Senate took no action. This did not have any problem coming out of our committee, and I urge our colleagues to support the bill.

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

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

Mr. Speaker, I note for the RECORD that Clair Engle was a distinguished member of the House of Representatives from California, and also a U.S. Senator, and that we recognize the practical reasons for this name change.

We also note that this action in no way diminishes the respect we have for Clair Engle. The committee report suggests that another facility may in the future be designated in honor of Clair Engle, and I believe that would be an appropriate action to honor his memory.

With that, Mr. Speaker, I yield back the balance of my time.

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

Let me say I concur with the gentleman's sentiment. It is entirely appropriate that we have something named in honor of Senator Engel. This area was, generally speaking, the area from which he came. We would certainly support an appropriate designation in his honor. This, however, is I think necessary to assist the community in clearing up considerable confusion that does exist.

Mr. FAZIO of California. Mr. Speaker, I rise in reluctant support of this bill today. Certainly, it is important that Congress take the lead from the wisdom of local government when it is appropriate, and I understand that the genesis of this bill is a unanimous resolution by the Trinity County Board of Supervisors asking that Clair Engle Lake be renamed.

However, Congress does not act lightly in honoring one of its Members. Not every Member of Congress is honored by a congressional resolution which names a public facility in honor of a Member's service, and Congress make a diligent effort to choose a suitable honor commensurate with the Member's contributions to his State and the Nation. These decisions are not made lightly and should not lightly be cast off as our memories of significant achievements fade.

The committee report states the intention to name a suitable Central Valley Project facility for Clair Engle in exchange for the change of name for this lake. I would feel less anxious about our action today if that renaming was part of the resolution in front of us.

Some may remember one of Clair Engle's last acts, when shortly before his death and partially paralyzed, he was wheeled twice into the U.S. Senate chamber to vote, first to end debate on the landmark Civil Rights Act of 1964 and a second time to vote on final passage. These heroic acts exemplified his long record of opposition to racial discrimination. He died 1 month later.

But we in California also remember him for his long service to our State, especially his chairmanship of the House Interior and Insular Affairs Committee and his championing of improvements to the Central Valley Reclamation Project and to public power development.

Engle was born in Bakersfield in 1911 and won election as the youngest county district attorney in California's history, just 1 year after his graduation from the University of California Hastings College of Law in 1933. He had graduated from Chico State College in 1930.

He served as Tehama County district attorney from 1934 to 1942. Engle then spent one term in the State senate before winning election to the House of Representatives in a 1943 special election for a district which covered one-third of the State's land area—from the Mojave Desert to Oregon.

A member of the Interior and Insular Affairs Committee beginning in 1951, he became its chair in 1955 and served until 1958, when he was elected to the U.S. Senate.

"Congressman Fireball," as Clair Engle was sometimes known, was an active and outspoken Member of Congress and provided leadership at a key moment in our history. I believe it was fitting that his long service to California was recognized in naming Clair Engle Lake in 1964, and I hope Congress will find a suitable substitute as quickly as possible.

Mr. DOOLITTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 63.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 63.

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

There was no objection.

GRANTING CONSENT TO CERTAIN AMENDMENTS ENACTED BY THE HAWAII LEGISLATURE TO HAWAIIAN HOMES COMMISSION ACT OF 1920

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 32) to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

The Clerk read as follows:

H.J. RES. 32

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as required by section 4 of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat.

4), the United States consents to the following amendments to the Hawaiian Homes Commission Act, adopted by the State of Hawaii in the manner required for State legislation:

(1) Act 339 of the Session Laws of Hawaii, 1993.

(2) Act 37 of the Session Laws of Hawaii, 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

Mr. Speaker, I have a statement that I intend to submit for the RECORD. But in that this resolution indeed is authored by a member of our committee, the gentleman from Hawaii [Mr. ABERCROMBIE], I will reserve the balance of my time and yield to him to explain the joint resolution.

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

Mr. Speaker, I thank the gentleman from California for offering me the opportunity to explain this resolution.

Mr. Speaker, I rise today in support of my joint resolution, House Joint Resolution 32, to consent to certain amendments by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.

Over 75 years have elapsed since Congress passed the Hawaiian Homes Commission Act of 1920. Under the Hawaiian Homes Commission Act, approximately 203,500 acres of public lands was set aside for the rehabilitation of native Hawaiians through a Government-sponsored homesteading project.

Two major factors prompted Congress to pass this act. First, native Hawaiians were a dying race. Population data showed that the number of full-blooded Hawaiians in the territory, the then-territory of Hawaii, had decreased from an 1826 estimate of 142,650 to 22,600 in 1919.

Second, Congress saw that previous systems of land distribution were ineffective when judged practically by the benefits accruing to native Hawaiians. The Hawaiian Homes Commission Act was originally intended for rural homesteading; that is, for native Hawaiians to leave urban areas and return to lands to become subsistence or commercial farmers and ranchers.

□ 1500

Yet the demand of native Hawaiians for residential house lots has far exceeded the demand for agricultural or pastoral lots.

The Hawaii Statehood Act of 1959 shifted the responsibility for the administration of the Hawaii Homes Commission Act from the Territory to the State of Hawaii. In accordance with the Statehood Act, title to the available lands was transferred to the new State. The Statehood Act, however, also included certain requirements regarding the State of Hawaii's administration of the Hawaii homes program, and it is these that give rise to joint resolution.

Section 4 of the Hawaii Statehood Act provides that, and I quote, "the consent of the United States," unquote, would be required for certain amendments by the State to the Hawaiian Homes Commission Act. As part of the administrative responsibility the Department of the Interior undertook in 1983 as, quote, "lead Federal agency," unquote, for purposes of the Hawaiian Homes Commission Act, the department and the Governor of Hawaii informally agreed in 1987 to a procedure under which the department would become involved in securing consent to State amendments to the Hawaiian Homes Commission Act.

Congress has previously enacted two statutes consenting to various amendments to the Hawaiian Homes Commission Act by the State of Hawaii: Public Laws 99–577 and 100–398.

Generally, it has been the position of the Department of the Interior in connection with State amendments to the Hawaiian Homes Commission Act to refrain from second-guessing the Hawaii State Legislature and Governor of Hawaii with respect to merits of the amendments.

The following two amendments have been determined to require the consent of the United States and again by extension therefore are meeting on the floor today on this resolution:

One of them is Act 339 of the Session Laws of Hawaii, 1993. This statute establishes the Hawaiian Hurricane Relief Fund. Section 7 authorized the Department of Hawaiian Home Lands to obtain homeowner's insurance coverage for lessees and to issue revenue bonds. Section 15 of the bill consists of a severability clause which provides that consent requirement, if any, that applies to the Hawaiian Home Lands provisions of the act shall not be deemed to have the validity of the other provisions of the act. The Department of the Interior has taken the position that State enactments which include a severability clause, in the exercise of caution, be submitted to Congress for approval.

The second measure, Mr. Speaker, is Act 37 of the Session Laws of 1994. This statute allows homestead lessees to designate as a successor to the lease a grandchild who is at least 25 percent native Hawaiian. Under the current law, as adopted by Hawaii in 1982, a lessee may designate his or her spouse or children as a successor under the lease if they are 25 percent native Hawaiian. The bill would thus allow a similar designation with respect to grandchildren. The Department of the Interior concurs with the State's position that congressional consent is required for this legislation in that it amends the 50-percent blood quantum requirement included in the Hawaiian Homes Commission Act.

So in summary, Mr. Speaker, these two measures involve the establishment of Hawaiian Hurricane Act, obviously we are subject to such phenomenon, natural phenomena in the Hawaiian Islands, and it is necessary for us to establish that fund. And by extension, for the reasons mentioned, to request the United States, that is, the House of Representatives and the Senate, to concur. And second, to provide an opportunity because of the passage of time for lessees to designate their grandchildren as well as their spouse or children if they meet the 25 percent native Hawaiian requirement.

For these reasons and with respect to that history and legacy of the Hawaiian Homes Commission Act, Mr. Speaker, I ask my colleagues to support these worthwhile measures.

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

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend the gentleman from Hawaii for being the chief sponsor of this piece of legislation, and I thank the gentleman from California for his cooperation in bringing this piece of legislation to the floor. This legislation passed unanimously the House Committee on Resources last week, and I am very happy that we are now bringing it for floor consideration.

Mr. Speaker, I rise today in strong support of House Joint Resolution 32, a resolution providing congressional consent to certain amendments proposed to the Hawaiian Homes Commission Act of 1920. This consent is required by the 1959 Hawaii Statehood Admissions Act.

Mr. Speaker, I have risen often on this floor to speak out in support of native Hawaiians and against some of the more oppressive actions taken by the United States against the native Hawaiians. Our illegal and unlawful support of the overthrow by force of the lawful Kingdom of Hawaii is not one of the proud moments of our history, I must submit. However, Congress did have the foresight at least to make a commitment to preserve some of the traditional lands in the Hawaiian Islands for native Hawaiians.

Under current law, a native Hawaiian with a leasehold interest in Hawaiian homelands can designate that interest to a spouse or child who is at least 25 percent native Hawaiian. But to designate that same interest to a grandchild, the grandchild would have to be at least 50 percent native Hawaiian. To

tell you honestly, Mr. Speaker, this blood quantum really boils me to no end. I have never heard of a human being given blood quantum, 50 percent, 25 percent. As far as I am concerned, they are human beings.

This legislation would consent to a change adopted by the legislature of the State of Hawaii to permit a designation to a grandchild who is at least 25 percent native Hawaiian, the same criterion applied for spouses and children.

Another section of this resolution provides congressional consent to a 1993 Hawaii State law which established the Hawaiian Hurricane Relief Fund. While it is not clear that congressional consent is required for this State statute to be valid, the Department of the Interior, in its usual cautious fashion, has indicted that the prudent approach would be to obtain congressional consent. From my perspective, Mr. Speaker, the policy implemented by the State law is sound, and Congress should act promptly to alleviate any possibility of the State statute being found invalid by reason of a lack of congressional consent.

One final comment, Mr. Speaker, while I am in full support of the legislation we are considering today, I do not want my statement to be interpreted as a change of my position on blood quantum requirements. We did it with the native Indians, we did it with the native Hawaiians and we did it with Samoans. I continue to find eligibility criteria based on blood quantum abhorrent, and I continue to oppose any such restriction.

Mr. Speaker, I urge my colleagues to support this legislation.

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

I will conclude merely by commenting on my colleague from American Samoa's remarks, that it is indeed the case that the blood quantum requirement has created misunderstanding and difficulty over the years. We need to keep in mind that the act was passed originally in 1920 and that native Hawaiians themselves are coming to grips with this question, and we hope for a resolution that may find its way for presentation to this body in the near future.

With that, Mr. Speaker, I request a favorable attention of the Members of the House to this resolution and I hope that it will receive the necessary votes in order to pass. The people of Hawaii will be very grateful for that outcome, and native Hawaiians in particular will be the beneficiaries.

Mr. Speaker, I thank the gentleman from California for his remarks and his insight. I am very appreciative.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, the changes contained in the gentleman's resolution are meritorious and desirable. They emphasize the principles of self-reliance and of the extended family, and I would strongly urge the House to approve this resolution.

Mr. Speaker, these two amendments to the Hawaiian Homes Commission Act of 1920 would have no effect on the Federal budget. However, they are important to the Native Hawaiian community and these particular provisions of the Hawaii statute cannot go into effect until this the Congress acts. Under the Hawaii Statehood Admissions Act of 1959, Congress retains the authority to consent to any changes to the Hawaiian Homes Commission Act of 1920.

The State of Hawaii acted to create the Hawaii hurricane relief fund after the devastation of Hurricane Iniki in 1993 and included provisions for Native Hawaiians affected on Hawaiian home lands. Act 339 of 1993 of the State of Hawaii proposes to authorize the issuance of hurricane insurance coverage for lessees of Hawaiian home lands and revenue bonds to establish the necessary reserves for payment of claims in excess of reserves. This is the first amendment identified in House Joint Resolution 32.

The second change to the Hawaiian Homes Commission Act proposed by the State of Hawaii by Act 37 of 1994 permits grandchildren of a Native Hawaiian with at least 25 percent Native Hawaiian blood quantum to assume a grandparent's lease upon the death of the grandparent. It is not uncommon for Native Hawaiian grandchildren to be raised by their grandparents. This measure will support the traditional extended family values among the Native Hawaiian community.

The House consented to these same changes to the Hawaiian Homes Commission Act upon passage of H.R. 1332 in the 104th Congress. That measure, sponsored by Mr. GALLEGLY, then chairman of the subcommittee with jurisdiction over these matters in the 104th Congress, contained language identical to the text of the current resolution by Mr. ABERCROMBIE of Hawaii which is cosponsored by Mr. GALLEGLY and Mr. FALEOMAVAEGA. The other body was prepared last year to accept this provision as contained in H.R. 1332 and now as in House Joint Resolution 32, but adjourned before it could be taken up.

Both of the proposed changes to the Hawaiian Homes Commission Act by the State of Hawaii are meritorious and deserve the approval of the House today. These measure are sound and directly benefit Native Hawaiians by emphasizing the importance of the extended family and self-reliance. I urge my colleagues to approve House Joint Resolution 32 so that these measures can promptly begin to benefit Native Hawaiian families.

Mr. Speaker, I yield back the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of House Joint Resolution 32, which provides congressional approval of two amendments to the Hawaiian Homes Act of 1920 passed by the Hawaii State Legislature. These amendments involve the establishment of a Hawaiian hurricane relief fund and rules governing eligible successors to a Hawaiian homes lease.

It may seem strange to some that the Congress has to approve changes made by a State legislature. But this action is required as a result of the unique history of the Hawaiian Homes Commission Act.

The Hawaiian Homes Commission Act was passed by the Congress in 1921 to set aside some 200,000 acres of land for the use and benefit of the Native Hawaiian people, whose government had been illegally overthrown with the assistance of the U.S. Government in 1893.

The Federal Government maintained primary responsibility for the administration of these lands until Hawaii became a State in 1959. The Hawaii Statehood of Admissions Act transferred the day-to-day administration of the lands to the State of Hawaii, but the Federal Government retained oversight responsibility of the Hawaiian Homes Commission Act. Accordingly, the Hawaii Statehood Admissions Act requires that any changes made by the Hawaii State Legislature affecting the administration of the Hawaiian home lands be approved by the Congress.

House Joint Resolution 32 seeks to approve two such amendments to the act. The first is a 1993 law establishing a Hawaiian hurricane relief fund and authorizing the Hawaii Department of Hawaiian Home Lands to obtain homeowner's insurance for lessees.

The Hawaiian Islands are vulnerable to devastating hurricanes, as demonstrated by Hurricane Iniki in 1992, which virtually wiped out an entire island. It has been difficult for homeowners in Hawaii to obtain insurance against such potential disasters. For homesteaders on Hawaiian homes lands the effort is even more difficult because of they are not land owners.

The law passed by the State legislature for which we seek approval today will assist many Hawaiian homesteaders in obtaining adequate hurricane insurance coverage.

The second amendment approved by the Hawaii State legislature allows homestead lessees to designate grandchildren who are at least 25 percent Native Hawaiian as successors to the lease. The original Hawaiian Homestead Act limited leases to those of 50 percent or more Native Hawaiian blood. This amendment approved by our State Legislature will allow Hawaiian homesteads to stay within the family for another generation.

These changes adopted by the elected body of the State of Hawaii reflect the will of the people of Hawaii in administering this important law. I would ask my colleagues to support the actions of our State and support House Joint Resolution 32.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the joint resolution, House Joint Resolution 32.

The question was taken.

Ms. SANCHEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. ABERCROMBIE. Mr. Speaker, could the Chair advise how many votes are required, how many Members have to be standing? I did not see the required number of votes.

The SPEAKER pro tempore. The Chair counted one-fifth of those Members present as standing. The yeas and nays are ordered.

Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the joint resolution just considered.

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

There was no objection.

NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1997

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 709) to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes, as amended.

The Clerk read as follows:

H.R. 709

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Geologic Mapping Reauthorization Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) in enacting the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), Congress found, among other things, that—

(A) during the 2 decades preceding enactment of that Act, the production of geologic maps had been drastically curtailed;

(B) geologic maps are the primary data base for virtually all applied and basic earth-science investigations;

(C) Federal agencies, State and local governments, private industry, and the general public depend on the information provided by geologic maps to determine the extent of potential environmental damage before embarking on projects that could lead to preventable, costly environmental problems or litigation;

(D) the lack of proper geologic maps has led to the poor design of such structures as dams and waste-disposal facilities;

(E) geologic maps have proven indispensable in the search for needed fossil fuel and mineral resources; and

(F) a comprehensive nationwide program of geologic mapping is required in order to systematically build the Nation's geologic-map data base at a pace that responds to increasing demand;

(2) the geologic mapping program called for by that Act has not been fully implemented; and

(3) it is time for this important program to be fully implemented.

SEC. 3. REAUTHORIZATION AND AMENDMENT.

(a) DEFINITIONS.—Section 3 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31b) is amended—

(1) by striking "As used in this Act:" and inserting "In this Act:";

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (7), respectively;

(3) by inserting after paragraph (1) the following:

"(2) ASSOCIATION.—The term 'Association' means the Association of American State Geologists.";

(4) by inserting after paragraph (5) (as redesignated by paragraph (2) of this subsection) the following new paragraph:

"(6) STATE.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands."; and

(5) in each paragraph that does not have a heading, by inserting a heading, in the same style as the heading in paragraph (2), as added by paragraph (3), the text of which is comprised of the term defined in the paragraph.

(b) GEOLOGIC MAPPING PROGRAM.—Section 4 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a national cooperative geologic mapping program between the United States Geological Survey and the State geological surveys, acting through the Association.

"(2) DESIGN, DEVELOPMENT, AND ADMINISTRATION.—The cooperative geologic mapping program shall be—

"(A) designed and administered to achieve the objectives set forth in subsection (c);

"(B) developed in consultation with the advisory committee; and

"(C) administered through the Survey.";

(2) in subsection (b)—

(A) in the subsection heading by striking "USGS" and inserting "THE SURVEY";

(B) in paragraph (1)—

(i) by single-indenting the paragraph, double-indenting the subparagraphs, and triple indenting the clauses;

(ii) by inserting "LEAD AGENCY.—" before "The Survey";

(iii) in subparagraph (A)—

(I) by striking "Committee on Natural Resources" and inserting "Committee on Resources"; and

(II) by striking "date of enactment of this Act" and inserting "date of enactment of the National Geologic Mapping Reauthorization Act of 1997";

(iv) in subparagraph (B)—

(I) by striking "State geological surveys" and inserting "Association"; and

(II) by striking "date of enactment of this Act" and inserting "date of enactment of the National Geologic Mapping Reauthorization Act of 1997"; and

(v) in subparagraph (C)—

(I) by striking "date of enactment of this Act" and inserting "date of enactment of the National Geologic Mapping Reauthorization Act of 1997";

(II) by striking "Committee on Natural Resources" and inserting "Committee on Resources";

(III) in clauses (i) and (ii) by inserting "and the Association" after "the Survey";

(IV) by adding "and" at the end of clause (ii); and

(V) by striking "; and" at the end of clause (iii) and all that follows through the end of the subparagraph and inserting a period;

(C) in paragraph (2)—

(i) by inserting "RESPONSIBILITIES OF THE SECRETARY.—" before "In addition to"; and

(ii) in subparagraph (A) by striking "State geological surveys" and inserting "Association"; and

(D) by single-indenting the paragraph and double-indenting the subparagraphs;

(3) in subsection (c)—

(A) in paragraph (2) by striking "interpretive" and inserting "interpretative"; and

(B) in paragraph (4) by striking "awareness for" and inserting "awareness of"; and

(4) in subsection (d)—

(A) in paragraph (1) by inserting "FEDERAL COMPONENT.—" before "A Federal";

(B) in paragraph (2)—

(i) by inserting "SUPPORT COMPONENT.—" before "A geologic"; and

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

"(D) geochronologic and isotopic investigations that—

"(i) provide radiometric age dates for geologic-map units; and

"(ii) fingerprint the geothermometry, geobarometry, and alteration history of geologic-map units,

which investigations shall be contributed to a national geochronologic data base;";

(C) in paragraph (3) by inserting "STATE COMPONENT.—" before "A State"; and

(D) by striking paragraph (4) and inserting the following:

"(4) EDUCATION COMPONENT.—A geologic mapping education component—

"(A) the objectives of which shall be—

"(i) to develop the academic programs that teach earth-science students the fundamental principles of geologic mapping and field analysis; and

"(ii) to provide for broad education in geologic mapping and field analysis through support of field studies;

"(B) investigations under which shall be integrated with the other mapping components of the geologic mapping program and shall respond to priorities identified for those components; and

"(C) Federal funding for which shall be matched by non-Federal sources on a 1-to-1 basis.".

(c) ADVISORY COMMITTEE.—Section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There shall be established a 10-member geologic mapping advisory committee to advise the Director on planning and implementation of the geologic mapping program.

"(2) MEMBERS EX OFFICIO.—Federal agency members shall include the Administrator of the Environmental Protection Agency or a designee, the Secretary of Energy or a designee, the Secretary of Agriculture or a designee, and the Assistant to the President for Science and Technology or a designee.

"(3) APPOINTED MEMBERS.—Not later than 90 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997, in consultation with the Association, the Secretary shall appoint to the advisory committee 2 representatives from the Survey (including the Chief Geologist, as Chairman), 2 representatives from the State geological surveys, 1 representative from academia, and 1 representative from the private sector."; and

(2) in subsection (b)(3) by striking "and State" and inserting ", State, and university".

(d) GEOLOGIC MAPPING PROGRAM IMPLEMENTATION PLAN.—Section 6 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31e) is amended—

(1) in paragraph (1) by inserting "cooperative" after "national";

(2) by striking paragraph (3)(C) and inserting the following:

"(C) for the State geologic mapping component, a priority-setting mechanism that responds to—

"(i) specific intrastate needs for geologic-map information; and

"(ii) interstate needs shared by adjacent entities that have common requirements; and";

(3) by striking paragraphs (4) and (5) and inserting the following:

"(4) a mechanism for adopting scientific and technical mapping standards for preparing and publishing general-purpose and special-purpose geologic maps to—

"(A) ensure uniformity of cartographic and scientific conventions; and

"(B) provide a basis for judgment as to the comparability and quality of map products; and"; and

(4) by redesignating paragraph (6) as paragraph (5).

(e) NATIONAL GEOLOGIC-MAP DATA BASE.—Section 7 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f) is amended by striking subsection (b) and inserting the following:

"(b) STANDARDIZATION.—

"(1) IN GENERAL.—Geologic maps contributed to the national archives shall have format, symbols, and technical attributes that adhere to standards so that archival information can be accessed, exchanged, and compared efficiently and accurately, as required by Executive Order 12906 (59 Fed. Reg. 17,671 (1994)), which established the National Spatial Data Infrastructure.

"(2) DEVELOPMENT OF STANDARDS.—Entities that contribute geologic maps to the national archives shall develop the standards described in paragraph (1) in cooperation with the Federal Geographic Data Committee, which is charged with standards development and other data coordination activities as described in Office of Management and Budget revised Circular A-16.".

(f) ANNUAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended in the first sentence—

(1) by striking "Committee on Natural Resources" and inserting "Committee on Resources"; and

(2) by striking "program, and describing and evaluating progress" and inserting "program and describing and evaluating the progress".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended to read as follows:

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out the national cooperative geologic mapping program under this Act—

"(1) $26,000,000 for fiscal year 1998;

"(2) $28,000,000 for fiscal year 1999; and

"(3) $30,000,000 for fiscal year 2000.

"(b) ALLOCATION OF APPROPRIATED FUNDS.—

"(1) IN GENERAL.—Of the amount of funds that are appropriated under subsection (a) for any fiscal year up to the amount that is equal to the amount appropriated to carry out the national cooperative geologic mapping program for fiscal year 1996—

"(A) not less than 20 percent shall be allocated to State mapping activities; and

"(B) not less than 2 percent shall be allocated to educational mapping activities.

"(2) INCREASED APPROPRIATIONS.—Of the amount of funds that are appropriated under subsection (a) for any fiscal year up to the amount that exceeds the amount appropriated to carry out the national cooperative geologic mapping program for fiscal year 1996—

"(A) for fiscal year 1998—

"(i) 75 percent shall be allocated for Federal mapping and support mapping activities;

"(ii) 23 percent shall be allocated for State mapping activities; and

"(iii) 2 percent shall be allocated for educational mapping activities;

"(B) for fiscal year 1999—

"(i) 74 percent shall be allocated for Federal mapping and support mapping activities;

"(ii) 24 percent shall be allocated for State mapping activities; and

"(iii) 2 percent shall be allocated for educational mapping activities; and

"(C) for fiscal year 2000—

"(i) 73 percent shall be allocated for Federal mapping and support mapping activities;

"(ii) 25 percent shall be allocated for State mapping activities; and

"(iii) 2 percent shall be allocated for educational mapping activities.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming [Mrs. CUBIN] and the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ], each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 709, a bill to amend the National Geologic Mapping Act of 1992. This law is a codification of cooperative federalism. It expressly authorizes the practice of the U.S. Geological Survey using a small but significant portion of its geologic mapping budget to find mapping projects of priority to the State geologic surveys on a 50–50 matching share basis. In this manner, the act promotes the basic scientific endeavor the mapping the bedrock geology and superficial deposits of this country. Most people do not realize the importance of geologic mapping. It meets society's needs for geologic hazards identification and abatement, for groundwater protection, land use planning and mineral resources identification.

H.R. 709 reauthorizes this cooperative program for three years, 1998 to the year 2000. It establishes thresholds for the sharing of funds between Federal, State, and academic components. In general, the administration has agreed to dedicate not less than 20 percent of the budget line for geologic mapping to the cooperative State map component and not less than 2 percent to the education mapping or ed map component. The ed map function is to ensure small amounts of granted moneys will be available for student training in fields of mapping skills.

This bill was amended in subcommittee by my friends, the ranking member, the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] and the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN]. The sum of those amendments clarified the definition of State to include the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands.

I do believe, Mr. Speaker, that the matching funds requirement is important because it assures greater scrutiny of budget requests than would otherwise be the case. The various State legislatures making funds available for their geological surveys, as well as the committee and the Congress overseeing Federal budgets, must be satisfied the mapping program brings useful results. I believe the program is indeed an important part of the U.S. Geological Survey's mission, and I urge my colleagues to support H.R. 709.

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

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Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I want to thank the gentlewoman from Wyoming [Mrs. CUBIN], our chair of the subcommittee, for her attitude and openness and her cooperation in the process of this bill. It has been a real pleasure working with her as the ranking member, and I look forward to a lot more of this bipartisan cooperation that we have had in this bill.

Mr. Speaker, we bring this bill, reauthorizing the National Geologic Mapping Act of 1992, to the floor today with the full support of the Committee on Resources. Democrats and Republicans alike voted to favorably report this bill to the House, and the Clinton administration has endorsed the bill.

We need geologic mapping in our society for many worthwhile purposes, including emergency preparedness, environmental protection, land use planning and resource extraction.

The Earth provides the physical foundation for our society. We live upon it and we use its resources. Therefore, we need to work toward a better understanding of the Earth's resources and its inherent dangers.

Geologic maps are one effective way to convey the Earth science information needed for better understanding and decision-making by all of us: people in Federal agencies, State and local government, private industry and citizens alike.

The National Geologic Mapping Act of 1992 authorized the USGS to organize a national program of geologic mapping through a partnership with State geologic surveys, academia and the private sector. This cooperative relationship is essential to develop the extensive amount of material for informed decision-making.

I understand that nothing in current law or the reauthorization bill prevents Puerto Rico or other territories from participating in this valuable program. However, we wanted to be absolutely clear on this issue. Therefore, the gentlewoman from the Virgin Islands, Delegate CHRISTIAN-GREEN, and I offered amendments in the Committee on Resources that designate the Commonwealth of Puerto Rico and the other territories and the District of Columbia as eligible to participate in the geologic mapping program. The bill before us today contains these amendments.

Accordingly, it is my pleasure to support the adoption of the bill, and I urge

all my colleagues on both sides of the aisle to vote yes on H.R. 709, as amended.

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

Mrs. CUBIN. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I would like to begin by thanking the gentlewoman from Wyoming for her diligent work on H.R. 709, the National Geologic Mapping Reauthorization Act of 1997. This legislation becomes very important when we address the issues of safety in the environment. H.R. 709 reauthorizes the Geologic Mapping Act of 1992, which was a legislative response to troubles in the National Academy of Sciences with their lack of basic geologic mapping efforts in this country.

Being a geologist myself, I can personally attest to the importance that mapping has on many aspects of our society. Geologic maps benefit safety regulations, telling us where natural disasters may occur. They also map fault lines and water flow patterns, which are important to identify when building infrastructure for transportation. Without a detailed geologic map of the United States, we will continue to address issues such as safe drinking water and environmental systems understanding, in the same way someone drives a car at night without headlights.

It is important for us to explore and understand what resources we have and how best to use them before we foolhardily make unscientific decisions without the full knowledge of our underlying environment.

I also believe detailed geologic mapping provides the basic information for solving a broad range of societal problems. These include delineation and protection of our sources of safe drinking water, environmental systems understanding and foundations of ecosystem management, the identification and mitigation of natural hazards, such as earthquake-prone areas, volcanic eruptions, landslides and other ground failures, as well as many other land use planning requirements.

This legislation would provide an array of benefits for States. It would assist State and local communities with land and water decisions, aid farmers and ranchers with crop decisions, encourage habitat protection for endangered species, and aid the mining industry with site determination for mineral resources.

Another benefit of this legislation is its funding formula. The appropriation from the National Geologic Mapping Reauthorization Act of 1997, which requires a 50–50 matching of Federal funds from non-Federal sources, will involve State colleges and universities. This, I believe, sets an excellent precedent, allowing the Federal Government, States, and colleges to cooperate in a unified, intelligent manner.

H.R. 709 authorizes in the fiscal year 1998 $26 million to be appropriated, 75 percent for Federal mapping and supporting mapping activities, 23 percent for State mapping activities, and 2 percent for educational mapping activities. Funds for fiscal year 1999 are $28 million and for fiscal year 2000 are $30 million. Each year the funding formula decreases the Federal mapping activities by 1 percent and increases State mapping activities accordingly. Since fiscal year 1993, approximately $7.5 million in Federal appropriated funds have been matched by State moneys in this cooperative peer review process of producing geologic maps.

It appears that only about one-fifth of this Nation is mapped to adequately address the issues described in section 2 of this bill. Congress has finally begun to understand the importance of geologic mapping, and it is time that we use our dollars wisely to bring about the best science to this country. H.R. 709 will achieve this goal in a cooperative partnership with little money and a big return on science that benefits our constituents.

To close, Mr. Speaker, the reauthorization of the National Geologic Mapping Act of 1992 will allow a joint venture of Federal, State and academic institutions to continue on the appropriate path of mapping the geology of this Nation. As section 2, paragraph (B) states, "Geologic maps are the primary database for virtually all applied and basic Earth science investigation." It is because of this continued need for core science that I urge all Members to support H.R. 709, and I believe this bill is in the best interest of science and this Nation as well.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the gentlewoman from Wyoming, the chairlady of our subcommittee, that has taken the initiative and leadership in passing unanimously by our Committee on Resources this very important piece of legislation. I thank my good friends from Puerto Rico and our Democrat ranking member of the subcommittee for bringing to the attention of the Members what I consider to be a little oversight in the fact that the National Geological Mapping Reauthorization Act did not include the insular areas.

I am very happy that the gentlewoman from Wyoming has taken the initiative, with my good friend from Puerto Rico, to see that the proper amendments are made to change this reauthorization act.

Mr. Speaker, I am also happy to see my good friend from Nevada. Who could be a better expert than a person who is knowledgeable about geological issues, a geologist himself, my good friend, the gentlewoman from Nevada [Mr. GIBBONS]. Mr. Speaker, I urge my colleagues to consider his expertise and the importance of this piece of legislation, and I urge my colleagues to support H.R. 709.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today in support of H.R. 709, the National Geological Mapping Reauthorization Act of 1997 and urge my colleagues to support its passage.

I want to begin by commending my colleague, the gentlewoman from Wyoming, chair of the Subcommittee on Energy and Mineral Resources, the Honorable BARBARA CUBIN for her leadership in guiding H.R. 709 through the subcommittee, as well as, the full Resources Committee and on to the floor of the House today.

I also want to commend the gentleman from Puerto Rico, the ranking member of the Energy and Mineral Resources Subcommittee, the Honorable CARLOS ROMERO-BARCELÓ for his leadership on this bill as well.

Mr. Speaker, H.R. 709 would reauthorize the National Geological Mapping Act of 1992 through the year 2000. It would also amend the act to designate that 20 percent of the total amount appropriated be allocated to the State component of the program. During the markup of H.R. 709 in the subcommittee, my colleague, Mr. ROMERO offered an amendment to correct an apparent oversight and make the Commonwealth of Puerto Rico, Guam, and my district of the Virgin Islands eligible to participate in the State mapping component of the bill. I then offered an amendment to my colleague's amendment to make the District of Columbia and the Commonwealth of the Northern Mariana Islands also eligible for participation in H.R. 709's program components.

I want to thank my friend, Mr. ROMERO for offering his amendment on the behalf of those of us from the U.S. non-State areas. To often we are overlooked or ignored making actions such as his amendment necessary. I also want to thank Mr. ROMERO and Chairman CUBIN for accepting my amendment to H.R. 709 as well.

H.R. 709 is a worthwhile piece of legislation, Mr. Speaker and I urge my colleagues to support its enactment.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume to state that I certainly appreciate the help of the ranking minority member in adding the other additions to the bill that were originally left out. I, too, feel it was more of an oversight, that it is very important and certainly does improve the quality of the bill.

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 709, as amended.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the

request of the gentlewoman from Wyoming?

There was no objection.

Mrs. CUBIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming [Mrs. CUBIN] that the House suspend the rules and pass the bill, H.R. 709, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONCERNING URGENT NEED TO IMPROVE LIVING STANDARDS OF SOUTH ASIANS LIVING IN THE GANGES AND BRAHMAPUTRA RIVER BASIN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 16) concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin, as amended.

The Clerk read as follows:

H. CON. RES. 16

Whereas some 400,000,000 people live in Bangladesh, northern India, and Nepal near the Ganges and Brahmaputra Rivers and their tributaries;

Whereas these people comprise the largest concentration of poor people in the world;

Whereas this region lacks the resources, especially the infrastructure, that can pull its residents out of poverty;

Whereas almost every year flooding by the Ganges and Brahmaputra Rivers produces death and destruction, sometimes on a vast scale;

Whereas during the dry seasons, water supplies do not meet the needs of the region's people, especially farmers;

Whereas despite these problems, the region has great potential for development;

Whereas Bangladesh, India, and Nepal have recognized for many years that the water resources of the region, if properly managed, could contribute greatly to the welfare of millions of people in the region;

Whereas the Governments of Bangladesh and India signed a 30-year agreement on December 12, 1996, for the purpose of sharing the water of the Ganges River; and

Whereas in 1996 the Governments of India and Nepal signed and ratified a treaty enabling the joint development of the water resources of the Mahakali River: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the Governments of Bangladesh and India for their recent agreement on sharing the water of the Ganges River;

(2) congratulates the Governments of India and Nepal on their treaty enabling the joint development of the water resources of the Mahakali River;

(3) respectfully offers its encouragement for the three governments to continue their cooperation which can do much to relieve the poverty of those people living the Ganges and Brahmaputra River Basin; and

(4) urges international financial institutions, such as the World Bank and the Asian Development Bank, and the international community to offer whatever advice, encouragement, and assistance is appropriate to help in this effort.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Alabama [Mr. HILLIARD] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, I want to commend the chairman and ranking minority member of the Subcommittee on Asia and the Pacific for crafting House Concurrent Resolution 16, a concurrent resolution concerning the urgent need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin.

Bangladesh, India, and Nepal all depend on the Ganges and the Brahmaputra Rivers for their vital irrigation needs. The recent signing of the 30-year water sharing treaty between India and Bangladesh and the ratification of the India-Nepal water resources treaty are both historic agreements that will enable the people in these lands to better plan and utilize their precious resources.

Bangladesh's recent Presidential election gives new hope to the fragile democracy there, and the water sharing agreement will help to put it on more solid ground. We commend them for their efforts.

Mr. Speaker, I support the resolution, and I urge my colleagues to vote for it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time.

House Concurrent Resolution 16 does concern the need to improve the living standards of those South Asians living in the Ganges and the Brahmaputra River Basin.

This bipartisan resolution was introduced on February 6, 1997 by this Member and cosponsored by the distinguished gentleman from New York, the chairman of the Committee on International Relations, Mr. GILMAN; the ranking Democrat on the Subcommittee on Asia and the Pacific, the gentleman from California, Mr. BERMAN; the distinguished gentleman from New York, Mr. ACKERMAN; and the distinguished gentleman from California, Mr. ROYCE.

Other Members have subsequently cosponsored this resolution. This Member commends the help and cooperation these Members have demonstrated in moving forward on this important issue.

The Committee on International Relations unanimously approved this resolution last Thursday and asked it be placed on the suspension calendar this week. The resolution expresses the sense of the House of Representatives that there is an urgent need to improve the lives of those people of the Bangladesh, India and Nepal countries who live near the Ganges and Brahmaputra Rivers and their tributaries.

This river basin has the greatest concentration of poor people in the world, greater than any area in Africa, for example. The region has great potential, but, regrettably, it is beset by natural disasters, including flooding during the monsoon seasons, droughts during the dry seasons, and occasional cyclones.

Members will recall, perhaps, that during the last Congress this Member and the distinguished ranking member, the gentleman from California, Mr. BERMAN, introduced House Concurrent Resolution 213, which expressed the hope that the countries of that region would work together to relieve the poverty of the region's residents, focusing primarily on the need to address the critical problems of flooding and drought. That resolution was favorably reported by the Subcommittee on Asia and the Pacific just before the end of the 104th Congress.

This Member is pleased to say that since that action, Bangladesh and India have signed a 30-year agreement on sharing the waters of the Ganges River. India and Nepal also have ratified a treaty that will permit their joint development of the Mahakali River water resources. These developments are very welcome.

House Concurrent Resolution 16, therefore, congratulates the governments of Bangladesh, India, and Nepal for these achievements and respectfully encourages them to continue their cooperation, which could do much to relieve the poverty of those people living in the Ganges and Brahmaputra River Basins.

This resolution also urges the world community, including the international financial institutions such as the World Bank and the Asian Development Bank, to provide whatever assistance is appropriate in this effort.

Mr. Speaker, the Department of State has informed this Member that the agreement between Bangladesh and India on sharing the Ganges River water was signed on December 12, 1996, not January 13, 1997, as specified in House Concurrent Resolution 16. Therefore, the date has been changed to December 12, 1996.

This Member urges his colleagues to vote for House Concurrent Resolution 16.

□ 1530

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I congratulate the gentleman from Nebraska for bringing this resolution before this body. The problem of equitable water sharing among the countries of South Asia has long plagued the region, and in many cases prevented the people of the region from enjoying anything beyond a bare minimum standard of living. In the past few months, however, India, Bangladesh, and Nepal have reached several water sharing and development agreements that will greatly contribute to the well-being of hundreds of millions of their citizens. This enlightened diplomacy should be encouraged generally, and really it is the whole purpose of this resolution.

I thank the gentleman for leading the fight in this fashion on this resolution, and I urge my colleagues to support it.

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

Mr. PALLONE. Mr. Speaker, I appreciate the opportunity to address my colleagues on this. I do support the resolution.

I want to commend also the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, the sponsor of the resolution.

Mr. Speaker, I recently visited India, and I had the opportunity to meet with Prime Minister Gowda at the time. In citing the achievements of his multiparty coalition government, the Prime Minister mentioned with great pride the agreement that India signed last December with Bangladesh to share the water resources of one of the world's great rivers, the Ganges. While some critics have questioned whether such a broad coalition with so many diverse parties can govern effectively, the Prime Minister demonstrated that strong leadership can be brought to bear on an issue that literally affects the lives of hundreds of millions of people, and the agreement is a tribute to the leadership of both nations.

Also last year, as was noted, the Governments of India and Nepal signed and ratified a treaty enabling the joint development of the water resources of the Mahakali River, again a tribute to cooperation between neighbors in a part of the world that has often been more marked by conflict.

Mr. Speaker, the Ganges and the Brahmaputra River Basin comprises an area less than one-fifth the size of the United States but with twice as many people. Millions of people who reside in this area suffer from poverty and the effects of environment degradation. Yet, the area has great potential in terms of irrigation, fisheries, hydropower generation, and navigation.

The agreements we celebrate today with this concurrent resolution begin the process of allowing that potential to be realized for the benefit of all the people in the region, but the people of these nations need some help and technical assistance. That is why it is important for us to encourage the World Bank, the Asian Development Bank, and the international community in general to provide the necessary support and encouragement, as this resolution does.

Mr. Speaker, I wanted to say as cochairman of the bipartisan Congressional Caucus on India and Indian-Americans, I have tried to lobby our colleagues here as well as the administration to make America's relations with India a higher priority. India this year celebrates the 50th anniversary of its independence. It is a democracy, and the country has for the past 5 years been pursuing a historic policy of economic reform. This is the second most populous nation on Earth and it offers huge potential for trade and investment. I am convinced that the current Government of India is committed to this path, as are the Indian people.

Mr. Speaker, too often the relations between these two democracies, the United States and India, are marred by misunderstandings or simply by benign neglect. That is why it is important to send positive signals whenever possible. The resolution that we debate today will send just such a positive signal that the United States recognizes the efforts of the South Asian nations to foster greater regional cooperation and that we support these efforts. We hope these efforts will be the beginning of greater cooperation in South Asia and will serve as a model for other developing regions to better utilize their resources for the benefits of all their people.

I want to congratulate again the gentleman from Nebraska [Mr. BEREUTER] and the others that have cosponsored this resolution.

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

Mr. HILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I am pleased to support this resolution which congratulates the Governments of India, Bangladesh, and Nepal for their diplomacy and cooperation on water treaties that will improve the lives of over 400 million people that live near the Ganges and the Brahmaputra River Basins.

I would commend the gentleman from Nebraska [Mr. BEREUTER], the chairman of the House International Relations Subcommittee on Asia and the Pacific, for introducing this legislation. I further would like to commend the gentleman from New York [Mr. GILMAN], the full committee chairman; the gentleman from California [Mr. BERMAN], the ranking member of the Subcommittee on Asia and the Pacific; and the gentleman from New York [Mr. ACKERMAN], and the gentleman from California [Mr. ROYCE] for their support of this measure as original cosponsors.

Mr. Speaker, this resolution supports the efforts of the Governments of India, Bangladesh, and Nepal over the past year to cooperate in sharing the waters of the Ganges River, as well as the joint development of the resources of the Mahakali River. Their efforts in negotiating treaties will help in the future to control water resources in the region, reducing flooding during rains, and providing water during droughts. Through this admirable cooperation by these Governments, it is projected that deaths and property destruction will be substantially reduced for the region's 400 million residents.

Mr. Speaker, the resolution further urges international financial institutions and the world community to assist the Governments of India, Bangladesh, and Nepal in this worthy endeavor.

I strongly endorse this measure that supports progress to improve the lives of close to half a billion people in South Asia, and certainly would like to commend the gentleman from Indiana [Mr. HAMILTON], the senior ranking member of our Committee on International Relations, for his full support of this legislation.

Mr. HILLIARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 16, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

VACATING ORDERING OF YEAS AND NAYS ON HOUSE JOINT RESOLUTION 32, GRANTING CONSENT TO CERTAIN AMENDMENTS ENACTED BY HAWAIIAN LEGISLATURE TO HAWAIIAN HOMES COMMISSION ACT OF 1920

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent that the House vacate the ordering of the yeas and nays on House Joint Resolution 32.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair will put the question de novo when proceedings resume at 5 p.m.

There was no objection.

SENSE OF HOUSE CONCERNING TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN UNITED STATES AND JAPAN

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 68) 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, as amended.

The Clerk read as follows:

H. RES. 68

Whereas 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 Asia-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 bilateral 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 East Asia;

Whereas regional stability has undergirded East Asia's economic growth and prosperity;

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 United States-Japan Security Consultative Committee established by the two countries, made commitments to reducing the burdens of United States armed forces on the people of Japan, especially the people of Okinawa;

Whereas such commitments must maintain the operational capability and readiness of United States forces; and

Whereas gaining the understanding and support of the people of Japan, especially the people of Okinawa, in fulfilling these commitments is crucial to the effective implementation of the Treaty: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives 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 countries of the Asia-Pacific region; and

(2) the people of Japan, especially the people of Okinawa, deserve special recognition and gratitude for their contributions toward ensuring the Treaty's implementation and regional peace and stability.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Alabama [Mr. HILLIARD] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. Speaker, this Member rises in strong support of House Resolution 68. This Member commends the distinguished gentleman from Indiana [Mr. HAMILTON] for raising this issue and bringing us this legislation. This Member would note that our good friend from Indiana has consistently been a voice in support of United States security interests, and the gentleman's resolution regarding the United States-Japan security agreement and the people of Okinawa is no exception. He is to be congratulated for his initiative. This Member is pleased, together with the distinguished gentleman from California [Mr. BERMAN], to be an original cosponsor of H. Res. 68.

Mr. Speaker, the United States-Japan alliance is the cornerstone of United States security strategy for the Asia-Pacific region and serves as the anchor for the United States military presence in the region. Not only do United States forward based forces in Japan contribute to Japanese security, but these assets are absolutely essential for any contingency on the Korean Peninsula. Our bases on the Japanese mainland and on Okinawa enable us to protect and advance our interests throughout the Pacific. In addition, elements of these forward-based forces were among the first to arrive in the Persian Gulf during Operation Desert Shield.

There is no question that American forces in Japan contribute to a sense of regional stability. This Member has often commented that all the nations of Asia, with the possible exception of North Korea, welcome the presence of United States forces and want us to remain in the region. Indeed, the commitment of the Clinton administration to keep 100,000 troops in Asia has become an important issue psychologically with the countries of the region, who look constantly for reassurance that the United States military will remain in the region.

This Member would also note that the Government of Japan pays the overwhelming majority of expenses of forward basing of American troops in Japan. In what is a model basing agreement, the Japanese pay approximately 75 percent of our basing costs. Frankly, even considering all direct and indirect costs, it is cheaper to keep our troops in Japan than it is to base them in the United States. As House Resolution 68 notes, we would not be able to maintain such a vigorous presence in the Pacific were it not for the host nation's support provided by the Japanese.

Mr. Speaker, House Resolution 68 offers special recognition of the importance of the United States-Japan Treaty of Mutual Cooperation and Security. The resolution also takes note of the contribution of the people of Okinawa, who have been expected to bear a disproportionate share of the burden of hosting our troops. This is a good and useful resolution, Mr. Speaker, and this Member urges approval of House Resolution 68.

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

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this resolution.

Mr. Speaker, I also want to thank the gentleman from California [Mr. BERMAN] and the gentleman from Nebraska [Mr. BEREUTER], the ranking member and chairman, respectively, of the Subcommittee on Asia and the Pacific, as well as the gentleman from New York [Mr. GILMAN], the chairman of the committee, for the help and leadership they have all extended in moving this resolution to the floor.

Former Ambassador Mike Mansfield, who called the relationship between the United States and Japan the most important bilateral relationship in the world, bar none, would love to see this moved. Our bilateral alliance has endured and remains strong because the United States and Japan are united not by a common enemy but by a common interest.

In December 1996 the United States and Japan agreed to measures to renew and strengthen our security relationship. In particular, our two Governments agreed to lessen the burden borne by the people of Okinawa whose small island prefecture hosts over half of the forward-deployed United States forces in Japan.

This is the right moment to restate the fundamental importance of the United States-Japan Mutual Security Treaty to the peace and prosperity of the entire Asia-Pacific region. It is also the right time to recognize the contribution of the people of Okinawa toward ensuring regional peace and security.

My Republican colleague, Senator WILLIAM ROTH, has introduced an identical measure in the other body. This is a bipartisan effort. Our relationship with Japan is crucially important. For this reason and the others I have mentioned, I urge the adoption of this resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. I thank my good friend for yielding me this time.

Mr. Speaker, I am pleased to be a cosponsor of this resolution which reaffirms that the security treaty between the United States and Japan remains the anchor of American engagement and the foundation for regional stability in the Asia-Pacific region.

I would commend the gentleman from Indiana [Mr. HAMILTON], the ranking member of the Committee on International Relations, for introducing this excellent piece of legislation. I would further commend the gentleman from New York [Mr. GILMAN], the full committee chairman; the gentleman from Nebraska [Mr. BEREUTER], chairman of the Subcommittee on Asia and the Pacific; and the gentleman from California [Mr. BERMAN], the ranking member of the Subcommittee on Asia and the Pacific, for their strong support and work on this measure.

Mr. Speaker, House Resolution 68 sends the message that although the cold war era has ended, the security alliance between the United States and Japan remains more critical than ever—and is in the best interests of both countries as well as the nations of the Asia-Pacific region.

Mr. Speaker, this measure underscores the important role that United States Armed Forces deployed in Japan and the Pacific have played in ensuring peace, that our allies have welcomed our presence, and that the regional stability provided by our forces have materially contributed to Asia's tremendous growth and economic prosperity.

□ 1545

The resolution further recognizes, Mr. Speaker, the vital contributions of Japan as the host nation. I find it very appropriate that the people of Okinawa, who have borne the heaviest burden in supporting the American bases, are honored by this measure through special recognition and thanks for their sacrifices and invaluable contributions.

Mr. Speaker, I would urge my colleagues to adopt this excellent resolution which supports the United States-Japan security alliance, thereby furthering peace and stability for all throughout the Asian Pacific region.

Mr. HILLIARD. Mr. Speaker, I yield 3 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I rise today in support of House Resolution 68.

The Treaty of Mutual Cooperation and Security between the United States and Japan is the framework that supports our commitment to the Asia-Pacific region. The Japanese-American relationship provides the stable conditions which promote trade and commerce in the region and provides further advancements in the peaceful relations of all peoples of the Asia and the Pacific region.

The security of the Asia-Pacific region is of vital interest to the United States, and no community of the United States is more acutely aware of this than Guam, my home island. In the post-cold war environment U.S. forward deployed forces have been welcomed by our allies in the theater. This forward deployment is made possible by the special friendship shared between the United States and Japan that is signified by the Treaty of Mutual Cooperation. In the coming years, as our friendship with Japan continues, let us not just focus on the numerical commitment of 100,000 troops to the region, but ensure that the United States maintains its capabilities in the changing Asian Pacific region.

The United States commitment to the Asia-Pacific region has required sacrifices from many people, sacrifices by our soldiers, our sailors, our airmen and marines who defend our Nation's interests in the region; also the contributions by the people of Japan and, most importantly, the people of Okinawa. Okinawa has continued to play a pivotal role in ensuring the security environment of the region. This community has contributed much, and this resolution extends to them our sincere appreciation.

During my recent visit to Okinawa, I saw firsthand some of the concerns they face supporting a large contingent of U.S. forces. Even after the Special Action Committee on Okinawa recognized the need to reduce the presence of United States Armed Forces on Japan, our commitment to the people of Okinawa's concerns cannot and should not be lessened. The people of Guam have a distinct understanding of their concerns, and to them as well as the people of Japan we express our sincere appreciation.

Mr. HILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am not going to push this to the point of a vote, but I want to express my disagreement with the resolution. I am sorry to spoil the good cheer, and I admire the people of Okinawa, but I think we should make it very clear that there is considerable unhappiness in the United States and here in the Congress with the one-sidedness of this relationship, particularly financially.

Mr. Speaker, I insert into the RECORD an article, from which I want to read briefly.

The article referred to is as follows:

[From the New York Times, Feb. 15, 1997]

JAPAN HESITANT ABOUT U.S. ANTIMISSILE PROJECT

(By Clifford Krauss)

WASHINGTON, Feb. 14—After three years of exploratory talks, Administration officials say Japan has all but decided against taking part in an antimissile defense project with the United States for fear of offending China and overspending scarce military resources.

Tokyo's hesitation stems from reluctance to spend billions of dollars when its own economy is weak, and concerns that developing a missile system would anger Japan's deeply pacifist electorate and frighten Asian neighbors wary of any signs of a Japanese military buildup.

A decision not to join the project would be a setback to American military contractors that hope to supply Japan with hardware. And it could swell United States military budgets for Asia because the United States would have to bear the cost of such a system alone.

Senior Administration officials said that no Japanese decision would be announced for months and that the United States would press ahead with its own plans to develop antimissile systems to protect American forces in Japan from any North Korean or Chinese attack.

The feasibility of an effective antimissile shield is still a matter of debate, but Pentagon officials say the Patriot missiles, which displayed a mixed record during the Persian Gulf war, have been updated and improved in recent years.

Administration officials also say a decision by Tokyo not to take part would not hurt its relations with Washington.

Discussions on how to pool technology, engineering talent and money to set up a "theater missile defense" began shortly after North Korea test-fired a Rodong 1 missile 300 miles into the Sea of Japan in 1993. A middle-level working group of Japanese and American defense planners has met nine times to discuss regional threats, deployment timetables and various types of land- and sea-based antiballistic weaponry.

Japan has been wary of the project ever since the Clinton Administration first broached the idea in October 1993. But American hopes were raised after Japan allocated $2.7 million in its 1996 budget to study building an antimissile system, 20 times what Tokyo spent the year before on the project. American officials were also encouraged when President Clinton and Prime Minister Ryutaro Hashimoto met in Tokyo last April and promised to broaden their military alliance.

A Japanese Foreign Ministry official said the group would continue meeting until the summer, after which time Tokyo would decide what role to play. "At this moment, we have not made any decision and we cannot predict or prejudge any result or conclusion," he said.

But after a meeting in Tokyo last weekend, senior American officials have concluded that Japan is simply not ready to pursue a project that could cost them as much as $10 billion a year—more than one-fourth of Japan's current $35 billion military budget—for four or five years. They said the project has a few powerful supporters in Japan's military establishment, but is opposed by many in the Foreign Ministry and by most of the nation's top economic officials.

"Japan is financially constrained, and they don't have the strategic consensus," said a senior Pentagon official involved in making Japan policy. "Japan is most nervous about China, even through they talk about North Korea. A decision to build this would be perceived by the Chinese to be a blatant act. So I'm sure Japan will not go down this line."

Another Administration official, who noted that China has repeatedly warned Japan that it would view deployment of an antimissile system as a hostile act, added, "This is not something that will happen anytime soon."

The Chinese have argued that a Japanese antimissile program would undermine regional arms-control efforts.

Given the pacifist strain that runs through the Japanese electorate, American officials said, Prime Minister Hashimoto and other members of the political elite cannot be expected to commit themselves to any such program without a thorough debate in Parliament. And there is no sign, they said, that Parliament will take up the issue any time soon.

The Pentagon has proposed at least four antimissile options for deployment by 2004, including enhanced Patriot surface-to-air missiles designed to intercept low-altitude missiles and Thaad antiballistic systems for high-altitude interceptions. American officials have also discussed the possibility of sharing with Japan early-warning data from satellites that are now being developed to detect infrared radiation at the time of a launching.

"Our interest is that we would like to see American troops in Japan protected from ballistic missile attacks," said Joseph Nye, a former Assistant Secretary of Defense, who is dean of the Kennedy School of Government at Harvard University. "But Japan is very sensitive to the political repercussions in China and North Korea."

Many American military experts still say Japan will eventually join the project, but perhaps not for another five years or more.

"These things take time," said John M. Deutch, the Director of Central Intelligence, who pushed for a joint project when he served as a senior Defense Department official in the early 1990's. "Inevitably, the Japanese Government will see that it needs to be concerned with antimissile defense."

Despite the setback, Administration officials say they are committed to building or upgrading regional antimissile systems to protect American troops in all potentially hazardous regions, including Saudi Arabia, Kuwait and South Korea. The Administration's proposed $265 billion military budget for 1998 calls for a 3 percent cut in spending from the 1997 budget, but it adds $320 million for antimissile systems.

"The goal is to develop, procure and deploy systems that can protect forward-deployed U.S. forces, as well as allied and friendly nations, from theater-range ballistic missiles," Secretary of Defense William S. Cohen said this week while testifying on the budget before Congress. "These programs are structured to proceed at the fastest pace that technology will allow."

New York Times, February 14:

Japan has all but decided against taking part in an antimissile defense project with the United States for fear of offending China and overspending scarce military resources.

Needless to say, the scarce military resources they are afraid of overspending are theirs. They are quite willing to spend ours.

As the article points out this "could swell United States military budgets for Asia because the United States would have to bear the cost of such a system alone."

And where is this system going to go if the Japanese do not want to pay for it? Then we are going to have to pay for it in Japan. This is a system that we are going to install in Japan to protect American soldiers that are in Japan, in part to protect Japan from North Korea or China, but the Japanese do not want to offend North Korea or China; they want us to be over there to offend North Korea and China presumably, and they do not want to spend their money because they have budget problems.

The worst of it is the article then concludes in relevant part: "Administration officials say a decision by Tokyo not to take part would not hurt its relations with Washington."

Well, I have to say that maybe it does not hurt relations with the administration, but the administration is wrong to say so. The notion that the American taxpayer, and we are going to balance the budget, and we are going to be making cuts in education and environment and housing and health care and very important domestic programs so that we can spend billions of dollars to build an antimissile system in Japan to protect American troops that are in Japan to help Japan, and the Japanese tell us they cannot afford to do it because they do not have enough money; they have got budget problems.

We have got to put an end to the onesidedness and subsidy of the Japanese nation.

Mr. HILLIARD. Mr. Speaker, I yield back the balance of my time.

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

In light of what the gentleman from Massachusetts [Mr. FRANK] has just said, I would remind my colleagues that American military might, 100,000 personnel, a little bit less than that at the moment, are in the Asia-Pacific region because of our national interests. If we maintain a security balance in the region, it is far less likely that American troops will ever have to be wounded and die in that part of the world in the future.

Make no mistake about it. Our forces are located in Okinawa and elsewhere because it is in our national interests to have them there.

Mr. ABERCROMBIE. Mr. Speaker, I rise today in strong support of the resolution sponsored by my colleague, Mr. HAMILTON. I commend him for his efforts to draw attention to the significance of the Asia-Pacific region.

This resolution highlights the unique and important relationship between the United States and Japan. It also addresses the important role that the people of Okinawa have played in ensuring peace and stability in the region.

The significance of the Asia-Pacific region will continue to grow in the 21st century. As we continue to review the defense treaty between the United States and Japan, it is important that the people of Japan know that we are committed to the long-term stability of the region. The United States-Japan relationship remains the cornerstone of our engagement in the region.

As a nation, we must continue to strengthen our ties with Japan. In Hawaii, the stability of our economy is tied to the stability of the region and largely to Japan. The people of Hawaii have developed broadbased ties with Japan, to include a strong relationship with the Prefecture of Okinawa.

As a result of these ties, the people of Hawaii continue to be concerned about the land issues being addressed in Okinawa with regard to basing of United States military forces. Unfortunately, it took the rape of a 12-year-old school girl in 1995 to turn the attention of the world toward the issues raised in Okinawa with respect to their land use concerns. Today, we are making steady progress on these very sensitive issues which need to be resolved between the Okinawa Prefecture and the Government of Japan.

It is no exaggeration to say that Okinawa's people view their homeland as occupied territory. They see the overwhelming presence of United States military forces there as confirmation and they remain the poorest prefecture in Japan.

Some 50 years after the end of World War II in the Pacific, Okinawa is the only unresolved residual issue of any significance between Japan and the United States. The people of Okinawa are the least culpable of all those thrust into World War II. For centuries past, they have been known in the region for promoting peace. They are friendly to the interests and people of the United States. Yet they bear the most burden generations later.

They have given up a great deal in terms of economic prosperity and deserve to be recognized for their contributions toward ensuring the treaty's implementation and regional peace and security.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the resolution (H.Res. 68), as amended.

The question was taken.

Ms. SANCHEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just considered and also on House Concurrent Resolution 16.

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

There was no objection.

HONG KONG REVERSION ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 750) to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China, as amended.

The Clerk read as follows:

H.R. 750

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 "Hong Kong Reversion Act".

SEC. 2. STATEMENT OF PURPOSE.

The purpose of this Act is to support the autonomous governance of Hong Kong and the future well-being of the Hong Kong people by ensuring the continuity of United States laws with respect to Hong Kong after its reversion to the People's Republic of China on July 1, 1997, and to outline circumstances under which the President of the United States could modify the application of United States laws with respect to Hong Kong if the People's Republic of China fails to honor its commitment to give the Special Administrative Region of Hong Kong a high degree of autonomy.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984, is a binding international agreement which sets forth the commitments made by both governments on the reversion of Hong Kong to the People's Republic of China on July 1, 1997.

(2) The People's Republic of China in the Joint Declaration pledges, among other things, that "the Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs. . .," that basic human rights and freedoms "will be ensured by law. . .," and that "[t]he legislature of the Hong Kong Special Administrative Region shall be constituted by elections.".

(3) Senior government officials of the People's Republic of China have repeatedly assured a smooth transfer of Hong Kong to Chinese sovereignty, a successful implementation of the "one country, two systems" policy, long-term prosperity for Hong Kong, and continued respect for the basic rights of the Hong Kong people.

(4) Despite general assertions guaranteeing the autonomous governance of Hong Kong, several official acts and statements by senior officials of the Government of the People's Republic of China reflect an attempt to infringe upon the current and future levels of autonomy in Hong Kong. These acts or statements include, but are not limited to—

(A) initial proposals, which were later withdrawn, by officials of the Government of the People's Republic of China to obtain confidential files on civil servants of the Hong Kong Government or require such civil servants to take "loyalty oaths";

(B) the decision of the Government of the People's Republic of China to dissolve the democratically elected Legislative Council on July 1, 1997, and the appointment of a provisional legislature in December of 1996;

(C) the delineation by officials concerning the types of speech and association which will be permitted by the Government of the People's Republic of China after the reversion;

(D) initial warnings, which were later withdrawn, to religious institutions not to hold certain gatherings after the reversion; and

(E) the decision on February 23, 1997, of the Standing Committee of the National People's Congress of the People's Republic of China to repeal or amend certain Hong Kong ordinances, including the Bill of Rights Ordinance, the Societies Ordinance of 1992 (relating to freedom of association), and the Public Order Ordinance of 1995 (relating to freedom of assembly).

(5) The reversion of Hong Kong to the People's Republic of China has important implications for both United States national interests and the interests of the Hong Kong people. The United States Government has a responsibility to ensure that United States interests are protected during and after this transition, and it has a profound interest in ensuring that basic and fundamental human rights of the Hong Kong people are also protected.

(6) The United States-Hong Kong Policy Act of 1992 sets forth United States policy concerning Hong Kong's reversion to the People's Republic of China on July 1, 1997, and Hong Kong's special status as a Special Administrative Region of that country. It ensures the continuity of United States laws regarding Hong Kong while establishing a mechanism in section 202 of that Act whereby the President can modify the application of United States laws with respect to Hong Kong if the President "determines that Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China".

(7) One of the principal purposes of the Congress in enacting the United States Hong Kong Policy Act of 1992 was to maintain Hong Kong's autonomy by ensuring that the United States will continue to treat Hong Kong as a distinct legal entity, separate and apart from the People's Republic of China, for all purposes, in those areas in which the People's Republic of China has agreed that Hong Kong will continue to enjoy a high degree of autonomy, unless the President makes a determination under section 202 of that Act.

(8) Although the United States Government can have an impact on ensuring the future autonomy of the Hong Kong Government and in protecting the well-being of the Hong Kong people, ultimately the future of Hong Kong will be determined by the willingness of the Government of the People's Republic of China to maintain the freedoms now enjoyed by the people of Hong Kong and to rely on the people of Hong Kong to govern themselves.

SEC. 4. CONGRESSIONAL DECLARATIONS.

The Congress makes the following declarations:

(1) Recognizing that the United States Government and the Hong Kong Government have long enjoyed a close and beneficial working relationship, for example between the United States Customs Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Secret Service, and their corresponding agencies of the Hong Kong Government, the United States urges the two governments to continue their effective cooperation.

(2) Recognizing that the preservation of Hong Kong's autonomous customs territory has important security and commercial implications for the United States and the people of Hong Kong, the United States calls upon the People's Republic of China to fully respect the autonomy of the Hong Kong customs territory.

(3) Recognizing that Hong Kong has historically been an important port of call for United States naval vessels, the United States urges the Government of the People's Republic of China to consider in a timely and routine manner United States requests for port calls at Hong Kong.

(4) Recognizing that Hong Kong enjoys a robust and professional free press with important guarantees on the freedom of information, the United States declares that a free press and access to information are fundamentally important to the economic and commercial success of Hong Kong and calls upon the Government of the People's Republic of China to fully respect these essential rights of the Hong Kong people.

(5) Recognizing that the first fully democratic elections of a legislature in Hong Kong took place in 1995, following nearly 150 years of colonial rule, the United States recognizes that the Joint Declaration of 1984 requires that the Special Administrative Region legislature "shall be constituted by elections", declares that the failure to have an elected legislature would be a violation of the Joint Declaration of 1984, and calls upon the Government of the People's Republic of China to honor its treaty obligations.

(6) Recognizing that the United Kingdom belatedly reformed Hong Kong laws with respect to the civil rights of the Hong Kong people, the Hong Kong people have nevertheless long enjoyed essential rights and freedoms as enumerated in the Universal Declaration of Human Rights; therefore, the United States declares that the decision of the National People's Congress to repeal or amend certain ordinances is a serious threat to the Hong Kong people's continued enjoyment of their freedom of association, speech, and other essential human rights, unless those rights are reestablished no later than July 1, 1997, and calls upon the National People's Congress to reconsider its decision.

(7) Recognizing that under the terms of the Joint Declaration of 1984 the provisions of the International Covenant on Civil and Political Rights will continue to apply in Hong Kong, the United States welcomes the public statement by the Chief Executive-designate of Hong Kong that the legislation which will replace repealed or amended sections of the Societies Ordinance and Public Order Ordinance will be the subject of public consultation, and urges that the new legislation should reflect both the clearly expressed wishes of the people of Hong Kong and the provisions of the International Covenant on Civil and Political Rights.

(8) Recognizing that Hong Kong currently maintains an efficient capitalist economy and trade system by strictly adhering to the rule of law, by honoring the sanctity of contract, and by operating without corruption and with minimum and transparent regulation, the United States calls upon the Government of the People's Republic of China to fully respect the autonomy and independence of the chief executive, the civil service, the judiciary, the police of Hong Kong, and the Independent Commission Against Corruption.

SEC. 5. PRESIDENTIAL DETERMINATION UNDER SECTION 202 OF THE UNITED STATES-HONG KONG POLICY ACT OF 1992 AND ADDITIONAL REPORTING REQUIREMENTS.

(a) IN GENERAL.—In determining whether "Hong Kong is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China," as required by section 202(a) of the United States-Hong Kong Policy Act of 1992, the President of the United States, based upon the assessments made pursuant to subsection (b) of this section, as well as other information included in the reports submitted under section 301 of the United States-Hong Kong Policy Act of 1992, shall consider the performance of the Hong Kong Government and the actions of the Government of the People's Republic of China.

(b) REQUIREMENTS FOR REPORTS TO CONGRESS.—The Secretary of State shall include, in each report required by section 301 of the United States-Hong Kong Policy Act of 1992, the following:

(1) SUCCESSFUL AND TIMELY CONCLUSION OF AGREEMENTS AND TREATIES.—An assessment by the Secretary of State of whether the Hong Kong Government or the People's Republic of China, or both, as the case may be, have cooperated with the United States Government in securing the following agreements or treaties:

(A) A bilateral investment treaty.

(B) An extradition treaty.

(C) An agreement on consular access in Hong Kong for United States citizens comparable to that provided for in the consular convention between the United States and the People's Republic of China.

(D) An agreement to preserve the United States consulate, with privileges and immunities for United States personnel.

(E) A mutual legal assistance agreement.

(F) A prison transfer agreement.

(G) A civil aviation agreement.

(2) CONTINUED COOPERATION FROM THE AGENCIES OF THE HONG KONG GOVERNMENT.—An assessment by the Secretary of State of whether agencies of the Hong Kong Government continue to cooperate with United States Government agencies. The Secretary of State shall cite in the report any evidence of diminished cooperation in the areas of customs enforcement, drug interdiction, and prosecution and prevention of money laundering, counterfeiting, credit card fraud, and organized crime.

(3) PRESERVATION OF GOOD GOVERNANCE AND RULE OF LAW IN HONG KONG.—An assessment by the Secretary of State of whether the Hong Kong Government remains autonomous and relatively free of corruption and whether the rule of law is respected in Hong Kong. The Secretary of State shall cite in the report any—

(A) efforts to annul or curtail the application of the Bill of Rights of Hong Kong;

(B) efforts to prosecute for violations of, or broaden the application of, laws against treason, secession, sedition, and subversion;

(C) acts or threats against nonviolent civil disobedience;

(D) interference in the autonomy of the chief executive, the civil service, the judiciary, or the police;

(E) increased corruption in the Hong Kong Government; and

(F) efforts to suppress freedom of the press or restrict the free flow of information.

(4) PRESERVATION OF THE AUTONOMY OF THE CUSTOMS TERRITORY OF HONG KONG.—An assessment by the Secretary of State of whether the customs territory of Hong Kong is administered in an autonomous manner. The Secretary of State shall cite in the report any—

(A) failure to respect United States textile laws and quotas;

(B) failure to enforce United States export control laws or export license requirements;

(C) unauthorized diversions from Hong Kong of high technology exports from the United States to Hong Kong;

(D) unprecedented diversion of Chinese exports through Hong Kong in order to attain preferential treatment in United States markets; and

(E) misuse of the customs territory of Hong Kong to implement the foreign policy or trade goals of the Government of the People's Republic of China.

SEC. 6. EXTENSION OF CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES TO HONG KONG ECONOMIC AND TRADE OFFICES.

(a) APPLICATION OF INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT.—The provisions of the International Organizations Immunities Act (22 U.S.C. 288 et seq.) may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) APPLICATION OF INTERNATIONAL AGREEMENT ON CERTAIN STATE AND LOCAL TAXATION.—The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, done at Washington, D.C. on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) DEFINITION.—The term "Hong Kong Economic and Trade Offices" refers to Hong Kong's official economic and trade missions in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Alabama [Mr. HILLIARD] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. Speaker, the purpose of this legislation, H.R. 750, is to support the autonomous governance of Hong Kong and the future well-being of the Hong Kong people. This bipartisan legislation was introduced by this Member on February 13, 1997, and unanimously approved last week by the House Committee on International Relations. It has been approved for consideration under the suspension calendar of course. That is why it is here today.

This bipartisan bill has a long list of cosponsors, including as original cosponsor the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations, with a long and distinguished record as a leader in promoting democracy and human rights. His contributions and amendment have greatly strengthened this legislation. In addition, both the distinguished gentleman from Indiana [Mr. HAMILTON], the ranking Democrat on the House Committee on International Relations, and the distinguished gentleman from California [Mr. BERMAN], the ranking Democrat on the Subcommittee on Asia and the Pacific, are also original cosponsors. Other original cosponsors include the distinguished gentleman from New York [Mr. SOLOMON], the distinguished gentleman from Nebraska [Mr. BARRETT], the distinguished gentleman from California [Mr. DREIER], the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA], the distinguished gentleman from Arizona [Mr. SALMON], the distinguished gentleman from California [Mr. COX], and the distinguished gentleman from Arizona [Mr. KOLBE]. Other distinguished Members have added their names subsequently, including two gentleman we will hear from, the gentleman from California [Mr. CAMPBELL] and the gentleman from Illinois [Mr. PORTER].

Mr. Speaker, it is important that we consider and approve this legislation quickly because in less than 5 months the British rule ends and Hong Kong will become a special administrative region of China. Nobody knows exactly what will happen in Hong Kong on that night or the days, months and years thereafter.

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 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 on 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, 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 systems" 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 more than 7,000 journalists from around the world will be on hand at midnight on June 30, 1997, to witness the official handover. In large part the attention focused on Hong Kong by the international press has been fueled by misguided efforts by the Chinese Government to disband the current legislative council and replace it with a provisional legislature, to alter civil rights protections in Hong Kong, and to improperly influence the extremely efficient civil service there. Clearly, these actions must not go unnoticed by the international community and by the United States Government.

Therefore, today we are considering the Hong Kong Reversion Act, H.R. 750, to object to these troubling proposals and developments and to express and act to protect the United States' national interests in Hong Kong. Most importantly, this legislation is absolutely clear in demanding that the People's Republic of China fully respect the autonomy that it has promised Hong Kong in the Joint Declaration of 1984.

Despite the overwhelming attention to the important issues of the legislative council and civil rights of Hong Kong, American foreign policy makers must also be concerned about more mundane traditional and transition issues which affect fundamental United States interests. For example, negotiations are currently underway between the United States and Hong Kong and

the United States and China over a myriad of technical issues, including an extradition treaty, a bilateral investment treaty, consular functions and many more very important issues. Moreover, we must be very careful to assure that Hong Kong continues to honor U.S. export control laws and regulations after the transition.

The Hong Kong Reversion Act will aid the Congress in examining all the important issues in this complex transition by building on the Hong Kong Policy Act of 1992. It requires assessments and reports by the Secretary of State in very specific areas so the President can knowledgeably determine under his existing authority whether to maintain current U.S. relations with Hong Kong.

In light of these facts and the importance of this legislation, this Member urges his colleagues to vote for the Hong Kong Reversion Act, H.R. 750.

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

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

Mr. Speaker, I rise in strong support of this bill, and I want to commend the gentleman from Nebraska [Mr. BEREUTER] for his leadership in bringing the bill before this body.

It is no secret that many Members are concerned about what lies in store for Hong Kong after China regains sovereignty on June 30 of this year. This legislation is intended to alert the PRC to these concerns and to put the leaders in Beijing on notice that the Members of Congress care deeply about the well-being of the people of Hong Kong.

This is not meant as a threat but a statement of political reality. If Americans come to believe that China is subverting the freedom Hong Kong people currently enjoy, then it will be more difficult in maintaining the public and congressional support for recent and decent relations with China.

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If, on the other hand, the transition in Hong Kong goes smoothly and the people of Hong Kong are permitted to retain their current freedoms, then I am confident that the public and the Members of Congress will continue to support a policy of engagement with China.

This bill is our way of saying to China, if you value your relationship with the United States, then respect the rights and liberties of the Hong Kong people. This bill also makes some useful changes regarding the report on Hong Kong the Secretary of State periodically submits to Congress and the legal arrangement that will govern Hong Kong diplomatic representatives in the United States after June 30.

The administration supports this bill. Indeed, the State Department specifically asked for the authority granted in section 6 regarding privileges and immunities. I support this bill, and I ask my colleagues to do the same.

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

Mr. BEREUTER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I rise today in strong support of H.R. 750, the Hong Kong Reversion Act. As the House sponsor of the Hong Kong Policy Act of 1992, I would like to commend my colleague, the gentleman from Nebraska [Mr. BEREUTER], for taking the lead in the final preparations for the United States Government to legally accommodate the reversion of Hong Kong to Chinese sovereignty.

This legislation is very important to the continuation of the goals of the Hong Kong Policy Act, ensuring that Hong Kong retains its special treatment as a place unique and separate from the mainland in many ways, and that the laws of the United States reflect our desire to maintain a distinct relationship with Hong Kong. Therefore, it has my very strong support.

The return of Hong Kong, the world's freest economy, to the jurisdiction of the People's Republic of China and the events leading up to it will have a major impact on United States-China relations. Whether this impact will be positive or negative remains to be seen. What is clear is that the United States is well positioned to play a role in securing a favorable outcome.

Members of the business community, both here and in Hong Kong, have, by and large, remained optimistic that they will be able to continue to operate in Hong Kong as they have in the past. This optimism stems from the fact that the island's free market and legal institutions foster economic growth and opportunity, and the maintaining of this atmosphere is in China's best interest.

Given the dramatic opening of the mainland economy in recent years and the benefits that have followed, I believe that the business community is correct in thinking that China values the economic freedom of Hong Kong and will try to preserve it.

Unfortunately, I am afraid that the Chinese Government does not fully appreciate that preserving Hong Kong's market economy requires that they also preserve personal liberty and the rule of law. It is clear that the fate of United States interests in Hong Kong is inexorably linked to the democrats, to the journalists, to the Chinese dissidents, to the religious minorities and others whose rights will be threatened if Hong Kong is governed with the same heavy hand as the mainland.

The United States must pursue a policy which respects the primacy of the joint declaration as the document which governs the transition, a policy which recognizes the peculiar tensions of our own relationship with the awakening power of China, and the policy which clearly enunciates the values of democracy, individual liberties, marketplace opportunity, and the rule of law, and makes clear our intention to standup for these values in Hong Kong.

This is a difficult task but not an impossible one. It is a task we must accomplish if we are to preserve Hong Kong and the remarkable, vibrant, exciting, and free place that it is today.

Mr. Speaker, the Hong Kong Reversion Act is a vital part of this balancing act and will codify our concerns about the transition. By giving the Hong Kong economic and trade office diplomatic privileges and immunities separate from the People's Republic of China, we reinforce the unique relationship we have with Hong Kong and our expectation that we will work directly with the Hong Kong government on matters of mutual concern. This is one of the most important elements of this legislation.

Further, this bill expresses our strong support for the autonomy and independence of Hong Kong in the management of its own affairs. By continuing to work directly with Hong Kong's law enforcement agencies, maintain separate treaty obligations with Hong Kong and declare our strong support for Hong Kong's institutions, the Congress will be a forceful voice for a true, one-country, two-systems approach to Hong Kong.

Finally, we must take every opportunity to send the strongest possible message to Beijing that the future of Hong Kong is important to the United States, not just for economic reasons, but for moral ones as well. A free, stable, prosperous Hong Kong serves as a positive example in a region where none of these qualities is the norm.

I hope and believe that Hong Kong can be a window on the future of Asia, especially China. We should all work to ensure that Hong Kong changes China more than China changes Hong Kong as a result of this historic process. This bill is part of that work, and I wholeheartedly commend it to my colleagues in the House.

Mr. HILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I appreciate the gentleman yielding me this time.

I rise in support of the Hong Kong Reversion Act, which affirms United States support for the autonomy of Hong Kong. When 21 other House Members and I visited Hong Kong and China in January, we saw firsthand the need for this legislation. Chinese Government representatives assured us that they would pursue the one China, two systems policy. The question was then and is now whether this means two political as well as two economic systems, whether political freedom will be preserved in Hong Kong alongside economic freedom.

We are concerned about this because of the intrinsic value of political freedom itself, because political freedom enhances economic freedom, and because, as shown by nations like Singapore, economic freedom does not necessarily lead to political freedom.

That is why we told C.H. Tung, China's supported chief executive for Hong Kong, that we were concerned about Beijing's decision to dissolve the democratically elected legislative counsel of Hong Kong. I asked Mr. Tung directly, "Do you personally assure us that within a year after July 1 there will be a democratically elected legislative body in Hong Kong?" He said "yes." We should insist that Mr. Tung abide by this promise to restore democracy next year.

Unfortunately, events since we left Hong Kong have pointed in a different direction, restriction of the rights to speech, assembly, and association. This bill makes clear the resolute expectation of the House that two systems within one China should mean political as well as economic freedom for Hong Kong. For in the end, the future of human rights in Hong Kong will impact the future of human rights in mainland China and indeed the future of human rights throughout the world.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. CAMPBELL], a member of the committee.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for yielding me this time and also for his generosity in accepting the amendments that I offered in this process. I rise to make a matter of legislative history what those amendments were and why I offered them, why I believe our colleagues on the Committee on International Relations accepted them, and why I hope today our colleagues on the floor of the House of Representatives will vote in favor of them.

The first deals with section 5, clause b(4)(d), and in it we deal with the provisions that the Secretary of State is to include in her report regarding the compliance of the new autonomous region, with our expectations, and I think the world's expectations, on economic behavior. A different part of the bill deals with our expectations on political behavior.

The committee added, at my suggestion, the following, "That included in that would be unprecedented diversion of Chinese exports through Hong Kong in order to attain preferential treatment in United States markets." The reason why I thought that was an important index of behavior was just this, that China not be encouraged to use Hong Kong as the means for having access to duty-free and preferential treatment throughout the world without changing a bit the economy of the other provinces of China, that Hong Kong is in a special tariff area and it be preserved in that area, but it not be isolated with the price then that the rest of China could continue in a less than free market economy, but that, rather, having seen the benefits available, particularly in the acceptance in the world economy for the special tariff region of Hong Kong, that the rest of China would be encouraged to do the same, and thereby also obtain access to the World Trade Organization opportunities when those are available, as they are presently available to Hong Kong, and other opportunities available under American law.

So I am looking to see that China does not simply send its exports more and more through Hong Kong, which would not have the beneficial effect on the rest of the country, but rather the Hong Kong example would be emulated in the rest of China.

Mr. Speaker, the other change the committee made at my suggestion is in section 4, clause 6. In this we deal with a statement of what we are hoping for with the new government. My colleague from Michigan referred to a meeting with C.H. Tung, the likely new governor, and in that I also had the privilege of meeting with him in August. I thought I would put on the record that the Chinese sentiment is real, that the British time in Hong Kong and the British particular dictating of terms in Hong Kong was contrary to Chinese sovereignty during the entire time of the occupation, that the taking of Hong Kong in the opium war was not a high point, let us say, in human rights practiced by the United Kingdom, and that whatever one might think about the validity of the rules that the British offered during the last period of their occupation of Hong Kong during the time, especially since the agreement for the reversion of Hong Kong, that it was China's right to set these rules; it was not by leave of Britain, it was China's right.

So I asked the change to be made, that we look to the reestablishment of all of those rights which have now been taken away, particularly the rights for assembly and for political activity, that were granted during this period of time under the governorship of Chris Patten, but had not been granted theretofore, that we look to see these restored, but we see them restored when China retakes sovereignty over Hong Kong. And so a simple change to refer to is that anticipation that this occur no later than July 1, to give that at least symbolic and very important, not simply symbolic day for China, to say that now that we are sovereign again, we choose to establish guarantees of political freedom and assembly, as the sovereign and in our own right, and not simply because Britain had done so during its period of rule.

Those are the legislative historical reasons for these two amendments. I thank my colleague for giving me the opportunity to explain them.

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

Mr. HILLIARD. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I thank my good friend for yielding me this time.

I am honored to be an original cosponsor of H.R. 750, which expresses United States support for the autonomy of Hong Kong and establishes requirements to determine whether the People's Republic of China is honoring commitments under the Joint Declaration of 1984 to retain Hong Kong's autonomy.

I would be remiss if I did not express my appreciation to my good friend from Nebraska [Mr. BEREUTER] for introducing this legislation, and I certainly would like to commend both the chairman of our committee, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON], the ranking Democratic member of the full committee for their sponsorship and support of this important measure.

Mr. Speaker, this legislation has bipartisan support. The transfer of Hong Kong from British to Chinese sovereignty on July 1 will indeed be a historic event. In ending Britain's colonial rule of Hong Kong, I am hopeful that China will abide by its commitment under the Joint Declaration to extend a high degree of autonomy to Hong Kong under the one-country, two-system policy.

Although the recent actions taken by China regarding Hong Kong are troubling, as raised by some of my colleagues, I would hope that we would allow China some breathing space, Mr. Speaker, as the transition occurs.

□ 1615

On that note, I would like to associate myself with the comments made earlier by the gentleman from California [Mr. CAMPBELL] regarding the fact that Hong Kong was literally a British colony. Now, all of a sudden we are talking about protection of democratic principles, personal freedoms, and more autonomy for the residents of this British colony, when years before they never had the privilege.

Mr. Speaker, what happens in Hong Kong will have serious implications on Taiwan. What happens with Taiwan's future will determine the stability of the entire Asian-Pacific region.

If China does not comply with its obligations for Hong Kong's autonomy, under the Joint Declaration, H.R. 750, will give our Government a mechanism for determining whether the current United States laws and policies toward Hong Kong should be maintained.

Again, I thank my good friend, the gentleman from Nebraska, for his introduction of this important measure. I

ask my colleagues to support the legislation.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

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

Mr. Speaker, I am pleased to commend the gentleman from Nebraska, the chairman of our Subcommittee on Asia and the Pacific of the Committee on International Relations, and the ranking minority member, the gentleman from California [Mr. BERMAN] for crafting this measure, a resolution to support the autonomous governance of Hong Kong after its reversion to the People's Republic of China.

Hong Kong's autonomy is clearly under attack. The Government of the People's Republic of China has decided to dissolve Hong Kong's democratically elected legislative council on July 1 of this year and appoint a provisional legislature.

Early in February of this year, the preparatory committee appointed by the People's Republic of China recommended the repeal and the amendment of Hong Kong ordinances, including the bill of rights, the societies ordinance relating to freedom of association, and the public order ordinance relating to freedom of assembly.

These two actions and the many threats by Communist officials regarding the types of speech and association, in addition to warnings to religious institutions, are ominous indicators of what the courageous people of Hong Kong are facing as their territory reverts back to Communist China.

It is without a doubt that Hong Kong's autonomy is lost without an elected legislature, and with the repeal of the bill of rights and other ordinances that protect its citizenry against Beijing's intrusion into their freedom.

H.R. 750 directs the Secretary of State to study these matters and take action in order to protect our Nation's relationship with Hong Kong. Accordingly, I urge my colleagues to fully support this measure.

Mr. Speaker, I would like also to note my appreciation for the cooperation of the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means, in connection with our proceedings here today. Chairman ARCHER agreed to waive jurisdiction of this bill in his committee in order to allow us to proceed with its expeditious consideration on the floor.

Mr. Speaker, I include for the RECORD correspondence between Chairman ARCHER and myself related to this matter.

The material referred to is as follows:

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, March 10, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing about H.R. 750, which was recently introduced by Representative Doug Bereuter and referred solely to this Committee. On March 6, 1997, our Committee marked up this bill and agreed to a resolution asking that I seek its consideration on the suspension calendar. The leadership has scheduled its consideration for tomorrow.

I am advised that the Committee on Ways and Means has jurisdictional interest in this bill, in part because, in section 5, the bill adds criteria to be considered by the President in making determinations under section 22 of the U.S.-Hong Kong Policy Act of 1992.

As you know, this bill has widespread support and the provisions that may involve Ways and Means jurisdiction are minor ones, on which our staffs have previously been in touch and about which no substantive problems were raised. Accordingly, I would appreciate your agreeing to the bill's consideration on the suspension calendar notwithstanding the fact that it was not referred to the Ways and Means Committee.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 10, 1997.

Hon. BENJAMIN GILMAN,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing with regard to H.R. 750, the Hong Kong Reversion Act, which was approved by the Committee on International Relations on March 6, 1997 and is scheduled for consideration in the House on March 11, 1997.

In addition to addressing general economic and trade relations between the United States and Hong Kong after its reversion to the People's Republic of China on July 1, 1997, the bill contains several specific provisions that could affect the future treatment of Hong Kong under various U.S. trade laws which fall within the jurisdiction of the Committee on Ways and Means.

Section 5 of H.R. 750 requires the President, when determining, under Section 202(a) of the United States-Hong Kong Policy Act of 1992, whether Hong Kong is sufficiently autonomous to justify treatment under the laws of the United States, including U.S. trade laws, different from that accorded to the People's Republic of China, to consider information provided by the Secretary of State in the report required under section 301 of the United States Hong Kong Policy Act of 1992. This would modify the President's authority to waive the applicability of U.S. law, including import and other trade and tariff laws, with respect to Hong Kong. Section 5(b) requires that the Secretary of State include in this report an assessment of whether the Hong Kong Government and the People's Republic of China have cooperated in securing a bilateral investment treaty and whether there is diminished cooperation in areas of customs enforcement, drug interdiction and money laundering. Section 5(b) also requires the Secretary of State to cite any failure by these governments to respect United States textile laws and quotas and any misuse of the customs territory of Hong Kong to implement the foreign policy or trade goals of the Government of the People's Republic of China. All of these provisions could affect the future of U.S. commercial relations with Hong Kong.

In view of your desire for early House action on this bill, the non-controversial nature of the trade-related provisions, and the fact that they do not directly change existing U.S. trade laws or policies, it will not be necessary for the Committee on Ways and Means to mark up H.R. 750. This is being done only with the understanding that this action in the instance in no way establishes a precedent or prejudices the Committee on Ways and Means' jurisdiction over provisions of the type described above. I would appreciate your confirmation of this understanding and reference to this exchange of letters during House consideration of the bill.

I look forward to prompt consideration of this important legislation by the House.

Sincerely,

BILL ARCHER,
Chairman.

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

Mr. Speaker, I include for the RECORD a cost estimate on the impact of H.R. 750 by the Congressional Budget Office, and note that the cost is estimated to be zero.

The material referred to is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 7, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 750, the Hong Kong Reversion Act, as ordered reported by the House Committee on International Relations on March 6, 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehill.

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 750, HONG KONG REVERSION ACT—AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS ON MARCH 6, 1997

CBO estimates that the bill would result in no significant costs to the federal government. Because it would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 750 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) and would impose no costs on state, local, or tribal governments.

The United States-Hong Kong Policy Act of 1992 (Public Law 102–383) allows the laws of the United States to be applied to Hong Kong without change after its reversion to China so long as Hong Kong remains sufficiently autonomous to justify a separate treatment. H.R. 750 would require that the Secretary of State's report on conditions in Hong Kong required by the earlier act address specific issues regarding Hong Kong's cooperation with U.S. agencies and continued autonomy.

In addition, H.R. 750 would continue, after Hong Kong reverts to China, some of the privileges and immunities that employees of the Hong Kong economic and trade offices currently enjoy as part of the British consular presence.

The CBO staff contact for this estimate is Joseph C. Whitehill. The estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Ms. PELOSI. Mr. Speaker, I rise today in support of H.R. 570, the Hong Kong Reversion Act. I commend Chairman BEREUTER and Ranking Member BERMAN for bringing this bill to the floor today. While there are differing views in Congress about the direction which United States-China policy should take, we are all united in our concern about the future of Hong Kong. On July 1, 1997, less than 4 months from now, control over Hong Kong will revert to China. This action defines the future for a freedom-loving people, who will find themselves under the jurisdiction of an authoritarian regime.

There is much at stake with this takeover and the people of Hong Kong are not the only ones who will feel its effects. Hong Kong's very viability as a global financial center will be threatened if the Chinese Government does not act responsibly and does not respect internationally recognized basic human rights and fundamental principles. Transparency, access to unbiased information in real time, and recourse to an independent judicial system are all critical components of long-term economic growth. Restrictions on freedom of the press and freedom of speech stifle a citizenry and undermine its economy. Unfortunately, the future picture for Hong Kong is already clouded.

In 1984, the United Kingdom and China in 1984 created a framework for Hong Kong's reversion in the Sino-British Joint Declaration. The Joint Declaration established a "one-country, two-system" arrangement, under which Hong Kong would enjoy a "high degree of autonomy" in its operation for the next 50 years. Recently, serious questions have arisen about China's intentions to adhere to its agreement in light of actions by Beijing, including abolishing Hong Kong's democratically elected legislature, and repealing its Bill of Rights and other ordinances ensuring the rights of freedom of association and assembly.

H.R. 750 reaffirms congressional support for the automony of Hong Kong and implements a series of reports and guidelines to determine whether China is fulfilling its obligations under the 1984 Joint Declaration. Under the bill, the President of the United States could modify current United States law and policies involving Hong Kong, should he determine that "Hong Kong is not sufficiently autonomous * * *". While this bill does not go as far as I believe it should go in protecting the people of Hong Kong, it is an important step.

No discussion of Hong Kong's future would be complete without acknowledging the ongoing struggle of its brave prodemocracy movement to ensure basic freedoms for its people. The courage and commitment of Hong Kong's prodemocracy activists, led by Martin Lee, and including Emily Lau and Christine Loh, is exemplary. We must speak out on their behalf to support their efforts and to ensure their safety.

Mr. HILLIARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 750, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the measure just considered.

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

There was no objection.

MAKING CERTAIN TECHNICAL CORRECTIONS IN HIGHER EDUCATION ACT OF 1965 RELATING TO GRADUATION DATA DISCLOSURES

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 914) to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, as amended.

The Clerk read as follows:

H.R. 914

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

SECTION 1. TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MCKEON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. MCKEON]

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

Mr. Speaker, today we are taking up H.R. 914, which the gentleman from Michigan [Mr. KILDEE] and I introduced, and which was reported by the Committee on Education and the Workforce by voice vote.

H.R. 914 makes a technical correction to the student right-to-know provisions of the Higher Education Act. The student right-to-know provisions of the Higher Education Act require institutions of higher education to report graduation rates for their student body.

These statistics are compiled for the student body at large and for student athletes as well. Unfortunately, a change made in the fiscal year 1996 omnibus appropriations bill resulted in these rates being calculated at different points in time during the academic year. Rates for the student body at large are calculated as of June 30, while rates for student athletes are calculated as of August 30.

As a result of this mistake, institutions will be required to keep two sets of records for calculating and reporting graduation rates. This amendment corrects the problem by conforming the section of the Higher Education Act dealing with the reporting date for student athletes to the section of the Higher Education Act that requires preparation of graduation rates for all students.

This amendment will set August 31 as the uniform reporting date, which allows institutions to more accurately reflect the manner in which they collect the data on graduation rates, and eliminates the burdensome task of preparing two distinct sets of graduation rates.

The amendment is drafted to allow institutions to comply with the revised dates immediately, as it is our understanding that a majority of institutions wish to use the revised date, and we encourage them to do so.

However, we do not want to penalize those institutions that, for whatever reason, could not immediately comply with the date change. For this reason, the effective date for mandatory compliance with this amendment begins on July 1, 1998. This should allow sufficient time for all institutions to make any system changes necessary to comply with the date change. The higher education community requested our assistance in conforming the reporting dates for graduation rates, with the concurrence of the Department of Education. The technical correction has no budget impact.

I want to thank the gentleman from Michigan for his cooperation in moving ahead with this technical correction, and I urge my colleagues to support H.R. 914.

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

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

Mr. Speaker, I rise to urge adoption of this amendment, of which I am a cosponsor. It is purely a technical amendment. It would change the August 30

date in the Federal right-to-know law in two places in order to reflect the fact that the month of August actually has 31 days.

The overall importance of the amendment, however, cannot be minimized. The provision to be amended relieves institutions of higher education from collecting separate sets of graduation rates in order to comply with the Federal law. Institutions would be allowed to use data that they are already collecting in order to meet the requirements of the Federal law. The simple date change from August 30 to August 31 will accomplish that objective once and hopefully forever. I urge the amendment's approval.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MCKEON] that the House suspend the rules and pass the bill, H.R. 914, as amended.

The question was taken; and (two-thirds having voted in favor therefore) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 914.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 4 o'clock and 25 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. STEARNS] at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Joint Resolution 32, de novo;

House Concurrent Resolution 16, by the yeas and nays;

House Resolution 68, by the yeas and nays; and

H.R. 750, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

GRANTING CONSENT TO CERTAIN AMENDMENTS ENACTED BY HAWAIIAN LEGISLATURE TO HAWAIIAN HOMES COMMISSION ACT OF 1920

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the joint resolution, House Joint Resolution 32.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the joint resolution, House Joint Resolution 32.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONCERNING URGENT NEED TO IMPROVE LIVING STANDARDS OF SOUTH ASIANS LIVING IN THE GANGES AND BRAHMAPUTRA RIVER BASIN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 16, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 16, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 16, as follows:

[Roll No. 36]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall

Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—16

Andrews
Carson
Clyburn
Coble
Flake
Furse
Gejdenson
Gephardt
Kaptur
Largent
McCarthy (MO)
Millender-McDonald
Owens
Roukema
Rush
Towns

□ 1725

Mr. OLVER and Mr. WAMP changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcall No. 36, on House Concurrent Resolution 16. I was detained in transit. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

The Chair is informed that the cloakroom beepers may not be working and Members should not rely on them in responding to the next two votes.

SENSE OF HOUSE CONCERNING TREATY OF MUTUAL COOPERATION AND SECURITY BETWEEN UNITED STATES AND JAPAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 68, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the resolution, House Resolution 68, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 16, not voting 13, as follows:

[Roll No. 37]

YEAS—403

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—16

Bilbray
Buyer
Danner
DeFazio
Fowler
Frank (MA)
Hunter
McKeon
Paul
Scarborough
Schaefer, Dan
Souder
Spence
Taylor (MS)
Traficant
Yates

NOT VOTING—13

Andrews
Carson
Coble
Flake
Furse
Gephardt
Kaptur
Largent
Millender-McDonald
Owens
Roukema
Rush
Towns

□ 1737

Mr. McKEON and Mr. BUYER changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "A 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 Japan, especially the people of Okinawa, deserve recognition for their contributions toward ensuring the treaty's implementation."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONG KONG REVERSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 750, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and pass the bill, H.R. 750, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 15, as follows:

[Roll No. 38]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—15

Andrews
Carson
Coble
Flake
Furse
Gephardt
Greenwood
Kaptur
Largent
Millender-McDonald
Owens
Pryce (OH)
Roukema
Rush
Towns

□ 1747

So (two-thirds having voted in favor thereof), the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, on rollcall No. 38, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. STABENOW. Mr. Speaker, I rise to indicate that on Thursday, March 6, I was on a leave of absence for official business, having had the pleasure of escorting the President of the United States to my district to discuss education issues.

As a result, I missed rollcall votes 32 through 35. Had I been present, I would have voted "nay" on rollcall votes 32 and 35, and "yea" on rollcall votes 33 and 34.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. STEARNS). 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.

IMPROVING THE COMMUTE TO WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. BLUMENAUER] is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, throughout the Capitol this week, we are being visited by men and women who are the leaders of our transit agencies around the country. I hope that as they are visiting with us today dealing with the things that make a difference to Americans, that we in Congress will be particularly aware of two pieces of legislation that they are seeking our assistance for that will make a difference for American families.

After all, notwithstanding a lot of what passes for topical political rhetoric in our Capitol, really what American families care about most is they want to be safe, they want their families economically secure, they want them healthy. I am here today to argue

on behalf of two of these bills that will do that in terms of having a more balanced transportation system.

One, House Resolution 37, would give congressional employees here in the District of Columbia and in our district offices the opportunity to contribute to the livability of their communities by using transit. As local elected officials we have had the opportunity of implementing such programs in our community, and we found that transit passes made a great deal of difference. They improved morale of our employees, they decreased the demand for parking, they helped clean the air, they decreased congestion, and they actually ended up saving our employees money.

Sadly, the House of Representatives is behind the curve in offering transit benefits. Since 1984, private sector employers have offered their employees transit benefits for their commute to work. Even our colleagues in the U.S. Senate have successfully operated a transit pass program since 1992. Today over 2,000 employees of the Congressional Budget Office, the Architect of the Capitol, and the Senate participate in an employer-sponsored transit pass program. With the passage of the Federal Employees Clean Air Incentives Act of 1993, the House is authorized to offer its employees the same incentive.

Unfortunately, we have yet to do so. This is a bipartisan resolution, already with over 3 dozen cosponsors, that would give House offices the option to underwrite part of the cost of monthly passes for our employees. No additional revenue is needed to approve the program, since our employee transit passes would be funded out of existing transit office budgets.

The Washington Metropolitan Area Transit Authority, WMATA, is extremely supportive of this legislation, and is ready to help the House implement the transit benefit program here in the D.C. metro area as soon as we are willing to work with them.

Additionally, we are hearing from our transit friends about another important piece of legislation. This is the Commuter Choice Act, H.R. 873, that is primarily sponsored by our colleague, the gentleman from Georgia [Mr. LEWIS].

Most of us understand that the overwhelming reliance on single-occupant vehicles is responsible for unsafe air, unsafe streets, and gridlock that is increasingly paralyzing our communities. Yet, sadly, our tax policy encourages commuting by car over any other means of transportation. It is not enough that in America we spend more advertising the automobile than supporting transit. We have a tax system that discriminates against people who would like to do the right thing and not use their private automobile.

Employers can currently provide free parking up to $170 a month tax-free, but a transit pass or car pool benefits are allowed for only one-third of that value. The Commuter Choice Act would eliminate this imbalance, and encourage energy savings without penalizing drivers.

It would increase the nontaxable transit pass benefit to the same $170 per month as the tax-free parking benefit.

□ 1800

In addition, this bill will take away the disincentive for people who choose alternative transportation modes. Right now, if an employer decides that they are going to give $25 a month as an incentive for people to walk, run, or bike to work, that will make the other benefits that they provide potentially taxable, including tax-free parking.

This bill would provide the opportunity for a stipend of $15 to $50 per month. This cash benefit would support employees who choose to walk, bike, run, rollerblade to work. We have had opportunities in the State of California, where this has been implemented by some employers.

I urge my colleagues to support these two bills.

SOCIAL SECURITY

The SPEAKER pro tempore [Mr. STEARNS]. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I am a member of the Committee on the Budget. Last week Alan Greenspan, the Chairman of the Federal Reserve, came before our committee. Today Secretary Rubin, Secretary of the Treasury, came before our committee. They made, I think, a very important point that everybody should be aware of. That is that Social Security has very serious problems for the future.

Mr. Speaker, I would just like to talk about some of the things that are happening in Social Security that means that the benefits for existing retirees are threatened as well as the potential for retirement benefits for workers that are going to retire in the future.

In terms of the Federal budget, Social Security uses up now 22 percent of the total Federal budget. What is happening is we have a system in Social Security where existing workers pay their taxes in to support the retirement benefits of existing retirees, a pay as you GOPAC.

That is the way it is today. That is the way it always has been since Social Security started in 1935. What is happening is there is a fewer number of workers. The birth rate is going down, so we are seeing a fewer number of workers paying in their taxes to support an increasing number of retirees. For example, in 1945, there were 42 people working paying in their taxes to support the benefits of each retiree. By 1950, that went down to 17 individuals working paying in their taxes to support each retiree. Today there are three people working, paying in their taxes to support each retiree.

What has happened at the same time is an increasing number of retirees. The life span is much longer. When we started Social Security, the average age of death was 61, even though the retirement age was 65. And today the average age of death is almost 74 years. If you are fortunate enough to live to be 65 years old, then the average age of death is 84 years old. So a tremendous increase in the number of retirees which is going to be compounded by the fact that the baby boomers, that huge population growth after World War II, are going to start to retire in about 2011.

So everybody is guessing we are going to run out of money, there is not enough money coming in to pay the outgo after 2011. Dorcas Hardy, a former Social Security Commissioner, estimates that we are going to run out of money as early as 2005.

Let me give you an example of the increased cost of Social Security. This year on average we are paying out for Social Security benefits $700,000 a minute. By 2029, we will be paying out $5,600,000 a minute. Today $700,000, by 2029 it is going to be $5,600,000. A tremendous increase in cost.

How do we solve the problem? I have introduced a bill last session that makes 12 modest changes for future retirees, that holds safe existing retirees, but it slightly slows down the increase in benefits for higher income retirees. It adds an additional year that you are going to have to work to be eligible for retirement. It has some changes in the bend points. It makes changes in the requirements of a spouse receiving Social Security benefits that did not work, but the point is how do we make the changes. How are we going to come to grips with changes in a program that has been called the third rail, that if politicians start touching this like they did Medicare, they are going to be chastised in the next election.

I urge my colleagues to come forward. Let us start taking our heads out of the sand.

Mr. President, I ask you, Secretary Rubin, I ask you, colleagues, I ask you, let us start dealing with this program. If we delay the solutions of solving Social Security, that simply means that the solutions are going to be much more drastic. It is important that we start today working on these solutions for Social Security.

I invite my colleagues to examine my bill. Let us run this idea up the flag pole. Let us come up with better solutions, but let us not put this decision off by simply appointing a commission that is going to come back 2 or 3 or 4 years later with three different proposals on how to solve it.

ROSE-HULMAN INSTITUTE OF TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, I rise today to pay tribute to Rose-Hulman Institute of Technology at Terre Haute, IN. Rose-Hulman recently received the 1997 Theodore Hesburgh Award from the American Council on Education, which honors exceptional faculty development programs designed to enhance undergraduate teaching and learning. Additionally, the institute received a certificate of excellence for its development of faculty interdisciplinary teams who recited the integrated, first-year curriculum in science, engineering, and mathematics. This innovative program has a national impact on undergraduate engineering education and will likely affect many other levels of learning in the engineering field as well.

The State of Indiana is proud to be home to such an extraordinary educational facility. Rose-Hulman has a reputation for excellence, as evidenced by the fact that 90 percent of its freshmen return, 75 percent of them graduate, and 30 percent go on to graduate school. Its admission standards have resulted in the average SAT scores of Rose-Hulman students being the highest of any college or university in the State of Indiana; 90 percent of its freshmen place in the top 10 percent of their high school graduating classes.

The student-to-faculty ratio is 12 to 1, which is further evidence of the exceptional standards and focus on teaching and learning in this institution; 95 percent of the remarkable faculty at Rose-Hulman hold the Ph.D. degree.

These and other factors have placed Rose-Hulman among our Nation's finest educational institutions, a model for the Nation and the world in teaching, research, and service, and a deserving recipient of the 1997 Theodore Hesburgh Award from the American Council on Education.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we have had a very active weekend and likewise very active several weeks. The whole issue has been around the horrors and hysteria of campaign finance reform or campaign finance offense. Let me first acknowledge, Mr. Speaker, that Members of the U.S. Congress, from my perspective, come here to work and work on behalf of their constituents. They hold near and dear the Constitution of the United States. They appreciate that average people can run for office and represent Americans in this august and important body. They recognize that it is not their job to come here and be led by those who are filled with special interests and who pay for those special interests to be brought to the floor of the House. But they do recognize that average citizens like you and me fund different PAC's and give opportunity for their voices to be heard.

I think it is important that we recognize what democracy is. It means that teachers can gather and organize and speak about issues of education. It means that nurses can organize and talk about health issues. Senior citizens are able as well to comment on Social Security and Medicare and Medicaid. It means that everyone's voice can be heard.

Campaign finance is an equal opportunity offender. I believe in campaign finance reform. I do not believe in campaign finance hysteria.

I am very glad, as we have studied the polls, that the American people are likewise. They want to see things that are wrong corrected, but they do understand that this hysteria gets to be a little political sometimes. We need to all look at ways to improve how moneys are funded, how the message is gotten out, how the media is utilized. And I would almost say that there needs to be some ordering of how media, the electronic media, the print media is utilized so the voting public can understand who the candidates are and that the average man and woman and young person will have the opportunity to run for public office and in particular a position in the U.S. Senate or the U.S. House of Representatives.

That is what the Founding Fathers, and I hate to say there were no founding mothers, intended. They wanted the average layman, the farmer, they wanted the printer, they wanted the local philosopher to have the opportunity to be in the United States Congress. That is what I believe is right.

Is there something to having guests at the White House? Well, I might add that many of our early Presidents simply opened the doors and said, bring them off of the streets and let them stay here. It is the people's house. And if there needs to be some corrections made on how it is utilized, so be it. But do not deny the first family the opportunity to entertain their guests or maybe to say, come on in, my neighbor and my friend, to visit.

I do support campaign finance reform. But I think we are wrong to be engaged in hysteria. I think we are wrong to suggest that individuals who come here are bought and paid for. I think we are wrong to take a litmus test and not really to get to understand the 435 persons in this House and the 100 persons in the Senate and, yes, the President of the United States who comes here truly committed to doing what is right for the citizens of the United States of America.

There is some talk about a special prosecutor. I am absolutely opposed and I will tell you why. Special prosecutor connotes that someone has purposely done something illegal that may be on the verge of criminal activities. We have a body that is now set and the moneys have been voted for the U.S. Senate to begin investigating any activities that may have occurred that may be illegal or may infringe upon our rules with respect to campaign finance reform.

I say let the process go forward. Let the witnesses be subpoenaed. Let the Members who have something to say say it. Let the investigation be thorough. Let it be of Republicans. Let it be of Independents. Let it be of Democrats. Let the American people see it in the clearness of the day and let us have your input as to how best to get the message out so that we who are average citizens who come to this body can best run and not be controlled by dollars but still have the opportunity, each of us, whatever our backgrounds, to come to this body and to be able to serve you in the way that we should.

The American people have never given in to hysteria. That is why we have a body of government that has lasted almost 400 years. I ask that we not give in to hysteria, that we not allow the media frenzy and the siege upon this Government to take over from what we should be doing: dealing with NATO enlargement, national security, dealing with the drug drudgery that is plaguing our society and young people, dealing with children's health, Medicare and Medicaid, the budget.

Campaign finance reform, let us do it with reason and fairness. Let us do it with equality and opportunity for all.

CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow marks the first anniversary of the signing into law of the Cuban Liberty and Democratic Solidarity Act, better known as the Helms-Burton law.

This historic legislation set a precedent for the protection of the property rights of all Americans. It tells foreign investors that if they traffick in illegally confiscated American property in Cuba, they will be subject to lawsuits in American courts and may be denied entry into our country.

As a secondary goal, the law targets the reduction of foreign investments in Cuba which the Castro regime has been using to reinforce its totalitarian state since the downfall of the Soviet Union and the end of Soviet subsidies.

□ 1815

On both respects, Mr. Speaker, in protecting American property rights

and in reducing the hard currency obtained by the Castro dictatorship, the Helms-Burton law has been effective. Indeed, it has been a success.

Despite the decision by the Clinton administration to waive title III of the law, which is the provision that grants U.S. citizens the right to file a lawsuit against those investors who traffic in their property, the Helms-Burton law has had a significant chilling effect on the level of foreign investments flowing to the Castro regime.

Even top officials of the Castro regime have asserted the damaging effects of Helms-Burton on Castro's slave economy.

Dozens of companies have pulled out of Cuba following the implementation of the law. Some of them included Bow Valley Industries of Canada, Grupo Vitro of Mexico, Guitart of Spain, and Pemex of Mexico, among others.

Other firms, like British BAT and Beta Gran Caribe and Heenan Blaey of Canada put their operations on hold to reassess their commercial and legal risks under Helms-Burton.

Also, Grupo Domos, the large Mexican telecommunications conglomerate, recently announced plans to withdraw its offer to create a joint venture with the Cuban regime to rehabilitate the Cuban domestic telephone system.

Grupo Domos, which last year, along with the Cuban Government, announced with great fanfare this contract, failed to obtain the necessary financing to cover its obligations under the agreement.

Perhaps the most damaging effect has been on Castro's ability to finance Cuba's sugar crop, one of the regime's main sources of hard currency.

Last fall the Dutch bank, ING, pulled its financing of equipment destined for Cuba's sugar harvest. As a result, the Cuban sugar harvest is expected to be below what was expected before.

The report states that top Castro officials fault the Helms-Burton law as the cause of the problems for the regime.

Helms-Burton has helped reduce the growth of Castro's slave economy, thus weakening the regime's ability to hold on to power.

Let us remember that before the Helms-Burton law took effect, foreign investors were free to profit from legitimate American property stolen by Fidel Castro in order to exploit the Cuban worker, who enjoys no rights and no freedoms.

Castro's economy was described by a Canadian business journal as a pot of gold at the end of the rainbow. And why not? In Cuba's slave economy, the one in which many of our allies willingly and immorally participate, Castro profits while the Cuban worker suffers.

Once foreign companies are approved by the regime for investments, the Cuban Government selects the workers who will labor in the industry. The Cuban Government collects the worker's wages in dollars, estimated at about $2,000 a month, and then pays the worker in worthless Cuban pesos, about $10 a month.

Moreover, the companies do not have to worry about bothersome workers' rights, including the right to form labor unions, and there are no health standards nor environmental standards. Castro has one mission, obtain foreign currency, and he will do it by sacrificing the Cuban worker, or anything else that he has at his disposal.

While Helms-Burton has undoubtedly served its purpose so far, disappointing has been the reaction of our allies, particularly Canada and the European Union. The European Union has already filed a ridiculous and irresponsible challenge to Helms-Burton before the World Trade Organization. Apparently our European friends believe that our Nation has no right to determine our own foreign policy.

Even more shameful has been the behavior of Canada, a nation that has sacrificed its long reputation of promoting human rights and democracy in favor of making a quick profit off of stolen property and the exploited Cuban worker.

On a recent visit to Canada to lambast the Helms-Burton law, Canadian Foreign Minister Lloyd Axworthy highlighted the signature of an agreement with the Castro regime supporting the protection of human rights. At almost the same moment that fake document was signed, dozens of dissidents and independent journalists were being rounded up by Castro's thugs.

Helms-Burton has been a success, and we will not wait in our attempts to making sure that property rights of American citizens will be protected.

MEXICO DOES NOT DESERVE CERTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House tonight to talk about the question of whether or not the House should certify Mexico or decertify Mexico.

As my colleagues may know, the administration just recently certified Mexico as being cooperative in trying to stem the flow of drugs and illegal narcotics from that country under a certification law that, as a staffer in the other body some years ago, I had a chance to help develop.

Today, we have seen around the Capitol, scurrying around the Capitol Building, the Ambassador from Mexico and various lobbyists on various sides of the issue. But I come before the House tonight to say not to weaken, not to cave in to the Ambassador, not to cave in to interests, trade interests or other interests, and put them before the only interests we, as representatives of the people, should be representing in the people's House, and that is the safety of our children, the safety of our schools, the safety of our streets and the very security of this Nation that I think is at jeopardy with the current situation.

Now, the question before us is whether Mexico is helping to eradicate and stop the flow of drugs. Let me talk not about what I know, but the facts that we have gathered and what others have said.

Mr. Speaker, I serve on the Subcommittee on National Security, International Affairs, and Criminal Justice that does the oversight on our national drug policy. Just prior to the certification in the House of Representatives, I was stunned, as a member of that committee, to hear Tom Constantine, the head of our Drug Enforcement Administration, the head of DEA, when he came before us just days before this administration certified Mexico. What did he say? Let me quote. "There is not a single law enforcement institution in Mexico with whom DEA has a trusting relationship."

Those are his words, not my words, words before Congress about who we can trust with cooperation. I was stunned today to hear the Ambassador from Mexico tell me that a level of cooperation unprecedented exists. Well, how can a level of cooperation exist when the DEA head says that there is not a single law enforcement institution in Mexico with whom DEA, our chief law enforcement in the drug war, has a relationship?

Assistant Secretary of State Robert Gelbard came before our committee, again just days within this certification by the administration, and said, "There is persistent and widespread official corruption throughout Mexico." And then today the administration sent folks up here to lobby us not to decertify Mexico.

Now, I know trade is important in our relationship with Mexico. It is important and there is probably billions of dollars at stake here. But there are the lives of our young people, the safety of our streets. Our senior citizens cannot sleep in their own beds at night because of fear of being broken in by someone.

Just look at the statistics. At least 200 tons of cocaine entered the United States from Mexico last year. That is 70 percent of the cocaine. This used to come through Colombia, now it comes through Mexico. In testimony before our subcommittee it was stated that just a small amount a few years ago of brown heroin came through Mexico. Now, 30 percent of all the heroin that is killing our children and our people is coming through Mexico. Over 150 tons

of methamphetamines that are destroying young people in the Midwest and the West, and heading toward the East Coast, and has become the new drug of choice, is coming through Mexico.

Mexico has failed to cooperate. They have failed to extradite. They have failed to put radar on their borders. They have failed to allow our DEA agents to go there. They have denied allowing our DEA agents to protect themselves by arming themselves. They have also subverted our attempts to have a solid maritime agreement. They have also left vetted units, which we have trained in Mexico City.

They are not doing the job. They do not deserve our certification, and they deserve this week to be decertified for these actions.

UNITED STATES ONLY ADVANCED NATION NOT TO PROVIDE HEALTH CARE FOR ALL ITS PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, today, like every day in America, 788 babies will be born at a low birthweight. They will start life at risk. We rank 18th in the industrialized world in the percentage of babies born at dangerously low birth weight.

Let me put it another way: No industrialized country in the world does worse. Our infant mortality rate is 8.4 per 1,000 live births. We rank 18th in the industrialized world in infant mortality.

Sometimes it takes a poet to put our feelings into words when we hear such statistics. Gwendolyn Brooks, poet laureate of Illinois, penned this question: "What shall I give my children who are poor, who are judged the least wise of the land?"

Mr. Speaker, we keep asking the question, "What shall we give our children?" We are the only advanced Nation in the world that does not provide health care for all of its people.

According to the GAO, some 10 million children, 1 in 7 in the United States, are uninsured, the highest level since 1987, before Medicaid expansions for children and pregnant women. One child in four in the United States is now covered by Medicaid. The percentage of children with private insurance reached the lowest level in 8 years: 65.6 percent.

How do we describe the emotion of seeing a child suffering a severe asthma attack; turning blue while their chest and stomach attempts to breathe? Yet more than half of the uninsured children with asthma will not see a doctor this year. Some of them will die from asthma, a preventable disease.

How do we describe the cries of a child with an ear infection? Only a parent knows the feeling of helplessness that comes when you cannot relieve your child's pain. Yet one-third of the uninsured children with recurrent ear infections never see a doctor. Many suffer permanent hearing loss.

Only 75 percent of preschoolers are getting the recommended vaccinations. Some 1 million still need one or more doses. In many of our big cities, like Chicago, the immunization rate is less than 65 percent.

What shall we give our children?

Twelve percent of child deaths are excess deaths. Excess is the medical term meaning that these deaths were preventable. How can a Nation such as ours accept 12 percent excessive deaths?

What shall we give our children?

Almost 45 percent of all 3- and 4-year-olds from low-income families participate in center-based care. By every measure of health care status, low birth weight, prematurity, infant mortality, likelihood of injury, malnutrition, incidence of infectious disease, poor children fare worse than any others. However, only Head Start routinely provides preventive health and dental care treatment.

It is estimated that the $54 billion cut from the safety net last year will push more than 1 million additional children into poverty and millions more will be pushed even deeper into poverty.

The poet June Jordan warned us "Our children will not survive our habits of thinking, our failures of the spirit." If all of the promise of democracy is to mean anything, if all of the incredible wealth we have accumulated is to mean anything, if all of the work, the struggle, the suffering, the dreaming, the devotion that make this country what it is today is to mean anything, then we must answer the question: "What shall we give our children?"

Let us give them a chance. Let us at least make their health a right and not a privilege. Let us make sure that in this Congress every child will have access to quality health care when he or she is sick, regardless of the ability of their parents to pay. Let us make sure that every mother receives prenatal care regardless of ability to pay. Let us make sure that every child receives preventive care regardless of the ability of their parents to pay.

□ 1830

A guarantee of quality accessible health care for every child cannot be the full answer to the question, but we must give our children nothing less.

SOCIAL SECURITY

The SPEAKER pro tempore [Mr. STEARNS]. Under a previous order of the House, the gentleman from South Carolina [Mr. SANFORD] is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I had the good fortune this past weekend of going to the bipartisan retreat in Hershey, PA. There we discussed many issues, many problems common to the Congress, but one thing that we did not discuss was a thing called Social Security.

What is interesting about this issue is that not only is Congress not talking about it right now but the White House is not talking about it. Yet by anybody's definition, Social Security is on its way toward bankruptcy because what the trustees have said, and let me say that again, what the trustees have said, not what Republicans have said, not what Democrats have said, not what Ross Perot has said, but what the trustees have said is that if we do nothing, Social Security will go bankrupt in 2029 and it will begin to run deficits in 2012 such that either current benefits have to be cut by about 14 percent at that time or payroll taxes have to be raised by about 16 percent.

Any of the young folks that I talk to say, "I don't like the idea of payroll taxes going up by another 16 percent." Any of the older folks I talk to say, MARK, the idea of cutting benefits by 14 percent is just not acceptable."

And so what you are struck with is, is there another way out? I think that brings us to some very good news that there is another way out because what has been tried in a host of places around the globe, whether it is in a number of countries in South America or whether it is with changes being made in Australia or with changes being made in Great Britain or in a number of countries or even States within our own country, what folks have tried is the idea of personal savings accounts. When you switch from a system of sending your money to Washington and then hoping it comes back 30 or 40 years later to instead a series of personal savings accounts, wherein it is a public-private partnership, it is still a mandatory savings, it is still watched by the Government. Again, if one wants to, I guess, go gambling, you would go to Las Vegas, you would not use these accounts, so it is controlled, but by having money in your own personal savings accounts, a number of very good things seem to happen. One is that you save Social Security because again by the trustees' own numbers, the current rate of return for most people out there working today and paying into Social Security is 1.9 percent. If you let somebody earn more than 1.9 percent on their retirement savings, then consequently they end up with more at the end of the day and can retire with more, again have more each month day in and day out in their retirement years which is what I hear from most people working today

as something that they would very much like.

Another benefit that I think is worth mentioning is that you can choose for you when you want to retire. In my home State of South Carolina, we have a fellow by the name of STROM THURMOND who wants to work until he is 100. I say go for it. Yet I have got a lot of other friends who say, "You know, work is fine, MARK, but fishing is even better. I would like to retire when I'm 50."

With a personal savings account, you could do that. Why should a Congressman or a Senator or a bureaucrat in Washington choose for you when you want to retire? Yet with a pay-as-you-go system, that has to happen, because for one person to retire early while the other person was working would mean one person subsidizing the other and that could not happen.

Or, for that matter, another benefit, I think, of personal savings accounts would be moving it off the political playing field. Right now seniors very intently listen to all those political ads as one politician points his finger at the other saying what the other one is going to do with his Social Security check for good reason and, that is, Washington controls it. If you move that control out of Washington again back to the individual, you would not have to listen to those ads.

Another great benefit again of personal savings accounts. Let me stress here, what we are talking about is a voluntary program. I do not believe that you should go out and yank the rug out from underneath seniors. What we are talking about is leaving Social Security the way it is for people that are retired and simply giving people the choice. If one wants to stay on existing Social Security, do that and if you do not, that is fine, too. But by doing that, another one of the benefits would be saving more. We have a very low savings rate in this country. It is around 3 percent. In China it is around 40 percent. In Singapore it is in the mid 30's. In Chile it is about 30 percent. It is actually about 29 percent. A host of places around the globe have higher savings rates which means that they can invest more in, whether it is a chain saw or whether it is a plant that makes American workers more productive, and that is something that we need to be cognizant of and watch out for.

Again, this is not anything that is going to happen anytime soon in Congress. It is not even being talked about in Congress. But I think for us to avoid the avalanche that is coming our way, we need to begin talking about it. Again what we need to begin talking about is a way of transitioning from Social Security and leaving seniors alone. I do not think we should ever yank the rug out from underneath seniors, but again transitioning to a system that would allow young people the choice.

HEALTH INSURANCE FOR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, for several weeks now I have been coming to the House floor on a daily basis to talk about the need for this Congress to enact legislation that would ensure every child in the country has access to health insurance. Many of my statements have focused on how the Republicans were blocking progress on the various Democratic proposals to provide health insurance to the Nation's 10 million uninsured children. I stress that again, 10 million uninsured children in this country.

It is now 3 months into the 105th Congress and literally we have really barely done a thing. Today was just another indication of that. Just last week, the House Republicans basically put together an agenda. It appeared in the Washington Times, and I talked about it a little bit this morning. Again, much of this agenda is just a rehash of what the Republicans had been talking about since they took control of the Congress back in 1994.

Most importantly, nowhere in this 12-point agenda is there a plan to pass a health insurance plan or a health coverage plan for children. Despite the fact that these 10 million children remain uninsured, despite the fact that the congressional Democrats have expressed a willingness to work with the Republicans to fashion a bipartisan agreement, the GOP still could not find it in its heart to make children's health insurance a congressional priority.

I do not know why they left this out of their agenda. I find it truly disturbing. I will continue to mention it. Over the last several weeks there has been a steady stream of studies, visits by children's organizations, and media reports detailing the problem with the lack of health insurance coverage for children. Yet, still nothing from the Republican leadership.

This week we had 4 different children's organizations, the March of Dimes, the Children's Defense Fund, the Child Welfare League, and the National Association of Children's Hospitals, had been and are still making visits to congressional offices all over the Capitol. They are not limiting their visits to Democratic officials. They have, Mr. Speaker, been urging all Members of Congress to do something about the growing number of children who do not have any kind of health coverage at all.

With respect to stories in the newspapers, and they continue to grow, in yesterday's USA Today there was a lead story on the front page which really did a very good job of outlining the problem with the 10 million kids in the country that lack health insurance. The article talks about various proposals floating around the Congress that address the problem. It provides many details about the nature of the problem, including the observation that 86 percent of uninsured children live in families with one working parent, 63 percent live in two-parent families, 500,000 of the uninsured are infants younger than 1 year old, and 65 percent live in families with annual incomes of $25,000 or less. A lot of interesting information here that shows increasingly that this is a problem that affects primarily working families, two-parent families, people whose incomes are not as low as one might expect.

Another disturbing trend noted in this article and others within the last few weeks is the decline in employer-based coverage. Between 1985 and 1995 the percentage of children covered by private employer-based coverage has dropped 12 percent, from 65 percent to 53 percent. This decline in worker-based coverage is an indication that working parents are finding it increasingly more difficult to purchase insurance for their children.

I think a lot of people increasingly, or many people think that if you are working, particularly if both parents are working, that they are going to be covered through their employer by a health insurance policy for the kids. Increasingly, that is simply not the case.

The article in USA Today also provides examples of those struggling to live without health coverage for their kids. I like to use examples because, as much as we talk about statistics, it is always better to have specific examples where you can bring the problem down and show how it affects an individual.

I wanted to mention in the USA Today article a person named Dee Sweat of Liberty, MT. She works at a salary of $14,000 a year. She does not have health insurance for her 15-year-old daughter. Paying out of pocket, in the last year she paid $1,700 or 12 percent of her yearly salary for medical treatment for her daughter. She has not been able to take her daughter to the dentist for 5 years. Five years without going to the dentist. I repeat that. She simply cannot afford health insurance. I wonder how many in this body have gone 5 years or would even contemplate letting their children go 5 years without going to the dentist.

The working parents that are mentioned in this USA Today article, who oftentimes earn too much money to qualify for Medicaid but not enough to afford health insurance for the kids, are the individuals the Democrats are

essentially trying to help. If you and your children qualify for Medicaid, we will work to get you enrolled. For those who do not, we will continue working to convince the Republicans that the time to act is now.

Every day that goes by is a day that another parent stays up late at night suffering through the hard reality of not being able to provide for a sick child. As a parent myself, Mr. Speaker, I can think of few things that could be more difficult to confront.

In the coming weeks, Democrats will be redoubling their effort to jump-start this process. We have asked Speaker GINGRICH for a date certain for consideration of legislation that would ensure that every child in America has health insurance.

I just wanted to talk a little bit about the issue and about what I think should be the basic principles of a kids' health insurance proposal. As far as the issue is concerned, the figure of 10 million American children has been mentioned several times. The number of kids with no health insurance coverage reached an all-time high of this 10 million figure in 1994, according to a recent General Accounting Office report, and that is one out of seven children.

Again, the problem is getting worse. According to the Children's Defense Fund, 3,300 kids get dropped from private health insurance coverage every day. If this trend continues, there will be 12.6 million uninsured children by 2000.

Again, this is a problem of working families. Nine out of 10 children without insurance have working parents. Medicaid helps the poorest children, and families who are well off can afford private coverage. But millions of working parents are trapped in the middle, unable to afford health insurance for their kids. Again, many of these parents, I am sure, are staying awake at night worrying about what would happen if their child fell seriously ill.

Also, what we really need is preventative care. It may be that when a child gets very sick, that they can go to the emergency room and have access to care. But children deserve to see family doctors and not go to the emergency room. Many children without health insurance never see a family doctor. The only time they get health care is when they are so sick that they need to be taken to the emergency room, where they often get treated for medical conditions that could have been prevented through regular care at much less cost.

For those who talk about the cost, I think they have to continue and should realize that in the long run the lack of preventative care, the lack of having a child being able to visit a doctor on a regular basis, in the long run only costs more when the child gets sick and has to have more serious care that involves hospitalization or other kinds of institutionalization.

□ 1845

Well, I think it is important when I continue to talk about the problem of our Nation's children, or 10 million of them not being insured, that I have to basically say what we would do about it; what would be the outlines, if you will, of a children's health bill. And basically if you think about the basic principles the Democrats have been talking about, we have been saying that a children's health proposal must first make health insurance available for every uninsured child up to at least age 18; second, make insurance generally affordable for all families; third, give all uninsured children access to policies that provide for the range of appropriate benefits; fourth, provide for prenatal care for uninsured pregnant women; and, last, build on, not replace, the current employer-based system, Medicaid and public private programs that already exist in a number of States.

The Children's Defense Fund has done an excellent job of putting together a fact sheet that basically gives some further details about the nature of the problem, and I do not want to read the entire fact sheet, but I just wanted to highlight some of the things that they brought out because they have been going around visiting with Members of Congress this week, as I mentioned before, and I think they basically summarized the nature of the problem very well.

What they have been saying again is the fact that Medicaid helps the poorest children, but that millions of working parents in the middle cannot provide their children with health insurance.

Again, why are these 10 million children uninsured? Because a lot of people are saying to themselves, you know, how is it that they fall through the cracks? Why are they uninsured? And what we are finding is that increasingly, again, it is the problem of working parents.

Since 1989, the number of children without private coverage has grown by an average of 1.2 million a year. In 1980, the majority of employees at medium and large companies had employers who paid the full costs of family coverage. By 1993, more than three-fourths of these employees were required to help pay such costs. Most employers now require large payments for family coverage. For health insurance that covers the entire family the average employee must pay over $1,600 a year, $1,900 in small companies. And when families cannot pay these costs, basically their children go uninsured. Other parents work for employers who offer no health coverage. Self-employed, part-time or temporary workers, independent contractors and parents working for very small businesses or service sector companies often have employers who offer no health insurance. Parents also must pay very high prices, $6,000 a year or more, if they buy family health insurance on their own rather than through an employer, and, as many cannot afford these costs, the children go uninsured.

So if a parent is not able to tap into a health insurance policy for their kids through their employer, you can see the level of a premium up to $6,000 a year or more and why that would simply be unaffordable for somebody unless they are making a very large salary.

Why is it crucial to help working parents buy health insurance for their children? And again this gets into the whole issue of prevention and how providing health insurance for kids in the long run would be saving the government money.

Uninsured children are at risk of preventable illness. Most families with uninsured children live from paycheck to paycheck with little room to spare in the family budget. Many such families must choose between paying the full costs of prescriptions or doctor visits for an uninsured child and other basic family needs, including food and utility bills. So they are sitting there in the house deciding if they are going to pay for health insurance versus the rent versus utilities versus putting food on the table. Essentially it is a game of Russian roulette with their children's health, delaying care and hoping that no harm results.

Again some information about the children with untreated health problems. They are very much less likely to learn in school. Many children with undiagnosed vision problems do not get glasses and cannot even see the blackboard. Children in pain or discomfort may have trouble concentrating. I guess that is obvious. If lead paint poisoning is not detected and treated early, children can suffer permanent mental retardation. Certainly the Federal Government has addressed the issue of lead poisoning from paint and its impact on children, but again without health insurance, without regular checkups, it will not be detected.

And finally taxpayers save money when their children receive early preventive care. Each dollar invested to immunize a child saves between $3.40 and $16.34 in direct medical costs. Nine months of prenatal care costs $1,100. One day of neonatal intensive hospital care for a low birth weight baby costs $1,000. On average hospital costs for a low birth weight baby are 10 times the cost of prenatal care.

Just an example, and again this is from the Children's Defense Fund, when one rural county in Florida provided all children and pregnant women access to outpatient health care, the rate of premature births dropped by 39

percent, the percentage of children receiving checkups doubled, and emergency room visits were cut by nearly 50 percent. In every industrialized country children get better health coverage than in America in terms of the percentages that are actually covered. Every other industrialized country provides health coverage to all its people. America does not even cover all its children. The United States ranks eighteenth in overall infant mortality. Only Portugal does worse. If the United States matched Japan's infant mortality rate, more than 15,000 American babies who died before their first birthday in 1994 would be alive. And the United States ranks eighteenth in the percentage of babies born at dangerously low weight. No industrialized country does worse than that.

Now again I do not want to keep coming up here and giving horror stories and talking about all the problems that we face because of the fact that the 10 million kids are not covered. But I think that the magnitude of this problem is such that if we do not do something quickly and if this House and this Congress does not address the problem fairly quickly, the problem only gets worse, the costs only get greater, and from a humane point of view it simply is something that we need to address, and so myself and other Democrats will be here on a regular basis tomorrow, the next few weeks or the next few months until our Republican colleagues on the other side of the aisle agree to take this up in a timely fashion.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 89, REQUESTING THE PRESIDENT SUBMIT A BALANCED BUDGET

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–18) on the resolution (H. Res. 90) providing for consideration of the resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies, which was referred to the House Calendar and ordered to be printed.

A POSITIVE AGENDA FOR THE 105TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank you for the time for us to have this special order to speak not only of the importance of moving ahead with a positive agenda for the 105th Congress, but also I rise today in the spirit of the Hershey accords, the achievements of our recent weekend in Hershey, PA, to join my colleagues in offering this special order. Probably the most important bipartisan issue we can address for the citizens of this country is the balancing of the Federal budget.

I rise here today and will be joined by several of my distinguished colleagues, not least of which is GIL GUTKNECHT, a Congressman from Minnesota, and urge the President to work with us using the same economic assumptions, meeting the requests made by the Congress following the number of elections and producing a budget that responsibly balances our budget by the year 2002. Once we can see where the President's priorities are in the free market of a balanced bucket then we can begin a civil debate over the policy differences among the various proposals.

I just want to say at the outset that my feelings are that having talked to Republicans and Democrats alike this past weekend, our issues of balancing the budget, campaign finance reform, working on things like FDA reform, improving our transportation and working on other issues of common concern throughout the Congress certainly can be accomplished because the bipartisan spirit that I felt and the finding the common ground, I think, was very special.

You know for many of us, who may be one party or the other, we do not meet other Members of the aisle, the opposite Members of the aisle, unless we are on their committee or we come from their State. This particular retreat gave us for the first time in a long time a chance for us to meet on a personal level other Members who we do not serve within the same committee or from the same State, and by that we are able to at least find common ground, and while we do not want anybody to give up their principles, we do not want anybody to give up their agenda, we do want to make sure that we, as Members of Congress, will always remain civil, Mr. Speaker, and to make sure that we can do more and be more productive because we give the mutual respect they each deserve.

I wanted to ask CONGRESSMAN GUTKNECHT, who was an active participant at the conference, what his impressions were before we get into the issues of balanced budget and other items that are on your agenda, and I know how active you have been on your committee work, GIL. Could you tell a little bit of what your impressions were of the retreat and whether you thought it succeeded in achieving the goals that it set out to begin with.

Mr. GUTKNECHT. Well, I would have to say it this way, that I was one of those who was not all that eager to go along, and it was guilt that got me to go to Hershey, PA. It may have been the chocolate that kept me there after the first several hours. But I must tell you as the weekend went along it was a very valuable experience, not only for me, but I hope for my colleagues and, most importantly, I think, for the American people.

I think that the American people sent us sort of a message in the last congressional elections. What they said in effect was that we want the Republicans to continue to control the House of Representatives and the Senate, but we want President Clinton, the Democrat, to run the executive branch of Government, and we want there to be some checks and balances, but what they also said is they want us to work together as much as we possibly can.

And one of the valuable things, I think, that came out of Hershey is we now, all of us who were there at least, have a little better understanding of a sense of history, and if you look at this institution, the House of Representatives, there have been some rather bloody fights on this House floor. I mean there have been Members who have been caned, there have been fist fights, there have been arguments——

Mr. FOX of Pennsylvania. The caning was in the Senate, the fist fights were in the House.

Mr. GUTKNECHT. But we have had more than our share of fisticuffs that were associated with the debate here on the floor. We have also had periods where there was consensus building, cooperation, and much more agreement and ability to work together in a civilized way.

□ 1900

I think what will happen as a result of what we saw in Hershey is hopefully both sides will begin to reach out to the other side. I think in the end what we really need to do is agree where we can agree, have honest debate where we disagree. And I think the American people expect that, but I think they also expect us to compromise where we can.

Mr. Speaker, I would hope that over the next several months and over the balance of this 105th Congress we will see more civilized debate. There has been entirely too much trivializing, too much demonizing, too much personalizing the debate that occurs on the floor of this House.

We are going to have an honest discussion tonight about the budget. We obviously have a somewhat different view of the President's budget and the need to balance the budget perhaps than some of our colleagues. I brought with me some charts, and I am going to walk down there in a few minutes, and we are going to talk about what the President has proposed, what we might dispose. But I think most importantly we need to talk about, what does this mean to the average American family? What is this balancing the budget all

about? Is it just some kind of an accounting exercise, or does it really ultimately impact real families and real Americans in homes and in the neighborhoods where they live?

Mr. Speaker, I think as we go through and talk a little bit about this, I think we can demonstrate that this really does have a dramatic impact not only on Americans today but, more importantly, on Americans in the future. We have some very serious problems, but I think, if we approach them in a cooperative relationship, a respectful relationship where we can have a civil and honest debate about the great issues facing our country today, then I think both the Congress and the American people will have been well served by what transpired up in Hershey, PA.

I would just say publicly for the benefit of those who may be watching back in Pennsylvania, I know we cannot refer to them, but I would like to thank them and all the folks from Pennsylvania for everything that they put into the weekend, because they really did a wonderful job and showed us tremendous hospitality. It was a beautiful setting, wonderful people. I think I gained about 4 pounds in 3 days, but it was just fantastic.

I would also just share one more thing that relates to Pennsylvania. I reminded some of the folks who were in my group, and I intend to do a 1-minute tomorrow morning and talk about, among other things, one of the things that Benjamin Franklin said. During the Continental Congress, there were some rather bitter and vicious debates that took place on the floor of those meetings. And after several days of very bitter rancor, debate going on in the Continental Congress, one morning Benjamin Franklin of Pennsylvania rose slowly at the back of the House Chambers and he said, "Let us for a moment, Mr. Speaker, contemplate our own fallibility."

Mr. Speaker, one of the things that we discussed in some of our sessions in Hershey was that there are two things that I think we need more of in this body. One is a little more humility, and second is a little more humor. Hopefully, we can bring that about in the coming days and weeks of this debate.

Tonight we want to talk about the budget, what it means to average Americans; talk a little bit about why the President's budget leaves a little to be desired. It is a starting point but something we have to work on with our colleagues here in the Congress and with the folks down at 1600 Pennsylvania Avenue. I am going to move down here and turn it back to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I wanted to mention that for a first bipartisan conference in Hershey I was very pleased to see 220 Members, both sides of the aisle being there. I think that augurs well for the future, when the next event I hope that we will have three-quarters, if not seven-eighths of the House present. Not only was Speaker GINGRICH there, but a Democratic leader, minority leader, RICHARD GEPHARDT was there, which shows that this was a bipartisan effort. Those who came to the bipartisan conference certainly left with the idea that we are going to do our part to raise the level of civility and professionalism and to make sure that we try to find a common ground without giving up principles and without giving up important items on our agenda, not only in our State, but in our country.

Mr. Speaker, one other item I think I should mention, a very important thing, is we found out that we have different regional needs. The Midwest has needs that the South does not need, and the South has needs that need to be respected as well. So one of the outcomes that I think are going to happen, we are going to find Members visiting in those other regions. So while I am talking about how important mass transit is to the East so we do not have mass gridlock, overloading the roadways and increasing pollution and trying to help us get more trains and those initiatives, I can understand the Midwest having some interest in agriculture programs, and over in the Pacific Northwest and some of their environmental concerns.

So we need to have this shared vision for America where we all come together and work as well as we can.

Mr. Speaker, I think in looking at the balanced budget, in starting that discussion tonight, I think that is something that the Republicans and Democrats need to work on. The Clinton budget, I might say at the outset, leaves a deficit of $70 billion in 2002, and it also, according to the Joint Committee on Taxation, is going to increase taxes by $23 billion by 2002.

Mr. Speaker, I am interested in hearing the analysis of the gentleman from Minnesota [Mr. GUTKNECHT] of the Clinton budget as a starting point for this House to move on. And I hope that we will have the gentleman from New Jersey [Mr. SAXTON] join us, who is the chairman of the Joint Economic Committee, and I would hope that he could join us as well.

Mr. Speaker, if the gentleman from Minnesota could start us on his outline of the Clinton budget, I know it would be a good starting point for tonight's discussion.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman. As I said earlier, we need to have an honest debate about the numbers. Before we can have an honest and civil debate about the budget, we have to be speaking the same language. We cannot have a debate where I am speaking in German and someone else is speaking in French and someone else is speaking in another language altogether.

One of the problems we have in terms of our debate about the budget is we tend to be speaking in Congressional Budget Office terms, and the President this year is speaking in terms of the Office of Management and Budget. They take different assumptions.

Right now the Congressional Budget Office has gone through the budget that the President submitted, and what they have told us is that actually total deficit goes up under the President's plan in the first couple of years and then begins to come down; but even in the last year of the President's budget, the year 2002, he is still about $69 billion short.

Now, we do not really want to have a debate about the Congressional Budget Office, who is more accurate, the CBO or the OMB or whomever, because I think sometimes the American people do not understand that. But what I hope they will understand is that, before we can have a debate about the budget, we all have to be speaking the same language. So one of the things I think we need to get in agreement with the White House on over the next couple of weeks is what are the assumptions we are going to use.

One of the things we could do, and I learned this when I was in the State legislature and served on the Pension Commission, is that assumptions are everything. If we assume an economic growth rate, for example, of 3.5 percent over the next 5 years, frankly you do not have to make much in terms of budget changes in terms of the spending side, because the economic growth will solve it. If we assume a very low interest rate, it has a dramatic impact on the deficit. As a matter of fact, we were told by the Congressional Budget Office in the Committee on the Budget a couple of weeks ago that, if interest rates change by one-quarter of 1 percent, either up or down, it changes the deficit by $50 billion over the next 5 years.

So one of the things we want to do is hopefully get the White House and the Congress to at least be using the same assumptions so that we are speaking the same language. As I say, then we can have a civil and honest debate about which items we are going to increase and which ones we are going to reduce.

I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding. First let me commend the gentleman from Pennsylvania [Mr. FOX] and the gentleman from Minnesota [Mr. GUTKNECHT] for sponsoring this discussion tonight. If I may just ask the gentleman's explanation of deficit in the Clinton budget.

The gentleman mentioned the scoring that takes place by two different agencies, the CBO and OMB. In spite of the fact that they do different scoring,

they both agree, do they not, that the deficit goes up initially and then falls ever so slightly during the 1998–99 time frame, and then during the last 2 years of the 5-year plan, the President's 5-year plan, the deficit reduction that takes place is about 70 percent of the total deficit reduction that takes place during the whole plan. So we are essentially, under this proposal, pushing most of the deficit reduction off until after the year 2000, when we then promise the American people we will get to it. Is that fair to say under both sets of scoring?

Mr. GUTKNECHT. Mr. Speaker, under both sets of scoring, and I think that is an accurate point, both the Congressional Budget Office and OMB acknowledge that in the first year, and this is really the only budget that counts for this Congress, is the budget we are going to debate for fiscal year 1998, both would agree that the deficit actually goes up this year, which in the view of some of us is a step in the wrong direction, because we have been moving in the right direction. Partly, and let us give some credit, we want to give credit to the White House and to the economy and other things, but part of it is that the 104th Congress did confront some of those spending issues.

Mr. Speaker, we did make some real reductions in discretionary domestic spending, and it is showing some impact. The deficit now is about half of what it was when Congressman FOX and I first came to Washington. As a matter of fact, it is less than half of what it was when we first came to Washington.

I would point out this other chart. This again is according to the Congressional Budget Office, which is the official scorekeeper for the House and the Senate, that the deficit will be about $69 billion in the year 2002.

To get to the other point that the gentleman from New Jersey [Mr. SAXTON] made, 98 percent of the deficit reduction comes in the last 2 years of the President's budget plan. That is one of the concerns we have that is entirely too heavily what we call backend-loaded. Actually, according to the CBO, the increase in the deficit will be about $24 billion more than it would have been if this Congress did nothing.

Mr. SAXTON. Mr. Speaker, it just seems to me, and this chart points it out even more clearly, I said that 70 percent of the reduction takes place in the last weeks of the last 2 years, and my colleague is saying that virtually all of the deficit reduction under the President's plan, 98 percent, takes place during the last 2 years. It would seem to me that, if we are going to be serious about deficit reduction and getting to a balanced budget, that we ought to start in earnest right away to make a serious step down of the deficit to take place beginning in 1998 and not waiting until the year 2000. Would my colleague agree with that analysis?

Mr. GUTKNECHT. If the gentleman would yield back, that is one of the debates that we have had, and over the last couple of years Congresses have used what we called a manana budget. It is real easy to cut the budget after we leave office. So what we are really concentrating on is what can we do in fiscal year 1998 to put us on a path toward a balanced budget.

Mr. FOX of Pennsylvania. Mr. Speaker, I think it is very clear that your leadership and the leadership of Congressman SAXTON is needed to move us forward to have a balanced budget. I know that Congressman SAXTON is the chairman of the Joint Economic Committee and has been trying to work to make sure we get that balanced budget, because by doing that, we reduce the interest cost, whether it is for car loans, for mortgages, for student loans, all of the items in life where we can make a cost difference for families back in our districts. That is what it is all about.

Mr. Speaker, I would like to at this time to include with our discussion tonight the gentleman from Utah [Mr. COOK], who has been doing a great deal of work and has been speaking out about fiscal responsibility when he ran for the office and in his early weeks here as a Congressman has displayed that kind of fiscal responsibility. I would like to call on Congressman COOK now, if he could give us some of his thoughts on this issue and just where we should be going in this 105th Congress on the balanced budget.

Mr. COOK. Mr. Speaker, I really appreciate this opportunity to speak briefly on a subject that is very dear to me. As a longtime advocate of a balanced budget and tax reform, I am not really happy about President Clinton's proposed 1998 budget. I think in many ways this budget is a mockery of the American people's desire for a balanced budget and responsible spending in Washington.

President Clinton promised us a plan that would balance the budget by 2002. However, as my colleagues have been saying, the Congressional Budget Office reports that Clinton's budget would have a deficit of $69 billion in 2002. Under the President's spending plan, the budget deficit would even drop to last year's level of $107 billion until 2000. Between now and then, the deficit would balloon, to allow the President to increase aid to foreign countries and pad our welfare program, six new entitlement programs. And he would increase welfare spending alone by $21 billion over the next 5 years.

President Clinton is proposing a budget that carries tax-and-spend ways through, I believe, the rest of his administration, leaving the bulk of his own deficit reductions for another President to implement. Play now, pay later.

The American people expect better of their President. This splurge now, starve later tactic, I think, is an offense to our people who are really looking hopefully to Washington for the fiscal responsibility they yearn for from their leaders.

I am a strong supporter of tax reform and tax relief for struggling American families. As a longtime proponent of tax reform, I really question the President's claim that he too wants to help working American families when he heaps $23 billion in proposed permanent tax increases on those families.

□ 1915

His promise of the family-friendly tax cut, the $500 per child tax cut, would only be good for the next 3 years if the economy does not perform the way he hopes it will. The much-touted education tax credit would only apply to families with children in college during the next 3 years on the same basis.

President Clinton offers his tax breaks that last only while he is around to take credit. Conveniently, his tax increases, too, do not start until after he leaves office, but unlike the tax breaks, they are very permanent. Indeed, his proposed legacy of $23 billion in tax increases will linger, I am afraid, decades after he is gone.

With those tax increases, he will make it harder for American families to pull one end close enough to meet the other. He barters our children's future with tax increases and false promises of a balanced budget, ironically while claiming to build a bridge to that future.

The Democrats' success in defeating the balanced budget amendment in the Senate was a disappointment to many, many of us and, I think, to the American people who hoped this year would finally be the year when Congress made that tough decision. We must keep faith with those Americans who must balance their own budgets and rightfully expect Congress to do likewise.

We cannot approve yet another White House tax-and-spend budget. If President Clinton does not have the courage to begin whittling Federal spending down, I think while he is around to take some of the heat himself, we do have that courage. We made an agreement, I think, with the American people, an agreement that included fiscal prudence and meaningful tax relief.

The idealism and confidence of those promises are the reasons I wanted to come to Washington. I was proud to come back here this year and stand with those who in 1994 promised a better way. We have had a rough few years with the White House fighting every inch of progress in keeping our word to the American people. Some who have stood for this have lost their bids for reelection along the way.

But keeping our word is not about our own political careers. It is not about popularity in the polls. It is

about restoring integrity to government. It is about once again deserving the trust of the American people.

Mr. SAXTON. If the gentleman will yield on the one point that he made on his mention of taxes, I think it is very important to point this out, and I think the gentleman is right on, relative to this issue, when we talk about balancing the budget. There are undoubtedly some in this Chamber, as apparently the President is, apparently at least partly in favor of tax increases to try to move toward a balanced budget.

I think it is a very foolish course to follow, because history shows that every time Congress has increased taxes, Congress has also seen fit to increase spending by $1.59 for every dollar we have increased taxes. So in spite of the fact that we had tax increases in 1990 and tax increases in 1993, in both cases, in a stated attempt to balance the budget, in both cases the deficit got worse. There are reasons for that that I will not go into, but they had to do with the way the economy performs when we raise taxes and the way it performs in a positive way when taxes are reduced.

I happen to favor a version of the balanced budget amendment which creates a supermajority provision to raise taxes. In other words, if we as an institution decide that it might be a good idea to raise taxes instead of cutting spending to balance the budget, then we ought to do it, in my view, with a supermajority two-thirds vote.

It makes imminently common sense to me, because history has shown that over and over and over again, this institution and the President have chosen to try to control the deficit by increasing taxes. It has not worked. We need to recognize that. The supermajority provision in the balanced budget amendment seems to me to be one safeguard against the Congress falling into that trap yet again.

Mr. FOX of Pennsylvania. Mr. Speaker, I have to agree with the comments made by the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Utah [Mr. COOK]. They are very poignant regarding the importance of balancing the budget.

Mr. Speaker, I would yield back the balance of my time and ask the Speaker to consider making the Speaker's designee the gentleman from Wisconsin [Mr. GUTKNECHT]

BALANCING THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for the remainder of the 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I yield to my colleague, the gentleman from the great State of New Jersey [MIKE PAPPAS] who has joined the discussion tonight to talk a little bit about the budget and balancing the budget and from his perspective as a new Member of this body. We welcome him to this special order tonight and hope it will not be the last time he will join us.

Mr. PAPPAS. Mr. Speaker, I thank my colleague for yielding to me.

Mr. Speaker, I ran for Congress last year because I believe very strongly that if we as a nation could not get our Nation's fiscal house in order, the future will not be as bright as it should be. Everyone in this city says they are for a balanced budget, yet some of those same people opposed the balanced budget amendment, which would have forced both the administration and the Congress to do what every American in this country has to do each and every year: balance their own budget; that every small business person has to do each year, to balance their budget.

I think it is unfortunate that while they say they want to balance the budget, they present a plan, a plan, not a budget but a plan, that sees the budget in imbalance to the tune of $69 billion.

I can recall back in 1992 when Mr. Clinton was running for office, that he said that he had a plan to balance the budget in 5 years. Now we are in the fifth year of his administration, and yet we are looking beyond to another 4 or 5 years when he is out of office. I am here to act, I am here to vote. I am here to do what the people of the 12th District in central New Jersey sent me to do, to see a balanced budget within our lifetime. I am absolutely committed to do that.

I am disappointed, yet at the same time I am hopeful, because at least now within the administration there is at least agreement that we need to balance our budget. That is tremendous progress from what we may have seen many, many years ago, where there was even a difference of agreement with regard to that.

So I am here to literally roll up my sleeves, to make the tough decisions now, over the next year or two, at least within this term while I am serving the people of my district. Back home in New Jersey our State government, our county, our municipal governments, our school districts, each are required by our Constitution to have a balanced budget. I think it works very well for the people that I represent.

There are those I have even heard that have said, at least in New Jersey, those that have opposed the concept and voted against balancing the budget, they have said that when they were a local official in their community that they balanced their budget. They did not add that the Constitution requires them to balance their budget, and if that requirement was not in existence, I have to wonder and we all would have to wonder whether that would be the reality.

So I am here just to add my voice to the chorus here on both sides of this aisle that wants to see this budget balanced. I want to, as I said earlier, roll up my sleeves, make the very, very tough decisions that each of the people out there, throughout this country, have to make every day. People elected us to do that. They did not elect us to come up with a plan.

It seems even in some of the committees that I serve on, there are people that talk about specific needs that need to be filled for various segments of our population. Some of those things I think have to be addressed today, or within the next year or two, versus saying we have a plan and we are going to project that in 10 years or in 8 years, that this particular need will be met and that this particular program will be initiated.

It is great to have a plan, but the plan is only as good as the paper it is written on. If we do not follow the plan that the American people have expected us to do, or expect me to be part of instituting, then I think we will have failed. I do not think they want us to do that. I do not want to do that, and I believe that the majority of the people, at least in this Chamber, do not desire to do that.

Mr. GUTKNECHT. I thank the gentleman for his comments. I would just share, just to follow up with some of those comments, that what the gentleman was talking about, I think if the voters had been told last fall that part of the plan would be to increase the deficit by $24 billion this year, and ultimately wind up with a 5-year plan, and that according to our official scorekeepers, the Congressional Budget Office, that would actually leave us with a $69 billion deficit in the year 2002, my sense is that the voters would have been incensed. They would have said no way.

I want to point out, this is one more chart that describes what we are talking about. In some respects it is like a person who says I am going to go on a diet. I am going to lose 50 pounds. But first I am going to gain 10 pounds. I will actually do most of the weight loss program in the last week of this plan of the diet.

That is crazy. That is not the way the world works. That is not the way human beings work. Frankly, we know that is probably not going to happen. At least we have a start.

I want to point out some other things. I want to get the gentleman from New Jersey [Mr. SAXTON] back involved in the discussion as well. Today the Secretary of the Treasury, Mr. Rubin, came and testified before the Committee on the Budget. I wrote down some quotes of things that he said. I agreed with much of what he

said today. I did not agree with his analysis, I did not agree with his final budget plan, but at least there were a number of points that he did say that I really agree with.

One of them, he said, was that we have an historic opportunity. I think that is absolutely true. One of the unfortunate things, and the gentleman from New Jersey used the term "disappointing," and I think disappointment is the right term. For the first time in a very long time we have an electorate who wants us to make those tough decisions, we have a body politic who has said we want to balance the budget, we have a President who says that he wants to balance the budget, and we have a Congress that is prepared to make the tough choices.

Unfortunately, when we start with this kind of a plan, it makes the job even tougher. That is why I think it is disappointing.

He also said, and this is a quote:

Financial markets will punish bad behavior and they will reward good fiscal behavior.

It was interesting, because the Secretary previously had been, I believe, the CEO of Goldman Sachs, and they recently put out a newsletter, an economic analysis of what was happening in Washington. The headline on this newsletter was "No Meaningful Fiscal Restraint Before the Millenium."

They go on to say, "The prospects for a balanced budget agreement remain excellent. Republicans plan to use the Clinton plan as a starting point in the construction of their own proposal," which I think is accurate. Then they say, "The bad news is that it appears increasingly likely that a deal will not result in meaningful fiscal restraint until the next millenium. In the Clinton budget plan the fiscal restraint is extremely backloaded," which we have pointed out. Here is the point: "This suggests that a budget deal will not have near term implications for the conduct of monetary policy."

What does that mean to the average family who wants to buy a new home and a new car? What it means is that interest rates probably will not come down. As a matter of fact, they may go up. That goes back to the point that the Secretary made: Financial markets punish bad behavior. They reward good fiscal behavior.

What does this mean to families? We need to talk a little bit about that, and I want to get the gentleman from New Jersey involved in this discussion, because he probably understands this better than I do, but it is a chart I want to show of what happens to interest rates. They mean a lot because it affects what people can buy. It affects how many new homes are built and how many new cars are purchased. That affects how many new jobs are available, and good-paying jobs to the people who need them. In the end, this is really about how is it going to affect the American family.

This is an interesting chart. I think it tells some interesting things. This was November 1994, when I and 72 of my colleagues became part of the Republican majority, and we called ourselves the majority makers. You can see interest rates were trending up until the election day. Then they trended down all through 1995, until we got to where the budget negotiations broke down. Then, guess what? Interest rates started to trend back up.

After the elections of 1996 and conservative majorities were kept in the House and Senate, interest rates started trending back down. The President introduced his budget, interest rates have trended up slightly since then. Maybe it is just coincidence, but I think it is too great a coincidence. I think money markets do watch what we do here in Washington. They do reward good behavior and they do punish bad behavior.

Ultimately what this means—we want to talk a little bit about what a balanced budget ultimately means to the families. If we can balance the budget without raising taxes, a number of the leading economists in this country have said we can expect significantly lower interest rates.

□ 1930

As a matter of fact, we can expect somewhere between 1.5 to 2 percent lower interest rates. That means a savings of $1,230 per year on the average home mortgage for a small home. For a larger home it can mean as much as $2,100, $2,160. On an average car loan, we are talking about a difference of $180 a year; on a student loan, $216 a year. That is real money.

What that means is if American families have to spend less for interest, if the Federal Government has to spend less for interest, it means that we have more money to spend on other things. It means we can afford more homes and cars. It means that families can afford to send their kids to college.

In the end, that is what this debate is all about. It really is about improving the quality of life for American families.

I wonder if Congressman SAXTON would want to jump back in here and talk a little bit about the impact. You have probably studied the correlation between taxes and between spending and budget balancing and interest rates and how it is going to affect families more than anybody else in the Congress.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding on this point. I think it is a very important one.

Obviously, a good part of what has caused the economic growth to take place, this growth period started in 1991 incidentally, the last quarter of 1991, the growth that has taken place has been encouraged to a large degree by the Fed holding down short-term interest rates. And I think it is very important to recognize that that is one of the factors that has caused the economic growth that we have sustained through that period of time to take place.

It has been dampened somewhat, however, and I think most economists will agree that the tax increases that occurred in 1990 and 1993 had just the opposite effect. While the Fed was trying to hold down short-term rates to cause growth in the economy, at the same time Congress put a damper or a wet blanket on economic growth and caused what I see as moderate, at best, economic growth taking place.

If we had not had the tax increases on the other hand and if the economy had performed in a more robust way, while interest rates were low, we certainly would have had more job opportunities. We would have had higher wages, in my opinion, and certainly a higher rate of growth in the economy generally. So interest rates have played a very, very key role in this entire scenario.

Aside from the Fed controlling to some degree short-term rates, long-term rates are controlled to a large extent by investor expectation. If investors expect that inflation will be low and if investors expect that we are going to do our job and stop borrowing on the Federal level to the extent that we have and then they will expect that credit will loosen, then that expectation causes long-term rates to come down as well, which is all certainly very, very positive for job growth, growth in wages and growth in the economy generally.

Our job here is to be partners with the Fed and the Fed has done its job extremely well in controlling short-term rates. Our job is to help control long-term rates by doing the responsible thing and moving in a steady decline in terms of deficit spending to the point where we actually have a balanced budget and every American family will benefit through a program like that, particularly when it comes, as you correctly point out, Mr. GUTKNECHT, to interest rates coming down.

Mr. GUTKNECHT. And that affects families. That affects their ability to buy, their ability to buy new homes, remodel homes.

I want to point out one other thing, I want to get Mr. PAPPAS back involved in this discussion a bit, too, but this chart sort of shows some of the bad news that we are, according to the Congressional Budget Office, we are still about $69 billion short under the President's plan in the year 2002. That is sort of the bad news. But it gets worse. Because if this chart were extended, and we are going to have to get this chart extended, if you just leave everything else the same, when people my age begin to retire in about the year

2011, 2012, when we begin to really make demands upon the Social Security system, the Medicare system, and other things, and as our income levels begin to go into retirement mode, this chart begins to go right straight up. It is almost like an F-16 taking off in a completely vertical takeoff.

While I think this chart is kind of bad news, it gets a lot worse if we do not get serious about solving Medicare, solving Social Security, a lot of those underlying problems and begin to make some modest changes today so we can save the fund for the future.

I yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman. I notice on the chart that it shows on the President's plan that the deficit begins to decrease rather rapidly after or the last year of his administration or after that. The problem with that expectation is that is making certain assumptions about what the next administration would propose and what that Congress would dispose.

And those are assumptions that I think could be rather dangerous if, again, we are just working off of a plan. Again, I think we have to do what we can do when we can do it. And today is the time that I believe that the people that we represent, each of us represent, expect us to act.

I think the chart that you are demonstrating or displaying once again shows that the difficult decisions are being passed on to the next President and to a subsequent Congress. We are here to act now. And I think that if I wrote back or if I was at a town hall meeting in my district and I told people that I am representing that you are going to have to reelect me three or four more times before we are going to start making some meaningful decisions to bring that budget into balance, I do not think they would be very happy with me.

Mr. GUTKNECHT. I might just point out, too, that I was with some school kids yesterday. One of the things, when I am with school kids, I show them my congressional pin and this nice little card case and this voting card, which one of our colleagues, I think 2 years ago, reminded me is the most expensive credit card ever invented in the history of human beings. And it is on this credit card that previous Congresses have run up about $5.3 trillion worth of debt on those schoolchildren.

I think it is very graphic when you explain this to schoolchildren. I think most Americans can relate to credit card debt. Every so often we read about someone or we hear about a friend or a neighbor or maybe it is us where we get into trouble with our credit cards, where we are charging more and we have reached a point where we are having more and more difficulty just making the monthly minimum and paying the interest. The Federal Government in some respects is like that person who is having some problems with their credit card debt. They are having more and more difficulty just making the interest payments.

If you had a person like that, the last thing you would do for that person, the last thing you would do is say, why do you not start out by going up and running up another $24 billion worth of debt on that credit card.

No, I think the American people say, the first thing you ought to do is cut out the credit card. Stop spending more than you take in and do it quickly. Do not do it 5 years from now; do not do it 3 years from now. Do it this year and next year, because every dollar that we can save this year begins to multiply in the outyears.

One of the reasons we are doing as well as we are, and they were modest changes but I think they will have a profound impact long-term, are the cuts that were made in the last Congress where we eliminated some 289 different programs. Some of them were not great big programs but when you pull a program out by the roots, you do not have to feed it year after year. So the savings actually multiply as you go forward.

This is the number that concerns me, and I think it concerns the gentleman from Ohio [Mr. KASICH] and the Committee on the Budget and, frankly, should be of concern to all the Members of Congress and the American people, because you do not start out going on a diet by gaining 10 pounds. That is just not good. And you do not try to solve your credit card debt problems by running up even more debt on your credit card in the very first year of the budget.

Mr. SAXTON. Mr. Speaker, I just want to make a point here. I think this is very important, because I would not want any of our colleagues or anybody who might be listening to this discussion to get the notion that we stand here talking about this ready to dismantle on a large scale Federal programs that are important to people.

Two years ago, we began to slow the growth of some programs, which is what we still think we need to do in order to accomplish the objectives that we are talking about here tonight. We suggested, for example, that the School Lunch Program that was growing at a rate in excess of 10 percent, seems to me it was growing at something like 11.5 percent, every year we were spending 11.5 percent more than we had spent the year before, and we suggested that one way to begin to get a handle on the huge increases that we had seen in Federal spending that was driving this deficit and national debt problem would be to slow that growth rate down from about 11.5 percent, I think it was to about 7 percent. And we suggested similar kinds of things in many programs that had been growing at very high rates across the board.

At the same time, during all those years, in real terms, we were reducing defense spending. So we had a disproportionate increase in some programs and no growth at all in other programs. And what we said was, what we say today is that if we can continue to hold down those programs that are currently held down and begin to get a handle on the large increases in the programs that are growing too fast, that we can maintain the services to the American people in a very similar mode that we are today and that we have over the past several years, but they just will not grow as fast. And so I think that is an important part of the discussion as well.

There is one other point that I would like to make. I do not want to confuse the discussion about how important it is, for all the economic reasons and all the reasons that had to do with families, that we balance the budget. But there is one idea that is floating around here that I think we ought to be very cautious with, and that is that recently a commission gave a report on the Consumer Price Index. And the report suggested that the Consumer Price Index is not accurate, that it overstates the rate of inflation.

And I think it is very important to understand that, yes, while we want accurate data in terms of the Consumer Price Index, that the CPI is used in our tax code to determine how much taxes people pay from year to year. The brackets in the marginal rate structure of our Internal Revenue Code actually are indexed to go up with inflation. And if we rush out without having all the information that we can possibly get and arbitrarily legislate a change in the Consumer Price Index, it will mean a tax increase that a JEC study recently pointed out that at the end of a 12-year period will be an additional $405 a year that the average taxpayer will pay in taxes, a very significant tax increase.

So while we want to balance the budget, we do not want to look for the oversimplified ways to do it which means slashing programs that are going to hurt people or finding a gimmicky thing like adjusting the Consumer Price Index. Because an adjustment downward in the Consumer Price Index of 1.1 percent, as the Boskin Commission suggested, means at the end of 12 years every American taxpayer will be paying an additional $405 every year in taxes.

Mr. GUTKNECHT. I am glad that you made that point. I certainly did not want to suggest that we are going to eliminate important programs that Americans count on. But I do want to make the point that there is an enormous amount of duplication, and there are a lot of programs that the Federal Government funds even today that are not necessarily effective.

We have so much duplication, overlap between the States, the Feds, and so forth. I think you also make a very good point about whether or not we should tamper with the CPI for political or budget reasons. If we are going to change the CPI, it ought to be done by professionals, and it ought to be done for the right reasons, not simply just to balance our budget.

Mr. SAXTON. As a matter of fact, if the gentleman will continue to yield on that point, the Bureau of Labor Statistics, which has the responsibility, along with calculating employment and unemployment figures, also is responsible for managing the Consumer Price Index process and the formula through which they measure the rate of increase in prices or price stability.

The Bureau of Labor Statistics I have asked to report back to us by this summer on the structural makeup of the Consumer Price Index process and to make recommendations as to how the situation might be managed without legislating an arbitrary reduction which I think would be a mistake.

I think your point is absolutely correct. There are people who eat and live and breathe issues that have to do with statistical analysis and how to measure the basket of goods that the Consumer Price Index measures. Our leadership is incidentally making a lot of these same points. So I am very pleased about that and hope that we will show some restraint and not look at this as an easy fix to move toward a balanced budget because I am not so sure it gets us there.

Mr. GUTKNECHT. The other gentleman from New Jersey [Mr. PAPPAS], any other closing thoughts?

Mr. PAPPAS. I was just going to ask my colleague from New Jersey, since he has been a long-standing member of the Joint Economic Committee and he has been here in the House for a few terms, if he would tell us through his tenure here, when just the early part of this decade, when there was a tax increase that was instituted, what was the, I think we all know but just from your perspective here as a member of that committee, what was the response by the Congress and just the response of the economy to that way to address what was perceived the way to go about making progress on the deficit?

□ 1945

Mr. SAXTON. Well, today, the economy is growing at a little over 2 percent. Some quarters had been better. I think we had 3.9 percent growth in the last quarter of, I guess it was the last quarter of last year. But overall, the economy has grown since 1990, the last quarter of 1991 by a little over 2 percent.

Now, the average growth since World War II has been over 3 percent. That is 1 percentage point, but it makes a big difference, because while 1 percentage point, when we are talking 2 or 3 percent, is like 50 percent faster at 3 percent than at 2 percent.

So it is very important to realize that for some reason all of us agree that the economy is not performing as well as we would like it to. We would like it to be growing at least at the historic average since World War II, which is over 3 percent and it is growing at 2.

So when we begin to look at why that could be, one of the unmistakable conclusions we have to come to is we had the biggest tax increase in 1990, followed by an even bigger one in 1993. That, to me, seems to be what we did differently. And therefore this recovery, which I believe is part of the normal economic cycle, we are now in a growth period, this growth period is slower than I believe any other growth period since World War II.

I personally believe that it is because of the two tax increases, the gentleman correctly points out, and certainly has had an effect on our economy.

Mr. PAPPAS. Mr. Speaker, I thank the gentleman. And I asked him that question because I believe that balancing the budget is tied into, and achieving the kinds of economic growth we all want to see is tied into significant across-the-board tax relief.

Many people argue that no, we need to cut spending first before we can then do something about taxes. Again, I will go back to a point I made earlier. If that had been the case, then we would not be talking about graphs, showing graphs where we are seeing the deficit remain in existence or going up before it is going down. We would not be talking about that. We would be talking about all the other new things that we are able to do for the American people because we have the kind of economic growth that we all desire to have.

If we do not cut taxes and see the kind of economic growth that we have seen, that we saw in the early 1960's under President KENNEDY, under President Reagan in the early 1980's, we will not see the kind of growth that will in fact raise revenues and assist us in cutting that deficit.

Mr. GUTKNECHT. More important even than that, Congressman PAPPAS, is it will help those people.

We passed very important welfare reform last year and it is already beginning to show some benefits. We are seeing welfare rolls going down. I have been doing some research in my home State, and we have seen a dramatic drop in welfare rolls just since we passed that legislation last year. The real answer is we need more jobs in the private sector. We need more people on payrolls.

When we talk about economic growth, that can become almost a nebulous term that people do not understand, but they do understand good-paying jobs and more of them. That is really what we are talking about, is making it possible so that more folks who need good-paying jobs can find those good-paying jobs in the communities and in the neighborhoods where they live.

Mr. PAPPAS. If the gentleman would continue to yield, I have to make one other point. I think one of the things that is only fair to expect from the administration under the President and the Vice President, who we all assume is going to aspire to succeed Mr. Clinton, our President, is what will the plan be? Quite frankly, whoever might be President after President Clinton leaves office, what is their plan?

If in fact this is the only thing that we are able to see enacted or proposed by the administration, what is the plan to move forward beyond that time? Again, I do not want to wait. I want to act now.

Mr. GUTKNECHT. We only have about 10 minutes left, but we have been joined by our distinguished colleague from Georgia [Mr. KINGSTON], if he wishes to grace us with some of his thoughts relative to the budget.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I wanted to respond to the gentleman from New Jersey [Mr. SAXTON] the distinguished chairman of the Joint Economic Committee, regarding his comments to Mr. PAPPAS' comments about the tax proposal and the reduction in taxes.

I am not on the Joint Economic Committee, and quite often I see their 30- and 40-page documents, and I have difficulty reading them; but I was an economics major at the University of Georgia and one of the things that we often did with economics is we delved into the theory. But it is good to just shut the book every now and then and to think about the man on the street; what it would mean to him.

Throw out the theory for a second and think about what would happen if we had more money in our pockets. If we had a guy just running around, and I will call him a friend of mine, Bill Granger. Bill is a working guy. He is a friend of mine and lives in Alma, GA. I am going to change some of the names of the cities to be a little careful here. I do not have his permission.

Say Bill gets a $500 per child tax credit. He has three kids, so he will have $1,500 more in his pocket. Let us say his dad does not get that, his dad gets something from Social Security earnings limitations. Whatever the case, we confiscate less money out of their wallets in Alma, GA. What that means is they would have anywhere from, I will go ridiculously low, from $50 a person to maybe as much as $1,000 a person.

That means they will be able to buy more shoes, more shirts, go out to eat more often, maybe go for a longer vacation, go to Atlanta and have a big time for the weekend or something like

that. When they do that, they stimulate the economy.

Let us think about approximately 150 million people with $50 more in their wallet because we are confiscating less through a tax. So what happens is we have all that money out on the street; people going out to eat more, buying more toys, more clothes, shoes, and so forth. When they do that, small businesses expand because they are stimulated by the new growth, the new prosperity out there. When they do that, they create more jobs. And the more jobs that are created, the more people that can find work.

All the folks on welfare now, there would be a lot more job opportunities for them. They go to work. Less people are on public assistance and more revenues coming in.

Both President Kennedy and Reagan cut taxes, and when they did, actual money paid in to taxes in Washington increased. It did not decrease it.

We always hear from some people how are we going to pay for the tax cut? It is not a matter of paying for the tax cut. The revenues, because of the taxes being out on the street, the revenues actually increase. So we do have this phenomenon that if we cut taxes, revenues will increase and America has more prosperity.

I think it is a very basic thing that the person on the street can understand and appreciate. They do not need to have the charts and diagrams about it because they know. Give them their money and they can spend it better than we can.

Mr. SAXTON. If I may, I want to commend the gentleman from Georgia for the very articulate analysis or statement on behalf of what this will do for the American family.

One thing I am sure he did not mean to do, but he left out something, which is also important that causes economic growth to take place, is some of that money on the street will get saved, put into a savings account or go into a mutual fund, which creates a supply of savings which others can borrow to increase the size of their business and hire more people.

That is what creates the business cycle, when economic activities take place. Whether we believe it is the supply that creates the better economy or the demand, either way, by the inefficient Federal Government consuming less of GDP and people who are out working in the private sector consuming more of GDP, it makes the economy better when the efficient part of our economy handles the money rather than the inefficient part.

So I wanted to say that I think that the gentleman's statement on behalf of the average American worker is very well placed.

Mr. GUTKNECHT. If I could, gentlemen, our time is just about expired. We will have to wrap it up here, but I do want to thank my colleagues for participating tonight.

I want to say, in part, with the spirit of what transpired in Hershey, PA, that we do look forward to an honest and civil debate about the great issues facing this country, and nothing can be more important than stopping the business of mortgaging our children's future and, in the end, it provides real benefits.

Not only is it the morally right thing to do to balance the budget, but it is the economically smart thing to do. I think if we work together and have a civil debate, then I think we ultimately can succeed in that.

Important now is that we all begin to speak the same language. If the President is speaking OMB and we are speaking CBO, it is going to make that job even more difficult. So in the next several weeks, what we hope to do is try to get the White House and the Congress to at least be speaking the same language.

Then we can have that civil debate and, ultimately, I think we can reach an agreement during this Congress which will be historic, which will leave a legacy that we can all be proud of and ultimately lead to a stronger economic growth, more jobs, better jobs, and the ability of more American families to have the American dream.

So again I want to thank my colleagues for joining me.

TRIBUTE TO ARNOLD ARONSON, A GREAT CIVIL RIGHTS LEADER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 60 minutes.

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute this evening to one of our Nation's greatest civil rights leaders: Arnold Aronson. Arnold Aronson has been active in civil rights for nearly 60 years.

In 1941, he, along with A. Philip Randolph, mobilized a campaign that led to President Roosevelt's Executive order which banned discrimination on the basis of race, creed or national origin in war-related industries. This Executive order established the first Fair Employment Practice Committee.

In 1941, Mr. Aronson headed the Bureau of Jewish Employment Problems, a one-person agency located in Chicago. Discrimination against Jews at that time was overt and widespread. Help wanted ads specifying gentile only were commonplace, and employment agencies accepted and filled orders in accordance with such specifications.

Rather than attempting to deal with the problem as it affected Jews alone, he decided to attack employment discrimination per se, no matter the victim. Accordingly, he organized the Chicago Council Against Religious and Racial Discrimination, a coalition of religious, labor, ethnic, civil rights and social welfare organizations. As council secretary, Arnold Aronson directed the campaign that led to the first municipal Fair Employment Practices Commission in the Nation.

In 1943, he organized a statewide coalition, the Illinois Fair Employment Council, and initiated the campaign for a State FEP legislation.

In 1945, he became program director of the National Jewish Community Relations Advisory Council, a coalition of national and local Jewish agencies. He developed policies and programs for Jewish agency involvement on issues of civil rights, civil liberties, immigration reform, church and State separation, Soviet Jewish immigration and support for Israel.

In 1946, Arnold Aronson became secretary of the National Council for a Permanent FEPC, a coalition which was headed by A. Philip Randolph, and together they directed campaigns for Federal civil rights legislation in the 79th and 80th Congresses.

In 1949, he became the secretary of the National Emergency Civil Rights Mobilization, which was chaired by Roy Wilkins, and together they organized a lobby in support of President Truman's proposed civil rights program.

Around this same time, Mr. Speaker, Arnold Aronson and a few men, a small group, set out to professionalize people who were working in civil rights and allied fields by establishing the National Association of Intergroup Relations Officials. The name of that group has since been changed, and today it is called the National Association of Human Rights Workers.

Arnold Aronson held many offices in that organization, including a term as president. In fact, it is my great honor to have been one of his successor presidents in this organization, and I was pleased to meet with them in Shreveport, LA, 3 weeks ago, and look forward to their annual meeting in October of this year.

□ 2000

During Arnold Aronson's term as president, he established the Journal of Intergroup Relations, which continues to the present time and is an organization to which I very often contribute.

Mr. Speaker, I think that Arnold Aronson's lasting legacy, although he has been involved in every major civil rights effort in this century, is his enduring legacy with the Leadership Conference on Civil Rights which he cofounded with NAACP President Roy Wilkins. In 1950, he and Mr. Wilkins convened over 4,000 delegates from all over the country to urge the Congress to enact employment, antidiscrimination, and antilynching laws.

Along with Martin Luther King, Jr., Arnold Aronson was one of the 10 organizers of the 1963 March on Washington. During the Leadership Conference's first 13 years, Arnold Aronson served as its secretary and directed the day-to-day operations of the organization. Along with NAACP Washington bureau director Clarence Mitchell, Aronson and the Leadership Conference coordinated the successful lobbying efforts which resulted in the passage of the 1957 and 1964 Civil Rights Acts, the 1965 Voting Rights Act, and the 1968 Fair Housing Act.

Arnold Aronson's lasting legacy, I believe, is summed up in a quote of his, and I would like to quote it. Arnold Aronson once wrote: The struggle of civil rights cannot be won by any one group acting by or for itself alone, but only through a coalition of groups that share a common commitment to equal justice and equal opportunity for every American.

Mr. Speaker, Arnold Aronson's life is a model for us all. I consider it a privilege to have known him and to have worked with him. I am honored to join with my colleagues this evening in saluting this giant on today, his 86th birthday. Happy birthday, Arnold Aronson, and we thank you.

Mr. Speaker, joining with me in this special order this evening are Congresswoman ELEANOR HOLMES NORTON, Congresswoman SHEILA JACKSON-LEE, and Congressman JOHN LEWIS.

It is my pleasure at this time, Mr. Speaker, to yield to Congressman JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague and friend from the great State of South Carolina for yielding. I want to thank the gentlewoman from the District of Columbia [Ms. NORTON] for organizing this special order in honor of our friend Arnold Aronson. It is fitting and appropriate that we gather here on the floor of the House of Representatives to pay tribute to this great man on this, the occasion of his 86th birthday. I want to personally wish Mr. Aronson a happy, a very happy birthday.

As Americans, we owe a debt of gratitude to Arnold Aronson. We live in a better country, a better society, and a better world because of the work of this civil rights pioneer. I would not be here, I would not be a Member of Congress but for the hard work, dedication, and commitment by Arnold Aronson and others like him.

These were people who took up the cause of equal rights and civil rights long before they became politically popular, before they became the fashion of the day. Arnold Aronson was one of the original founders of the Leadership Conference on Civil Rights, and for this he should be commended and remembered. But Mr. Aronson was more than that, I can tell you. He was the glue that held the civil rights movement together.

I remember many meetings during the 1960's, many meetings here in Washington during some heated discussion, sometimes heated debates. It was always Arnold Aronson that held us together. In order to have people and individuals, the gentlewoman from the District of Columbia [Ms. NORTON] will remember, the gentleman from South Carolina [Mr. CLYBURN] and others, to have an A. Philip Randolph, a Martin Luther King, Jr., a Roy Wilkins, a James Farmer, a Bayard Rustin, and the young people from the Student Nonviolent Coordinating Committee and others in the same room, it was a great deal to try to control.

This man, this good man, was a soldier of conscience, a warrior in a nonviolent crusade to bring equality to America. While the civil rights climate ebbed and flowed in the course of his 60-year career, Arnold Aronson stood like a mighty oak planted by the bank of the river. He never swayed, he never wavered, he never faltered. He knew what was right and he worked every day to make that vision a reality.

Under his day-to-day leadership as secretary of the Leadership Conference on Civil Rights, Arnold Aronson lobbied and fought successfully for the passage of the 1957 and the 1964 Civil Rights Act, the 1965 Voting Rights Act, and the 1968 Fair Housing Act. To this day he remains an active member of the Leadership Conference. Due in part to his leadership and his ability, his capacity to build a coalition, the Leadership Conference today includes 180 viable organizations and groups and fights against all forms of racial, religious, national origin, gender, and sexual orientation bigotry and discrimination.

Tonight, Mr. Speaker, I want to note in particular the vital and historic role that Mr. Aronson played in uniting the black and Jewish communities in the struggle for civil rights. It is a bond and a friendship that continues to this very day. For example, in my city of Atlanta and many other cities, there is a black-Jewish coalition working together due in large part to the road paved by our friend Arnold Aronson.

As I said when I started, it is more than fitting and appropriate that we gather here today. Few Americans have done more to bring us together, more to unite us as a nation and as a people than has Arnold Aronson. My late mentor, Dr. Martin Luther King, Jr., talked during the 1960's of building a beloved community, a nation at peace with itself, where people were judged not by the color of their skin but by the content of their character. Arnold Aronson has done as much as any man in this Nation to help build that beloved community. For that he will always be, in my heart and in the hearts of millions of others, beloved.

Thank you, Mr. Aronson. Thank you for your hard work.

Mr. CLYBURN. I thank the gentleman from Georgia [Mr. LEWIS] for his statement.

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

Ms. JACKSON-LEE of Texas. I thank my esteemed colleague from South Carolina both for his leadership and his long service in the area of human and civil rights.

Let me thank the gentlewoman from the District of Columbia [Ms. NORTON] for her wisdom in organizing this tribute. Mr. Aronson, as one of the newer members of this Congress, let me thank you for giving me the opportunity now to serve a very diverse constituency in the U.S. Congress from the 18th Congressional District in Texas. I rise today to commend and support this special order recognizing Mr. Arnold Aronson, one of the Nation's greatest champions of the civil rights movement.

This special order fittingly comes on Mr. Aronson's 86th birthday and I tip my hat to you. Arnold Aronson has long been seen as a key figure in the history of this country's struggle for civil rights. The well-documented story of Mr. Aronson's legacy to the chapters of this Nation's civil rights movement have been chronicled by countless historians. Since the New Deal era, Arnold Aronson has spoken on behalf of this Nation's disenfranchised by advocating unity and not division.

I might say to you in a city that one might study and give rise to whether there would be opportunities for Jewish-black coalitions, let me say that I have had the privilege in the city of Houston to serve a number of years in a very thriving and ongoing dialog between the African-American and Jewish community.

Out of that very bond grew a young man by the name of Mickey Leland who served in the U.S. Congress and was one of my predecessors in this position. Mickey Leland was infused with the energy of bringing communities together and particularly worked to join the black and Jewish community.

In tribute to you, Mr. Aronson, let me say that we still have in Houston today a Mickey Leland kibbutz program that sends young men and women to Israel from the inner city African-American and Hispanic and Asian communities in order to bring about a lasting coalition.

Let me say that your words spoken so early on the struggle for the civil rights movement cannot be won by one group alone has carried many of us forward, recognizing that we are all in this same leaky boat together and we must rise together or certainly sink together.

Mr. Aronson was noted as one of the most noted founders of the Leadership Conference on Civil Rights, known in the 1950's as the Leadership Conference. Let me applaud not only the

coalition but the friendship of Roy Wilkins and Arnold Aronson wherein this coalition was born. It is so very important that at the time that Mr. Aronson made the commitment to continue work with the Leadership Conference, he was not just sitting by with idle time. He was working full time as program director of the National Community Relations Advisory Council, a coalition of major Jewish organizations.

Mr. Aronson began his struggle against discrimination in 1941 as head of the Bureau on Jewish Employment at a time when open discrimination against Jews was widespread. Help wanted ads specifying gentile only were commonplace and employment agencies accepted and filled orders in accordance with such specifications. Instead of regarding discrimination only as a Jewish program as one might have expected, he had a broader view of the true magnitude of the problem, and following his conscience, he formed the Chicago Council Against Religious and Racial Discrimination, a coalition of religious, labor, ethnic, civil rights and social welfare organizations. He coined the phrase coalition. He did not speak it, he lived it, and in tribute to him, it is continuing.

Mr. Aronson, countless generations will come to know and can appreciate the benefits that your life's work has brought to the unity of this Nation. Thank you for your dedication and commitment during those early steps in the civil rights movement that began the road to making the Constitution of this country extend its rights and protections to all of its citizens.

Finally, in closing, let me add that as we continue to try to forge coalitions, a name that comes to mind certainly is Dr. Martin Luther King. As the previous speaker noted his words, let me say that in those days of the Montgomery bus march and boycott, those were days that were both light and dark. One of the statements that Dr. King noted is that the history would recall that there were great people who decided to do the right thing and that what would be written is that they decided, first of all, never to turn back.

□ 2015

We thank you, Mr. Arnold Aronson, on this your 86th birthday for having the greatness of mind and conscious to be able to say we will never turn the clock back, and it is this day that we write of you and give tribute to you as a great American. The history books will recall your greatness as well.

Mr. Speaker, I rise today to commend and support this special order recognizing Mr. Arnold Aronson, one of this Nation's greatest champions of the civil rights movement.

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The well documented story of Mr. Aronson's legacy to the chapters of this Nation's civil rights movement have been chronicled by countless historians. Since the New Deal era Arnold Aronson has spoken on behalf of this Nation's disenfranchised by advocating unity and not division.

He said,

> The struggle for civil rights cannot be won by one group acting by or for itself alone, but only through a coalition of groups that share a common commitment to equal justice and equal opportunity for every American.

Mr. Aronson brokered his words into a coalition of Mr. Roy Wilkins and Mr. Aronson wherein the Leadership Conference on Civil Rights was born.

Mr. Aronson was one of the most noted founders of the Leadership Conference on Civil Rights known in the 1950's as the Leadership Conference.

Summoned by Roy Wilkins, chairman of the event and Arnold Aronson, secretary, 4,269 delegates from 23 States, which included 291 brave souls from the South, representing 58 national organizations, converged on the Capital to take part in what its conveners called the National Emergency Civil Rights Mobilization.

The actions of Mr. Arnold Aronson and Mr. Roy Wilkins was in direct response to a report issued by President Truman's Citizens Committee on Civil Rights, in 1947, titled "To Secure These Rights," it was felt that the findings of the report could leave no Member of Congress in doubt regarding the scope and substance of racial injustice. The Truman committee found that the sensational news stories of lynching, Klan attacks, and race riots, the Truman committee found were only the most shocking manifestations of a strain of prejudice that was everywhere in American society.

This strain of prejudice permeated not only the broad areas of employment, housing, education, health care, and voting; but in many parts of the country, it infiltrated the most ordinary aspects of life, so that to be black in America was to experience daily humiliation.

Black youngsters were barred from amusement and national marble contests. Black shoppers were often unable to try on suits or dresses in department stores or eat at the lunch counters like other customers. Black travelers had to suffer the indignity of segregated seating sections, waiting rooms, rest rooms, and drinking fountains and had to often spend long, exhausting hours on the road before finding a place to stay or even a place to relieve themselves. Such conditions prevailed not only in the South, but even in our Nation's Capital.

The Congress had not enacted any civil rights law since 1875, and it appeared that it would take much more than the meeting of those delegates to change that fact.

But Mr. Aronson was not deterred and on December 17, 1951, as secretary of both the council and the mobilization, called representatives of the cooperating organizations together to plan another Washington meeting: a Leadership Conference on Civil Rights to be held in February of the following year to campaign mainly for a revision in the Senate rules that would allow a simple majority of that body to limit and close debate.

It was under the Leadership Conference name that the coalition continued from then on.

For the next 13 years the Leadership Conference was housed in a desk drawer and filing cabinet in Mr. Aronson's Manhattan office. The conference like many just causes had no money. Through the dedication and commitment of Mr. Wilkins and Mr. Aronson the organization survived these lean years.

At the time Mr. Aronson made the commitment to continue work with the Leadership Conference he was working full time as program director of the National Community Relations Advisory Council, a coalition of major Jewish organizations.

Mr. Aronson began his struggle against discrimination in 1941 as head of the Bureau of Jewish employment at a time when open discrimination against Jews was widespread.

Help wanted ads specifying "Gentile only" were commonplace and employment agencies accepted and filled orders in accordance with such specifications.

Instead of regarding discrimination as only a Jewish program he had a broader view of the true magnitude of the problem. Following his conscience he formed the Chicago Council Against Religious and Racial Discrimination, a coalition of religious, labor, ethnic, civil rights, and social welfare organizations.

As the council secretary, Aronson directed the campaign that led to the first Municipal Fair Employment Practices Commission in the Nation.

In 1943, he organized a Statewide coalition, the Illinois Fair Employment Council and initiated the campaign for State fair employment practices legislation.

The first fair employment practices legislation was passed in the State of New York in 1945. In the ensuing decade, at least a dozen States enacted fair employment practices laws with Aronson serving as a consultant in several of the campaigns.

From 1945 to 1976 he served as program director for the National Jewish Community Relations Advisory Council, which is a coalition of national and local Jewish agencies. Mr. Aronson developed policies and programs for Jewish agency involvement on issues of civil rights, civil liberties, immigration reform, church-state separation, Soviet Jewish immigration, and support for Israel.

He was clearly a man ahead of his time.

In 1954, he organized the Consultative Conference on Desegregation, and Interreligious Coalition with the heads of the National Council of Churches, the Synagogue Council of America, and a representative of the national Catholic Welfare Conference as cochairman and himself as secretary. The purpose of the Consultative Conference on Desegregation was to provide an opportunity for clergymen who were under fire for speaking out in support of the Court's decision in Brown might, under the cloak of anonymity, might be able to get together with colleagues and civil rights leaders who were similarly situated for an exchange of views, experience, and for mutual reinforcement. In the few years it was in existence, the organization was able to save the pulpits of several men who had been threatened with dismissal and, in other instances to find places for clergymen who had in fact

been fired for voicing support of desegregation.

Mr. Aronson, countless generations to come can know and appreciate the benefits that your life's work has brought to the unity of this Nation. Thank you for your dedication and commitment during those early steps in the civil rights movement that began the road to making the Constitution of this country extend its rights and protections to all of its citizens.

Mr. CLYBURN. I thank the gentlewoman from Texas for her statement and thank her for her service to her constituents and to our Nation.

Mr. Speaker, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today to honor a giant in the civil rights movement. Arnie Aronson is one of the true champions of civil rights in this country. As one of the founders of the Leadership Conference on Civil Rights, Arnie has been a lifelong crusader for civil rights. Over the years Arnie has avoided publicity, but his lack of publicity does not diminish how indebted we all are to him.

Arnie turns 86 today, and I can think of no better place to honor him than on this House floor, where some of his toughest battles were fought and won. Arnie's championship of human rights in this country has shaped the Nation's policies since the Roosevelt administration. From Roosevelt's Executive order barring discrimination in war-related industries, to the 1964 Civil Rights Act, to the 1965 Voting Rights Act and the 1968 Fair Housing Act, Arnie has helped coordinate the efforts to pass every landmark civil rights legislation this body has considered.

Arnie also devoted his life to uniting the Jewish and African-American communities in the struggle against discrimination. The strong ties that exist between these two communities today are a testament to Arnie's hard work.

I think Vernon Jordan said it best when describing the impact Arnie's work has had. He said, "You have the gratitude of countless millions who may never have heard of your name but whose lives are better, whose prospects are brighter and whose dreams are coming true, thanks to you."

Mr. Speaker, I am proud to stand today in honor of Arnie Aronson. His commitment to racial justice has touched all of our lives and the lives of many others who will never know his name but benefit from his legacy.

Happy birthday, Arnie.

Mr. CLYBURN. I thank the gentlewoman for her statement.

Mr. Speaker, I would like now to yield to the gentlewoman from the District of Columbia [Ms. NORTON] who organized this special order for this evening and thank her for having done so.

Ms. NORTON. Mr. Speaker, I first want to say how indebted I am to the gentleman from South Carolina [Mr. CLYBURN]. After I organized this special order it became necessary for me to leave the House, and on very short notice he was willing to conduct this special order. He is a most appropriate gentleman to conduct it, and I very much thank him for the grace and skill with which he has done just that.

Mr. Speaker, I am not sure that the best way to celebrate your 86th birthday is listening to a bunch of Members of Congress, but leave it to Arnold Aronson, always at work, to spend his 86th birthday just that way.

Now, you know there is a cliche about unsung heroes. But in a very real sense Arnold Aronson gives that phrase new meaning largely because he never sought the credit and the praise that is rightfully his in a movement where people are not exactly shy in stepping forward to claim credit. It is not every good man who is honored on his 86th birthday. It is certainly not every good man that brings Members of the House for a special order of indebtedness to his work.

But Arnold Aronson deserves that, and he deserves more, and the fact is that he will probably not get a lot more. He will probably not get a lot more because in a real sense he has lived a life in which he has not sought a lot more. It is up to those of us who know his work and appreciate his work to spread the word of his work, and not only, I might say, to do tribute to his work because in a very real sense the work of Arnold Aronson deserves recognition today because it deserves repeating today and because there are too few willing to stand in the exact place where he stood, hoisting the flag of the principles that make him a great American.

I come before you this evening with particular humility as a former chair of the Equal Employment Opportunity Commission, as a child of the civil rights movement. I know my own personal indebtedness to Arnold Aronson. I know quite well that the agency that it was my great honor and privilege to chair, the law I came to administer did not simply pop up on the lawbooks one day as this House decided to do the right thing.

What is too little appreciated today is the kind of work and the kind of atmosphere in which that work had to be done. What is too little appreciated today is what it was like 56 years ago, when Arnold Aronson was there with A. Philip Randolph and where our country was at war, proudly marching off to war, with an army segregated to the core and thinking not one thing about it, marching off in peace and freedom to fight a war against the ultimate bigotry in a segregated army, and there were very few who understood that irony or even understood that it was wrong to step forward then. If you were white or if you were black was to separate yourself from the great masses. Blacks were deprived of every conceivable right. Whites, even those who knew the difference between racial right and racial wrong, seldom had the courage to act on what they knew.

Arnold Aronson has never lacked that courage. We did not get here by ourselves. We got here marching behind others, and Arnold Aronson stands among those at the front of that line.

The agency I came to chair, the Equal Employment Opportunity Commission, had its origins in the Fair Employment Practices Committee, which Arnold Aronson, working with such stalwarts as A. Philip Randolph, helped to achieve. Even the beloved Franklin D. Roosevelt did not step forward because it occurred to him that maybe black people working in the war industry ought to have equal opportunity in jobs. Somebody had to suggest it to him. And in fact there were a small band of great men who did so, and history will remember them:

Joseph Rowell, Bayard Rustin, Clarence Mitchell, Arnold Aronson.

There are names of the 1990's, but we had best remember the names of the 1940's if we want to know truly how we got here.

Arnold Aronson wrote some of the most compelling reports of the period, the reports, the documents that made people especially those in high places, like President Truman, understand that it was time to move forward. One of the most compelling of those was to secure these rights drafted indeed by Arnold Aronson.

Today, when we are trying to get more funds for the EEOC, it perhaps seems impossible to believe that the idea of a permanent FEPC, or Fair Employment Practice Committee, was a radical idea. Money for it? The point was should there be any such committee at all.

As late as 1950 Arnold Aronson was at the forefront of those struggling for a permanent FEPC. Even the wartime experience, so successful, had not led to a permanent agency, and we were not to get one until 1964, when Arnold Aronson, unbroken in his work in the movement, helped lead the march on Washington that got finally a permanent FEPC, the Equal Employment Opportunity Commission.

The fact is that as late as the 1950's Arnold Aronson was working with Roy Wilkins to get an antilynching bill; that is what they called it when I was a child and perhaps even when my colleagues were children. They called it antilynching bills. It operated at that level of terror. We did not call it civil rights acts in order to keep people from engaging in violence, and it was at the raw level that Arnold Aronson and his colleagues were trying to convince people that you should not lynch people. That was not self-evident. That was not evident to most Americans. Somebody had to stand up and keep saying it and not relent and find ways to

make it come true in a country born in racism, determined in its racism.

And what was the cry for an anti-lynching statute was to develop into the success of the 1960's, and when the 20th century closes its eyes and bids farewell and they name the half dozen pieces of legislation that made this century and made this country, the laws which Arnold Aronson helped achieve, particularly in the 1960's, will be numbered in that group.

In 1961, Mr. Aronson wrote the pioneering work Federal Support of Discrimination. That is what it was all about, Federal funds, the great might and weight of the Federal Government in support of discrimination. Somebody had to make this country face that fact, that the greatest support for discrimination came from the greatest country on the face of the Earth.

□ 2030

Somebody had to do it without hanging back and without dropping the ball and had to do it from one decade to the next, because even today the work is not done, and the work has been left to those who refuse to lay down their swords and retire, but recognize that they had to go forward into yet another decade, and that was Arnold Aronson.

When I was in law school and I would come down in the summers to Mississippi, to the March on Washington, to New York where it was being organized, to wherever there was work to be done, the fine hand of Arnold Aronson was always there.

He belongs to that extraordinary coterie of men to whom this country owes everything. We owe our dignity as a country; we owe the elimination of the greatest scar on the American polity; we owe it to them. We could never be a great country until that scar was wiped away and the great civil rights laws finally achieved, in no small part out of their personal labors, and especially the labor of Arnold Aronson wiped away that scar and helped us to emerge finally as a great Nation.

Let me finally say something about an issue that needs to be confronted as we are celebrating the life of Arnold Aronson. We live now in a country where people go off into their respective ethnic and racial corners. In a real sense there was more discourse across racial lines when I was a girl in the civil rights movement. We have lost some of the spirit that guided the times and events of Arnold Aronson, and I would ask us tonight not simply to honor him on his 86th birthday, but to try to reclaim and recapture the moral authority of Arnold Aronson. He had that authority because he knew no prejudice, first and foremost; because he lived the word that we were all created equal.

So today the great alliance between African-Americans and Jews needs to come alive again, needs to come alive again if we are to remember from whence we came and who were there with us when nobody else was there.

I have to say it, Mr. Speaker. The one thing I cannot understand is black anti-Semitism, because the one group of people who were always there with African-Americans were American Jews. I cannot understand it, and we need to confront it, and we need to remind people how we got there.

Arnold Aronson, for most of his life, worked for the National Jewish Community Relations Council and worked in that capacity for full rights for American Jews and American blacks. If indeed we mean to finally finish this struggle, we can only finish it if we rededicate ourselves to the principles that made it a great struggle. If it is only about our rights, it is about nobody's rights. It means nothing if we take on the very mantle of prejudice that we are ourselves so long have criticized others for wearing.

So this evening let the life of Arnold Aronson take us back to basics, to our first principles that all men and women are created equal, that if I am a black I will stand up first against anti-Semitism. If I am an Hispanic, I will stand up first against racism. The rest of you will have to stand after me. Only then and only with that resolve, only with that sense of coalition and moral authority will we complete the work so valiantly carried on by Arnold Aronson. He does us great honor by allowing us to honor him this evening.

Mr. CLYBURN. Mr. Speaker, I thank the gentlewoman very much for her very moving statement on behalf of our honoree this evening.

Mr. Speaker, as was said earlier, Arnold Aronson in 1943 started the move toward FEP agencies, but it was in 1945, I believe was the year, that the first State FEP agency was enacted into law, and that was in New York. It is my great pleasure now to yield time to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I want to congratulate the gentleman from South Carolina [Mr. CLYBURN] for taking out this most appropriate special order to honor Arnold Aronson.

Arnold Aronson represents a breed that gets lost, the people behind the scenes who do all the hard work. Often geniuses at an organization get lost. The headlines never pick them up, and history is of course filled with people of this kind, and the American dream would not be realized unless there were so many Americans of this kind out there always.

They were there during the civil rights struggle in great abundance, and they are still there to some degree. They have been intimidated by some of the loud voices and intimidated by the fact that there is such cynical reporting in the media, and have not exercised their full power.

But we are the majority; we are not beggars, the people who care. I call it the coalition of a caring majority, and I often talk about it as being a natural coalition. I say that almost in desperation, a natural coalition, because what we really need is a real coalition, and we have had real coalitions, well organized coalitions.

The Leadership Conference on Civil Rights represents a well organized coalition, a coalition that was needed at a particular time, and if it had not been there we would have a very different scenario for American history. The civil rights struggle and the results from that struggle would be very different.

It is important, and I do not want to be redundant because I think his accomplishments have been cited by a number of speakers, but it is important that we send a message to our young people, young people of all groups, all races, but particularly young people who are African-American. There is so much cynicism, there are so many loud voices competing for their attention in trying to divert them from a course of coalition, that we have to take this opportunity to emphasize the fact that coalitions are the only way to win in America. Mr. Speaker, we only get the majority if we are a coalition in America, if we happen to be a member of a minority.

In fact, the history of the world and the history of prejudice and of oppression shows that one of the reasons that people are oppressed is that they are in a minority. I mean there is no other reason.

When we look at all of the various reasons that oppressors give, they often say that this group was oppressed because it had an inferior education, it had bad hygiene habits, bad sex mores, it had an inferior IQ, the IQ was not high enough. We get that kind of argument sometimes. But get another argument that they were too brilliant, they knew too much, they dominated too many positions in the judiciary, they dominated too many positions in the intellectual circles, and you get the same kind of oppression because the oppressor looks for a reason behind the reason.

The real reason is that because they are in a minority and they are weak, they are fodder for demagogues. I think the senior Benjamin Netanyahu, who has written a book about the inquisition, the Spanish Inquisition, one of his conclusions is that the Jews were oppressed in Egypt, and he searched for all the reasons and found that for no other reason than they were the minority and they were weak and easy prey to demagogues, and the pattern of oppression against the Jews in other places was the same. They were just there, easy fodder for demagogues.

Any minority in any society is easy fodder for demagogues. Therefore, all

minorities should always place a high premium on forming coalitions, all minorities. Certainly African-Americans in America should understand that we cannot survive without coalitions. Coalitions are our only means for survival.

Yes, we have had a lot of progress, and of course we are trumpeting and paying tribute to some of the progress that has been made as a result of some of the people like Arnold Aronson, but the message to the young people should be that this is the way it was then, this is the way it has to be now, this is the way it must continue to be. Coalitions. You win with coalitions. The caring majority in America is larger than any other group. When you put it all together, the caring majority is big, the caring majority can make America work.

Most people in America do not want to live by somebody else's sweat, they do not want to live by somebody's else's blood. They do not want to be unfair. Most people in America are ready to follow leadership that calls out the best in them. But unfortunately, the leadership that gets the high visibility, the leadership that gets the media attention, the leadership that gets the microphone most of the time are leadership members who are calling for the worst in people.

This is true unfortunately not only in the majority, but also in some minorities. In our own minority we have had loud voices that have called for separatism, isolationism; loud voices that have gone into extremism; loud voices that have sought to tear asunder long-existing coalitions. Arnold Aronson behind the scenes was one of those people who was always working to knit together that coalition and to make that coalition effective.

Throughout history there have been a whole lot of them. White men, white women, have played a major role in the liberation of black people in America. When slaves were totally powerless, when slaves had no organization to form coalitions with, it was the abolitionists, it was the whites who had to carry the ball.

In the crucial days following the end of the Civil War, it was white Thaddeus Stevens from Pennsylvania, it was white Charles Sumner and others who had to forge ahead and against evil forces that were seeking to undermine the victory won in the Civil War, the end of slavery. They had to forge ahead and help push the 13th amendment and the 14th amendment and the 15th amendment. Whites had to do that, and whites did it, in many cases all alone.

The abolitionists formed coalitions, and those coalitions began to take root after blacks were able to organize. But we are here, and for all of those young people who think we have not gone far enough: too much lack of opportunity, too much discrimination, economic oppression now is the problem, and therefore they want to become cynical about attempting to move forward in coalition with others, I say to those young people, history unfortunately moves too slow.

History unfortunately is a captive of strong men who sometimes are evil men. History unfortunately does not realize the full potential of the human spirit, but history does move forward like an inchworm. Maybe it is a wounded inchworm sometimes, but it moves forward.

We would not be where we are today if it had not been for history moving forward. It is made to move forward because there are people like Arnold Aronson that we do not hear about. They swarm like beautiful butterflies; we do not know they are there, but we only need leadership to call them forth. And among our young people, they could be and should be part of those swarming butterflies moving together to make America great; behind the scenes, unsung, doing the hard work necessary to realize the dreams that are here.

We have a great potential in this country. We are the richest country that exists on the face of the earth. Productivity, prosperity, everything is booming forward at this point. Why are there so many people suffering? Why are there such evil ideas being put forth? It is because so many people have given up; so many people do not recognize that when we put the coalition forward, we are the majority, we do not have to be beggars.

Arnold Aronson understood that. He understood the price we have to pay in energy and time and patience to make the coalitions work. I salute Arnold Aronson, and I hope the young people will go searching; when they do their book reports and they make their various presentations during Black History Month, as well as any other time, that they single out people who have not been highlighted in the encyclopedias enough, people who have not been portrayed on the calendars, but the people who have made history what it is in terms of the positive movement forward in America, people like Arnold Aronson. I congratulate Arnold Aronson on his 86th birthday.

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I congratulate Arnold Aronson on his 86th birthday. I thank the gentleman for being here.

Mr. CLYBURN. I thank the gentleman for his statement. Mr. Speaker, in closing this special order this evening, I thought as I listened to the remarks being made by my colleagues this evening, I thought about the last time I shared a lunch, I believe it was in Kansas City, with Arnold Aronson and the things we talked about.

I thought about many of his successors as president of the National Association of Human Rights Workers: Dick Lexum in Michigan, Leon Russell, and Albert Nelson in Florida, Mary Snead in South Carolina, Marjorie Connor in Michigan, and many, many others.

I thought about Martin Luther King, Jr.'s letter from the Birmingham city jail. A lot of us read that letter. I try to read it at least once a year. There is a place in that letter where King spoke or wrote about people like Arnold Aronson. He wrote at one place in his letter that we are going to be made to repent in this generation, not just for the vitriolic words and deeds of bad people, but for the appalling silence of good people.

I am pleased to join with my colleagues tonight thanking Arnold Aronson for being among the good people who refused to remain silent. Because he spoke up and because he stood up, many of us are here in this body this evening, and many of us are in similar bodies all across this country. I can think of no better way to help him celebrate his 86th birthday than to have participated in this special order tonight.

Finally, Mr. Speaker, I want to wish Arnold Aronson many, many more birthdays.

Mr. BISHOP. Mr. Speaker, I rise today to applaud the work and character of Arnold Aronson. His distinguished career in civil rights spans nearly 60 years. Mr. Aronson is most noted for being one of the founders of the Leadership Conference on Civil Rights in 1950 and his draft of the report "To Secure these Rights." This report was later issued by President Truman's Citizens Committee on Civil Rights in 1947 and eventually became the basis for the 1957 Civil Rights Act. Mr. Aronson was also one of the ten organizers and leaders of the historic 1963 march on Washington.

Throughout his career, Aronson has worked with many organizations spanning the entire spectrum of the civil rights movement. He was program director of the National Jewish Community Relations Council and founder and president of the Leadership Conference on Civil Rights Education Fund. He is also noted for his attempts to rally Jewish and black communities in the interest of racial tolerance.

I salute the dedication and contributions of Arnold Aronson to civil rights.

GENERAL LEAVE

Mr. CLYBURN. 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 this special order.

The SPEAKER pro tempore (Mr. ROGAN). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

TAX AND SPEND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the Chair recognizes the gentleman from Maryland [Mr. EHRLICH] for 60 minutes.

Mr. EHRLICH. Mr. Speaker, I am going to be joined by a number of our colleagues tonight on the majority side to talk about a couple of issues of great importance to the American people. The gentleman from California [Mr. COX] and I want to talk about an issue near and dear to our hearts, reform of estate taxation and the way we tax success in this country.

We are going to talk about the balanced budget, and the hope for cutting the capital gains tax rate in this country.

Mr. Speaker, what we are really talking about tonight is tax and spend: how we tax and why we spend so much in this country.

There are really two issues, when we think about it. One is how we put the brakes on government, because the nature of government is to grow always, at every level of government: local, State, and Federal. That is pretty natural when we think about it, because it is the nature of elected officials to want to please their constituents.

Unfortunately, that desire to please has given us an almost $6 trillion budget deficit in this country, an issue we will be talking about in greater detail in the course of the evening.

How do we put the brakes on the nature of government? In Maryland, in the Maryland Legislature, the Maryland General Assembly, where I came from for 8 wonderful years, we have a constitutional requirement for a balanced budget. We are striving for that same policy goal in this House, as Members well know.

The second part of the equation is empowering people, how we are going to empower the individual and not government. That is the logical second part of the equation.

First of all, putting the brakes to government. I am pleased to sit on the Committee on the Budget under the chairman, the gentleman from Ohio [Mr. KASICH]. I am pleased to sit with Members from both sides of the aisle who are serious about actually balancing the budget, what should be a noncontroversial goal in American political discourse, but it is. An awful lot of folks we represent do not understand why it is so controversial.

As I said earlier, Mr. Speaker, it is the natural inclination of people to please. It is the natural inclination of folks in public office to please. We are politicians. We run for elections. We want votes from folks. Usually we get those votes by promising people something. Unfortunately, on both sides of the aisle over the last 3 decades in this town, we have garnered votes by promising more government.

For whatever societal ill has come about, whatever real or perceived problem is high on the national agenda, politicians have promised more government because it is the easy thing to do. It is always easier to say yes than say no. It is always easier to create one more law, to put out one more regulation, to create one more agency, to pass one more statute, because unfortunately, an awful lot of us run for election on records, and those records are composed of what bills we have passed in the legislature.

We do not measure success by how we have downsized government, we measure success by how we have increased the scope of government in our daily lives. That is very unfortunate. I think a lot of the folks elected around here in the last couple of terms understand that is not the appropriate measure of what we should be doing in this town, because we simply cannot afford it.

There is a distinction between politics and leaders, between politicians and leaders. Politicians respond to the natural inclination for government to grow. Leaders will make the right decisions. Leaders will say no, because part of leadership is saying no, and that is where the Committee on the Budget is, particularly in the 105th Congress. That is what we are going to deliver to the American people, a real balanced budget with honest numbers.

The second part of the equation is, once we get government to stop growing, how do we empower people? People want to be empowered. As government loses power, individuals gain power. One, we empower people to put more money in their pockets so they can decide how they will spend their own hard-earned money.

There are two issues I would like to discuss with my colleague, the gentleman from California [Mr. COX] this evening, and we may be joined by another colleague, the gentleman from California [Mr. RADANOVICH]. They pertain to two major issues in the 104th Congress with a common goal: how we will empower individuals, how we will empower people to be successful in life.

I am joined by Mr. COX, and I would first like to compliment him on the great leadership he has shown with respect to the first issue, which is the way we penalize success in this country through estate taxation at the Federal level.

I know the gentleman has a number of comments on this subject, so I yield to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker I thank the gentleman for yielding to me, and I thank the gentleman for coauthoring this legislation with me. We now have, as he knows, well over 100 sponsors, Democrats and Republicans, in this Congress to do what California did by an initiative of the people; that is, repeal death taxes, the taxes on after-tax life savings, at the end of a lifetime of hard work.

A liberal, and I know he is a liberal because he describes himself as such in testimony before Congress, professor from the University of Southern California where I went to college said, as an unrequited liberal he was opposed to death taxes because they are so anti-liberal. He called them virtue taxes.

If we think about it, it makes sense. We are familiar with the notion of a sin tax, taxing tobacco or taxing alcohol or taxing gambling. These are called sin taxes. But a virtue tax would be a levy by the government on virtuous behavior, such as saving, investing, working, avoiding conspicuous consumption and instead helping other people.

That, however, is what the death tax is. It tells someone during her or his life that what they should really do if they can acquire any earnings from their work is consume it. Do not save it, do not invest it; use it up, use it up, but surely do not try and use it for the purpose of making your family better off.

It is ironic, because what that does is act as a repealer on human nature. After you get done putting food on the table and clothes on your back and a roof over your head, as a human being the most powerful incentive that you have to continue working is to help those that you love.

So Congress in its infinite wisdom came up with a tax on that virtuous behavior, on continued hard work even beyond what you need for yourself, on saving, on investment, on the avoidance of conspicuous consumption, and called it a death tax, for the reason that, I suppose, we could extract a third time from someone that we had already taxed on income during life, on capital gains during life, more money for the benefit of everyone else.

That would be a great thing if it worked, but it does not, for two big reasons. First, it does not yield much revenue. Less than 1 percent of all of our Federal revenues is provided by death taxes, even though every American knows that there is an army of tax lawyers and tax accountants at work in the industry of avoiding this tax.

The second thing is, to the extent it is paid at all, rich people are not the ones paying it. Rich people like Jacqueline Kennedy Onassis can avoid this tax, as she did when she passed on her estate to her already wealthy heirs with a state-of-the-art trust. Most of that tax liability is thereby foregone.

Peter O'Malley, who many Americans who live outside of California have now come to know as the owner of the Dodgers, at age 59 decided that he had an estate planning problem. The Dodgers were a family owned business. They are a local franchise and a local asset for us in southern California. We certainly do not want it busted up.

But the O'Malley family, and Peter O'Malley specifically, looked at the

problems that would be faced for that family-owned business if he were to die and he had not liquidated or sold the Dodgers and passed them on to some corporate owner. So with the death tax at 55 percent, somebody like Peter O'Malley has a pretty big incentive to convert that tax liability into a capital gains tax liability by selling the team while he is still alive, and then taking those liquid assets and putting them in the form of a trust or whatever, the fancy tax lawyers and accountants come up with to avoid the tax at death, as wealthy people are wont to do.

Rich people do not pay it, and it does not provide any revenues. It does not work. It fails the test of empiricism, but what it does do is change behavior all over America. Even worse than that, it busts up small businesses; not, typically, Peter O'Malley's Dodgers. They will not be busted up by the estate tax on Peter O'Malley's death, although they might be moved out of L.A. as a by-product of the death tax. But family farms, ranches, small businesses run by people who are cash-poor, who have trouble meeting the payroll on a weekly basis, will get busted up. Seven out of 10 family businesses, 7 out of 10 small businesses in America do not survive the death of the founder. In 9 out of 10 cases it is because of death taxes.

What happens is that if you own something that is an ongoing businesses, the death tax is applied not to your income, not to your wealth, not to your cash or liquid assets, but to the property, and the only way to satisfy that tax is to sell the property in order to create a liquid asset, since the Government will not accept your business in exchange for the tax liability. They want cash.

□ 2100

You have got to liquidate the business. You have to bust it up. And what happens? The job creating potential of that business is destroyed so no new people will be employed there. But worse yet, the people who did work there lose their jobs. And what is their rate of tax? It is not even the 55 percent, which is a confiscatory rate for a tax on after-tax life savings. It is 100 percent. They pay a 100-percent tax because their entire income has been wiped out. They have just lost their jobs.

This is what is happening to family businesses, to small businesses, to ranches, farms across America. It is responsible for the loss of both new job opportunities and existing jobs.

The White House Conference on Small Business, whose conferees were appointed by President Bill Clinton, made repeal of death taxes, not moderation of death taxes, not reform of death taxes, but repeal of death taxes their No. 4 priority out of over 50 legislative proposals to help small business in America. This is how great a concern this issue is to small business.

We talk a lot about tax simplification. Do you know how many pages of the Internal Revenue Code are cluttered up with the death tax alone? Eighty-two pages of legalese that no American can possibly understand without the help of a fancy tax lawyer and tax accountant. That is just the Code itself.

Then there are several hundreds of pages of tax regulations interpreting those 82 pages that, again, you have got to have paid professionals to interpret and understand.

So what happens is that while the Government does not get the revenue from the tax, as I said, less than 1 percent of our Federal revenues comes from this source, tax lawyers are getting some money. Tax accountants are getting some money. There are a lot of trusts and avoidance techniques that are set up that people are investing in. All of it is make work. No economic product as a result of all this. It is an insipid, wasteful and, I daresay, immoral system.

I will close with this point and yield back to the gentleman by explaining why I go so far as to say this is immoral. I mentioned the reasons that this is a virtue tax, that it directly discriminates against savings, work, investment, the avoidance of conspicuous consumption, so on, but it is even worse than that. It goes further than that in the injury that it inflicts on Americans.

I was talking to a city council representative in one of the cities that I represent. It is a part-time city council. And in his real life, in his working life, outside of politics, he is an estate planner and a tax lawyer. He told me that in a recent day, just before I had spoken with him, he had spent the afternoon with one of his clients on his client's deathbed as that man was passing away. And in the hours that he spent with him, he had him sign documents.

This was at a time when his wife and his children, his family would have loved to be with him and spend their last moments with him while he was spending his last day on Earth. But instead he was with a lawyer signing documents.

This lawyer said to me, this city councilman who also represented his neighbors on the city council, that none of the papers that he had his client sign had any economic effect. There was really no real life consequence to any of these things except this: that if you signed the papers, you did not owe the tax and if you failed to sign the papers, your family would lose the life savings that you had put together so that they could keep on going.

So the man signed the papers, was deprived of those final moments with his family. The Government got no money. The tax lawyer got paid and the tax lawyer came to his Congressman and complained, this is not what Government should do to American citizens in their final moments on Earth.

It is an immoral tax besides being a failed exercise in collecting revenue. I mentioned, less than 1 percent of the revenues are provided by death taxes. Sixty-five cents of every dollar collected are consumed either in administrative costs by the IRS or compliance costs by Americans who are seeking to avoid their tax liability through legal means, hiring tax lawyers and accountants and so on, who are hiring tax lawyers and tax accountants to help them fill out the paperwork so they can pay the death taxes that the Government is not getting appreciable revenue from in the first place.

This is a miserable idea to have on the books. It is a failed exercise. Whatever good intention there may have been behind putting it on the books in the first place, we now have nearly a century of experience with it. It deserves to die. The death tax deserves to die, and we should repeal it. And that is why I am so happy to see so many Members here on the floor fighting for that effort.

Mr. EHRLICH. Mr. Speaker, I again congratulate the gentleman on his great leadership with respect to this issue. We have been joined by two of our great colleagues, Mr. RADANOVICH of California and Mr. HAYWORTH of Arizona. What I would like to do is, Mr. COX, I would like for you to comment on this question as well, because you have pointed up some very pertinent facts concerning the history of this very unfair tax.

You pointed out that it began as essentially a tax on the very, very wealthy. And it has come to represent a real punishment scheme against middle class folks in this country, particularly small business people. I will just cite a recent study from the Center for the Study of Taxation wherein it is estimated that over a 7-year period, GDP would increase $79.2 billion, 228,000 more jobs would be created and private capital would increase $630 billion simply by the repeal of this very unfair tax.

And I have to point out one further fact, the wonderful thing about measuring Government not by how much it grows but by how much it contracts is your bill, H.R. 902. How many pages did you earlier state this particular tax takes up in the code?

Mr. COX of California. In the Internal Revenue Code, 82 pages.

Mr. EHRLICH. Your repeal takes up 7 lines. That is what we should be about in this town.

I know I have a small businessman, a good friend, Mr. RADANOVICH, waiting to speak on this issue. I welcome the

gentleman and I welcome my friend, Mr. HAYWORTH from Arizona. I yield to the gentleman from California, Mr. RADANOVICH.

Mr. RADANOVICH. Thank you very much, Mr. EHRLICH.

As my friend and colleague, CHRIS COX from California is one of the many from the 52 Members of the California delegation that traveled to his State back and forth, many of us spend long hours, as do you from Arizona, on the airplane back and forth. I managed to get hold of an incredible book that I would spend my time reading going back and forth across this country. It is called "Undaunted Courage." It is by Stephen Ambrose. It is the story of the discovery or actually the mapping of the Louisiana Purchase by Meriwether Lewis. And he was sent out in the 1800's, 1804, by the third President of the United States, Thomas Jefferson, to explore what was recently purchased as an addition to the United States. I read with fascination and interest the stories of risk that that man took, Lewis and Clark, both of them, and their party, in coming across to discover this new land and map out this continent.

I cannot help but think what either Meriwether Lewis or Thomas Jefferson would have thought had they realized that this country had come to the point where the U.S. Government is taking away wealth from not even the rich, I mean this is middle-class stuff here, and that they are actually into income redistribution.

It was fascinating to make that comparison of when you go back and you are privy to so much here in Washington about how this country started and the founding principles and the people and the ideas they had and such hope that they had for the American people, then come to find out that we are in a situation where we are charging capital gains and we are imposing a death tax on the American people. Frankly, I just do not think it was really what they intended when they put this country together with the ideas that they, the founding ideas that they came up with.

So it is unfortunate, I think, that we have come to this position, what we the American people have allowed to become commonplace, which ought to be considered either the extreme or the absurd by us in this, in the form of those types of taxes.

Granted, there are those that would argue that income redistribution is good for the poor and gives a leg up to the poor and needy. And I just have to say that that is not the case and that the American people, who are very generous people and who are encouraged under freedom to take care of their weaker neighbors, do not have to resort to a government-imposed tax to redistribute wealth in this country.

It punishes accomplishment. It punishes success. It is an infringement on the rights of the family institution in this country and really is counterproductive. Unfortunately we have gotten to the point in this country, I guess that is my observation, that this is accepted. This is the norm. I cannot help but think about those early explorers of this continent and the Founders of this Nation who had, if they had any idea what kind of taxes this Government was imposing for the various reasons that they do, they would be rolling over in their graves right now.

Mr. EHRLICH. I agree with the gentleman and I really think the gentleman has hit the bottom line. At some point in this country, in this very House, the collective decision was made to punish success and punish risk in the capitalistic society. When you think about that, it really makes no sense.

I have another question for the gentleman from California, but first I want to recognize our good friend, Mr. HAYWORTH of Arizona, who I know has some very articulate views on these two issues.

Mr. HAYWORTH. Well, I thank my colleague from Maryland.

Mr. Speaker, as I was listening to my two colleagues from California, I thought some incredibly valid points were made this evening in this Chamber to the rest of the American people. My colleague from Orange County pointing out in a very poignant fashion the human toll, the emotional equation that was sacrificed in the name of accounting brought about by this radical redistribution of wealth, this success tax, this death tax, and my colleague from northern California, the first vintner to work in elective office as a constitutional officer since the third President of the United States, Mr. Jefferson, history will provide us the answer whether or not my colleague from northern California will follow Mr. Jefferson as time passes, but you ask the question historically, what would our founders say, not only explorers such as Meriwether Lewis, not only figures such as Thomas Jefferson, but one of those great men who really had a life that in many ways paralleled Jefferson's, overlapped, Jefferson's indeed one of the other founders of this Nation, Dr. Franklin of Pennsylvania, Benjamin Franklin, not only one of our founders but, at the time of this emergence on the American scene, one of our great humorists and philosophers. And I believe it was Dr. Franklin, in his writings for Poor Richard's Almanac, who said there were two certainties in this life: death and taxes.

But I do not believe even Dr. Franklin, with his prescience, could have told us that today this constitutional republic would tax people upon their death. Of course, in the wake of the largest tax increase in American history visited upon the American Nation of the 103d Congress, when our current majority was in the minority, when three of us amongst the four were private citizens, a retroactive tax increase at that.

Mr. Speaker, colleagues, I have been across the width and breadth of the Sixth District of Arizona, visiting with a variety of constituents in a variety of town hall settings. And from retirement communities in Sun Lakes to high school classes in Fountain Hills to gatherings in Flagstaff and, indeed, this Saturday in Payson, AZ, on topic continues to come up. It is this death tax so onerous, so oppressive that we pay with a human toll that even as eloquent as the numbers my colleague from Maryland offered tonight, takes a human toll not only on the families affected, as my colleague from Orange County, CA pointed out, but also upon what could be the creation of new jobs, the expansion of wealth, the preservation of small businesses.

That is why I am so pleased that my colleague, Mr. COX, has introduced his legislation. That is why I am honored, as the first Arizonan to serve on the House Committee on Ways and Means, where we have jurisdiction over these issues of taxation.

□ 2115

While I am so enthralled with the majority on that committee, the gentleman from Texas, Mr. ARCHER, and many others, who want to throw off the yoke of oppressive taxation to offer true compassion to the American people, not some formula for the radical redistribution of wealth that would tell the American public that Washington knows best, but a notion that people could truly put their families first and in so doing could provide for others through the virtues of our free market, that is the challenge that confronts us today.

From Fountain Hill to Sun Lakes to Flagstaff, I am hearing from constituents of all ages of their very genuine concern about the death tax, their very real reservations about our entire system of taxation, and a notion that, yes, some tax must be paid, of course, but why would we punish success? Why would we punish people who have taken risk, who have provided jobs, who have helped to build the economy? What is inherently selfish about that? For it is not greed; it is, instead, benevolence and true compassion through the free market to offer jobs.

While many in this Chamber may disagree, and if there is a major philosophical divide in this 105th Congress amidst this era of good feelings and bipartisanship, it is of course the notion that our opponents believe, many of them, that a centralized government redistributing the wealth knows what is best. We say the contrary is true; that the American people, working families, since this tax extends now not to the super wealthy but to those of

moderate means, who have worked all their lives, to, yes indeed, working families, by allowing those families to provide for themselves, by allowing the fruits of their labor to be invested, we will in fact continue to build this economy and continue to be the envy of the world.

So I am honored to be here. I certainly appreciate the efforts of my colleague from southern California, and I thank the gentleman from northern California, and my good friend, who makes, in essence, a half an hour or 45-minute commute from his district in Maryland, and we invite him out West to catch up on his reading from time to time and also visit with some of our constituents. I think we understand what is a truth which stretches from coast to coast and, indeed, to the 49th and 50th States of our Union as well.

Mr. EHRLICH. I thank the gentleman for his invitation, it is accepted.

Mr. HAYWORTH. Indeed.

Mr. EHRLICH. I wanted the gentleman from Arizona and my classmate, the gentleman from California, to respond to this question, but I will first direct it to the senior member of this group, the other gentleman from California, Mr. COX.

We have talked about the state of the law. We have not talked about how it got to be what it is. We talk about success, and the gentleman from Arizona and the gentleman from California were very eloquent, but when we think about it, risk is really at the bottom of success, because what do we do in a free society? We encourage folks, companies, individuals, sole proprietors to go out and risk sometimes their life savings to start a business, to expand their business. Within successful risk we have jobs and jobs creation.

I have a quote from Chairman Greenspan, who appeared before the House Committee on the Budget last week and in front of the Senate Committee on Banking, Housing and Urban Affairs in February. On capital gains this time. Think about these words: "I think it is a very poor tax for raising revenue." This is a quote. "And, indeed, its major impact, as best I can judge, is to impede entrepreneurial activity and capital formation. While all taxes impede economic growth to one extent or another, the capital gains tax, in my judgment, is at the far end of the scale."

Think about those words from the chairman. Think about what we know. Think about what the gentleman hears in Arizona, what the two gentlemen hear in California, what we hear every day, what we have lived. And my question to Mr. COX is, how did we get to where we are? How did the gentleman, who has been a great leader on these issues, and others in this body have been great leaders on these issues, how did we fail to send the right message to the American people that we will no longer penalize risk in this free society?

Mr. COX of California. Like so many things, and I thank the gentleman for yielding, these taxes were born of good intentions. Like so many government programs, they started out as simple things and grew into complexity and, in fact, inefficient complexity, so much so that they fail utterly in achieving the intended purpose. Capital gains is a perfect example.

As recently as 1978, capital gains taxes were even higher than they are now. And in 1978 there was a bipartisan effort to reduce that rate of tax on capital gains. Because back then, in 1978, people knew if we called it capital gains, the country might not understand what we were talking about. They understood it for what it really was, a penalty tax on savings and investment.

On a bipartisan basis, I remember the gentleman from California, my Senator, Alan Cranston, my Democratic Senator, fought very hard to reduce that penalty tax on savings and investment because it was depriving people of the opportunity to work. It was killing jobs, to put it quite simply.

So we reduced the rate of tax in 1978 from a very punitive nearly 50 percent down to 28 percent. And the truth is that, although all the government revenue estimators predicted that we would lose money, because after all we made the rate of tax lower, the next year, what happened? The Treasury of the United States collected more money in so-called capital gains taxes, it is actually a penalty tax on savings and investment, than they had the year before. And the same thing happened the next year and the next year.

It was $9 billion that the government got in 1978. They were getting $11 billion from that tax at a lower rate of 28 percent in 1980.

Mr. KINGSTON. Would the gentleman yield for a question?

Mr. COX of California. Of course. Be happy to yield to my colleague.

Mr. KINGSTON. Would the revenue from capital gains taxes go up because there were more transactions, because people no longer hoarded their money but they went back into the marketplace and traded goods?

Mr. COX of California. That is precisely what happened. Capital gains realization, and we have the data on that as well as we do on revenues, skyrocketed. So what happened in 1981? We passed the Economic Recovery Tax Act and reduced that rate of tax still further, all the way down to 20 percent from an initial high rate of 48 percent.

And once again the government revenue estimators said if we reduce the rate of tax on capital gains of course we will get less taxes. And they ignored 3 years of history when they said that. But we then found in 1981, 1982, 1983, 1984, 1985, all the way to 1986 that revenues went up and up and up, from that basic $9 billion at the high rate of 48 percent, to $50 billion at a rate of 20 percent.

And why did it stop in 1986? The gentleman asked how we got here from there. Because Congress decided this had been such a successful experiment moving the rates down, they wondered what would happen empirically if we raised them, and they raised the rate of tax on capital gains back up again. Revenues fell off to $33 billion from $50 billion in 1 year.

And as of now, as we debate here tonight, the Internal Revenue Service's most recent data are that we still have not got back up to the level of capital gains revenues to the Treasury of the United States that we had in 1986, 10 years later.

That is how we got there from here, with the best of intentions. And our Government revenue estimators, even now in 1997, are telling this Congress that if we reduce the rate of tax on capital gains, the Government will lose revenues. Where have we heard that before?

If we did not like all the empirical evidence from America, we could look at Mexico and other countries that have had this same experience and we could find that, as my colleague points out, there is more economic activity stimulated. When we have a more moderate rate of tax, the Treasury makes out better.

So if we are worried about education, the environment, transportation, national defense, national security, anything that we would expect our national Government to do, we would have more resources to do it by plucking the goose more gently. But these punitive high rates of tax on savings and investment are killing the country, killing job creation.

Ultimately, the rich do not pay because the rich have salted away enough already. The people that pay are the ones who pay with their jobs. If we have a death tax that literally causes the business, their place of employment to be busted up, of course they lose their jobs. Of course they pay a 100-percent rate of tax. Of course they are the ones bearing the entire burden on their shoulders.

I wanted to make one more point and yield back. We have talked about how we are punishing success with the death tax. We are also not just punishing people of modest means, we are punishing people who can barely scrape by, because there is nothing in the death tax that says you have to be making money.

What the death tax says is even though individuals paid property taxes on their assets throughout the lifetime of their business, year in and year out, even though they paid income taxes, we do not care if they have any net income in this business, we will take a

look at their balance sheet and see what assets they have, and we will force them to liquidate them and pay taxes on their net asset value.

So let us say that an individual is, as farmers like to call themselves often, cash poor and land rich. The only way an individual could have any money is to sell off the whole farm. That is what the Government wants them to do. That is what they want that family to do. They want the family farm to suffer. Bust it up, sell it, corporatize it, get rid of it, as long as the Government gets its death taxes.

The only people that are unlucky enough to be in this position are the folks who are cash poor because they could not hire the tax lawyers, the fancy accountants to do the tax avoidance trusts that all the rich do to avoid paying this tax, which is why less than 1 percent of our Federal revenues come from this.

Even then this is the most inefficient way that the Government could imagine to collect tax because, guess what? We do not know what this is worth. We do not know what the property is worth. If it has been a family business for a long time, they have not been selling it back and forth, it is not a marketable asset. And if they are busting up the business, it is no longer a going concern, so what is this asset worth all by itself?

So the family, the heirs, the people who are trying to carry on that business, but cannot, have to get in a lawsuit with the IRS. And how often does this happen? Right now, as we debate here tonight, there are 10,000 active lawsuits over the question of valuing the estate under the death tax. That eats up all the money that the Federal Government might have gotten out of it because we have to argue for years in court about what the thing is worth.

It is a hideous example of government run amok. Perhaps with the best of intentions it was put on the books in the first place, but it does not work and the death tax deserves to die.

Mr. EHRLICH. I thank the gentleman for the history lesson. I appreciate it very much. I think we all do.

Only in this town do people think that when we raise taxes we generate additional revenue. It just does not work that way, and the gentleman's numbers speak for themselves. History, the empirical evidence, speaks for itself.

We have been joined by our friend, the gentleman from Georgia, Mr. KINGSTON, who I know is over there chomping at the bit as well. I welcome him to our discussion here tonight.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding. I wanted to talk about three people who I know to be constituents and I have changed their names only.

One is a man who worked hard all his life and had a good income, was not wealthy, he made about $40,000 a year his last couple of years. That was the peak of his income. He saved his money all his life, buying Exxon stock or IBM, the blue chip stuff in the 1960's and the 1970's. Now that stock has tripled in value and he has accumulated assets and he cannot sell it for a medical emergency or long-term care in his retirement now because of the huge capital gains tax.

Another person. A widow. Lives out on Whitmarsh Island. I represent the coast of Georgia. Whitmarsh Island is a beautiful barrier island. Actually, it is not a barrier island, but it is an island. Waterfront property. The woman bought the land with her husband in the 1960's, and in the 1960's this property, which is 2 or 3 acres, was worth $25,000. Today that same piece of property is worth $500,000. Husband is dead. She is now a widow. She is on a fixed income and she has a fixed income of about $15,000 a year.

If she sells the property to raise money for long-term care, she is taxed at the $500,000 tax bracket or whatever she can get for the property. Again, she would be helped by a capital gains tax relief.

□ 2130

Another one, a young person, somebody who is about 38 years old, bought some land in a commercial-residential mix area, an area that was going commercial. It was a house. He paid $35,000 for it 10 years ago. Today that land is worth about $50,000. So he would have a gain of about $15,000. Revco came in, the drug store, and offered to buy that land from him. He did the math on it and found out that after paying the capital gains on it, he would not have made any money off it after holding it for 10 years. So he says to Revco, "No, I don't choose to sell." What does Revco do? They move elsewhere. That is two or three jobs right there in his neighborhood that would have been created, that needed to be created, that could not be created because the capital gains tax said no deal.

The tax system is slowing down the economy, slowing up potential for growth, and penalizing our elderly. Those are 3 real life examples that I know of.

Mr. EHRLICH. I thank the gentleman from Georgia. I think it is very important that we in these discussions talk about real people in real life in real situations facing real problems because of the real burden we place on people in this town.

Speaking of real small business people, I know the gentleman from California [Mr. RADANOVICH] recently married, and we all congratulate the gentleman, our good friend. He has a real life story of his own.

Mr. RADANOVICH. My appreciation to the gentleman from Maryland and my wife in the gallery says to say hello.

Mr. Speaker, the comment that I did want to make is that, first, in reference to starting business and what you had eloquently said earlier about the fact that those who take the risk should get the reward.

One of the things I find very, very interesting in having taken a certain amount of risk on my own in the private sector is that there are a lot of people that are there that want a piece of that that may not have taken that certain element of risk and it is very, very important to understand that that is part of the reward from stepping out and doing something that might be out of the norm, in creating wealth or in any venture. Those who take the risk deserve the reward. They should not be redistributed.

The final point that I want to make, unfortunately I have to leave the Chamber, it is when government begins to get too big, when it becomes too large in the great scheme of things in America, when it begins to assume too many responsibilities from the American people, when it becomes activist in social issues and begins to get involved in social engineering, you do have to dream up quite a few different ways to raise revenue. What might be the norm, and how to levy taxes on, say, sales tax or income tax, which has even been accepted as the norm these days, you can go the extreme on issues such as capital gains and estate taxes. It is because I believe that government has gotten far too involved in social issues that they have gone so far as to levy taxes in areas where the Constitution never meant them to be in the first place.

Again, it is not the responsibility, I think, of the Federal Government to be enhancing the social network or to be getting involved in social activism. I would read in the Good Book that there is a story in the Bible that talked about the man who gave equal amounts of money to three different people and he punished the one who hoarded the money. It is the responsibility of Americans, I think, with the money that they have been blessed to be able to earn, to regenerate that, to create jobs with it, to reinvest it in their community, to create jobs for many, many people. It is not up to the Government to take that money away and penalize that person for their own initiative and somehow be responsible for that moral obligation of creating wealth and providing jobs in the community of Mariposa or Timonium or in Tempe or in some of those other areas. It is not Government's responsibility to be doing that. It is the individual wealth creator's responsibility to be doing that. Again, it is just another example of somehow, somewhere through the process of government getting way too big and getting involved in way too many things that they have dreamt up this idea that they should social engineer this country and, oh, by the way

they are going to impose a death tax and they are going to impose a capital gains tax to fund this thing and, by the way, is the social fabric of this country any better over the last 30, 40, 50 years? I say no, absolutely not. Not only have they decided to get into the business of social activism by imposing taxes of such an abnormal nature as these, they have made things worse and they have done a poorer job of it.

I think that is sum and total what we face when we are in Washington, us being freshmen and having the privilege of being here with the gentleman from California [Mr. COX] and the gentleman from Georgia [Mr. KINGSTON], is that we have the ability now to change something like that. But somebody has to understand whose responsibility is it to create wealth in this country, whose responsibility is it to create jobs, and that is something that is a moral imperative that should not be the responsibility of the Government.

Mr. EHRLICH. Well put. I thank our colleague from California.

The gentleman from Arizona earlier used the phrase that folks, quote, want us to throw off the yoke of oppressive taxation.

My inquiry to my good friend is, is there anybody in Arizona who thinks they could do better with a few more bucks in their pocket, who believes that a cut in the capital gains rate, or elimination of capital gains differential in this country, will result in an awful lot more economic freedom and capital formation and jobs and wealth creation?

Mr. HAYWORTH. I thank the gentleman for yielding. To answer his question, what I hear from people of various political persuasions, indeed if we return briefly to the political season, one of the areas of discussion was the notion of helping working families. As our colleague from southern California has pointed out, as our colleague the gentleman from Georgia has recounted with real-life experiences, as I hear in town hall meeting after town hall meeting, there is an insistence, not born of greed but of genuine compassion and old-fashioned Yankee ingenuity, that people want to hang on to more of their money to save, spend and invest as they see fit on their families, not rejecting the notion of compassion but to truly be compassionate. And so what I hear, to answer my colleague's question, is widespread interest in changing, repealing as my colleague from southern California says, death to the death tax, and rethinking and reducing the capital gains taxes.

Indeed, we might point out, Mr. Speaker, for some of the American people who join us here, as my colleagues from Maryland, California, and Georgia have been talking tonight, just a brief lapse into previous terminology. When we talk about the death tax, it is truth in labeling, because under the current scheme, in the current lexicon, people talk about estate taxes as if this were some sort of palatial gains. It does not tell us the truth. It is a tax literally upon people who die, there is a penalty for dying, and my colleague from California pointed it out.

I just wonder, Mr. Speaker, if we should also come up with a new term for the capital gains tax. As my colleague from Maryland pointed out, since people want to see a reduction in those rates, should we then rename that the success tax, because you are taxing and penalizing success.

Mr. COX of California. You might have to call a significant part of it the inflation tax because, just like with death taxes, there is no rule that says you have to be successful in order to have to pay it. The capital gains tax, or what I prefer to call the penalty tax on savings and investment, might also be called the inflation tax because, as we all know, we have inflation in this country and over time it adds up a great bit.

If you buy a piece of land, you buy an asset, you start a small business, just to use an obvious example of a corner grocery store, although we do not have too many of those, partly for this reason, in America, but let us say you have got a corner grocery store. And so you buy the store. The Tax Code says that is a capital asset. If you paid $10,000 for it 20 years ago, with inflation, what is that worth today?

I do not have my calculator, but anyone can figure out it is not 10 grand anymore. If you sell the grocery store for less money than you paid for it in the first place, the nominal selling price, because of inflation, is going to be more than you paid for it and you are going to be taxed on the difference. So even though in real life you lost money, you are not a rich person, they are going to start requiring you to pay tax on that sales price.

The truth is that because we have not indexed for inflation a property tax, you do not have to make money, you can be losing money and still owe a significant tax. It can be a tax that wipes out any hope that you have of even surviving, particularly if that was your life savings, particularly if that is your only asset in life. To take someone's entire life earnings, their entire life's work and tax it all in one accounting period as if it is just income from a job, particularly when they paid income tax on it all through their life, is not only double taxation but it is punitive and it is an inflation tax, QED.

Mr. KINGSTON. If the gentleman will yield, there is also certainly class envy in this to some degree that we do have certain politicians playing on class envy because they can get reelected easier if they stir up income groups against other income groups. Nowadays it just seems to be horrible to be successful.

For example, in Atlanta we have CNN. Ted Turner brought it in. If we have a capital gains tax reduction, will Ted Turner make out? Yes, he will, and I do not think it is a virtue for me to bash him for that. Is CNN good for Atlanta? Yes. Has Ted Turner brought lots and lots of jobs to Georgia? He certainly has. Has he taken lots of risk? Yes, he has. For that he has been rewarded through the accumulation of personal wealth, and I do not think because of that that I need to sit back and say, well, let us tax him more because he has been successful.

I was talking to a group of people one time, I said, "When you die, should your house be cut in half and part of it go to the Government? If you have two cars, for example, should one go to your children and the other one go to Uncle Sam?" They said certainly not. I said, "You realize," and maybe the gentleman could correct me if I am wrong, but I believe the threshold is $3 million, "if you have an estate of $3 million, the tax rate becomes 53 percent, I believe, or thereabouts."

Mr. COX of California. Fifty-five percent, actually.

Mr. KINGSTON. OK, 55 percent. So if you have an estate of $3 million, when you die Uncle Sam is going to get half of it. Not your children, not your grandchildren, not your friends, not a charity, but Uncle Sam. You talk to people about that, they do not realize that, because most of us will not accumulate $3 million, unfortunately. But still, just because they have been successful, they have to have a 55 percent tax rate when they die.

Mr. COX of California. If the gentleman will yield, it is very important to stress this point. It is the one that my colleague from Arizona just made a moment ago. This is not a tax on estates as in mansions or what have you.

Imagine, for example, a real-life example of a tree farm. Let us imagine that the land that underlies the tree farm is worth $3 million. But let us imagine that this tree farm, as it currently exists, has been very carefully husbanded by, as is true in this case of the Mississippi tree farmer, the grandson of slaves, who has gotten not only his family but a whole lot of the people in the area employed there.

And then let us imagine that this man is getting on in his years, and he is beside himself because he cannot think of any fancy estate planning technique that will keep that tree farm alive. When he dies, he is looking death in the eyes now because he is on in years, he knows that his family, his sons and what he considers to be his extended family, the people who work on that farm, are going to lose their opportunity to run it, the thing that he built up throughout his life, because they are going to have to liquidate it, sell it, put it on the auction block in order to pay the tax man, and there will be no more tree farm.

Do you know what is going to happen to that land? It is going to be developed. It is going to be subdivided, it is going to be purchased by somebody who is going to put houses on it, a shopping center, a strip mall or whatever it takes commercially to take advantage of the fact that after capital gains taxes, after death taxes and so on, this has some economic viability. So somebody who buys this property is going to want to make money on it, because that is life, and we now have, with death taxes, an additional casualty.

□ 2145

Not just Mr. Thigpen, the name of the man in this real life example, and his family and the people who work there who pay 100 percent tax when they lose their jobs, not just the loss to society of this tree farm, which has won environmental awards, not just the fact that the whole business is going to be wiped out, not just the unfairness of it all, but environmental destruction on top of it, improper stewardship of our natural resources, because the Government is so ham fisted and foolish about the way it collects revenue.

Mr. EHRLICH. Mr. Speaker, the gentleman from Georgia brings up a really interesting point which was really part of our earlier discussions concerning how we got here, how we got to where we punish people who go out and take risks and accumulate capital and create jobs. And the gentleman talked about class jealousy, class warfare, and is it not true that unfortunately in American politics today class warfare, successfully argued, leads to votes? Is that not a proven formula? Is that not unfortunate? Is that not an unfortunate comment about the state of debate in our country today when it comes to what should be relatively—and I understand the gentleman from Arizona talked about earlier there are philosophical differences, legitimate philosophical differences, on the other side, but the fact is and the evidence, as the gentleman from California has articulated tonight, the evidence is such that decreasing taxes, ceasing the punishment of success results in economic growth, but not necessarily votes.

Mr. COX of California. If I might just interject, one of the reasons you see some Californians out here on the floor is that California repealed our death tax by the initiative of the people, and every time you hear somebody say class warfare, you know only some small segment of the population will go for repealing death taxes, do not believe it. The most populous State in the Union repealed our death taxes by an initiative of the people, and we can do it in the people's House.

Mr. KINGSTON. If the gentleman will yield, you know what this is about, as Mr. COX just said, this is not about protecting the assets of wealthy families so that when the oldest person or whoever dies that it can be passed on and then the rich can remain rich. This is about economic prosperity, creating an American dream that is accessible for everybody where the unemployed can get a job, get on the economic ladder and go out and share in the American dream through upward mobility. We are talking about a tax system not to protect the rich but to create opportunities for everyone so that the American dream is accessible.

Mr. EHRLICH. I thank the gentleman from Georgia.

The last word goes to my colleague from Arizona.

Mr. HAYWORTH. I thank my colleague from Maryland for organizing this special order this evening, Mr. Speaker. I would simply point out another real life example that reaffirms the fact that this even affects working families.

Once on national television, on C-SPAN I, one morning one of my constituents called in discussing his situation in Pinetop/Lakeside, the fact that he was a working man, and as my colleague from California pointed out, because of inflation involving some of his land holdings, land that he had invested in, pinching pennies, if you will, trying to take care of his family and also provide for them. When he chose to sell that land, he was penalized; he remained in essence cash poor. That is the unfairness of the success and inflation tax otherwise known as the capital gains tax.

I thank my colleague from California for giving us a real life example of what happens when a group of people say death to the death tax. It can provide new economic life and vitality for scores of Americans. It offers true compassion not through the radical redistribution of wealth, executed by Washington bureaucrats, but through the drive, energy, tenacity, and ingenuity of the American people who are willing to save, spend, and invest in their own families, give of their own hearts to charity and in essence help provide for the next generation.

Mr. EHRLICH. Mr. Speaker, I thank all my colleagues.

TIME TO END CORPORATE WELFARE AS WE KNOW IT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, it is time to end corporate welfare as we know it, and many of the kinds of tax cuts we are talking about before for individuals, certainly the capital gains tax on homes, would be eliminated or could be eliminated if we were to go after our Tax Code and make the necessary adjustments and close the loopholes and end corporate welfare. It is time to end corporate welfare as we know it. Great injustices have been done over the past 2 years as we have sought to cut back on expenditures. We have gone after the poor, we have used a microscope and focused it on the weakest and poorest of Americans.

A great injustice has been done in the welfare cuts. It is estimated that as many as 2 million children will go hungry as a result of welfare cuts. A great injustice has been done in the immigration reform. The cuts that take place as a result of immigration reform are elderly people who are not citizens, who in large numbers will end up going hungry, and some will starve, you know. And now we have a situation where we place a microscope on the poor who receive Social Security and other groups that receive a cost of living index increase from year to year, but mostly it is people on Social Security.

A lot of us worry about tampering with Social Security. Yes, they are tampering with Social Security, they have already tampered with it when they made a great cut and took away the entitlement for Aid to Families with Dependent Children. That is part of the Social Security Act.

Now the CPI discussion, the discussion about how to change or tamper with, sabotage, the Consumer Price Index is another method, another tool, for oppressing the poorest and the weakest people in our society. The microscope is now on the poor people who receive cost of living increases. Most of those people are on Social Security.

So instead of doing that, you know, why do not we go after the really big money? Instead of squeezing the little people, you know the cuts in welfare produced small amounts of money because you were dealing with 1 percent of the total Federal budget. If you go after corporate welfare cuts, you are dealing with the really big money. The big money is in corporate welfare. The big money is in the Tax Code, the tax giveaways, and today I am going to talk about the big money is there because the Internal Revenue Service refuses to enforce the Tax Code properly.

Mr. Speaker, their refusal to enforce the Tax Code properly wastes large amounts of money. We can get as much as $70 billion in this present year if they would just enforce the Tax Code properly. We can realize a $70 billion windfall as a result of enforcing the Tax Code properly. That 70 billion or more, I am going to talk about that in a minute.

I wanted to emphasize two important dates. One date is March 12, tomorrow, Wednesday, when the progressive caucus will launch the war against corporate welfare. We are being joined by members of the Black Caucus. There are a number of other Members that do

not belong to any caucus. We are being joined in launching a full-scale war against corporate welfare. That is going to take place tomorrow with a press conference to start the process where we will list 15 items, 15 corporate welfare items, items where large amounts of money will be generated.

Now, we are doing this under the aegis of the Progressive Caucus, but we are happy to announce and would like to call the attention to everybody that the chairman of the Committee on the Budget, Mr. KASICH, is also waging his own small-scale war on corporate welfare. At least he is using the right language, but he does not want a real war; he wants a few brush fights. We want to go further and lay it out for the American people: Yes, your taxes ought to be cut.

I agree with the substance of what the gentlemen were saying before. We ought to cut taxes for ordinary individuals, we ought to cut taxes for families. The problem is that the swindle comes when you have had over the last 20 years a tremendous increase in the taxes on families and individuals while corporate taxes have gone way down. Corporate taxes were almost at 40 percent at one time while individual taxes were 27 percent. Now corporate taxes are down to the level of about 11 percent, and individual taxes and individual family taxes are up at 44 percent.

So one of the days that we want you to watch is tomorrow when we launch the war against corporate welfare, and we will lay out the details as to where you can get billions of dollars from the loopholes that will be closed and the various other programs that will be eliminated that constitute corporate welfare.

We are going to add to that, and part of that list is a step to enforce the Tax Code that exists now which does not require any legislation.

The other day I want you to remember, and you cannot forget it, is April 15. April 15 is the deadline for filing income tax returns. Nobody forgets that. Most Americans, vast number of Americans, the great majority, obey the Tax Code. We have more tax compliance in this country than we have in most other industrialized nations.

Americans obey the Tax Code; they respect the law. Individuals and families respect the law, and they obey the Tax Code.

On the surface corporations obey the Tax Code, but if you look closely, there are some instances where not only are the corporations not obeying the Tax Code, the Tax Code that already exists, but they are also not being bothered by the IRS.

The Internal Revenue Service is not seeking to enforce the Tax Code. We are going to talk about that.

Why is the focus always on the poor and extracting more from the poor, and we never seem to see the obvious, and that is that great amounts of money are being wasted in the Tax Code. Great amount of moneys are not being collected. We are giving a free ride to corporations.

Now I have sent out, and this is complicated. I intend to take it slow and submit for the RECORD, for those who are interested, a number of documents that will help you if you want to find out what the background is all about. I have sent a letter to my colleagues asking all of my colleagues who are interested to sign this letter to the Internal Revenue Commissioner. We have sent out a letter to the Honorable Margaret Milner Richardson, and we are going to send a letter out as soon as we get some additional signatures, and this letter is just saying Dear Commissioner Richardson, please enforce the law; please read the Tax Code and enforce the law. There is a simple section of the Tax Code, Sections 531 to 537 of the Internal Revenue Code, which deals with violations related to unreasonable accumulation of surplus, and that is the part we want you to enforce, and if you enforce that, we will realize a minimum of $70 billion in this year because we are talking about the law not being enforced for the past 3 years.

If you go back and look at the failure to enforce the law, you will find that a number of corporations have violated in large numbers, and if you apply a penalty, and it is a pretty stiff penalty, the penalty is 39.6 percent. That is a penalty. If you apply the penalty for the people who have violated it, it will generate a windfall of $70 billion.

This is a letter to my colleagues asking them to sign on, and I hope that those who are listening will take a look at the letter to Commissioner Richardson and will sign the letter.

Needless to say, we are preparing detailed proposals for the expenditure of this windfall of revenues resulting from enforcement of the law and the collection of the penalties. We want to deal with this year's budget in the process of balancing off expenditures against revenue.

The progressives and liberals have not dealt with revenue in a proper fashion over the last 50 years. We have always been concerned with how will the Government take care of the needs of the people in terms of expenditures. We have not looked enough at how the revenue side works, where the taxes are coming from and what the injustices are there.

The pattern I have described repeatedly here is that over the years because of the fact the progressives and liberals and people who care about the majority of Americans have not looked at the tax side, they have swindled us by steadily reducing the tax burden of corporations while they steadily raise the burden on individuals.

So I want to call this letter to your attention, and for those who are interested I want to submit it in its entirety. Mr. Speaker, I want to submit 2 items for the RECORD. One is a Dear Colleague letter to my colleagues in the Congress asking them to join me in this communication with the Tax Commissioner, and the other is the letter, the actual text of the letter to Internal Revenue Service Commissioner Margaret Milner Richardson.

Now this is part of the opening war against the war that will begin tomorrow against corporate welfare. Mr. Speaker, I submit in its entirety for the RECORD, these two documents:

FEBRUARY 12, 1997.

DEAR COLLEAGUE: I am writing to request your support and signature for a letter to the Commissioner of the Internal Revenue Service which may immediately generate more than 70 billion dollars in revenue. No legislation is required. No new rule-making is required. This effort only requires the Department of Internal Revenue to enforce existing law.

Please read the attached letter. In summary, it contends that many corporations have been acting in violation of the law. Since these corporations have been purchasing large quantities of their own stock, they have been acting in violation of the "unreasonable-accumulation-of-surplus" provisions of sections 531–537 of the Internal Revenue Code. At present these violations are accelerating.

Please read the attached letter thoroughly. Within five days we will be forwarding it to the Internal Revenue Commissioner and we need your signature. To offer your support please call Kenya Reid or Jack Seder at (202) 225–6231.

Needless to say, we are preparing detailed proposals for the expenditure of the windfall revenues resulting from an enforcement of the law and a collection of the penalties. Probably we will propose that one half of all such penalty revenues collected should be used to reduce the deficit. The remaining half should be used for one-time capital expenditures for education, job training and job producing work projects.

A clearly enunciated, innovative but practical tax and revenue policy is a long overdue need for Progressives, Liberals and all others who represent the Caring Majority in America. Before the completion of the budget and appropriations process we must enunciate such a policy. While a wise, compassionate and practical spending program must remain a priority, we must elevate our advocacy of tax and revenue measures to the same priority level.

At the center of the Caring Majority's policy must be the commitment to significantly reduce taxes for middle and low-income families and individuals in America. To offset such reductions in the overall income tax revenues we must increase income taxes paid by corporations.

It must be noted that the overwhelming reliance on income taxes is a subject that deserves thorough discussion. It is time to examine more closely the possible revenues that might be derived from selling and/or leasing the spectrum which is owned by all Americans. Greater revenues from the sale and/or lease of other citizen owned property must also be on the agenda of prospective sources. A "value added" or some similar big ticket item consumer tax must not be ruled out.

These are all tax and revenue considerations to be discussed over the next few

weeks. The business at hand now is the enforcement of the present tax code. This should be the core of our 105th Congress budget and appropriations program. I look forward to hearing from you.

Sincerely Yours,

MAJOR R. OWENS,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 12, 1997.

Hon. MARGARET MILNER RICHARDSON,
Commissioner, Internal Revenue Service,
Washington, DC.

DEAR COMMISSIONER RICHARDSON: My colleagues in Congress who have joined me in signing this letter are very much concerned about a major loss of federal tax revenue resulting from the failure of the Internal Revenue Service to apply against giant corporations the unreasonable-accumulation-of-surplus provisions of sections 531–537 of the Internal Revenue Code.

We believe that the IRS could—and should—immediately assess section 531 penalties on the more than $275 billion that America's largest corporations have spent to buy their own stock in 1994, 1995, and 1996. These penalties at 39.6% would total over 100 billion dollars. Stock buybacks by America's great public corporations are all the rage these days, according to the financial media. Total buybacks by corporations are reported to have risen from $20–35 billion per year in 1990–93 to $70 billion in 1994, just under $100 billion in 1995 and probably over $110 billion in 1996.

These enormous buybacks demonstrate clearly that America's largest corporations are accumulating profits and earned surplus far beyond the reasonable needs of their businesses, and in virtually every case they are paying dividends that are a very small fraction of their earnings, often less than 20%. For example, in the two years 1955–56, IBM earned about $9 billion, or $21.00 plus per share. Of this amount, it paid out common dividends of only about $1.4 billion (2.80 per share). All of the rest—and then some—went to buy its own stock * * * $5.5 billion in 1995 ($4.6 billion common and $870 million Preferred) and $2.3 billion in the first half of 1996, with the two-year total probably $10–11 billion. (True, IBM has a multi-billion capital spending program, but this is much more than on amply covered by its huge additional cash flow of $10–12 billion for the two years, from sale of capital assets and from items that are deducted on the earnings statement but do not involve cash outlays, principally depreciation, amortization and deferral of income taxes.)

We ask you this. Is there not here, and in dozens of similar cases, a clear cut case for immediate assessment of the 39.6% penalty on all amounts used for stock buybacks? Is there any need to get into an elaborate discussion of reasonable needs of the business as envisioned by sections 533 and 537?

To be specific:

(1) These corporations are paying very small dividends, amounting to a small fraction of their earnings.

(2) Therefore, since prima facie the surplus they have used to buy their own stock has been accumulated beyond the reasonable needs of the business, the 39.6% penalty should be assessed. Our study of earnings statements, cash flow statements, and balance sheets leads us to conclude that in many cases the 39.6% penalty might reasonably be applied to even larger amounts than the stock buyback amounts. But that would trigger an extended discussion of needs of the business and other considerations.

It seems to us that our suggestion has the virtue of elegant simplicity: "You spent a billion dollars on stock buybacks. Your penalty is 39.6% or $396 million." We suspect that the Commissioner could do this in a one-page notice * * * or two pages at most.

We suggest penalties for 1994–96 because it was during this period that public company stock buybacks exploded to 12-figure totals. In addition, we are not clear as to whether the statute of limitations would bar these penalties for 1993 and earlier years. Even if it does, we suspect that many 1993-and-earlier corporate returns are still open while other issues are being discussed and negotiated. In this connection, we ask you to take note of the fact that, while the dramatic surge in stock buybacks began in late 1994, some very large amounts were spent many years earlier.

Several giant corporations have been buying back their stock for ten years or more.

As you know, the unreasonable-accumulation-of-surplus penalty provisions have been in the income tax law since it was adopted in 1913. Despite the fact that the statute as originally enacted (and re-enacted a couple of dozen times in successive revenue acts) made absolutely no distinction between publicly-owned and private companies, the practice and the general understanding was otherwise. As Mr. Justice Harlan put it in 1969, quoting (or paraphrasing) Bittker and Eustice, "In practice, the provisions are applied only to closely-held corporations, controlled by relatively few shareholders." (U.S. v. Donruss, 393 U.S. 297).

However, this de facto moratorium on application to public companies ended abruptly in 1985. Congress in the Revenue Act of 1984 amended the statute by adding section 532(c), "The application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation."

Please understand, Commissioner, that this is a simple request from elected representatives of the American people that your office immediately take steps to enforce the law.

We look forward to an early response from the Internal Revenue Service.

Sincerely Yours,

MAJOR R. OWENS,
Member of Congress.

□ 2200

Mr. Speaker, I am one of those who is not ashamed to be called a liberal. In fact, I am proud of it. I am a liberal, I am progressive, all of those kinds of things that people seem to shrink away from. Our group has not disappeared. Contrary to rumor and some of the talking heads on TV, we are alive and well and there are more of us than some people think.

We really represent the majority of Americans. If you care about people, if you want to see the wealth of America distributed in a way that benefits all Americans, if you want to see our society hold together, the society, if it holds together, will protect everybody, and the people that have the most to gain from a society that holds together are the rich. The rich have the most to lose if our society breaks apart as a result of extremism and rampant injustice.

What is happening now in Albania, the society is about to fall apart because the government did not regulate the capitalists. It is as clear as that. The Communists had been ruling in Albania for all of those years, and finally the poor people of Albania had a break, they had democracy, they had capitalism, and they allowed swindlers to come in with pyramid schemes that probably most Americans would clearly understand. But these people were new to capitalism, and the new pennies they had, they put them into pyramid schemes. And they were swindled to the point where we had a revolution break out, a violent upheaval break out in Albania.

So it is to the benefit of everybody that the society hold together and, therefore, a just system of taxation is very important for that to happen.

The Soviet Union's economy is collapsing because nobody wants to obey the Tax Code. When the big corporations stop paying and they cannot collect from them, we have chaos. So if they cannot pay the Social Security, equivalent of Social Security in the Soviet Union, pensions, they cannot pay it, they cannot pay government workers.

Mr. Speaker, the head of the Soviet Nuclear Science Development recently committed suicide because this man who headed a very prestigious organization, guided his country into the pinnacles of nuclear war weaponry, was a person with great status among other scientists with great status, found himself in a position where he could not get his scientists paid, his technicians; the whole establishment could not get paid. They were behind many months in pay and they were promised that they would be paid. And when the paycheck finally arrived, it was 1 month only. He took out a gun and blew out his brains. It is that bad in the Soviet Union.

When you have a complete collapse of a society because there is no respect for the Tax Code, no respect for the tax laws, that is what happens. There is a great danger, if you let any segment of the society ignore the tax laws, there is a great danger that you will get into a situation where you cannot enforce any of them. The little guys, the people out there who would be rushing to pay their taxes on April 15 or before April 15 obeying the law would not like to see the situation mushroom that I am going to talk about tonight, and that is a part of the Tax Code is being totally ignored and no effort is being made to enforce it.

Mr. Speaker, we are calling on the Commissioner of the Internal Revenue Service to enforce the law. We do not need legislation, we do not need any hearings, just enforce the law that already exists.

It is not true, it is a bum rap that liberals have a one-track mind. We are accused of wanting only for the Government to spend more. We want to end waste, we want to trim the budget, we want to streamline government, we want the most efficient and the most effective government.

I am profoundly troubled by our huge deficits and the fact that, although they have declined in the last few years, it looks as though they will start growing again in the next century. What kind of national debt will we leave to our grandchildren? We hear a lot of talk about this from the other side of the aisle, but we are all concerned. Some wild guesses from the right are that we will leave a $6 trillion or maybe even a $10 trillion debt. When these people talk about leaving this debt, they do not talk about excesses of the kind that we have experienced over the last 2 years where $13 billion was added to the Department of Defense budget, $13 billion more than the President had requested.

I think the President had requested too much. The cold war is over, but we are still spending at an enormously high rate for our defense. We still have the same size operations for the CIA. The CIA budget has not been reduced. It is a secret budget, of course, so I cannot stand here and say that I definitely know that to be a fact. The budget is still secret, which is one more indication of how backward we are. The cold war is over, but the CIA budget remains secret.

We have evidence cropping up all the time, evidence being revealed that there is a great deal of waste at the CIA. The people that are being paid to spy are selling the secrets of the people they are spying on. And as a result, not only are we wasting money, but people are dying. Lives are being lost as a result of our inefficient, ineffective CIA that will not even reveal its budget to us.

So we want to end the waste. Liberals want to end the waste. Progressives want to end the waste. We need the money in Brownsville, a part of my district that is the poorest district, we need the money in Flatbush, we need the money in Flatbush, we need the money back in the district to rebuild schools. We need the money in 1,000 different ways which will benefit the society far more than pouring it down the drain through corporate welfare and unnecessary expenditures for the CIA and for the Department of Defense.

Mr. Speaker, I am disturbed and troubled by this, and so are many more of my fellow liberals in Congress and elsewhere. But something else that disturbs me and troubles me is the view that the entire burden of balancing the budget should be borne by children whose parents happen to be drawing welfare checks. I am pleased and delighted to hear my colleague, the gentleman from Ohio [Mr. KASICH], tell us again and again that, if we are going to cut back on aid to dependent children, we should go after corporate welfare too.

I congratulate Mr. KASICH, the Republican chairman of the Committee on the Budget. That takes a lot of guts. He is willing to at least fight a brush war with the corporate welfare people. That is a beginning. With his powerful voice, we hope that he will continue to forge forward and begin to listen to what we have to say to him as we launch our war against corporate welfare from the level of the Progressive Caucus and the Black Caucus and others who want to finally see some justice take place in our revenue system.

In fact, corporate welfare costs the taxpayers much, much more than personal welfare. If we add together the amount the Government spends for various corporate subsidies and the amounts of revenue that the Government loses through all kinds of varieties of tax breaks and loopholes for business, the total of corporate welfare takes a much larger part of the Federal budget than income support for the very small, those people who are under 65 and who need it.

Also, we might add to that the people who are going to suffer as a result of Medicare cuts and Medicaid cuts. If you have the CPI, if you bring in changes to the Consumer Price Index, which eliminates or reduces the cost-of-living increase, the COLA, for the elderly, we are making them suffer unnecessarily, and the amount of money that is involved there is far less than the amount of money that is going to waste via corporate welfare.

Mr. Speaker, I am deeply concerned about how much corporate welfare is costing the taxpayer. I will be joining with the other 56 Members of the House progressive caucus tomorrow, as I said before, March 12. I will be joining with them to present a plan for eliminating, or at least cutting back, 10 of the most egregious and outrageous budget-busting corporate welfare programs. I think we raised that number to about 15. We are going to add a few items, about 15 items that are budget-busting corporate welfare programs that we will describe. We will lay out a plan for reducing them tomorrow at the progressive caucus press conference to launch our war against corporate welfare.

Our caucus has been researching and putting together a program to cut back on corporate welfare and save the taxpayers billions of dollars in 1 year and over $250 billion to $300 billion in 5 years. I am proud to say that we have now added to our program, as I said, my own corporate welfare measure that would save the taxpayers maybe $60 billion to $70 billion in the first year of savings. Within that amount, it will be $60 billion to $70 billion of that total, and over the total program it will save far more, twice as much as that.

One of the most flagrant examples of corporate welfare results from a failure of the Internal Revenue Service, as I said before, to enforce a provision of the corporate income tax law that is already on the books. It does not take a new bill in Congress or a new law. All it takes is for the IRS to obey the mandate of the present law.

By the way, I am not talking about something that is new in the present law or was recently added to the present law. This is a provision that was adopted in 1913. It was adopted in 1913 as an integral part of the basic income tax law. I am saying that the taxpayers have lost over $60 billion through its failure to enforce the law. This is over the past 3 years. It should assess at least that amount against dozens of large corporations right now in 1997.

The corporate income tax law mandates a very heavy tax penalty on corporations that let their profits pile up far beyond the reasonable needs of their businesses instead of paying dividends to their stockholders or owners. The law mandates a penalty of 39.6 percent of the amount involved. That is the same as the top personal income tax rate on those with incomes well over $100,000.

This is a very stiff penalty, 39.6 percent. That is how you will realize a great amount of money if that penalty is invoked. If it is utilized, that weapon of the Internal Revenue Service is applied, if the corporations are forced to obey the law, we are going to have those kinds of payments coming due.

Let me just read that again: The corporate income tax law mandates a very heavy tax penalty on corporations that let their profits pile up far beyond the reasonable needs of their businesses instead of paying dividends to their stockholders or owners. The law mandates a penalty of 39.6 percent of the amount involved. That is the same as the top personal income tax rate on those with incomes well over $100,000.

Hundreds of corporations have adopted the practice of letting their profits accumulate, and then, instead of paying dividends, as they should, using the accumulated millions or tens of millions, or in some cases billions, to buy back their own stocks on the New York Stock Exchange or the over-the-counter market.

The amounts involved are in the billions of dollars, in fact probably at least $300 billion in the 3 years, 1994, 1995, and 1996. Hundreds of corporations have adopted the practice of letting their profits accumulate, and then, instead of paying dividends, as they should, using the accumulated millions or tens of millions, or in some cases, billions, to buy back their own stock.

Mr. Speaker, one huge corporation, whose name is a household word known

to every American, earned over $5 billion, or $10 per share, in 1996; earned over $5 billion, or $10 per share, in 1996, but it paid its common stockholders only about 14 percent of that amount in dividends, $700 million, or $1.30 per share. It has used most of its earnings, upwards of $3.5 billion, to buy back its stock on the New York Stock Exchange.

I hope my colleagues are listening to these numbers. I hope my colleagues heard the previous discussion about spreading the wealth, how people should get their taxes back, more money in the pockets of Americans to generate a more vigorous economy.

Would we not generate a more vigorous economy in America if we had the stockholders pay their dividends? Huge profits are made. Instead of taking those profits and hoarding them in the corporate structure, buying back the stock, why not spread the money out into the economy, give it to the people who deserve the dividends, have earned the dividends, and let them invest the money as they see fit. We could have a more diverse, more vigorous economy if the corporations paid dividends instead of hoarding the money in these buy-backs.

Why did the corporations do this? Well, they do not invite me to their board meetings, and they are very careful not to say much about what they are doing in their earnings reports or in their press releases or other communications to their stockholders and the public. That includes they do not say much to the SEC, the Securities and Exchange Commission, about this either. The agency that regulates them does not get much information of this kind.

The reason seems fairly obvious. It is amazing that there is no discussion of the press, that some of these Senators and Members of Congress are not talking about the problem of buy-backs where billions of dollars are being hoarded and the economy is being adversely affected and the tax law is not being obeyed. They are not talking about it. Instead, they focus on the Consumer Price Index. People who ought to know better are turning away from a discussion of where the real money is to a discussion of how can we squeeze more money out of the poor, how can we change the Consumer Price Index, how can we tamper with that in a way which will produce savings on the backs of the poorest people in America?

□ 2215

Buying back their stock supports the price of the stock when a corporation does that. Maybe it moves it higher. It makes the stockholders happy, those who do not exactly know what is happening and would prefer to have the stock. Nobody gives them the choice of whether they would like to have their stocks at a higher level or the dividends. Nobody really gives them that choice, but it does make them happy to see the stocks rise. It also gives the executives bigger profits on their stock options and maybe they get bigger bonuses as a result.

It makes some of the stockholders happy for another reason. It saves them from having to pay taxes that they would have to pay on large dividends that the company paid to them. Thus, many companies are using accumulated profits to buy back the stock in order to protect their stockholders from income taxes that they would pay if the company gave them a decent dividend instead of a tiny one.

The law says when a corporation does this it must pay a penalty, a high 39.6 percent penalty. Listen carefully. What I am saying is that it is against the law. It is against the law to plot to assist the stockholders in avoiding the payment of income taxes. It is against the law. That is what this is all about. The law says when a corporation does this it must pay a penalty, a high 39.6 percent penalty.

All it takes to inspire greater respect for the law is for the IRS to assess these penalties on several hundred corporations, but it does not seem to be doing this, as far as I can find out. If you would enforce the law on some corporations the word would go out, because over the years they have stayed away from doing this; but in the last 10 to 15 years there has been a gradual increase of corporations hoarding their money, buying back their stock, watching over their shoulder to see if the IRS would do anything about it, probably. They have the best legal minds, so it is not by accident they are doing what they are doing.

But it is against the law. You pay your income taxes on April 15. You obey the law. I am sure you want everybody else to obey the law. Yes, the law can be changed. Often it is changed in favor of the people who have the most clout, the most money.

We have a big scandal raging with a focus on the White House, and excessive taxes being used to solicit contributions, collect contributions. All kinds of things are happening. They focus it on the White House, but if you have an objective study and you focus it in other directions, you will find it is also happening in the other party, also.

It happens that there is too great an amount of money that is required to run for office. We know that. We are too cowardly to do anything about it. We need a constitutional amendment which definitely allows Congress to set limits on the amount of money spent for campaigns.

This is a problem that we can solve, but nobody has the guts to really go after it. Anybody who talks about the problem and does not want to go all the way to a constitutional amendment to limit the amount of expenditures on campaigns is a hypocrite. They really do not want to solve the problem. They want to play games with the American people. Too much money is needed to run for office. There are too many opportunities to bribe anybody running for office indirectly. Legal bribery is taking place all the time. We need to deal with that.

Corporations certainly have a lot of money. They are able to lobby hard. They are able to influence how the Tax Code is written. If they won through that avenue, we have to wave a white flag and surrender. But they did not win that way. I am sure they tried to change the law. The law has not been changed.

I want to make it clear that I have not seen any corporation's income tax return and I do not ever expect to. Not only the tax returns themselves, but also all discussions and negotiations between the IRS and any taxpayer, corporate or individual, are totally private and secret. That is the way it should be. I do not speak from knowledge of having examined anybody's tax returns anywhere.

But large publicly owned companies do publish their financial statements. My staff has examined hundreds of quarterly and annual earnings reports for 1994, 1995, and 1996. We have found more than two dozen companies with stock buy-backs amounting to $1 billion. Over the 3 years a dozen corporations have over $2 billion of buy-backs, and a handful over $5 billion in buy-backs. These are the buy-backs which are not legal.

If the IRS were to assess the 39.6 percent penalties against these dozen corporations, the tax penalties would amount to several hundred million dollars in almost every case, and well over $1 billion for a few of the individual corporations.

As I said before, I estimated the total for all corporations would be at least $60 billion in penalties, $60 billion or more in penalties that would be collected over a 3-year period. So even though I have not been privy to any discussion between the IRS and any corporation, it seems very clear that the IRS is not assessing these unreasonable accumulations of surplus penalties against large publicly owned corporations. That is what the penalty is. It is called an unreasonable accumulation of surpluses. You cannot do that.

There are two requirements for this penalty to apply. One is that the earnings and the profits of the corporations are permitted to accumulate beyond the reasonable needs of the business. The penalty will apply if you have permitted the earnings and profits of corporations to accumulate beyond the reasonable needs of the business.

The other is that the accumulation is "for the purpose of avoiding the income tax with respect to its shareholders." I am quoting from the Tax

Code. For the benefit of anybody who might have just joined us and is listening, this is very technical. I realize that. It is something which is very simple in the law. A few simple sentences say clearly what has to be done, but I am going through this long explanation because of the fact that for some reason the law is not being enforced.

I do not want to have a situation where people are able to pretend that the simplicity is not there. It is there. I am describing something which does not require hearings. It does not require more legislation. It is right there already in the law.

Mr. Speaker, I submit for the RECORD a document entitled "Tax Penalty on Corporations that Accumulate Surplus Profits in Excess of the Reasonable Needs of the Business, Legal Background." I want it in the RECORD so anybody who wants to look at it in great detail may examine it. It will be in the CONGRESSIONAL RECORD. Members may read it if they want to go into deep details.

The material referred to is as follows:

TAX PENALTY ON CORPORATIONS THAT ACCUMULATE SURPLUS (PROFITS) IN EXCESS OF THE REASONABLE NEEDS OF THE BUSINESS

LEGAL BACKGROUND

One of the basic principles of the tax law in the U.S. is that a corporation is a legal entity that is separate and distinct from its stockholder-owners. It is sometimes called a "fictitious person."

Thus, the shareholder-owners are not personally liable for the debts and liabilities of the corporation. This distinguishes a corporation from a sole proprietorship or partnership, where the owners of the business share all of the assets, liabilities, debts and obligations of the business. Limited liability is one of the most important and most advantageous characteristics of the corporate form of doing business and is the principal reason that the corporate form is used by virtually all businesses, large and small, in the U.S. and throughout the world.

Because the corporation is a separate and independent entity, its profits are subject to a corporate income tax. Then, when profits are distributed to the stockholder-owners as dividends, the stockholders pay a personal income tax on those dividends. This so-called "double tax" is vigorously and bitterly opposed by the business and investment communities, but it is a basic part of our tax law.

The so-called "double tax" provides a powerful incentive for corporate business managements to let profits pile up in the corporation, rather than distribute them as taxable dividends. In order to prevent this, the U.S. tax law imposes a severe penalty on corporations that accumulate surplus (profits) in excess of "the reasonable needs of the business."

This penalty on accumulations of corporate surplus (profits) in excess of the reasonable needs of the business is not something new—it is a fundamental part of our tax law and has been since the income tax was first adopted in 1913.

In the original 1913 income tax law, the penalty was applied against the stockholder-owners. Then, in 1921, the law was changed so that the penalty applies (and has applied ever since) against the corporation itself.

Since its adoption in 1913, the Internal Revenue Code has been reenacted many times. The rate of penalty has been changed a number of times, and various amendments have added relatively technical provisions involving notice to taxpayers, burden of proof and the like. Otherwise, the penalty provision has remained in the tax law since 1913 without interruption and with only two significant changes. One changed the application from the stockholders to the corporation itself, and the other in 1984 made clear that the penalty applied to large public corporations. (See below.) The penalty provision is found in Sections 531–537 of the Internal Revenue Code.

The penalty tax rate is 39.6% of surplus accumulated in excess of the reasonable needs of the business; it was increased from 28% to 39.6% in 1993.

CONSTITUTIONALITY, VALIDITY AND ENFORCEABILITY OF THE PENALTY

This penalty tax provision has been before the U.S. Supreme Court three times. The first time was in 1938, when corporate taxpayers challenged the penalty and alleged a number of reasons why it believed it was unconstitutional, invalid and unenforceable. The Supreme Court dismissed all of these challenges summarily and without serious discussion, and it unequivocally affirmed the constitutionality and enforceability of the penalty. (*National Grocery Co.*, 38–2 USTC 9312, 304 U.S. 282, 58 Sct. 932.)

The U.S. Supreme Court considered the penalty provision again in 1969 and in 1975. In one case the issue was the motive or purpose for accumulating surplus. (*U.S.* v. *Donruss*, 393 U.S. 297.) In the other, there was a dispute about how to calculate the amount of accumulated surplus. (*Ivan Allen Co.*, 422 U.S. 617.) The constitutionality and enforceability of the penalty provision was taken for granted in these cases. It was never mentioned in either of the opinions.

APPLICABILITY OF THE PENALTY PROVISION TO LARGE, PUBLICLY-OWNED CORPORATIONS

There is nothing in the Internal Revenue Code or regulations that exempts publicly-owned companies from the penalty for unreasonable accumulation of surplus (profits). However, the legal community somehow developed the notion that the penalty was intended to apply only to closely-held or family companies. An exemption for publicly-owned companies evolved, even though it has no support in the statute itself.

In a case that became a landmark, *Golconda* v. *Commissioner*, 507 F.2d 594, the Ninth Circuit Court of Appeals held that the penalty should not be applied against publicly-owned companies unless a small group controlled 50% or more of the stock. The Court said, "There is, of course, no distinction in the statutory language between publicly and closely held corporations . . . [but] Treasury regulations and interpretations long continued without substantial change, applying to unamended or substantially re-enacted statutes, are deemed to have received Congressional approval and to have the effect of law."

The Internal Revenue Service responded to the *Golconda* decision by announcing that it did not agree with it and would not follow it. (Revenue Ruling 75–305). The IRS stated, "The position of the Service is that there is no legal impediment in applying, in an appropriate case, the accumulated earnings tax to a publicly held corporation."

The IRS never gave any support to the theory of an exemption for publicly-owned companies. True, it did not (as far as can be determined) to try appeal the *Golconda* decision to the Supreme Court. But, that may be because it was afraid it would lose. Despite the 1974 *Golconda* decision, the IRS pursued another publicly-owned company successfully; it obtained a brief opinion by the Court of Claims that "the accumulated earnings tax can apply to publicly-held corporation" (*Alphatype Corp.* v. *U.S.*, 10/21/76, 76–2 USTC 9730). In its opinion, the Court stated that there is not the slightest evidence that the Commissioner has by ruling, regulation or official policy exempted such (publicly owned) corporations from liability for the accumulated earning tax.

In 1954, in one of the periodic re-enactments of the tax code, including the penalty provision, the House attempted to add a provision exempting publicly-owned companies if no group controlled more that 10% of the stock. This proposed amendment was dropped in conference.

In 1985 the world changed. The Revenue Act of 1984, effective in 1985, amended the law by adding section 532(c). The relevant section of the Revenue Act of 1984 is as follows:

"Section 58. Amendments to the Accumulated Earnings Tax.

(a) CLARIFICATION THAT TAX APPLIES TO CORPORATIONS WHICH ARE NOT CLOSELY HELD.—Section 532 (relating to corporations subject to accumulated earnings tax) is amended by adding thereto the following new subsection:

"APPLICATION DETERMINED WITHOUT REGARD TO NUMBER OF SHAREHOLDERS.—The application of this part to a corporation shall be determined without regard to the number of shareholders of such corporation."

The above section, which remains in the law, effectively and permanently ended the de facto exemption for publicly-owned companies.

In 11 years since the law was changed, the IRS appears to have failed to apply the penalty to publicly owned companies that are buying back their own stock.

The change in the law in 1985 eliminated any doubt as to whether publicly-owned companies were exempt from the penalty—they are not. Yet, there appears to be only one court case on the matter. In 1993, the Tax Court resoundingly affirmed the opinions stated here; namely, that the 1985 tax law change "nullified" the earlier *Golconda* decision and made completely clear that publicly owned companies are not exempt from the penalty (*Technalysis* v. *Commissioner*, 101 TC 397).

Discussions and negotiations between the IRS and a corporate or individual taxpayer are extremely confidential, and it is not possible for outsiders to know whether the IRS has raised the issue, unless and until a particular taxpayer takes the IRS to court. However, the amounts of money involved here—the penalties may measure in the billions—are such that the matter would surely have come to public attention if the IRS were active in any significant way.

For example, if a publicly owned company is hit with a multimillion dollar tax penalty that will significantly affect its earnings, financial position, net worth and dividend policy, it is required to make that information public immediately, under rules of the Securities and Exchange Commission, the New York Stock Exchange, and also the National Association of Securities Dealers (NASD) which regulates companies with stocks traded over-the-counter.

The penalty should be applied against publicly-owned companies that pay small dividends and spend large amounts to buy back

their own shares if the buy back amounts far exceed the amounts needed for employee stock purchase plans, executive stock options, and so forth.

The tax law, in section 531–537 of the Internal Revenue Code, provides that the accumulated earnings tax will apply to any corporation . . .

"Availed of for the purpose of avoiding the income tax with respect to its shareholders . . . by permitting earnings and profits to accumulate instead of being distributed." (Section 532.)

". . . the fact that the earnings and profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the income tax with respect to shareholders, unless the corporation . . . shall prove to the contrary." (Section 533.)

Thus, for the penalty to apply, two tests must be met:

1. there must be an intent or purpose to save the shareholders from income taxes on dividends, and

2. the accumulation of earnings must exceed the reasonable needs of the business. . . .

"Reasonable needs of the business" is a factual test involving a number of factors: the amount of earnings, future plans that require large capital investment, the amount of dividends paid, etc.

The argument is made here that many large publicly owned companies are accumulating profits far in excess of the reasonable needs of the business, evidenced by the following:

consistently, they are paying out in dividends 20% or less of their earnings, AND

consistently, they are accumulating cash far in excess of their needs for capital expenditures, AND

consistently, they are passing up opportunities to borrow money on very favorable terms or are even reducing outstanding debt, AND

consistently, they are using accumulated earnings not to pay dividends but to buy back their own shares at prices far in excess of book value. (Thus, if the book value of their net assets, as shown on their own published balanced sheets is, for example, $10 per common share, and if they are buying back their stock at $20 or $30 per share, they are reducing the book value of their remaining shares.)

It is argued there that this pattern of behavior clearly indicates that the earning used for stock buy backs were accumulated in excess of the reasonable needs of the business.

Corporate managements will argue that, "Well, we have to buy shares back because at the same time are selling shares through employees stock purchases plans, executive stock options and dividend reinvestment plans available to stockholders, and we also (in some cases) need shares for conversion of convertible preferred stock or debentures.

These arguments are absolutely valid but many large companies are buying back twice or three times or five times or eight times as many shares as they need for these purposes.

Under Section 533, quoted in above, if a corporation fails the "reasonable needs of the business" test the burden of proof is on the corporation to show that it did not meet the other test, namely, intent to protect the stockholders from dividends.

Thus, the Internal Revenue Commissioner can reasonably take the following position: Corporations that have failed the "reasonable needs of the business" test on the fact will be assessed a penalty of 39.6%; and the burden of proof is on the corporation to show that it did not have the intent to protect stockholders from dividends.

Sections 531–537 of the Internal Revenue Code must be enforced immediately.

These are the actual words of the statutes I have read before. It is sections 531, 532, and 533 of the Internal Revenue Code. As we move toward April 15, make a note to go and examine sections 531, 532, and 533 of the Internal Revenue Code.

Accumulation of profits is OK for the reasonable needs of businesses, even in large amounts. Whether the accumulation is justified is a factual question. It depends on an analysis of the particular situation of each corporation. There is no formula or rule that applies to every business.

A corporation may be justified in accumulating profits without paying them out as dividends to finance the planned building of a new plant, the purchase of new equipment, to replace old items or to expand the business, to finance other kinds of expansion, such as the launching of a new product or the entry into new markets in other parts of the country or in other countries.

They may do it for working capital needed to carry the inventories and receivables of a growing business. They do it to retire debt incurred in the course of a business or to make loans and advances to customers or suppliers to enable them to continue doing business with the corporation; to buy another business, to build reserves for product liability losses or reserves for property losses from storm damage; to finance expenditures required to meet environmental regulations; to finance research for the development of new products. They may accumulate capital. Nobody is talking about the government interfering with the amassing of large amounts of capital for business needs.

It goes on and on. There are many good, justifiable reasons of a business which can justify the accumulation of profits. These have been examined and ruled upon in hundreds of cases in tax court and other courts in the 80 years-plus since the income tax and tax penalty were adopted.

But buying back the stock just to run its price up and to protect the stockholders from income taxes on dividends, these are prohibited actions. You cannot do that legally. If the corporations want to pay the profits available to the stockholders, paying dividends is the way they should do it. If you want them to get the benefit of the profits, pay them the dividends; do not protect them by holding onto the money and lowering their own tax bill. That is clearly prohibited.

Mr. Speaker, let me now take a few minutes to examine the reasons for and the history of this provision for a heavy tax penalty on the unreasonable accumulation of corporate profits and surplus. One of the very basic provisions of law and tax law in our country and throughout the world relates to the fact that a corporation is a legal entity that is distinct and separate from its owners, the stockholders.

A corporation has been called a fictitious person. This separateness is crucially important to the stockholders, because it insulates them from the debts and obligations and liabilities of a corporation and its business. If a corporation has problems, loses money, and eventually goes bankrupt or out of business, the stockholders may lose everything they invested in the stock, but that is all they will lose. The creditors cannot come after their personal assets. This is a device which has worked over a long period of time, and it is a device which you have to pay a price for.

This limited liability distinguishes an incorporated business from a partnership or a proprietorship, sole proprietorship. If those businesses go under, the owners may lose not only the amounts they invested but also their cars, their homes, their savings, and any other investment or assets.

This lesson was painfully learned by many wealthy Americans, British, and others who invested in the unincorporated Lloyds of London. Many of these names, people who were the investors in Lloyds of London, had to file personal bankruptcy when Lloyds incurred huge insurance losses for several years in a row and assessed those losses against the investors personally.

Because of this limited liability feature of the corporations, however, virtually all businesses are incorporated. Lloyds is one of the few huge operations in the world that operates that way. Even the law firms and accounting firms have recently figured out a way to organize professional corporations so that the partners can avoid unlimited personal liability.

Because of the separate identity of a corporation, it is required to file its own income tax return and to pay a corporate income tax on profits. The corporation, for all the reasons I have just given you, is treated as an individual and is required to file its own income tax return and pay a corporate income tax on its profits.

To prevent the excessive pileup of earnings, Congress established the tax penalty in the original Internal Revenue Code adopted in 1913. The code has since been renewed and revised and overhauled and amended many times.

The penalty tax rates have changed a number of times, but the basic provision has remained in the law every year without significant change, with the sole exception of an amendment in 1984. That amendment only strengthened the law. It was an amendment to make clear that the penalty provision applies to publicly owned companies.

The only big amendment recently was in 1984, when they amended the Tax Code to make it clear that the provision applies to publicly owned companies. There was a time when they said it was only privately owned companies, closely held corporations. But now it is quite clear as of 1984.

This tax penalty is somewhat unusual in that the law does not say that excessive accumulation of corporate profits is a crime. You know, a lot of individuals that I know are in serious trouble with the IRS. The last time I was in an IRS office I saw the place full of people who were obviously poor people, and they were not being allowed to get away with anything. They were going to have to do whatever was necessary to pay the taxes that they owed. If they did not do that, if they told some lies, they would end up in jail. I know of a situation now where there is a guy who told a few lies, and they have got the U.S. attorney investigating him now. He may go to jail.

But this tax penalty is unusual. The law does not say that excess accumulation of corporate profits is a crime. The law does say instead that corporations should not do it. If they do it they will have to pay a penalty. In other words, no corporation, executive board, or anybody is going to jail for violating this part of the Tax Code. It is very interesting. But they do assess a very heavy penalty.

In the early days of the income tax, the IRS was diligent in applying this tax penalty to closely held or family companies, as I pointed out. It sometimes lost in court, but in hundreds of cases it did collect the penalties, in hundreds of cases.

But for some strange reason, in the early days the IRS rarely applied the penalty to publicly owned companies. Perhaps the reason was that it was customary in those days for large companies to pay out good-sized dividends rather than using their profits to buy back their own shares. There is nothing in the Internal Revenue Code or regulation that gives publicly owned companies an exemption from this penalty on accumulation of profits in excess of reasonable needs of business.

The notion sort of grew up like Topsy, but it has no basis. Somehow, perhaps because it was thought smaller companies were the worst offenders, it became customary for the IRS to leave large corporations alone, and so without any support in the language of the law, a de facto exemption for public companies evolved and eventually took on the force of law.

The IRS never agreed to it, they never agreed to it, and indeed it went out of its way to publicly state its disagreement with the appellate court decision that confirmed the exemption in the landmark Golconda case in 1974.

□ 2230

There was one case that did go to the Supreme Court, the Golconda case in 1974, where they, the Court ruled that it did not apply to publicly owned large corporations. That was 1974.

However, all that is history, all that is irrelevant now because in 1984, Congress amended the basic penalty provision to make it clear that it applied to all corporations regardless of the number of stockholders. Congress looked at what happened with the case in 1974 and Congress 10 years later amended the law to make it clear that this provision applies to all corporations regardless of the number of stockholders.

In other words, the amendment eliminated an exemption that had previously been thought to apply to large publicly owned corporations with dozens or hundreds or even thousands of stockholders.

Mr. Speaker, I would like to explain why I believe this 39.6-percent penalty should be applied against these huge corporations that are buying back their own stock in huge amounts.

Again, for the benefit of anybody who just joined us, I am concerned about the fact that the Congress of the United States, the CBO, the Office of Management and Budget, great Senators, some of them from New York State, have focused their attention recently on gaining more revenue, gaining more money to save through an adjustment of the Consumer Price Index, lowering the cost of living increases for everybody on Social Security in order to help balance the budget.

My question is, why do you not look at the Internal Revenue Code and demand that the Commissioner enforce the law that already exists and tomorrow, March 12, Wednesday, we are going to talk about other corporate loopholes, other corporate welfare that ought to be closed.

Why is it that everybody in Washington who is in high places, leadership, the White House, why are they blind to the existence of great abuses that are being committed by corporations? Why are they instead focusing their microscopes on programs that serve poor people and squeezing everything they can, every dollar they can out of those programs.

Mr. Speaker, I would like to explain why I believe, why I believe this 39.6-percent penalty should be applied against these huge corporations that are buying back their own stock in huge amounts. The law mandates that the penalty should be assessed if two tests are met. First, that profits are permitted to accumulate beyond the reasonable needs of business and, second, that this is done, quoting again from the statute, for the purpose of avoiding the income tax with respect to the shareholders.

In other words, there has to be the fact of the accumulation, also the intent to protect the stockholders from income taxes. The officers and directors of large American corporations can read the statute as well as I can or better. They are way ahead of me in having platoons of well-paid lawyers to advise them and keep them out of trouble. I suspect, although I cannot prove it, that these high-priced lawyers have advised them that they are vulnerable to this penalty. I suspect that the lawyers have told them to be very careful in their public statements and to avoid bragging to the stockholders that they are protecting them from income taxes by using accumulated profits to buy back stock rather than paying dividends.

My staff and I, as I said before, have examined literally hundreds of quarterly and annual earnings reports of publicly owned corporations from 1994, 1995, and 1996, and we were struck by how very little these corporations had to say about their stock buyback programs and the reasons for them.

Here is one exception, one example we found of an exception. This is a case where the lawyers probably fell down on the job and let the veil slip. A very large American corporation, the name is a household name known to everybody, but it said, I will not name the corporation, but it said in its 1995 annual report, quoting from the report, "some shareholders have asked us why we are repurchasing shares rather than increasing our dividend as we did in years past. We believe that most shareholders prefer gains in stock price to receiving dividends because those payments are taxable annually."

There is a clear statement by a corporation of their intent to violate the law. They are not supposed to help shareholders escape paying more taxes. The management of this large corporation made a mistake. They let the veil slip. They let the real truth come out and, as I said, this is one of the rare exceptions, one of the few instances we were able to find where they admitted the real reason for buying back their stock. Of course, the Wall Street community and the business community will put the opposite interpretations on all of these earnings reports. They will say, we did not have an intent or a motive to protect the stockholders from income taxes. That is not why we were buying back the stock. The proof is that none of our earnings reports will mention such a thing. That proves that the intent is not there, except for one unfortunate company that slipped.

I am sorry but I have to say that that comes under the heading of very sophisticated baloney. This is one of those situations where everybody knows what they are doing and the reason they are doing it but nobody will say, nobody will speak the real truth. The point I am making here is that the Commissioner of Internal Revenue, if she considered assessing these unreasonable accumulations of surplus penalties, as I am urging her to do, she might conclude that there was not sufficient proof of intent to protect the

stockholders from income tax. It is hard to prove intent, hard to prove what is in someone's mind. This is something that comes up often in our legal system.

I am very pleased to be able to say that the Internal Revenue Commissioner does not have to prove intent. The Internal Revenue Commissioner does not have to prove intent. Rather the way the law is written, the burden of proof is on the corporation to disprove intent. The corporation must disprove that it intended to save money for its stockholders.

Here is the actual language of section 533 of the Internal Revenue Code. "The fact that the earnings and profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the income tax with respect to shareholders unless the corporation by the preponderance of the evidence shall prove to the contrary." Reading from section 533 of the Internal Revenue Code: "The fact that the earnings and profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the income tax with respect to shareholders unless the corporation by the preponderance of the evidence shall prove to the contrary."

Mr. Speaker, we have seen that there are two tests for this penalty to apply. The first test is the fact of an unreasonable accumulation of earnings. The second test is the intent to protect the stockholders from income taxes. But the Internal Revenue Commissioner does not have to prove the second test, the intent. If the first test, the fact test, is met, the Commissioner does not have to prove intent. Rather it is up to the corporation to disprove intent. It might be hard for the Commissioner to prove intent. That is true, but she does not have to prove intent. The burden of proof as to intent is on the corporation, not the IRS. That is what the clear language of the statute says.

Of course, Mr. Speaker, any corporation and any taxpayer has a right to object to any tax or tax penalty and to attempt to show that it has not been properly assessed. Discussions and negotiations between a corporation and the IRS are private and they are confidential. And if the discussions reach an impasse, the corporation can sue the IRS in tax court or Federal district court and let the court determine whether the tax is properly assessed. The penalty would have to be reduced or even dropped. Maybe a corporation could show that it was justified by the reasonable needs of its business in buying back its stock.

But I believe the Commissioner of Internal Revenue should find out if the penalties are justified and the way to do that is to assess the penalties, let the corporations protest, and to settle the matter in the course of negotiations the IRS normally conducts with individuals and taxpayers.

Treat the corporations the way they treat millions of Americans who file their taxes on April 15. Enforce the law. Enforce the law and let them deal with the attempt of the IRS to enforce the law. It certainly looks as though large penalties are justified based on my examination of the public financial statements of dozens of large American corporations and probably hundreds of others, too.

Many large corporations have now established a pattern that includes most or all of the following: Consistently year after year they pay dividends on their common shares that amount to only 15, 20, or 25 percent of their earnings. And consistently year after year, their accumulated earnings together with their cash-flows outside the earnings statement, from depreciation, amortization, deferred income taxes, provide far more cash than they need for capital spending and other necessary programs. And consistently year after year they do not use excess cash to pay down debt. Indeed in some cases, they actually increase debt by borrowing additional money and using it for the stock buy backs. And consistently year after year they accumulated large amounts of cash and profits far beyond the dividends they pay and the reasonable needs of the business, and they use large amounts of this money to buy back their common shares.

For dozens of corporations, probably hundreds of corporations this pattern has been present in 1994, 1995, and 1996. I believe the Commissioner of Internal Revenue, Margaret Milner Richardson, should assess 39.6 percent tax penalties as mandated by sections 531 to 537 of the Internal Revenue Code, not on all the accumulated profits but on the amounts of accumulated profits used for net buy backs of stock.

I believe that the amounts involved for all publicly owned American corporations are at least $200 or $300 billion or more. The 39.6-percent penalty on these amounts will total at least $60 billion and possibly $70 or $80 billion of additional Federal tax revenue in this year fiscal 1997, ending September 30, 1997.

Mr. Speaker, I have said that I believe the penalties should be applied to the amount of the net buy backs which is smaller than the amount of the total buy backs. Let me discuss this point for a moment because it is a very important one and it involves the counterargument that corporations make and will make against the charge that they are accumulating profits beyond the reasonable needs of the business.

Many, in fact most publicly owned corporations have employer stock purchase plans, stock options for executives, key employees and directors, and dividend reinvestment plans for stockholders. In addition, some corporations have convertible preferred stocks or debentures which can than be converted at the option of the holder to common shares. All of these programs involve the sale or issuance of additional common shares which may be shares held in the corporate treasury or newly issued shares.

As a result, they are selling and issuing other shares under these options, purchase and conversion programs. Indeed, this is the reason that they often give for their buy-back program.

Mr. Speaker, this argument is absolutely valid. I agree that if a corporations buys back its shares, it is justified in doing so, if it issues or sells the same number of shares under these various programs. Unfortunately for their argument we have found that for many corporations the stock buy backs far exceed the number of shares issued.

In examining the published financial statements of large American corporations, we found many that bought back in 1994, 1995, and 1996, they bought back 2 or 2\1/2\ times as many shares as they issued; we have found several that have bought back 5 or 6 or 7, 8 times as many shares as they issued; we even found that one bought back over 16 times as much as they issued.

I think clearly we cannot expect the Commissioner of Internal Revenue to assess the penalties on amounts of stock bought and then reissued in the same year on option and purchase programs. It is for that reason that I am asking the Commissioner to assess penalties on the amounts of the net buy backs rather than the total buy backs.

Finally, Mr. Speaker, I would like to address the question of how much money is involved here, how much corporate tax revenues could be raised if the Internal Revenue Commissioner assesses the penalties that I believe she should. I cannot estimate the amount with any kind of real accuracy, but I am absolutely certain that the amount is huge. It is enormous.

I want the Congressional Budget Office to take a look at this. I would like the Congressional Budget Office to give us a reading on exactly how much money is involved here. In fact the Progressive Caucus budget, the combination Black Caucus and Progressive Caucus budget will include this as one of the items in the budget. And we will, our alternative budget will ask for an assessment, a reading of the Congressional Budget Office on exactly what amounts will be generated.

Those who read the financial press and watch business programs on TV or surf the Internet are well aware of the amount of buy-back activity that is increasing all the time. We have asked the people in the Congressional Research Service to help us. So far we

were not able to accumulate a tabulation, but there are people who are looking at this for commercial purposes. There is a buy-back letter that a California man puts out. There is all kinds of activity going on showing that this is a profitable activity.

Let me conclude by saying that I have given a rather lengthy treatise here on a subject that I am not an expert in. I serve on the Committee on Education and the Workforce. I do not serve on the Committee on Ways and Means. I am puzzled and baffled by the failure of members of the Committee on Ways and Means to see the obvious. I am baffled and puzzled by the failure of the CBO, the Office of Management and Budget to see the obvious. Why are we studying ways in which we can cut programs for the poor? Why are we looking at the CPI and hoping to cut the cost-of-living increases for people on Social Security in order to help balance our budget when we have abuses of this magnitude? Why? Why is there a strain on the American character which allows leadership to always prey upon the poorest and the weakest? That strain was evidenced in the way we handled Native Americans, the people who owned this land when we got here. They were weak and we outmanned them and our weapons were superior and we took advantage of the weak.

□ 2245

We took advantage of slaves that we transported here from Africa. For 232 years we held them in bondage. Why is there a strain that goes after the weakest people in a merciless way?

In this sophisticated day, when we assume that we are more moral, that we have higher standards of morality and we assume that we are the indispensable Nation for the rest of the world and we set standards for the rest of the world and we talk about human rights, why are the people in our leadership focusing on ways to squeeze the poor while there are obvious ways to raise the necessary revenue?

Progressives, liberals, have not paid enough attention to the revenue side of the budget process. We have not paid enough attention to the fact that the Internal Revenue Code is where we have the largest amount of giveaways. Corporate welfare is the biggest welfare program in America. We must end corporate welfare as we know it. We must end corporate welfare.

We will begin our process tomorrow when the Progressive Caucus announces its war against corporate welfare. We welcome the gentleman from Ohio [Mr. KASICH], and all the other elements in this Capitol on the Senate side or the House side, wherever there are people who want justice; people who recognize that the place where there is the greatest amount of prosperity, where people are making money in great amounts right now is in the corporate world.

Our corporations are not suffering. If we need to balance the budget, the steps to balancing the budget should be taken in the effort to end corporate welfare. Corporate welfare should be our target. Those who have the most and who have had the greatest number of advantages are also guilty of the greatest abuses.

The corporate segment, the corporate proportion of the income tax burden fell to the present 11 percent. The total income tax burden. Only 11 percent of that is borne by corporations, while 44 percent now is borne by families and individuals. I have given one of the reasons that is true: these kinds of abuses, this kind of failure to enforce the law. We do not need hearings. We do not need legislation. All we need to do is tell the Internal Revenue Service to enforce the law.

April 15 is the date that we all go out and obey the law. Why not have the law apply to all Americans at every level, including corporations that are treated as individuals for their own profit and economic sake?

THE POOR AND NEEDY WITHIN OUR SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes.

Mr. HULSHOF. Mr. Speaker, I hope in the moments that I have in this late hour to answer part of the debate and some of the questions that the distinguished gentleman from New York has asked, specifically regarding the poor and the needy within our society.

Mr. Speaker, many of us who have run for office, in fact our own elected President, has oft quoted the statement that the era of big Government is over. I believe that the last Congress, the 104th Congress, helped make that claim a reality when it began to wrest away control from the Federal bureaucracy and began to send power and control back to State governments and city councils and county commissions and local school boards.

One of the major accomplishments of the last Congress was the end to the Federal entitlement to welfare. And I recognize that there are many skeptics, many doomsayers who wail and lament and beat their chests and say that society, specifically those poor and needy in our communities, that they are doomed. Mr. Speaker, just as the era of big government is waning, volunteers and faith-based charities and community outreach are moving in to fill that void.

Of course, we recognize how tough it is. There are single parents. There are two-income families that are struggling to juggle family and jobs. There are businesses that are swimming mightily against the tide of regulation and bureaucracy which often dissuades them from getting involved in community outreach. But I believe we must begin to forge a new vision, and our vision in this new era must be to empower communities to address the needs and problems within those communities.

We have to reignite volunteerism among the young and among the young at heart. Yes, the Government will continue to provide a safety net, but individuals helping individuals is the kind of positive action that weaves a strong social fabric.

Mr. PAPPAS. Mr. Speaker, if the gentleman would yield.

Mr. HULSHOF. I would be happy to yield to my friend and colleague from New Jersey.

Mr. PAPPAS. I thank the gentleman, Mr. Speaker, for raising this issue and would like to just add my thoughts to what I think is an exciting time to be here in the Congress and talk a little bit about my service to my constituency, or a portion of my present constituency, prior to the time I came to Congress.

I served as a local and county official and was exposed to many examples of how our Nation's communities have been able to find creative solutions to the issues facing those neediest citizens that we represent.

Back in New Jersey, a constituent of mine, Rev. Buster Soaries of Franklin Township, is blazing a trail of progress in Somerset County. Reverend Soaries has been able to mobilize thousands of members of his church as well as two communities, New Brunswick and Franklin Township, to work together to develop a project known as Renaissance 2000.

That vision for the program combines economic and community development, neighborhood revitalization, community and business partnering, housing rehabilitation, and a commitment of both youth and the adult members of these two communities to take what many consider to be a blighted and underutilized area and turn it into a thriving and successful new community center.

I have worked and watched Reverend Soaries take the kernel of a dream and begin to turn it into a model, a model that could very well be used in other parts of our Nation.

Additionally, prior to my election to Congress, I served as the chairman of my county, Somerset County Board of Social Services, which in New Jersey, the county boards of social services are the major organizations that oversee the majority of the welfare programs. In that capacity I was proud to have been involved in an initiative in which we successfully tapped our religious communities to work along with county government to reach out to families

on welfare and provide that extra element of assistance.

Many churches, synagogues, and other religiously based organizations back home agreed to lend a hand in many ways, and they include an agreement or a desire to mentor families on welfare in an effort to keep them together and to help them find gainful employment.

In some instances there were churches that have been asked or have stepped forward to provide scholarships for doing. Many of these religious institutions, churches and some synagogues, operate and house day care facilities. And now many clients on welfare are being matched with one of these facilities, and these congregations are granting free scholarships, quote end quote, to these, in many instances, single parents, single women with one or more children on welfare, and allowing them to move off of welfare, have gainful employment, and have that assistance in the form of free day care which is so important.

Lastly, a coordination with some business owners from one particular congregation has stepped forward, and many of these individuals who are business owners are now wanting to make themselves and their businesses available to teach a skill or a trade to an individual who is wanting to move off of welfare and on to work.

A fourth point I want to add is there is another church that sponsors three different sports camps during the summer, the Zarephath Community Chapel; a soccer camp, a baseball camp, and a basketball camp. And these three camps now, I think 10 or 12 scholarships for each of the three camps, have now been made available; free scholarships again being given to those that choose to take advantage of them.

Another program that addresses an issue so important, even in affluent counties, such as many of the communities that I represent, but the Interfaith Hospitality Network has teamed together with religious institutions, congregations, churches, and synagogues who have organized among themselves to accept and to house homeless families for the period of about a week. Many other congregations support by providing meals and other support services, and this action has literally saved the taxpayers thousands and thousands of dollars because sometimes costly emergency shelters have not had to be utilized.

I really have been impressed in the way in which people have stepped forward. And this is a program that is not unique to my county. We can find these all across our Nation.

Another program that has really been amazing and very impressive is another aspect of community renewal, an idea that was suggested by Rev. Steve Rozelle of Saint Mark's Episcopal Church in Basking Ridge, also in Somerset County. His idea, rather ingenious, was to utilize our county government's existing curbside pickup of recyclables, which takes place twice a week, and to provide one or more orange plastic bags, that are distributed the end of May or early June of each year, and 2 weeks later, at the next pickup. While the trucks picking up the recyclables go through neighborhoods, they pick up these orange bags, and contained in the bags are canned goods that people are donating. These canned goods are then distributed to one or two of the food banks that service the residents of our county. It has been a huge success and the response and the support by the community has been overwhelming.

Many times the food banks find that at that time of year things are pretty sparse. Christmastime and Thanksgiving there is a lot of activity and people are focused on that, but not in summer.

This has, obviously, benefited those food banks that run short on funds and run short on donations. The cooperation that the County Board of Freeholders has shown, our public works department, nonprofit agencies, many volunteers, young people as well as senior citizens, focusing on a common goal, has been very gratifying and encouraging to these food banks who are really overworked in many instances, and do a great deal with very little.

Reverend Rozelle has taken this idea to our State Association of Counties and is trying to see it replicated elsewhere and, maybe through this and other efforts, maybe his dream to see this nationwide will become a reality.

All of these projects and programs that I have just mentioned, I would say to my colleague, are capitalized on resources from the communities, and that is what brought them to fruition. Government was a partner, not the entire ensurer that these programs would become realities.

I daresay that there are probably many localities across the Nation that can point to initiatives that they have taken upon themselves to begin to contribute to the renewal of their own communities. I believe we in Congress and the Federal Government can learn a great deal from community initiatives such as this, such as those that I have mentioned.

I certainly applaud some of our colleagues who this week will be focusing upon community renewal, and certainly would like to continue to work with them and volunteers such as those that I have mentioned from my district back in central New Jersey, to ensure that all communities, whatever their level of need, can be renewed and improved upon.

Mr. HULSHOF. Mr. Speaker, the gentleman mentioned some very creative and innovative ways that individuals who have these creative ideas have worked as a partner rather than as a parent, especially the Reverend in his district whose mission is to help those who are hungry.

It is, of course, noteworthy that when hunger strikes, it does not ask for party affiliation. Hunger does not care if one is a liberal or a conservative or a Democrat or a Republican. In fact, when the pangs of hunger are most sharply felt, it is often by those 13 million who are not even old enough to vote. But the good news, I suppose, is that hunger is a curable disease.

Hunger relief is in transition, but I think as the Federal Government, Mr. Speaker, steps out of the equation, then the solution does shift to the faith-based and community-based charities to reach out to those in need. And I think this transition actually strengthens the resolve of those creative people, those ministers, lay ministers, and others within the communities, to reach out to those in need.

□ 2300

I have begun as my friend from New Jersey has to examine those scattered throughout the Ninth Congressional District of Missouri and have begun to actually witness the commitment that those individuals have to reaching out as individuals within their own communities, to reach out to those in need.

One of those hunger relief agencies of particular note that I would like to mention, Mr. Speaker, that is making a true difference is the Central Missouri Food Bank. The Central Missouri Food Bank is probably considered a medium-sized organization but yet distributes about 3.5 million pounds of food each year. There is a network of over 120 agencies, its service area is about 29 counties in central and northeast Missouri, and much of that area is overlapped by my congressional district, about 17,000 square miles, with a total population of about half a million. The demographics of that particular region are largely rural and much agricultural-based. Central Missouri Food Bank has actually a paid staff of nine full-time employees and one part-time with an operating budget of less than a half million dollars, about $490,000, and not one penny comes from the Federal Government. The director of the Central Missouri Food Bank is a very fiery sparkplug named Peggy Kirkpatrick. I think it is interesting to note that she has been the director of the Central Missouri Food Bank for about 5 years and has shared with many of us in our district how she first got involved in hunger relief. As she worked and walked daily to her job, she would walk past various dumpsters that were surrounding the University of Missouri campus and how she was touched by witnessing and watching those homeless and hungry who were foraging in the dumpsters for

food. She decided to try to make a difference, one individual, with a lot of energy and a lot of great ideas, and became director of the Central Missouri Food Bank. That is something that I think each of us has encountered at least once in our lives, especially here in this city, where we may have panhandlers that walk up to us asking for some spare change, or we pull into a convenience store and we see the contingent of so-called societal misfits who appear like a patchwork quilt outside the convenience stores. Yet if we actually take the time to notice, we either have one or two reactions. We may struggle within ourselves, do we try to provide some help in our small way, do we dig into our pockets for loose change or do we shrug deeper into our coats and think that, well, the Federal Government is there to help and the Federal Government will help those individuals. But that misses the point, Mr. Speaker.

These men and women live as individuals within our communities. And as members of our communities, I believe then we have that individual responsibility to reach out to those in need. The Central Missouri Food Bank recently had its report card, an annual awards banquet. Here are some of the things that the Central Missouri Food Bank has been able to accomplish. There were enough supplies to supply soup kitchens and shelters and pantries, day care centers, and senior programs to provide 200,000 meals to over 60,000 people. The estimated wholesale value of the food was about $5.6 million. The Central Missouri Food Bank initiated two Warehouse on Wheels which actually transported food to the far reaches of its area to help distribute those foodstuffs in a more timely and efficient fashion. In fact, they even acquired a semitrailer to help accomplish that goal. They started the green team, which is a pilot gardening project along with our local Boone County sheriff's department that utilizes prisoners who raise fresh produce for the hungry; recruited seven new food pantries in high need areas; worked with the media and others to stimulate and reach out to the community. In fact, one of the innovative ways that they reached out to local businesses was the Score Against Hunger Campaign. It is interesting that the Central Missouri Food Bank, unlike many other food banks, in fact, the Central Missouri Food Bank is one of only two second harvest food banks in the entire Nation that does not participate in the shared maintenance program. What that means is that the foodstuffs they collect, they do not charge food pantries and shelters for. They give it away for free. Their decision to do that was at a crisis time. It was back in 1993, and in the Midwest I am sure my friend from New Jersey watched accounts of how the flood of 1993 really had a devastating impact upon a lot of us. Against that backdrop, the Central Missouri Food Bank took the bold step and decided at that time they would no longer charge for the food they collected as they distributed it. As a result, they had an enormous outpouring, the business community was more than ready and willing to give additional moneys, and the Score Against Hunger Campaign was one innovative way in which the Central Missouri Food Bank teamed up with our local university at the University of Missouri in Columbia, now has actually extended the program to other colleges in the Ninth Congressional District, in conjunction with the football season. And if the home team scores a certain number of points, then there is a corresponding amount of donations that comes in that have been pledged by individuals. Even when the USDA cut the commodities that were going to these food pantries, they continued to innovate and utilize these efforts to reach out to those thousands and thousands of hungry people that they serve.

But many of the challenges and probably one of the most frustrating things in visiting with the Central Missouri Food Bank, those who continue to see their mission to feed the hungry without Federal Government involvement, some of the obstacles even come from within. In fact, a couple of weeks ago a hunger relief agency issued a national press release as this hunger relief agency was coming to Washington, DC, to try to create and promote a legislative agenda. In the context, the very text of the press release, this was what this hunger relief agency said:

> The charitable response to hunger is no substitute for good social policy and the appropriate allocation of public resources. It is the responsibility of the Federal and State governments to cure hunger.

This is an agency whose mission it is to help the hungry across the country. I suppose, Mr. Speaker, that even as we try to do the best we can, occasionally we lose sight of our mission, and sometimes our vision gets blurred.

I think the gentleman mentioned tomorrow, there are some new visionaries, and I think in a true bipartisan spirit Representatives JIM TALENT from the Second District of Missouri, whose district adjoins mine, as well as J. C. WATTS from Oklahoma and also Mr. FLOYD FLAKE, a good Congressman from New York, a Democrat, are going to launch the American Community Renewal Act.

Has the gentleman heard much about their efforts in that regard?

Mr. PAPPAS. If the gentleman will yield, I certainly have been hearing amongst our colleagues and have heard and am very much encouraged that there is such an effort that is ongoing and that is bipartisan. I have always been a strong believer that there should not be a Republican or Democrat approach to renewing our communities, be they urban areas or rural areas that have economic difficulties or even some suburban areas where there has been changes in the economic structure and many large corporations downsizing, there are different needs in various communities. I am very encouraged.

One of the things I would hope that as we move forward in reviewing the package that they are presenting to the House for consideration, that they would do something that we have done in our county back home, is that when we have asked some of these religious institutions to step forward, be it to provide those scholarships for day care or for the sports camps that I have mentioned, that our county board made a decision that we were not going to ask these religious institutions, these congregations, to step forward and to fill what we believe to be a very critical need for these families and these individuals that are on welfare and wanting to move off of it, but that many of their programs are steeped in their own religious traditions, and that we were not going to ask them to stop that; that we were going to make it clear to the welfare recipient that if they would want to consider their child or themselves being involved in this particular program that was purely voluntary on both parts, both the congregation as well as the welfare recipient, that they may be invited to participate or that they may be exposed to a prayer or some religious instruction, and that again it was voluntary, that the congregation was stepping forward to sponsor this and that we were not going to ask them to stop doing what they have been doing.

The response has been very, very positive. Again people realize it is voluntary, and I certainly hope that in the community renewal initiative that the gentleman has spoken about and we are speaking about this evening that we would follow suit.

Mr. HULSHOF. There are so many ideas, innovative ideas that are sprouting up like seeds all across this country. I think it is incumbent upon us as a body, a legislative body, Mr. Speaker, and again certainly the Government has a role, but I think that role should be a limited role and that government should get out of the way, as the gentleman mentioned, and allow some of these projects to take place and to allow them to grow.

A couple of weeks ago, Mr. Speaker, I recall that Ralph Reed of the Christian Coalition announced his group's new Samaritan Project which was dubbed as a very bold and compassionate plan to combat poverty and to restore hope, and that project, the Samaritan Project, actually took aim at the economic and moral deficits that pervade a lot of the black and Hispanic

inner city neighborhoods. As the gentleman from New Jersey mentioned, the impetus from those programs would also come from the church which is one of the few institutions in some of these communities that is willing and able to undertake such a task. I recall watching the press conference of that unveiling, Mr. Speaker, and along with Ralph Reed of the Christian Coalition, also standing next to him was the Rev. Earl Jackson. Rev. Earl Jackson was a Harvard Law graduate who also attended Harvard Divinity School. The Rev. Earl Jackson had this to say as he teamed up with Ralph Reed:

"I'm a black pastor who has worked in the black community for 20 years before heading up this project, and the ministers supporting this program are leaders in their communities in their own right." The quote again from Rev. Earl Jackson.

I believe, Mr. Speaker, that these ministers and activists are, of course, intelligent, I believe they are rational individuals, I believe they are quite knowledgeable, and they care deeply about the troubles afflicting their communities. This is an example of the new type of visionary that I believe will be filling the void as big Government moves out.

I look forward, Mr. Speaker, tomorrow as our colleagues, both Republicans and Democrats, introduce the community renewal project which builds upon efforts in the last Congress.

In summary, Mr. Speaker, I think it would be a terrible thing if the efforts of these visionaries across this country, as they rethink our approach to government and poverty and inner city and rural problems were simply dismissed as some new gloss on an old agenda, because, Mr. Speaker, I happen to believe fervently that the era of big Government is over, but that the era of big citizenship is dawning.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. ARMEY) for today on account of Judiciary Committee business.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. STABENOW) to revise and extend their remarks and include extraneous material):

Mr. BLUMENAUER, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material):

Mr. CHRISTENSEN, for 5 minutes, on March 12.

Mr. SOUDER, for 5 minutes each day, today and on March 12.

Mr. GOSS, for 5 minutes, on March 13.

Mr. MICA, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, on March 12.

Mr. MANZULLO, for 5 minutes each day, on March 12 and 13.

Mr. SMITH of Michigan, for 5 minutes each day, on March 12 and 13.

Mr. KINGSTON, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. STABENOW) to revise and extend their remarks and include extraneous material):

Mr. HALL of Texas.
Ms. CARSON.
Mr. BENTSEN.
Mr. NEAL of Massachusetts.
Mr. HOYER.
Ms. RIVERS.
Mr. KANJORSKI.
Mr. VISCLOSKY.
Mr. FROST.
Ms. ESHOO.
Ms. KAPTUR.
Mr. TRAFICANT.
Mr. UNDERWOOD.
Mr. POMEROY.
Mr. DELLUMS.
Mr. ANDREWS.
Ms. DELAURO.
Mr. KILDEE.
Mr. BARRETT of Wisconsin.
Mr. CLEMENT.
Mrs. MINK of Hawaii.
Ms. CHRISTIAN-GREEN.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material):

Mr. YOUNG of Alaska.
Mr. QUINN.
Mrs. KELLY.
Mr. PACKARD.
Mr. WELDON of Pennsylvania.
Mr. HORN.
Mr. ENSIGN.
Mr. CAMPBELL.
Mr. GILMAN.
Mr. SOLOMON.

ADJOURNMENT

Mr. HULSHOF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 12, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speakers table and referred as follows:

2186. A letter from the Department of Defense, Under Secretary of Defense (Comptroller), transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case number 94–01, which occurred when the Huntsville Division, U.S. Army Corps of Engineers [USACE], accepted and processed a reimbursable order from the Air Force citing fiscal year 1992 operation and maintenance, Defense-wide funds to acquire furnishings and equipment for future requirements at the Nellis Medical Facility, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2187. A letter from the Department of Labor, Assistant Secretary for Employment Standards, transmitting the Department's final rule—Migrant and Seasonal Agricultural Worker Protection Act (Employment Standards Administration) (RIN: 1215–AA93) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2188. A letter from the Pension Benefit Guaranty Corporation, Deputy Executive Director and Chief Operating Officer, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2189. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Galena and Baxter Springs, Kansas) [MM Docket No. 96–177] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2190. A letter from the National Endowment for the Humanities, Chairman, 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.

2191. A letter from the National Endowment of the Arts, Chairman, 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.

2192. A letter from the National Railroad Passenger Corporation [AMTRAK], Vice President for Government Affairs, 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.

2193. A letter from the Office of Personnel Management, Director, transmitting the Office's final rule—Reduction in Force and Mandatory Exceptions (RIN: 3206–AH64) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2194. A letter from the Secretary of Veterans Affairs, 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.

2195. A letter from the Thrift Depositor Protection Oversight Board, Acting Executive Director, 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.

2196. A letter from the Department of the Interior, Acting Director, Fish and Wildlife Service, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Cactus Ferruginous Pygmy-Owl in Arizona (Fish and Wildlife Service) (RIN: 1018–AC85) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2197. A letter from the National Oceanic and Atmospheric Administration, Acting Assistant Administrator for Fisheries, transmitting the Administration's final rule—American Lobster Fishery; Technical Amendment [Docket No. 970219034–7034–01; I.D. 021097D] (RIN: 0648–xx81) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2198. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Removal of Class E Airspace; Fall River, MA (Federal Aviation Administration) [Airspace Docket No. 96–ANE–45] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2199. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Removal of Class D and E Airspace; South Weymouth, MA (Federal Aviation Administration) [Airspace Docket No. 96–ANE–44] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2200. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Springfield/Chicopee, MA (Federal Aviation Administration) [Airspace Docket No. 96–ANE–46] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2201. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Nashua, NH, Newport, RI, Mansfield, MA, Providence, RI, and Taunton, MA (Federal Aviation Administration) [Airspace Docket No. 97–ANE–11] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2202. A letter from the Department of Transportation, General Counsel Transmitting the Department's final rule—Amendment of Class E Airspace; Jackson, Wyoming (Federal Aviation Administration) [Airspace Docket No. 96–ANM–033] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2203. A letter from the Department of Transportation, General Counsel Transmitting the Department's final rule—Amendment to Class D and E2 Airspace; Orlando, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–40] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2204. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Fort Stewart, GA (Federal Aviation Administration) [Airspace Docket No. 96–ASO–41] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2205. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class D, E2 and E4 Airspace; Gainesville, FL (Federal Aviation Administration) [Airspace Docket No. 96–ASO–39] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2206. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace, Fremont, NE (Federal Aviation Administration) [Airspace Docket No. 97–ACE–2] (RIN: 2120–AA66) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2207. A letter from the Department of Transportation, General Counsel Transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration [Docket No. 28821; Amdt. No. 1786] (RIN: 2120–AA65) received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2208. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability [Rev. Proc. 97–21] received March 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 649. A bill to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974 (Rept. 105–11). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 651. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. 105–12). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 652. A bill to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes (Rept. 105–13). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 914. A bill to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures (Rept. 105–14). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 88. Resolution providing for the consideration of the bill (H.R. 852) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies (Rept. 105–15). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. House Joint Resolution 32. Resolution to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920 (Rept. 105–16). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 709. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; with an amendment (Rept. 105–17). Referred to the Committee on the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 90. Resolution providing for consideration of the resolution (H. Res. 89) requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies (Rept. 105–18). Referred to the House Calendar.

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. HALL of Texas (for himself, Mr. BAKER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLILEY, Mr. BOEHNER, Mr. BONILLA, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CANADY of Florida, Mr. CHABOT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CLEMENT, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. CONDIT, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DOYLE, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. GANSKE Mr. GOODLATTE, Mr. GRAHAM, Mr. GREEN, Mr. GUTKNECHT, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HOLDEN, Mr. HOSTETTLER, Mr. HUNTER, Mr. HYDE, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. KING of New York, Mr. KLINK, Mr. KNOLLENBERG, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. MCHUGH, Mr. MANTON, Mr. MANZULLO, Mr. MASCARA, Mr. MICA, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. OBERSTAR, Mr. OXLEY, Mr. PACKARD, Mr. PAPPAS, Mr. PARKER, Mr. PAUL, Mr. PAXON, Mr. PETRI, Mr. POSHARD, Mr. QUINN, Mr. RAHALL, Mr. DAN SCHAEFER of Colorado, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SHIMKUS, Mr. SKAGGS, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr.

SOLOMON, Mr. SOUDER, Mr. STEARNS, Mr. STENHOLM, Mr. STUMP, Mr. TALENT, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TIAHRT, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, and Mr. WICKER):

H.R. 1003. A bill to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide; to the Committee on Commerce, and in addition, for a period ending not later than 30 calendar days after the Committee on Commerce reports to the House, to the Committees on Ways and Means, the Judiciary, Education and the Workforce, Government Reform and Oversight, Resources, and International Relations, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

*COM026*By Mr. BOEHNER:

H.R. 1004. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus real property and surplus personal property to nonprofit organizations for housing use, and to authorize the transfer of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals; to the Committee on Government Reform and Oversight.

By Mr. KING of New York (for himself, Mr. PETRI, Mr. CHRISTENSEN, Mr. ROHRABACHER, Mr. HILLEARY, Mr. LIPINSKI, Mrs. KELLY, Mr. ROYCE, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. NEY, Mr. BONO, Mr. BARRETT of Nebraska, Mr. LAHOOD, Mr. MANZULLO, Mr. WELDON of Florida, and Mrs. ROUKEMA):

H.R. 1005. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and the Workforce, 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. FOX of Pennsylvania (for himself and Mr. MCHALE):

H.R. 1006. A bill to amend title 5, United States Code, to provide veterans' preference status to certain individuals who served on active duty in the Armed Forces in connection with Operation Desert Shield or Operation Desert Storm, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. FOX of Pennsylvania (for himself, Mr. NORWOOD, Mr. MCHALE, Mr. SAXTON, Mr. HOLDEN, Mr. WATTS of Oklahoma, Mrs. KELLY, Mr. HAYWORTH, Mr. MCHUGH, Mr. TIAHRT, Mr. BEREUTER, Mr. FATTAH, Mr. ENGLISH of Pennsylvania, Mr. WHITFIELD, Mr. DAVIS of Virginia, Mr. COBURN, Mr. PETERSON of Pennsylvania, Mr. FALEOMAVAEGA, Mr. CALVERT, Mr. PICKETT, Mr. FILNER, and Mr. DEAL of Georgia):

H.R. 1007. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to offer a loan guaranteed by an adjustable rate mortgage under chapter 37 of such title; to the Committee on Veterans' Affairs.

By Mr. FOX of Pennsylvania (for himself, Mr. STUMP, Mr. EVANS, Mr. QUINN, and Mr. FILNER):

H.R. 1008. A bill to amend title 38, United States Code, to authorize the provision of funds in order to provide financial assistance by grant or contract to legal assistance entities for representation of financially needy veterans in connection with proceedings before the U.S. Court of Veterans Appeals; to the Committee on Veterans' Affairs.

By Mrs. CHENOWETH (for herself, Mr. GOODE, Mr. YOUNG of Alaska, Mr. SKEEN, Mr. PAUL, Mr. COBURN, Mr. HOSTETTLER, Mr. GIBBONS, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. DOOLITTLE, and Mrs. CUBIN):

H.R. 1009. A bill to repeal section 658 of Public Law 104–208, commonly referred to as the Lautenberg Amendment; to the Committee on the Judiciary.

By Mr. CONDIT (for himself, Mr. PORTMAN, Mr. SMITH of Michigan, Mr. HERGER, and Mr. WATTS of Oklahoma):

H.R. 1010. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on Rules.

By Ms. DANNER:

H.R. 1011. A bill to direct the Secretary of Transportation to carry out a comprehensive program to assist States in adopting a nationwide emergency telephone number for cellular telephone users, and for other purposes; to the Committee on Commerce.

By Mr. DICKEY:

H.R. 1012. A bill to make emergency supplemental appropriations, for relief from the tornadoes that occurred in the State of Arkansas, for the fiscal year ending September 30, 1997; to the Committee on Appropriations.

By Ms. ESHOO (for herself, Mr. GILLMOR, Mr. KLUG, Mr. PRICE of North Carolina, Mr. DICKS, Mr. HORN, Mr. EHLERS, Mr. BEREUTER, Mr. ENGLISH of Pennsylvania, Mr. MCCRERY, Mr. KLINK, Mr. PETERSON of Minnesota, Mr. MANTON, Mr. BOUCHER, Mr. BLUMENAUER, Mr. STUPAK, Mr. DEAL of Georgia, Mr. MCNULTY, Ms. RIVERS, Mr. DINGELL, Mr. DELLUMS, and Mr. BARRETT of Wisconsin):

H.R. 1013. A bill to amend the Communications Act of 1934 to facilitate utilization of volunteer resources on behalf of the amateur radio service; to the Committee on Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. KENNEDY of Massachusetts, Mr. GONZALEZ, Mr. JACKSON, Mr. GUTIERREZ, Mr. SCHUMER, Mr. STARK, Mr. MCDERMOTT, Mr. KLECZKA, Mrs. CARSON, Mr. LAFALCE, Mr. KANJORSKI, Mr. HINCHEY, Ms. ROYBAL-ALLARD, Mr. WATT of North Carolina, and Ms. NORTON):

H.R. 1014. A bill to amend the United States Housing Act of 1937 to authorize public housing agencies to establish rental payment amounts for assisted families that do not discourage members of such families from obtaining employment, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. GUTIERREZ (for himself, Mr. EVANS, Mr. FILNER, Mr. DELLUMS, Mr. ABERCROMBIE, Mr. SERRANO, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. STARK, Mr. TORRES, Mr. GONZALEZ, Mr. PASTOR, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Mr. HINOJOSA, Mr. ROMERO-BARCELÓ, Mr. GREEN, Mr. MEEHAN, Mr. WATT of North Carolina, Mr. VENTO, Mr. FORD, Ms. JACKSON-LEE, Ms. CHRISTIAN-GREEN, Mr. FROST, Mr. SABO, Mr. OBERSTAR, Mr. DAVIS of Illinois, and Mr. BROWN of California):

H.R. 1015. A bill to rescind restrictions on welfare and public benefits for legal immigrants enacted by title 4 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to reduce corporate welfare, to strengthen tax provisions regarding persons who relinquish U.S. citizenship, and for other purposes; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 1016. A bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. MORAN of Virginia, Mr. FILNER, Mr. DELLUMS, Mr. GEJDENSON, and Ms. JACKSON-LEE):

H.R. 1017. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to establish a toll-free telephone number and a computer network site for the collection of complaints concerning violence and other patently offensive material on broadcast and cable television, and for other purposes; to the Committee on Commerce.

By Mr. LAFALCE (for himself, Mr. GREENWOOD, Ms. VELÁZQUEZ, Mr. OLVER, Ms. RIVERS, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. ACKERMAN, Mr. SANDERS, Mr. GUTIERREZ, Mr. FROST, Mrs. MALONEY of New York, Ms. LOFGREN, Mr. HINCHEY, Mr. EVANS, Mr. PASTOR, Ms. SLAUGHTER, Mr. SKEEN, Ms. ESHOO, Mr. DEFAZIO, Mr. FOGLIETTA, Mr. GEJDENSON, and Mrs. JOHNSON of Connecticut):

H.R. 1018. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of certain beta interferons and other biologicals and drugs approved by the Food and Drug Administration for treatment of multiple sclerosis; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 1019. A bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, CO, to correct the effects of earlier erroneous land surveys; to the Committee on Resources.

H.R. 1020. A bill to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest; to the Committee on Resources.

H.R. 1021. A bill to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado; to the Committee on Resources.

By Mr. MILLER of Florida (for himself, Mr. FRANK of Massachusetts, Mr. COBLE, Mrs. FOWLER, Mr. FROST, Mr. TRAFICANT, Mr. BENTSEN, Mr. SHAYS, Mr. FLAKE, Mr. GILMAN, Mr. NETHERCUTT, Mr. BOEHLERT, Mr. DEFAZIO, Mr. QUINN, and Mr. SOLOMON):

H.R. 1022. A bill to authorize manufacturers and dealers of cars, trucks, buses, and

multipurpose passenger vehicles and motor vehicle repair businesses to install switches to be used by drivers to deactivate air bags in cars, trucks, buses, and multipurpose passenger vehicles; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ARCHER, Mr. BAKER, Mr. BALDACCI, Mr. BARCIA of Michigan, Mr. BARRETT of Nebraska, Mr. BENTSEN, Mr. BERMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BUNNING of Kentucky, Mrs. CARSON, Mr. CASTLE, Mr. CLAY, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. CONYERS, Mr. COYNE, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DIAZ-BALART, Ms. DUNN of Washington, Mr. EHLERS, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FATTAH, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORBES, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GEKAS, Mr. GILCHREST, Mr. GINGRICH, Mr. GONZALEZ, Mr. GREEN, Mr. GUTIERREZ, Mr. HALL of Ohio, Mr. HASTERT, Mr. HASTINGS of Florida, Mr. HAYWORTH, Mr. HEFNER, Mr. HINCHEY, Mr. HOLDEN, Mr. HORN, Ms. JACKSON-LEE, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Mrs. KELLY, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Mr. KING of New York, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAFALCE, Mr. LAHOOD, Mr. LANTOS, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Georgia, Mr. MALONEY of Connecticut, Mrs. MALONEY of New York, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Mr. MCHUGH, Mr. MCKEON, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. MILLER of Florida, Mrs. MINK of Hawaii, Mr. MOAKLEY, Ms. MOLINARI, Mrs. MORELLA, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. NORWOOD, Mr. OLVER, Mr. OWENS, Mr. OXLEY, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Ms. PRYCE of Ohio, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. RUSH, Mr. SABO, Mr. DAN SCHAEFER of Colorado, Mr. SCHUMER, Mr. SHAW, Mr. SHAYS, Mr. SHUSTER, Mr. SISISKY, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. STARK, Mr. STEARNS, Mr. STOKES, Mr. STUPAK, Mr. TALENT, Mr. TAYLOR of North Carolina, Mrs. THURMAN, Mr. TIERNEY, Mr. TORRES, Mr. TOWNS, Mr. VISCLOSKY, Mr. WALSH, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WELDON of Pennsylvania, Mr. WOLF, Mr. WYNN, Mr. YATES, Mr. WELLER, Mr. SCHIFF, Mr. BISHOP, Mr. BOEHLERT, Mr. BROWN of California, and Mr. SPRATT):

H.R. 1023. A bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as Dhemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Commerce, and 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 Mrs. MINK of Hawaii:

H.R. 1024. A bill to establish requirements for the cancellation of automobile insurance policies; to the Committee on Commerce.

H.R. 1025. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the use of soft money to influence any campaign for election for Federal office; to the Committee on House Oversight.

By Mr. PACKARD (for himself, Mrs. KENNELLY of Connecticut, Mr. PAPPAS, Mr. FOLEY, Mr. BAKER, Mr. BARCIA of Michigan, Mr. FILNER, Mrs. KELLY, Mr. MCKEON, Mr. SENSENBRENNER, Mr. SHAYS, and Mr. WELDON of Pennsylvania):

H.R. 1026. A bill to amend the Internal Revenue Code of 1986 to allow a capital loss deduction with respect to the sale of a principal residence; to the Committee on Ways and Means.

By Mr. PAXON:

H.R. 1027. A bill to amend title 28, United States Code, to provide for a three-judge court to hear and determine any application for an injunction against the enforcement of a State or Federal law on the ground of unconstitutionality, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON:

H.R. 1028. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income of certain retirement benefits received by taxpayers who have attained age 65; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 1029. A bill to protect the personal privacy rights of insurance customers and claimants, and for other purposes; 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. BARTON of Texas (for himself, Mr. HALL of Texas, Mr. SHADEGG, Mr. ANDREWS, Mr. TAYLOR of Mississippi, Mr. ADERHOLT, Mr. ARMEY, Mr. BAKER, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BILBRAY, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BONO, Mr. BRADY, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CHABOT, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. COOK, Mr. COOKSEY, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. CRANE, Mr. DEAL of Georgia, Mr. DELAY, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FOX of Pennsylvania, Mr. FRELINGHUYSEN, Mr. GIBBONS, Mr. GINGRICH, Mr. GOODE, Mr. GOODLATTE, Mr. GOODLING, Mr. GRAHAM, Ms. GRANGER, Mr. GREENWOOD, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mrs. KELLY, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Ms. MOLINARI, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. PETERSON of Pennsylvania, Mr. RIGGS, Mr. ROGAN, Mr. ROHRABACHER, Mr. ROYCE, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHIMKUS, Mr. SMITH of Michigan, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mrs. LINDA SMITH of Washington, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WICKER, Mr. POMBO, Mr. HUNTER, Mrs. FOWLER, Mr. CANNON, and Mr. SOLOMON):

H.J. Res. 62. Joint resolution proposing an amendment to the Constitution of the United States with respect to tax limitations; to the Committee on the Judiciary.

By Mr. PAXON:

H.J. Res. 63. Joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 12 years; to the Committee on the Judiciary.

By Mr. DUNCAN (for himself, Mr. LIPINSKI, Mr. TRAFICANT, and Mrs. MYRICK):

H. Con. Res. 42. Concurrent resolution regarding the waiver of diplomatic immunity in cases involving serious criminal offenses; to the Committee on International Relations.

By Mr. FRANKS of New Jersey (for himself, Mr. BORSKI, Mr. GILCHREST, Mr. LAHOOD, Mr. QUINN, Mr. NADLER, Mr. LOBIONDO, Mr. MCGOVERN, Mr. PASCRELL, Mr. SHAYS, Mr. FRELINGHUYSEN, Mrs. MORELLA, Mrs. KENNELLY of Connecticut, Mrs. KELLY, Mr. MARKEY, Mr. CARDIN, Mr. KENNEDY of Massachusetts, Mr. MCHUGH, Mr. CASTLE, Ms. DELAURO, Mr. MCHALE, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, Mr. HOLDEN, and Mr. ROTHMAN):

H. Con. Res. 43. Concurrent resolution expressing the sense of Congress that the Intermodal Surface Transportation Efficiency Act of 1991 should not be radically overhauled, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SANDERS (for himself, Mr. GILMAN, Ms. PELOSI, Mr. WOLF, and Mr. CAPPS):

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress with respect to United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China, and that the United States should sponsor and promote a resolution at the U.N. Commission on Human Rights regarding China and Tibet; to the Committee on International Relations.

By Mr. STUPAK:

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor Bishop Frederic Baraga; to the Committee on Government Reform and Oversight.

By Mr. SUNUNU (for himself, Ms. GRANGER, and Mr. PITTS):

H.J. Res. 89. Resolution requesting the President to submit a budget for fiscal year 1998 that would balance the Federal budget by fiscal year 2002 without relying on budgetary contingencies; to the Committee on the Budget.

By Mr. THOMAS:

H.J. Res. 91. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress; to the Committee on House Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

MR. HOEKSTRA INTRODUCED A BILL (H.R. 1030) TO AUTHORIZE THE SECRETARY OF TRANSPORTATION TO ISSUE A CERTIFICATE OF DOCUMENTATION WITH APPROPRIATE ENDORSEMENT FOR EMPLOYMENT IN THE COASTWISE TRADE FOR THE VESSEL *W.G. Jackson;* TO THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1: Mr. COOK.

H.R. 14: Mr. COBLE, Mr. SESSIONS, Mr. MCKEON, Mr. DEUTSCH, Mr. CLEMENT, Mr. BLILEY, Mr. GREENWOOD, Mr. KLUG, Mr. GOODLATTE, and Mr. GIBBONS.

H.R. 17: Mr. FROST and Mr. JEFFERSON.

H.R. 18: Ms. FURSE, Mr. SENSENBRENNER, Mr. DOYLE, Mr. HEFLEY, Mr. TOWNS, Mr. KUCINICH, Mr. WICKER, Mr. WYNN, and Mr. MCGOVERN.

H.R. 27: Mr. BLILEY, Mr. PAUL, Mr. JONES, and Mr. BURR of North Carolina.

H.R. 38: Mr. BORSKI and Mr. BARCIA of Michigan.

H.R. 45: Mr. PETERSON of Minnesota, Mr. SANDLIN, and Mr. KANJORSKI.

H.R. 65: Mr. BORSKI, Mr. BISHOP, and Mr. GREEN.

H.R. 71: Mr. WYNN and Mr. SENSENBRENNER.

H.R. 86: Mr. RIGGS and Mr. LATOURETTE.

H.R. 96: Mr. LEACH and Mr. INGLIS of South Carolina.

H.R. 98: Mr. BALDACCI, Mr. COOK, Ms. PELOSI, and Mr. BROWN of California.

H.R. 107: Mr. KING of New York, Mr. SAWYER, Mr. WYNN, Mr. EVANS, Mr. BISHOP, Mr. BONIOR, Ms. WOOLSEY, Mr. GREEN, and Mr. DIAZ-BALART.

H.R. 122: Mr. PAUL and Mr. HUNTER.

H.R. 135: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mr. KUCINICH, Ms. MCKINNEY, Ms. STABENOW, Mr. WISE, and Mr. REYES.

H.R. 157: Mr. FOX of Pennsylvania.

H.R. 158: Mr. RIGGS and Mr. NEAL of Massachusetts.

H.R. 162: Mr. WATKINS.

H.R. 169: Mr. BAKER and Mr. HOBSON.

H.R. 173: Mr. HORN, Mr. SCHIFF, Mr. HYDE, Mr. BROWN of California, Mr. BLUMENAUER, Mr. HERGER, and Mr. PACKARD.

H.R. 218: Mrs. KELLY and Mr. WISE.

H.R. 292: Mr. SOUDER.

H.R. 297: Mr. FALEOMAVAEGA, Ms. LOFGREN, and Mr. EVANS.

H.R. 298: Mr. FROST and Mrs. MALONEY of New York.

H.R. 301: Mr. FALEOMAVAEGA, Ms. LOFGREN, and Mr. EVANS.

H.R. 303: Mr. BORSKI, Mr. BISHOP, and Mr. GREEN.

H.R. 328: Mr. HEFLEY.

H.R. 336: Mr. QUINN.

H.R. 366: Mrs. MINK of Hawaii.

H.R. 383: Mr. FOX of Pennsylvania, Mr. UNDERWOOD, Mr. TORRES, Mr. GREEN, and Mr. JEFFERSON.

H.R. 400: Mr. WEXLER, Mr. DELAHUNT, Mr. FARR of California, Mrs. MEEK of Florida, Mr. HOUGHTON, Mr. NADLER, and Ms. FURSE.

H.R. 406: Mr. WELDON of Pennsylvania, Mr. WALSH, and Mr. HINCHEY.

H.R. 417: Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. SANDERS, Mr. MCDERMOTT, Ms. KILPATRICK, Mr. QUINN, Mr. COYNE, Mr. FLAKE, and Mr. MCGOVERN.

H.R. 437: Mr. SERRANO, Mr. FLAKE, Mr. SHAW, Mr. SCARBOROUGH, Mr. SHAYS, and Mr. CARDIN.

H.R. 446: Mr. SKEEN.

H.R. 464: Mr. TOWNS.

H.R. 465: Mr. BENTSEN.

H.R. 478: Mr. RADANOVICH, Mr. ROHRABACHER, Mr. DOOLITTLE, Mr. LEWIS of California, Mr. HOSTETTLER, Mr. YOUNG of Alaska, Mr. HULSHOF, Mr. NETHERCUTT, Mr. SMITH of Oregon, Mrs. EMERSON, Mrs. CHENOWETH, Mr. LARGENT, and Mr. MCINTOSH.

H.R. 521: Mr. DAVIS of Illinois, Mrs. CHENOWETH, Mr. BOUCHER, Mr. KILDEE, Mr. STEARNS, Mr. GOSS, Mr. JEFFERSON, Mr. CUNNINGHAM, Mr. KANJORSKI, Mr. WEXLER, and Mr. GORDON.

H.R. 525: Mr. HERGER, Mr. SAM JOHNSON, and Ms. DUNN of Washington.

H.R. 534: Mr. RANGEL, Mr. KLECZKA, Mr. NEAL of Massachusetts, Mr. CARDIN, and Mr. FLAKE.

H.R. 538: Ms. LOFGREN and Mr. ABERCROMBIE.

H.R. 553: Ms. DEGETTE, Mr. EVANS, Mr. FOGLIETTA, Ms. LOFGREN, Mr. UNDERWOOD, Mr. WEYGAND, Mr. KUCINICH, Ms. WOOLSEY, Mr. FALEOMAVAEGA, Mr. SANDLIN, and Mr. HEFLEY.

H.R. 577: Mrs. MEEK of Florida, Ms. JACKSON-LEE, Ms. RIVERS, Ms. NORTON, and Mr. BONIOR.

H.R. 586: Mr. DOYLE, Mr. DINGELL, Mr. JONES, Mr. KANJORSKI, Mr. KUCINICH, and Ms. ROYBAL-ALLARD.

H.R. 607: Mr. BROWN of California, Mr. ROYCE, Mr. KUCINICH, Ms. NORTON, and Mr. SESSIONS.

H.R. 617: Mr. QUINN, Mr. FOX of Pennsylvania, Mr. COSTELLO, Mr. MCGOVERN, and Mr. GREEN.

H.R. 622: Mr. SMITH of Oregon.

H.R. 628: Mr. MCCOLLUM, Mr. SHADEGG, and Mr. SANDLIN.

H.R. 680: Mr. EVANS, Mr. REYES, and Mr. HORN.

H.R. 687: Mr. LEWIS of Georgia, Mrs. CARSON, Mr. TIERNEY, Mr. WYNN, Mr. MOAKLEY, Mr. KUCINICH, and Mr. MCDERMOTT.

H.R. 688: Mr. KLINK and Mr. FOX of Pennsylvania.

H.R. 715: Mr. SENSENBRENNER, Mr. TORRES, Ms. NORTON, and Mr. JEFFERSON.

H.R. 716: Mr. GOSS, Mr. MILLER of Florida, Mr. MCINTOSH, and Mr. BOB SCHAFFER.

H.R. 739: Mrs. CARSON.

H.R. 750: Mr. UNDERWOOD and Mr. SHADEGG.

H.R. 752: Mr. LUCAS of Oklahoma.

H.R. 755: Mr. KUCINICH, Mr. SOLOMON, and Mr. REYES.

H.R. 767: Mr. BURR of North Carolina.

H.R. 773: Mr. SANDLIN and Mr. LEACH.

H.R. 805: Mr. BILBRAY.

H.R. 811: Mr. BONIOR, Mr. MCDADE, Mr. BALLENGER, Mr. CRAMER, Ms. DANNER, MR. GIBBONS, Mr. LATOURETTE, Mr. MCINTOSH, Mr. POMBO, Mr. SCARBOROUGH, Mr. TALENT, and Mr. YOUNG of Alaska.

H.R. 815: Mr. EHLERS, Mr. BONIOR, Ms. WOOLSEY, Mr. TORRES, Mr. COBURN, Mr. WISE, Mr. CUMMINGS, Mr. SANDLIN, Mr. GORDON, and Mrs. MYRICK.

H.R. 820: Mr. SANDERS, Mr. KENNEDY of Massachusetts, Mr. BOUCHER, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. BROWN of Ohio, Mr. GREEN, Mr. CONYERS, Ms. MCCARTHY of Missouri, Mr. TIERNEY, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. PELOSI, and Mr. FLAKE.

H.R. 832: Mr. EVANS.

H.R. 840: Mr. BENTSEN.

H.R. 841: Mr. RANGEL.

H.R. 849: Mr. KINGSTON, Mr. HAYWORTH, and Mr. STUMP.

H.R. 852: Mr. WELLER and Mr. WEYGAND.

H.R. 871: Mrs. CARSON, Mr. EVANS, Ms. ROYBAL-ALLARD, Mr. KUCINICH, and Mr. FALEOMAVAEGA.

H.R. 883: Mr. BOUCHER.

H.R. 902: Mr. BARCIA of Michigan, Ms. DANNER, Mr. BOEHLERT, Mr. MCDADE, Mr. CAMP, and Mr. WICKER.

H.R. 907: Mr. PARKER, Mr. NEUMANN, Mr. BACHUS, Mr. BRYANT, and Mr. BURTON of Indiana.

H.R. 918: Mr. UPTON.

H.R. 919: Mr. KUCINICH, Ms. CHRISTIAN-GREEN, and Mr. KILDEE.

H.R. 925: Mr. GANSKE and Mr. PARKER.

H.R. 928: Mrs. MYRICK, Mr. NETHERCUTT, Mr. ENGLISH of Pennsylvania, and Mr. MILLER of Florida.

H.R. 930: Mr. SANFORD and Mr. DAVIS of Virginia.

H.R. 949: Mr. PASCRELL.

H.R. 950: Mr. SCHUMER, Mr. SANDERS, Mr. MCGOVERN, Mrs. MINK of Hawaii, and Ms. MCKINNEY.

H.R. 954: Mr. KLUG.

H.R. 956: Mr. BARRETT of Wisconsin and Mr. WOLF.

H.R. 977: Mr. LAHOOD.

H.J. Res. 1: Mr. LIVINGSTON.

H.J. Res. 26: Mr. BEREUTER, Mr. PAUL, and Mr. BURR of North Carolina.

H.J. Res. 40: Mr. BURTON of Indiana.

H.J. Res. 45: Ms. PELOSI, Mr. MALONEY of Connecticut, and Mr. BISHOP.

H.J. Res. 54: Mr. BONILLA, Mrs. CHENOWETH, Mr. GINGRICH, Mr. LEWIS of Kentucky, Mr. LUTHER, Mr. RYUN, and Mr. SANFORD.

H. Con. Res. 13: Mr. SAWYER, Mr. CALLAHAN, Mr. BISHOP, Mr. CAMPBELL, Mr. GOODLATTE, Mr. KUCINICH, Mr. DINGELL, Mr. DELLUMS, Mr. LANTOS, Mr. WAMP, Ms. WOOLSEY, Ms. DANNER, Mr. BLUNT, Mr. ALLEN, Mr. FOGLIETTA, Mr. COLLINS, and Ms. LOFGREN.

H. Con. Res. 16: Mr. PAYNE.

H. Con. Res. 23: Mr. TORRES and Ms. DELAURO.

H. Con. Res. 32: Mr. SHAYS, Ms. ROYBAL-ALLARD, and Mr. KUCINICH.

H. Con. Res. 38: Mr. ENGEL, Mr. UNDERWOOD, and Mr. FALEOMAVAEGA.

H. Res. 15: Mr. ENGEL, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. SCHUMER, and Mr. MENENDEZ.

H. Res. 30: Mr. NETHERCUTT.

H. Res. 39: Mr. FOGLIETTA, Mr. LIPINSKI, Ms. PELOSI, Mr. LAFALCE, Mr. BERMAN, Mr. FRANK of Massachusetts, and Mr. STARK.

EXTENSIONS OF REMARKS

TRIBUTE TO BONNIE MILLER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Bonnie Miller, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Bonnie Miller, a member of the board of directors of the Fair Oaks Community Center, conducted several fundraising efforts which resulted in the group being able to provide food for many people who would otherwise have gone without. She organized her community to make the Taft School a drug-free zone, and was a founding member of a coalition which developed the Taft/Healthy Start Family Center in 1995. She is the owner of a small business and has been active in the Women's Financial Information Program, a 7-week course that was designed to help women conquer their fear of finances. She has raised seven children and received the Unsung Hero Award from the Redwood City Interservice Club and the Sequoia Award for Outstanding Volunteerism.

Mr. Speaker, Bonnie Miller is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

HONORING BRADFORD MILLER FOR HIS AWARD OF HIGHEST HONOR FROM THE AMERICAN ROAD AND TRANSPORTATION BUILDERS ASSOCIATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. CLEMENT. Mr. Speaker, I rise today to congratulate Bradford Miller for winning the American Road and Transportation Builders Association Award, the ARTBA's most prestigious award.

Mr. Miller is the current executive vice president of the Tennessee Road Builders Association [TRBA]. Under his leadership, the TRBA has grown to nearly 380 members and is one of the largest and most supportive chapters in ARTBA.

Since Mr. Miller has served as executive vice president, TRBA has passed significant legislation for our State's transportation system in the Tennessee General Assembly and has seen its highway construction program grow from $250 million to a record $540 million in 1996. Mr. Miller has developed close relationships with the Tennessee delegation, which prompted the passage of numerous pieces of legislation that have greatly benefited the highway, paving, and aggregate industries in Tennessee. He has been able to gain the support of the legislature for highway and ARTBA issues. In fact, Tennessee was one of the few and the largest State delegation where all the House Members voted in favor of removing the transportation trust funds from the unified Federal budget.

Mr. Miller, a graduate of Middle Tennessee State University, has led an active life, dedicated to leadership. Before becoming the association executive, he owned and operated a grading, base, paving and rock quarry company, an asphalt paving company, and two water, sewer, and gas line companies. He has served as chairman of the ARTBA Council of State Executives in 1990 and is an active member of the ARTBA bridges and structure committee.

Mr. Miller is a respected citizen in the community. He is married to June Miller, has four children and six grandchildren. He is a devoted family man and a devoted representative of TRBA and ARTBA. I congratulate him on his award and wish him the best of luck.

RECOGNIZING ARNOLD ARONSON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. DELLUMS. Mr. Speaker, I rise today to commemorate the 87th birthday of Arnold Aronson, an ardent crusader for civil rights. Arnold Aronson's distinguished career in civil rights transcends several generations including Franklin Roosevelt's New Deal. Mr. Aronson, with Roy Wilkins launched the National Emergency Civil Rights Mobilization, an organization, which later became known as the Leadership Conference on Civil Rights. This civil rights organization marched on Washington to protest intolerable race-based injustices and lobbied for greater civil rights protections for Black Americans. Arnold Aronson drafted a report assessing needs of Black Americans which later became the 1957 Civil Rights Act.

While at the helm of the Leadership Conference for the first 13 years of its origin, this champion of civil rights also was the program director of the National Jewish Community Relations. Throughout his activist career, Aronson allied the Jewish and Black communities in the struggle for civil rights. He is one of the original 10 organizers and leaders of the 1963 March on Washington. A tremendous amount of legislation was initiated under his direction at the Leadership Conference. Most notably included are the 1957 and 1964 Civil Rights Acts, the 1965 Voting Rights Act, and the 1968 Fair Housing Act.

In the early days of the Leadership Conference, Mr. Aronson worked closely with my uncle, C.L. Dellums, and A. Phillip Randolph the legendary president of the Brotherhood of Sleeping Car Porters, to prompt President Roosevelt to issue an Executive Order which barred discrimination on the basis of race, creed, or national origin in any war-related industries.

I proudly join with others to salute the efforts of Arnold Aronson to bring civility to the United States through positive action. To date Arnold Aronson is an active member of the Leadership Conference. Largely due to Mr. Aronson's perseverance and coalition building, today's Leadership Conference includes nearly 200 organizations and continues to confront all fronts of racial, religious, national origin, gender and sexual orientation bigotry and discriminations.

TRIBUTE TO JEAN MILLER ON HER RETIREMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. ANDREWS. Mr. Speaker, within every community, there are individuals who, through their acts of kindness and selflessness, touch many lives. Quite often, they are the silent leaders following a path that many others have traveled. Those who travel with them find prosperity at the end. One such leader is Jean Miller.

In April 1997, Ms. Miller will be retiring as president of the Southern Chester County, PA, Emergency Medical Services, Inc. For Ms. Miller, this marks the end of an impressive and rewarding career. She served 25 years in the Navy, including three tours as a surgical nurse during the Vietnam war. Ms. Miller was also an active member of the West Grove Fire Co. She has been admired by her colleagues for her skills in the operating room as well as the warmth she displayed in the recovery room.

Credited for improving ambulatory services in the Chester County community, Ms. Miller expanded the services to include routine ambulance transportation and emergency basic life support services. In addition, she was the guide for providing basic life support professional staff to local ambulance services, augmenting such services during daytime hours when volunteer help was limited.

On March 16, the citizens of Chester County will honor Jean Miller for a lifetime of unselfish service. As she receives accolades from the citizens present at this event, individuals across the country who were touched by Ms. Miller's caring hands will once again feel her touch as the last chapter of an illustrious career comes to an end.

As chairman of the Congressional Fire Service Caucus, it is my honor to pay tribute to Ms. Miller on behalf of the 320 Fire Caucus members.

IN HONOR OF MARTHA GRIFFITHS ON THE 25TH ANNIVERSARY OF THE EQUAL RIGHTS AMENDMENT

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. RIVERS. Mr. Speaker, for the record, I would like to pay tribute to an exceptional person whose vision for equality raised the consciousness of our Nation. During her 20 years in the House, Martha Griffiths dedicated herself to fighting for equal rights for women and minorities.

Elected to Congress in 1954, Ms. Griffiths made the introduction of legislation prohibiting wage discrimination on the basis of sex one of her first priorities in the 84th Congress. Breaking gender barriers, Ms. Griffiths became the first woman representative to win appointment to the Committee on Ways and Means in 1962. One of her many great achievements in Congress was the inclusion of her amendment prohibiting sex discrimination in the landmark 1964 Civil Rights Act. Ms. Griffiths untiring efforts to create an equal playing field for women led to the passage of the Federal Equal Rights Amendment in the 91st Congress. Although, ultimately, the Equal Rights Amendment was not adopted into law, the legacy of Ms. Griffiths' efforts continue to serve as an inspiration to all of us.

On March 22, 1997, Ms. Griffiths will be in Washington, DC, celebrating the 25th anniversary of the Equal Rights Amendment's passage in Congress. On that day, we will celebrate Ms. Griffiths lifetime dedication to furthering equality for all Americans.

TRIBUTE TO FRANCISCA DE CASTRO GUEVARRA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Francisca De Castro Guevarra, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Francisca De Castro Guevarra was born in San Francisco and is the daughter of Filipino immigrants. She has been an exemplary community volunteer for the past 28 years. She left her banking career in 1969 to join the Volunteer Center where she has been instrumental in broadening the focus of service to groups and regions that had not previously been served. In 1990, she organized the bay area's first Volunteer Center Conference on Cultural Diversity and Voluntarism, which has served as a model for many subsequent conferences throughout the bay area. She has been tireless in her efforts to involve youth in voluntarism and service, and conducted a management training session for representatives of 18 European countries at the 1996 Volunteurope Conference in Rome.

Mr. Speaker, Francisca De Castro Guevarra is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

A GREAT TEACHER . . . AN INSPIRATION

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. UNDERWOOD. Mr. Speaker, this past February 24 would have been the 52d birthday of Helen Leon Guerrero Carriveau should she have survived here bout with cancer. Helen Carriveau left a lasting impression on her family, her friends, her colleagues, and most importantly her many students. A resident of Latte Heights, Mangilao, Helen taught in the Guam Public School System for 28 years. She began her teaching career on Guam in 1968 at George Washington High School. The next year she transferred to Dededo Junior High School, now known as Dededo Middle School, and taught there until 1986 when she transferred to John F. Kennedy High School. For the next 10 years, Helen worked avidly advising and supporting almost every student organization on campus.

Helen worked endlessly during the seventies and eighties toward the preservation of the Chamorro language and culture. Through her role as a language teacher, Helen used her charisma to coach her many students who participated in the various islandwide oratorical contests. Part of her role included coordinating the various campus activities at Dededo Middle School where she was teaching at the time.

Helen's work at John F. Kennedy High School during her 10 years of service were especially rewarding to her many students. She was the main advisor for the John F. Kennedy High School student government program, WAY. During her term as faculty advisor, the WAY Program developed from a student government class to an active school and community-based operation. Students made major decisions affecting school fundraising, activities, calendars, and financial management. Through her work, the student government office became equipped with computers, printers, a facsimile machine, a copy machine, and a direct telephone line. With her encouragement, WAY defined its role as umbrella organization for the other student entities throughout the school. Together, they supplied the school with trashcans for litter, provided a public address system for school functions, and acquired display cases for the art classes. Helen helped form and organize several other student organizations including HITA—Helping Islanders to Achieve—and the community-based JFK chapter of the SHOUT Program. She was an advisor to the S Club, several class councils, as well as the National Honor Society.

Together with Connie Guerrero, another educator, Helen became a lead facilitator and organizer of the Guam Close-up Program which literally brought hundreds of our island students to our Nation's Capital for participation in workshops and lectures developed to spark and maintain student interest in government and democracy. Under Helen's leadership several other programs were introduced to Guam students. These included the Pacific Basin Program, the Citizen Bee, and the Geography Bee.

Helen's friend and colleague, Robert Abaday gave the following eulogy at her memorial services:

Helen began writing her autobiography on December 5th, 1996 and penned the last entry on January 6th, 1997—the day before she entered the hospital. She never got to finish the story, but I, as a colleague at JFK High School and as her friend, will do my best to relate some things about her as I remember her.

Helen's enthusiasm for teaching excited her students; encouraged them to do their best; and, in some lit the passion for teaching. Her classroom was alive with colors, art, music, exotic foods, posters, piñatas, and student assignments for social studies and Spanish. She shared her knowledge of Guam, history, and Spain. Helen initiated the JFK Cinco de Mayo celebration, which has since become an annual event. She was involved in the school and loved the students. Helen was an "Islander" who led us in school spirit and fiercely believed her school and students were the best on island.

Teaching was not a job that ended at 2:30—it was a lifestyle that included evenings, weekends and vacations. Helen was always ready to stop by school for meetings or to chaperone. She was always ready to listen to student's problems; help them find solutions; encourage them to continue; and when she needed to, straighten them out. She allowed others to experiment and to make their own mistakes. Students in Spanish, history and student government loved her classes and knew Helen was there for them. Students returning from college on vacation would seek her out, once again, to share their triumphs and their worries.

Helen had a very active life. Look at the lists over the years for committees, workshops, and chaperons and Helen's name will be included. Close-up, National Honor Society, SHOUT, Peer Counseling, and Geography BEE were only a few of her many activities. She shared her knowledge of Guam and its history during the Golden Salute by leading tours for Veterans.

Helen was well-organized, responsible, and thorough. Whatever activity or event she ran would be sure to be smoothly planned and implemented.

Those who worked with her could expect to be recruited for some event or job, but we knew Helen would be there working right along with us. She believed in working together and asked for input from others. She always had a few minutes available to bounce ideas and phrases around. Helen could make you feel your ideas were good and you were an important port of any endeavor.

Helen made others feel welcome—new students at the orientations, new classes, new colleagues-faculty, staff, and administrators. People were drawn to Helen. They enjoyed

her company, she loved a good story and was a great storyteller. She was a charter member of the Social Studies Party Animals. Helen made everyone feel better just being around her. She enjoyed laughing and made us laugh along with her. You could always tell when Helen was holding back a laugh though—her eyes danced.

Friendship was very important to Helen. Her father told her that if you had friends—you were rich. Helen had many friends. If you ever needed any help, Helen was there. I have pictures of Helen and Liz Huey sweeping water out of classrooms after a typhoon, sweating and laughing. Helen taught a group of us how to play pinochle a few weeks before Christmas. She was considerate, encouraged us to "go for it", and went out of her way for others. Her generous nature made us feel honored to be accepted as her friends.

When you needed a spokesperson, a mediator or a dragon fighter, Helen was there. Helen was known for her high sense of values, family pride, love for life and integrity. Compassionate and dignified could be used to describe this gracious and joyful woman. She showed us what it meant to have courage and to value family, friends, and life. She shared her life with all of us—moment by moment. She encouraged us, she challenged us, she brought out the best in us. Helen taught all of us. She taught us how to enjoy every bit of life. She taught us, through her own example, how to live."

Her thoughtfulness and influence extended far past the campus of John F. Kennedy High School. She can count on many other students as her pupils. Joshua Tenorio, one of my legislative assistants is included as one of those students. He met her many years ago during a trip to Washington he had made to participate in the Close-up Program. As a representative of the Guam Youth Congress, Joshua did not have an advisor. Helen adopted his group and they bonded from then on. Joshua told me:

She was a true inspiration to us all. She was always encouraging and provided us with her full support. Her death is a loss to the entire island of Guam for she represented everything positive about being an educator. She lives on in the minds of the hundreds of students she touched with her heart. I know that her husband and her children can safely say that she led the best possible life. That is why we should celebrate it whenever we think of her. One thing is for sure, she will never be forgotten.

Helen was my colleague in various projects over the years. She was intelligent, committed, and a positive influence on everyone she came into contact with. I will miss her, her students will miss her, and the people of Guam have lost a great educator.

Mr. Speaker, it is with great pride that I submit this statement for the RECORD. May others take note and use her as an example of the best that we can be. My sincere condolences go out to her husband, Kenneth, and her children and their spouses, Kenneth and Llolanda, Monique, and Brett, and her two grandchildren, Katherine and Kieran.

IN MEMORY OF JANIE TIJERINA OF HOUSTON, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of a valuable member of the Houston community, Mrs. Janie Gonzales Tijerina, who passed away on Sunday, March 2, 1997. Mrs. Tijerina was among Houston's most prominent community leaders, but perhaps will be most remembered as the owner of Felix Mexican Restaurants which she founded with her husband, the late Felix Tijerina, Sr., in the 1930's. Following her husband's death in 1965, Mrs. Tijerina continued to run the restaurants with her family until her death last week. As much as the community of Houston loved and respected Mrs. Tijerina, her family has suffered an even greater loss.

Mrs. Tijerina touched the lives of many generations in Houston. While I was a regular customer at her restaurant since almost birth—in fact both of my daughters can claim to have eaten at Felix's under her watchful eyes within one week of their respective births—I came to know Mrs. Tijerina while serving as chairman of the Harris County Democratic Party, when we leased space in the flagship restaurant on Westheimer for use as a polling place. I will always remember her enthusiastic greeting and her meticulous dedication to satisfying her customers. She truly ran what is now a Houston institution. She was one-of-a-kind and will be greatly missed by generations, including four in my family, who were fortunate enough to have met her and spent time with her.

Janie Tijerina treated everyone in Houston as a family member, and now that family mourns her passing. I ask unanimous consent to insert in the RECORD at this point an article and obituary which appeared in the Houston Chronicle on March 4, 1997.

RESTAURATEUR JANIE TIJERINA DIES AT AGE 88

Services will be held Wednesday for Janie Gonzales Tijerina, who helped her husband, Felix Sr., launch Felix Mexican Restaurants 60 years ago.

She died Sunday at age 88 after a long illness.

Tijerina had served on the Municipal Arts Commission and numerous other boards.

"Her death helps mark the passing of the founding generation of the truly prominent Hispanic Houstonians who began to attract citywide attention," said historian Thomas H. Kreneck.

Tijerina's husband, likewise deeply involved in civic projects, was national president of the League of United Latin American Citizens before his death in 1965.

In the 1930s, the Tijerinas were a struggling couple in Houston. He had tried to launch a restaurant, and they were living in a spare, one-room house.

One day, her boss at a variety store gave her $50 to bet on a horse at Epsom Downs, the area's former horse track. He was such a skinflint, she knew he wouldn't risk that much money unless he was sure the horse would win.

She had promised her husband to stop gambling but couldn't resist betting on the same horse. She hocked her jewelry and furs and their car, plus got a few dollars from other shop girls, and bet $450.

The horse won, but Felix, then a beer truck driver, was shocked and said: "Janie, what have you done?"

She confessed about reneging on her promise, gave him the winnings (about $1,100 after their property was redeemed), told him to open a restaurant and pledged, "You're going to be the only boss."

Tijerina is survived by a son, Felix Jr., and a daughter, Janie.

JANIE GONZALES TIJERINA

Janie Gonzales Tijerina (Mrs. Felix Tijerina, Sr.), 88, owner of Felix Mexican Restaurants, died Sunday, March 2, 1997 in Houston. Mrs. Tijerina was born December 20, 1908, in Sandyfork, Texas. She was a member of St. Anne Catholic Church, was past president of the Downtown Women of Rotary and was the first woman granted a membership in the Rotary Club of Houston, (Downtown). She was past president of the Pilot Club of Houston, a member of the Salvation Army, the Chamber of Commerce of Houston, South Houston and Pasadena, was a former board member of the National Hotel Association of Mexico City, member of the City Art Commission, past member of the Board of Directors of The University of Houston, Sheltering arms, and the Houston Women's Club.

She was preceded in death by her husband, Felix Tijerina, Sr. and is survived by her daughter Janie Tijerina; son Felix Tijerina, Jr. and wife Sandra Kay; grandchildren Cary Jordan Tijerina and Katherine Ann Tijerina.

Friends may call at Geo. H. Lewis & Sons, 1010 Bering Drive, after 12:00 noon Tuesday, where a Rosary in English will be recited at 6:30 p.m., and in Spanish at 7:30 p.m. The funeral mass will be celebrated at 1:30 p.m. Wednesday, March 5, 1997, at St. Anne Catholic Church, 2140 Westheimer, with Rev. David Zapalac celebrant. Rite of Committal will follow in the Garden of Gethsemane, Forest Park Lawndale Cemetery. Active Pallbearers will be Eugene Galindo, Alejandro Parra, Sia Ravari, Cary Tijerina, Janie B. Tijerina and James E. Wiggins. Honorary Pallbearers will be Frank Barrera, Joe Gonzalez, Hewitt Jenkins, Thomas Kreneck, Paul Pressler, Sr. and Joseph Soper. For those desiring, memorial contributions may be given to The University of Houston System, 1600 Smith, Suite 3400, Houston, Texas, 77002 Attn: General Endowment Fund for Scholarships, or to a charity of your choice.

IN MEMORY OF MARTIN SLATE

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. POMEROY. Mr. Speaker, today I wish to take a few moments to express my sadness at the passing of a truly dedicated public servant. His name was Martin Slate, Since 1993, Mr. Slate had served as executive director of the Pension Benefit Guaranty Corporation [PBGC]. In this capacity, he was charged with safeguarding the hard-earned pension benefits of millions of working Americans. It was a job he did brilliantly. He arrived at the PBGC at a time when the agency was in danger of failing in its mission to guarantee the pension benefits of American workers. He developed a plan

to set things right and went about doing so. Director Slate led the effort to make needed reforms in the pension laws, he restored the PBGC to a level of solvency it had not seen in decades, and he spearheaded a new initiative to track down missing pension participants and provide them with the benefits they had earned but not received.

While at PBGC, Director Slate worked closely with leaders from Capitol Hill, particularly with former Congressman J.J. "Jake" Pickle. Writing to Director Slate's spouse last week, Congressman Pickle remarked:

> We should give eternal thanks for Marty's leadership in the Pension Benefit Guaranty Program. For years neither the Administration nor Congress could remove road blocks that kept badly-needed pension reform from enactment. Marty Slate knew the problem, and knew how to chart a course of action. As Chairman of the Congressional Subcommittee that had jurisdiction over pension reform, I can vouch that Marty, more than anyone, led the fight that resulted in the passage of the Retirement Protection Act of 1994. Countless millions of American workers, now and in the future, owe a deep debt of gratitude to this great man.

Having worked closely with Director Slate on pension policy over the past several years, I share Congressman Pickle's enormous gratitude for the leadership and vision he provided in advancing the retirement security of the American people. Our Nation has lost a valuable ally in the critical struggle to achieve economic security for our Nation's retirees.

Fortunately for our Nation, however, Director Slate's 4 years of success at the PBGC were not a temporary foray into government service but the capstone of a lifelong career of service to the public. Prior to coming to the PBGC, Mr. Slate oversaw employee benefit plans for the Internal Revenue Service and served in a variety of capacities at the Equal Employment Opportunity Commission. Marty's lifelong dedication to ensuring equal opportunity and preserving workplace benefit security brought tangible results to millions of working Americans. His life stands as a testament to the fact that one can achieve great good in service to one's country.

Mr. Speaker, this past Thursday I attended a memorial service for Director Slate. While this required me to miss several recorded votes here in the House, I was proud to count myself among the hundreds of colleagues and friends who gathered to pay tribute to this exceptional man. Speaker after speaker rose to celebrate the life and mourn the passing of this quintessential public servant and vibrant friend. For those of us who had known him only professionally, we learned in moving terms that Marty's dedication to his country was matched by dedication to his friends and family. Country, colleagues, family, friends—all will miss him terribly.

Mr. Speaker, I ask my colleagues in this Chamber to join me in sending heartfelt condolences to Marty's wife, Dr. Caroline Poplin, and to the other members of Marty's family. At this difficult time, I know that we all join in expressing our sincere gratitude for Marty's many years of dedicated service to this Nation and his fellow citizens.

DECERTIFYING MEXICO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. GILMAN. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD a letter to President Clinton from Grant Woods, attorney general from the State of Arizona; and Daniel E. Lungren, attorney general from the State of California. I call our colleagues' attention to the important message conveyed in this letter from two leaders on the frontlines in the struggle against illegal drugs.

Their message is clear: United States law enforcement resources have been compromised by corruption among their counterparts in Mexico. They call upon this Congress to decertify Mexico.

Mr. Speaker, in consultation with our colleagues, we will present legislation on Thursday that will decertify Mexico and send a bipartisan message to President Clinton and to the Mexican Government on steps that should be taken to stem the flow of drugs into the United States from Mexico.

I commend our friends from California and Arizona and urge my colleagues to study the wise counsel conveyed in their letter.

STATE OF ARIZONA,
OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, February 27, 1997.

Hon. BILL CLINTON,
Office of The President of the United States, The White House, Washington, DC.

DEAR PRESIDENT CLINTON: As the chief law and law enforcement officers of our respective States, we are gravely concerned with recent reports that our cooperative efforts with law enforcement officials of the Republic of Mexico in the fight against illegal drugs may have been seriously compromised. This is intolerable. It threatens the integrity of our own enforcement efforts in our respective States, States which border Mexico and which are heavily impacted by the devastating cross-border illegal drug trade. Frankly, we are concerned about the consequences to state and national drug enforcement personnel, programs, strategies, data, equipment and criminal intelligence sources.

Accordingly, we urge you to take the appropriate action under sections 489 and 490 of the Foreign Assistance Act of 1961 to decertify the Republic of Mexico as a country "fully cooperating" with the United States to end drug production, trafficking and related activities. While this step appears to be drastic, we are unaware of any credible alternative means of impressing upon the appropriate agencies of national authority in Mexico the seriousness of these breaches of security. We cannot continue to cooperate in sensitive operations fighting drugs under these circumstances.

Sincerely,

GRANT WOODS,
Attorney General, State of Arizona.
DANIEL E. LUNGREN,
Attorney General, State of California.

HONORING BILL HARDMAN, SR., FOR HIS SERVICE TO THE STATE OF TENNESSEE AND OTHER SOUTHEAST STATES IN THE AREA OF TOURISM

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Mr. Bill Hardman, Sr., and his service to the State of Tennessee and other Southeast States in the area of tourism.

Mr. Hardman, who has served as the president and CEO of the Southeast Tourism Society [STS] since its inception in 1983, is relinquishing his duties on March 15, 1997. He will be greatly missed.

Mr. Hardman is a legend in the tourism industry. He began his career in 1959 when he became Georgia's first tourism director, a position he held for 12 years. One of Mr. Hardman's first projects was to construct welcome centers at Georgia's State borders. The State was the first in the Southeast other than Florida to form a welcome center program. Before he left, he had planned and coordinated eight welcome centers. Following his successful program, other Southeastern States began constructing welcome centers and today, all Southeastern States have strong welcome center programs.

Mr. Hardman instituted the first Governor's Conference on Tourism in the United States in Georgia and other States followed. In 1965, he created and served as the first president for the Southern Travel Directors Council, which later became known as Travel South USA. He developed a high impact advertising program in television, radio, and newspaper and attended trade shows for the State of Georgia all over America and Europe.

Mr. Hardman was involved in Presidential Inaugurations and entered Georgia floats in the Kennedy, Johnson, and Nixon inaugurations. He was instrumental in obtaining favorable legislation for tourism in Georgia. For several years, he had Georgia floats in the tournament of Roses Parade. He won a number of awards including the Sweepstakes Award. Hardman organized the Jimmy Carter Inaugural Special train to Washington for the inauguration of his home State President Jimmy Carter. The special train sold out in 2 days and several cars on the regular train from Atlanta to Washington were sold to the Jimmy Carter group.

Mr. Hardman left his State of Georgia employment in 1971 to go into his own business, a travel agency, travel advertising and promotion accounts, attraction development, trade show management and other areas of the tourism industry. In 1983, he got the idea for a regional travel organization. In September 1983, 21 people from 7 Southeastern States met in Atlanta to determine if there was a need for such an organization. The result was the formation of the Southeast Tourism Society, which currently has a membership of 450 people representing 10 Southeastern States. STS is the strongest regional travel organization in the nation. The purpose of STS is to market and develop tourism and travel to and

within the Southeastern States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Mr. Hardman currently serves on the White House Conference Travel and Safety Committee. He has won numerous awards including the coveted Travel Industry Association of America Knight of the Golden Horseshoe Award in 1973.

Mr. Hardman's organizational and people skills have been the key to 10 States working together as though there are no State borders and working for the good of the region as a whole. The Southeast States enjoy an abundance of tourism, due, in part, to the efforts of Mr. Hardman. He is a good friend, not only to the States represented by STS, but also to me personally. Tennessee has been served well by his many successes. But, I don't expect him to sit idly by, so I hope we will be hearing from him often. Mr. Hardman will certainly be missed in his position at STS. I wish him the best of luck.

TRIBUTE TO MARYANN MEDINA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Maryann Medina, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Maryann Medina, one of the few Latina women working for the San Francisco Post Office in 1966, recognized the importance of lending a helping hand and became the first woman president of the Latin American Postal Workers. While continuing to work full time, she earned her AA degree in 1981 and a BS degree in public administration in 1985. In 1989, she was elected Western region coordinator of the APWU Post Office Women for Equal Rights. She organized her union's Childcare Committee and worked for a 24-hour childcare facility for postal workers. She joined Toastmaster International, became a public speaker, and attended the Fourth World Conference on Women in Beijing in 1995, and she now makes frequent public presentations about the conference. She is a member of the Soroptimists and volunteers as a facilitator in the Women's Financial Information Program.

Mr. Speaker, Maryann Medina is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

WE DON'T ALL DO IT

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. CAMPBELL. Mr. Speaker, the most disappointing phrase anyone serving in public office can hear today is they all do it. That is, essentially, the White House defense of the crass sale of Presidential perks to major donors to the President's party. From the public polling data, it appears the President and Vice President are winning with this defense. Since everyone does it, it sounds almost hypocritical for critics to point out the unique venality of the White House political machine. There is a surmise that Members of Congress also sell perks of office for campaign advantage. In fact, we do not.

Let me contrast what we have learned about the President and Vice President with what is typical of a congressional office. In my congressional office, I receive letters of praise and letters of criticism. I do not send the letters of praise over to my campaign office so that funds can be solicited from those who wrote. I receive an extra ticket to the State of the Union address and to speeches by visiting heads of state to Congress. I do not auction those off, but give them to my staff. When people ask to get on my schedule to talk about a political topic, I schedule the meetings for the coffee shop across from my district office in California; in Washington, I schedule them at the private Capitol Hill Club. I don't make fundraising calls from my congressional office—and I don't know any Members of Congress who do. I know that Government locations are for carrying out the Nation's business, not for dialing-up contributors. So does everyone with any ethical sense above numbness.

That's why I found the Vice President's excuse that he thought the law didn't apply to him so bizarre.

In his White House news conference, which some in the press called surreal, the Vice President stated—no less than seven times—that counsel had advised him that "there was no controlling legal authority" showing him in violation of the law.

First—there is such "controlling legal authority." It's called the U.S. Code.

Section 607, of title 18, of the United States Code states that, "It shall be unlawful for any person to solicit or receive any contribution * * * in any room or building occupied in the discharge of official duties by any person mentioned in section 603 * * *." Section 603 of title 18, defines "any person" to include "an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for service from money derived from the Treasury of the United States * * *." Violators of section 607 can be fined and/or imprisoned for up to 3 years. How much more clear can it be?

Second—put the law to one side. What about a sense of personal ethics? Do we really need a law to say—"Don't use the public's money for personal political gain?"

Mr. Speaker, in light of the President and Vice President's actions, Congress needs to send a signal of hope and self-confidence to the entire country that we don't all do it. Regrettably, many people looking at Congress think each of us does pretty much the same sort of thing, or at least looks the other way when one of our colleagues does. Well, as a matter of fact, not everyone does use public office for personal political gain. And not every one of us looks the other way, either.

UNIVERSITY OF TEXAS AT ARLINGTON MOVIN' MAVS AND DUNCANVILLE HIGH SCHOOL'S GIRLS' BASKETBALL TEAM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. FROST. Mr. Speaker, I rise today to pay tribute to two amazing athletic achievements that were recently accomplished by basketball teams in my district. On March 2, the University of Texas at Arlington wheelchair basketball team, the Movin' Mavs, captured their fifth National Intercollegiate Wheelchair Basketball Championship. They were the first wheelchair basketball team to visit the White House.

I am also very proud of the Duncanville High School's girls basketball team. The girls team recently won their 18 State tournament title after finishing the season with a 38–0 record.

Both of these extraordinary teams deserve both praise and national recognition of their achievements. Each individual member of the Movin' Mavs has waged a personal battle to overcome disability and become a champion. And the Duncanville team's incredible run of 38 consecutive wins makes it a team for the record books.

My congratulations go to the 1996–97 UTA "Movin Mavs" wheelchair basketball team: James Hayes, coach; Adrian Casell, manager; Jackie Middleton, trainer; Javier Gonzalez, Danny moor, Cezar Olivas, Enoch Ablorh, T.K. Dannelley, Takk Kerst, Jack Ricks, Jon Rydberg; and to the 1996–97 Duncanville High School girls basketball team: Sara Hackerott, coach; Christie Sparks, assistant coach; Andrea Bentley, Kenya Larkin, Remy McElroy, Dawn Owens, LaDonna Palmer, Tanika Catchings, Shunda Murray, Portla Lowe, Alana Griffin, Julie Jesperen, Angela Francis, Jalle Mitchell, Dana Godfrey, Jessica Barr-Long, Brianna Brown.

THE HOMEOWNERS CAPITAL LOSS RELIEF ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. PACKARD. Mr. Speaker, current tax laws discourage homeowners from selling their homes. By keeping them in homes they can't afford to lose money on, we are making it harder for families just starting out to purchase their first home. My bill will free up those homes for first-time buyers. I am working to make the American dream a reality for as many families as possible.

Recently, I introduced bipartisan legislation which would allow homeowners to deduct losses taken on the sale of their home from their taxes. The Homeowners Capital Loss Relief Act would enable many homeowners to sell their homes below the price they paid and deduct this loss from their taxes. I know that our families work to scrimp and save for their piece of the American dream. They should not

be penalized for a depressed real estate market and a drop in the value of their homes.

Mr. Speaker, this pro-homeowner provision was originally passed as part of the Balanced Budget Act of 1995. I was disappointed that this provision did not become law. Today, I am working to change that and provide much-needed tax relief to America's homeowners.

This bill recognizes that owning a home is more than just an investment—it is an important goal for many Americans. In addition, by enabling more families to purchase their first home, my legislation will encourage more investments in our communities.

Mr. Speaker, the American people have looked to us again and again for tax relief. It is time to give them the results they deserve. We must provide for our current and future homeowners.

TRIBUTE TO JESSICA FRANK

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Jessica Frank, a dedicated youth leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Jessica Frank is a recipient of the National Council of Teachers of English Writing Award and has won accolades from her teachers for her creativity and determination. She has volunteered as a teacher's aide with emotionally disturbed third and fourth graders, has tutored a runaway youth who speaks English as a second language, and is a member of Moving On Racial Equality. Jessica has created projects that combine community service and social justice for her 400-member church youth organization and helped renovate an elementary school in a low-income area in San Francisco. She has organized and conducted a workshop on homelessness and spent last summer tutoring on a Navajo reservation. She is an inventive and committed community volunteer who gives generously of her time and talents to help others.

Jessica Frank is outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO STANLEY D. STEINBORN

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. RIVERS. Mr. Speaker, I am pleased to take this opportunity to recognize the upcoming retirement of Mr. Stanley D. Steinborn, the deputy attorney general for the State of Michigan. Mr. Steinborn's 34 years of government service with Michigan's Office of Attorney General reflect the commitment, talent, and integrity he has brought to our State government.

Raised in Alpena, MI, the son of a bricklayer, Mr. Steinborn graduated from Michigan State University and obtained his law degree from Northwestern University in Chicago. He voluntarily interrupted his education to serve in the Korean war. He returned to Alpena to practice law, where he became friends with a recently settled local lawyer, Frank J. Kelley, who later became Michigan's attorney general. Mr. Steinborn joined Mr. Kelley in Lansing as an assistant attorney general in 1963, and has served as chief assistant and deputy attorney general since 1973, overseeing a staff of 250 lawyers.

The mark Mr. Steinborn has made on Michigan State government is reflected by the comments of so many who have worked with him. Mr. Frank Kelley, who remains our Nation's longest serving State attorney general recently said: "Mr. Steinborn has had a long and distinguished career as a public servant with the Office of Attorney General. He has been not only a colleague in law, but he has been my friend." Mr. Steinborn's contributions are recognized across party lines. Lucille Taylor, Governor Engler's top legal counsel, has nothing but praise for Mr. Steinborn:

> I have worked very closely with Stan Steinborn during the past six years—sometimes on an almost daily basis. I respect the way he has performed his job. I have learned a lot from him, and I think he is an example of committed civil servant—a person who is really committed to his work and to the state. I admire him. If I ever had his job, I would do it exactly like he has.

Through the years, Mr. Steinborn has held firm to his ideals and convictions, while never losing sight of his priorities. Foremost in his life is his family. He and his wife of 42 years, Annette, have raised four children whose chosen careers mirror the values instilled in them by their parents—a medical social worker in my district, a civil engineer employed by the State of California, an attorney in private practice in Washington, DC, and a schoolteacher in the city of Detroit. It is a source of great family pride that all of the Steinborn's hold at least one degree from Michigan State University. Mr. Steinborn and his wife no doubt will stay busy in the years ahead enjoying their extended family that now includes four grandchildren.

Mr. Steinborn touched so many with whom he has worked. His dedication to the high ideals of our legal system and our democratic form of governance will surely serve as an important example for the many who have known and worked with him. It is my distinct pleasure to recognize his many important contributions to our State. Thank you, Mr. Speaker.

COMMENDING THE LAUREL VOLUNTEER RESCUE SQUAD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. HOYER. Mr. Speaker, it gives me great pleasure to rise today and recognize the Laurel Volunteer Rescue Squad as they prepare to celebrate their 45th anniversary on March 15 1997. The history of this rescue squad dates back to 1952 and is filled with many significant and historic accomplishments which makes Laurel home to one of the most successful and decorated rescue squads in the Nation.

Since the first ambulance service and rescue squad was formed in 1952, the citizens of Laurel have always supported the men and women who are on the front lines of public safety every day. Additionally, the rescue squad has been at the forefront of teaching and developing heavy rescue techniques for the Maryland Fire and Rescue Institute and the Prince Georges County Fire Department. However, the hard work and dedication of the rescue squad has been felt well beyond the town limits of Laurel. They have provided emergency care for five Presidents at their inaugural ceremonies and administered emergency care to Alabama Governor George Wallace after the attempted assassination in Laurel in 1972. They were also first on the scene when my good friend, Congresswoman Gladys Noon Spellman, fell ill.

Mr. Speaker, one of the greatest legacies of the Laurel Volunteer Rescue Squad has been its accomplishments in the international first aid competition arena. Dating back to 1965, both the men and women's teams have captured the world championship in first aid and rescue competition on several occasions. Last year, they surpassed all expectations, winning an unprecedented first and second place in the emergency medical technician competition.

Mr. Speaker, from the beginning, this rescue squad has excelled. They have seen a steady increase in membership, responsibility, and expertise and it is my honor to be able to recognize their many accomplishments as they celebrate their 45th anniversary. I commend the over 250 members of the Laurel Rescue Squad who embody the dedication and commitment that defines volunteer service.

John F. Kennedy once described the essence of public service as the following: "The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it, and the glow from that fire can truly light the world." I can think of no organization which embodies the values of public service and volunteerism, and which lights our country every day, more than the Laurel Volunteer Rescue Squad.

Mr. Speaker, it gives me great pleasure to rise today to congratulate the Laurel Rescue Squad on this great achievement and to wish them continued success as they serve our community and our State for many years to come.

AUTOMOBILE INSURANCE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mrs. MINK of Hawaii. Mr. Speaker, I am introducing a bill to require notice to automobile insurance policyholders before a paid up policy can be either canceled or renewal refused.

Many of my constituents without warning or for insignificant reasons are being cut off of

automobile insurance coverage and with little time allowed to find another company.

My bill will require at least 180 days notice before a cancellation or decision not to renew can take effect provided the premiums are fully paid up and there is no court order canceling the holder's driver's license.

In many places in my district the only means of transportation is one's automobile. To have to drive without insurance coverage is a public hazard. People need to be told well in advance if a company is refusing to renew or plans to discontinue coverage.

This is not interference with the company's right to decide who to cover or not cover. It is only a requirement of due notice. I urge my colleagues to support this bill.

TRIBUTE TO CAROLYN NOBLES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Carolyn Nobles, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Carolyn Nobles has energetically and generously served her community for many years. She recently organized an effort to raise $120,000 to build a playground in the North Fair Oaks community, and was a founding member of the Probe Auxiliary, which raised $100,000 to benefit children's programs in Redwood City. She was a founding member of Friends of Redwood City and Redwood City's Citizens against Racism, which sponsors scholarships for minority students attending Cañada College. She has been honored by the Sierra Club, Soroptimists International, the Volunteer Center, the Junior League, the California State Assembly, the San Mateo County Board of Supervisors, and the Save San Francisco Bay Association.

Mr. Speaker, Carolyn Nobles is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

IN MEMORY OF REV. MAC CHARLES JONES

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. McCARTHY. Mr. Speaker, I rise today to pay tribute to a nationally respected clergyman, Rev. Mac Charles Jones. Reverend Jones' untimely death is a loss for the Kansas City community and the Nation.

Reverend Jones served as a deputy general secretary for the National Council of Churches and was en route to a meeting of that group's racial justice committee when he died. He also served as a member of the World Council of Churches central committee.

As an ordained minister in the National Baptist Convention of America, Inc., he served as pastor of St. Stephen's Baptist Church in Kansas City, MO. Because of Reverend Jones' initiative and drive St. Stephen's was the annual host of the local celebration honoring the birthday of the Reverend Martin Luther King. Reverend Jones was instrumental in convening the 1993 National Urban Peace and Justice Summit at St. Stephen which drew more than 100 current and former gang members together to discuss improving inner-city conditions.

Last June, Reverend Jones organized a group of clergymen, many from affected churches, to meet with President Clinton, Attorney General Reno, and Treasury Secretary Rubin to focus the Government's attention on the arson fires at African-American churches. His efforts played an important role in raising the national consciousness about this problem. A noted evangelist, Reverend Jones was an important leader in Kansas City. He made a difference in the lives of its residents. I ask the House to join me in expressing condolences to his wife, Jannela, and his children Ayinde Jones and Lacey Jones.

ASSISTED SUICIDE RESTRICTION ACT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. HALL of Texas. Mr. Speaker, I rise to call my colleagues attention to the Assisted Suicide Funding Restriction Act of 1997, which I am introducing in the House of Representatives today. This bipartisan bill, which already has 100 cosponsors, will prevent the use of Federal tax dollars to subsidize or promote the practice of assisted suicide.

A Wirthlin worldwide poll conducted last November indicated that 87 percent of taxpayers objected to their tax dollars subsidizing assisted suicide. The Supreme Court has heard arguments arising from Second and Ninth Circuit Courts of Appeals that ruled that assisted suicide is a constitutional right. Unless the Supreme Court overturns these opinions, physician-assisted suicide could become a legal, routine practice throughout our Nation, and taxpayers could discover that they are funding assisted suicide, regardless of their conscientious objections to the practice.

The Assisted Suicide Funding Restriction Act of 1997 will preempt the use of taxpayer dollars by preventing programs funded by the Public Health Service block grants and others, such as Medicaid, Medicare, Indian health care, the military health care system and the Federal Employee Benefit plans, from paying for assisted suicide, euthanasia, or mercy killing.

The bill does not affect a patient's right to reject or to discontinue medical treatment. It respects the wishes of the patient, and it respects the sanctity of the doctor-patient relationship. It does not create any limitation regarding the withholding or withdrawing of medical treatment or of nutrition or hydration, nor does it affect funding for alleviating pain or discomfort for patients.

In sum, the bill has the modest goal of keeping the Federal Government out of the business of assisted suicide. Mr. Speaker, I believe that we must be proactive in addressing this issue—rather than be forced to deal with it after the fact—and that is what we hope to accomplish with this legislation.

I urge my colleagues to give this bill their serious consideration and support.

TRIBUTE TO THE LAKE AREA UNITED WAY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. VISCLOSKY. Mr. Speaker, the United States has been built by great citizens who unselfishly dedicate their time to community service and volunteerism. The Lake Area United Way and its volunteers have worked diligently to assist those in need throughout Indiana's First Congressional District. The Lake Area United Way has organized a black tie fundraising gala in which all proceeds go to benefit its umbrella organizations. This affair will take place at the Raddison Star Plaza in Merrillville, IN on March 22, 1997.

This outstanding benefit would not take place without devoted individuals to make the event possible. These volunteers include: Mr. Vic DeMeyer, manager of Corporate Consumer & Community Development for the Northern Indiana Public Service Co.; Mr. Tom McDermott, president of the Northwest Indiana Forum; Mr. John Davies, senior team leader of the Northwest Indiana Forum; Mr. Norbert Dreyer, area manager of Ameritech-Indiana; Mr. Jeff Fox, branch manager for Bank One, Merrillville N.A.; Mr. John Gauder, director of marketing for U.S. Cable of Northern Indiana; Ms. Pat Giannini, community relations consultant for Amoco Oil Co.; Ms. Barbara Haas, group vice president of consumer service for the Northern Indiana Public Service Co.; Mr. Jim Hornak, president of the United Brotherhood Carpenters & Joiners; Ms. Kaydell Knarr, administrator for the school city of Hammond; Mr. George Kuebler, public relations manager for St. Anthony Medical Center; Mr. Peter Manous, attorney-at-law for John M. Kopack & Associates; Ms. Jan Moran, president of Moran Designs Corp.; Mr. Daniel Root, general manager for the Center for Visual & Performing Arts; and Ms. Delores Williams, assistant vice president of Nursing for Northlake Methodist Hospital.

In addition, this event could not be possible without the dedicated Lake Area United Way staff, including: Mr. Louis Martinez, president; Ms. Mary Ellen Nichols, executive assistant; Ms. Diane Karp, vice president of fund raising; Mr. Bob Scott, director of the fund raising campaign; Ms. Colleen Gallagher, senior manager of the fund raising campaign; Ms. Janiece Cerjeski, campaign associate, Mr. Steve Hunter, campaign assistant; Mr. Alex Monanteras, vice president of finance and administration; Mr. Pat McNiece, director of information systems; Ms. Mariann Munro, manager of financial accounting and human resources; Ms. Tracy Williams, finance assistant; Mr.

David Sikes, director of allocations; Mr. Jerry Powell, director of labor and information and referral; and Ms. Chelsea Stalling, director of marketing and communications.

The mission of the Lake Area United Way is to bring together the resources of our community to assist people in helping themselves and one another. The Lake Area United Way is an organization that strives for continuous improvement in the quality of relationships with one another, volunteers, and all individuals and businesses in the community. The Lake Area United Way strives to achieve this goal by treating all people in a courteous and professional manner in order to instill confidence and trust in their organization. Their hallmark is the delivery of timely, high-quality service by being accessible and responsive to ensure satisfaction. At the same time, the organization works hard to effectively communicate the appropriate information in order to achieve the individual and organizational goals. The Lake Area United Way also strives to identify and resolve problems in a timely and satisfactory manner, while disseminating information about the funded services that help people, as well as the places where help is available.

Mr. Speaker, I ask you and my other colleagues to join me in commending these distinguished volunteers and staff members of the Lake Area United Way for their continuing effort to improve the quality of life for Indiana's First Congressional District. In closing, I would like to extend my congratulations to the Lake Area United Way, as well as best wishes for a successful gala on March 22.

TRIBUTE TO MS. THALIA DONDERO OF LAS VEGAS, NV

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. ENSIGN. Mr. Speaker, I rise today to pay tribute to Ms. Thalia Dondero of Las Vegas, NV, who is being honored on March 12, 1997, at the Bishop Gorman High School Knight of the Gael. Throughout the years, this event has chosen to honor citizens who have made outstanding contributions to the Las Vegas community and to the State of Nevada.

During her tenure as a Clark County commissioner, Ms. Dondero served three terms as chairman of the board of county commissioners. In addition, she was elected by her fellow commissioners to chair the University Medical Center Board of Trustees, the Liquor and Gaming License Board, the Kyle Canyon Water District Board of Trustees, the Big Bend Water District Board of Trustees, and to serve as president of the Las Vegas Valley Water District Board of Directors. She was also appointed as a member of the Las Vegas Convention and Visitors Authority, the Regional Planning Council, the Regional Flood Control District, the Nevada Business Service Job Training Board, and the Equal Opportunity Board.

Over the years, Ms. Dondero has been appointed to numerous boards and committees on the State and Federal level. Her gubernatorial appointments include the Governor's DUI Task Force, the Commission on Nuclear Projects, the Nevada Energy Commission, the Nevada Commission on Aging, the Tourism Commission, the Nevada State Parks Board, and the Nevada State Intergovernmental Board. At the request of the Department of Agriculture, Ms. Dondero served as a member of the National Forest System Law Enforcement Advisory Council, and the Department of the Interior appointed her to the National Bureau of Land Management Committee.

Ms. Dondero's commitment to the community is evident in her involvement as former executive director of the Frontier Girl Scout Council, former president of the Nevada and Clark County Parent-Teacher Associations, and former chairman of the Council of Social Agencies. She is an active member of an impressive number of civic organizations including the Soroptomist Club, the Nevada Dance Theater, the United Way Service, Inc., Rotarian International, Opportunity Village, and the Las Vegas Center for Children.

In closing, Mr. Speaker, I take this opportunity to personally commend Ms. Dondero for her years of distinguished public service and dedication to both the Las Vegas community and the State of Nevada. Ms. Dondero exemplifies the virtue of service to others. I join all southern Nevadans in wishing her the best in her newest endeavor as a regent of the University and Community College System of Nevada.

SLEEPY HOLLOW

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mrs. KELLY. Mr. Speaker:

In the bosom of one of those spacious coves which indent the eastern shore of the Hudson, at that broad expansion of the river denominated by the ancient Dutch navigators the Tappan Zee, and where they always prudently shortened sail and implored the protection of St. Nicholas when they crossed, there lies a small market town or rural port, which by some is called Greensburgh, but which is more generally and properly known by the name of Tarry Town.—Washington Irving.

These immortal words penned by Washington Irving more than 150 years ago describe a beautiful Hudson Valley village which I am proud to represent in Congress. Now, however, Washington Irving's fiction has become fact: the village of North Tarrytown, has been renamed the village of Sleepy Hollow to recognize the importance that Washington Irving's story, "The Legend of Sleepy Hollow," plays in the annals of America literature.

In December of 1996 the village of North Tarrytown, NY, in the town of Mt. Pleasant, officially changed its name to the village of Sleepy Hollow. I rise today to pay tribute to the village of Sleepy Hollow and to recognize the truly historical nature of this village that is nestled in the "bosom of the one of those spacious coves which indent the eastern shore of the Hudson . . ."

The village of Sleepy Hollow is home to not only the great legend which Washington Irving created, but also sites of historical significance such as Patriots Park where American patriots, during the Revolutionary War, captured the British spy Maj. John Andre as he made his escape after having been given the plans to West Point by Benedict Arnold. Sleepy Hollow is also home to the Sunnyside Estate which was the home of Washington Irving and of Kykuit, home to four generations of the Rockefeller family.

The village of Sleepy Hollow, NY holds a special place in the hearts of all Americans, from young children enjoying the thrill of reading Washington Irving's story for the first time, to the rest of us who appreciate the true courage and sacrifices made by American patriots during the Revolutionary War. Therefore, I rise today to pay tribute to the village of Sleepy Hollow and the townspeople who worked so diligently to see this name change become a reality. They have helped to preserve a piece of American history and future generations of Americans will be truly grateful for their efforts.

TRIBUTE TO LYNDA BURTON

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Lynda Burton, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Lynda Burton has served the community as an attorney at the Legal Aid Society of San Mateo County since 1981, representing low-income clients in family law, domestic violence, landlord-tenant, and consumer protection cases. She has made important contributions to the County Task force on Violence Against Women, the Family Law Center, Sor Juana Inez, and the Center for Domestic Violence Protection. She gives generously of her time to Planned Parenthood and is a strong supporter of human rights in Latin America. She participated in the Fourth World Conference on Women in Beijing and has brought the news of this and many other important meetings to the Spanish speaking women of San Mateo County. She is an exemplary public servant, dedicated to making our legal system accessible and effective for the poor and disadvantaged.

Mr. Speaker, Lynda Burton is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

TRIBUTE TO THE POLISH SINGING CIRCLE

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. QUINN. Mr. Speaker, I rise today to recognize the Polish Singing Circle on the occasion of its 100th Anniversary.

Founded in September of 1897, the Polish Singing Circle was created to promote American and Polish culture through song. Throughout its 100 year history, the Polish Singing Circle has continued to exhibit a strong and dedicated commitment to the Polish community, the city of Buffalo, and to the spirit of community service and volunteerism that has always been the hallmark of our western New York community.

The Polish Singing Circle has helped raise funds for charitable organizations such as the American Red Cross, the Immaculate Heart of Mary Orphanage, and the Villa Maria Academy.

The commitment of service exhibited by this historic group has also been expressed through military service, as many members defended our Nation during times of war. And, in a great show of patriotism, members of the America Polish Singing Circle came home from war and dedicated their time to performing for the injured veterans hospitalized in the VA Medical Center. This unselfish gesture truly highlights the Polish Singing Circle's exceptional 100 year history.

Mr. Speaker, today I would like to join with the group's members, and indeed, our entire western New York community, to honor the Polish Singing Circle on the occasion of its 100 anniversary. On behalf of the 30th Congressional District of New York, please accept my personal best wishes for another hundred.

LONG BEACH AUTHORS FESTIVAL—A MODEL FOR OTHER CITIES TO FOLLOW

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. HORN. Mr. Speaker, I rise today to honor the Long Beach Authors Festival. Celebrating its 20th anniversary this year, this highly successful program was founded by Long Beach high school teacher Joan Hansen.

Ms. Hansen started by bringing authors on campus to speak and interact with students. Authors would describe the writing process and students became motivated to read the author's book, leading to other books. From this beginning, the program has grown to reach every school in the Long Beach Unified School District—every child, from kindergarten to 12th grade, is reached. To prepare for the Authors Festival, teachers and librarians will have devised reading and writing activities to prepare their students: Reading their author's books, illustrating favorite scenes, outlining questions to be asked, and writing poems or proclamations of welcome for their authors.

This year, 104 authors are involved in the program, making a total of 118 visits to the school district. At the March 19 anniversary celebration, 15 authors will be honored who have been with the program from the start. They are: Caroline Arnold, Virginia Bradley, Terry Dunnahoo, Ella Thorp Ellis, John Gardiner, Laura Glusha, Marilyn Gould, Shirely Gordon, Monica Gunning, Betty Hager, Lael Littke, Ed Radlauer, Ruth Radlauer, Susan Goldman Rubin, Alice Schertle, Yetta Speevak, and Martha Tolles.

The Authors Festival is a model of an effective collaboration with the public schools, the libraries, and public spirited community organizations. It is also an example of a true grassroots, low-budget program. Funding comes from local organizations and local arts councils. In Long Beach, the Public Corporation for the Arts is a contributor. Every PTA organization in the district contributes to the festival, no matter how small the donation. Local families host the authors overnight. Private schools participate in the program as well.

The popularity and effectiveness of this program is beginning to spread. The festival has inspired others in the region, from Orange County to Los Angeles County. The city of Downey will be hosting its Second Authors Festival on April 15. In addition to each school's contribution, the Downey Unified School District provided an additional $200 to each school to buy the authors' books. The Downey Public Library also sells the books, hosts the authors for book signings, and personal autographs for the students, and facilitates one-on-one discussions with the new fans.

The Authors Festival is a winner of the prestigious "Golden Bell Award" from the California State School Boards Association. Ms. Hansen, who in addition to founding the program also chairs all the festivals, describes this program as "a meaningful bridge between writer and reader, between the written word and its audience, and between the creative urge, the finished product, and its young consumers."

Mr. Speaker, this is a program of which every parent and child can be proud. I am glad to wholeheartedly support it and the gifted authors who write to educate and inspire our children and who stimulate a child's love for books. I congratulate the Authors Festival on its 20th anniversary, and wish them many more years of success.

TRIBUTE TO OFFICER GEORGE J. FAULKNER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor and pay tribute to a man who has devoted much of his life to helping and improving the lives of others through dedication to police service and his community. After many years of service, George J. Faulkner retired from the Norwood Police Department in late December, 1996.

For 30 years officer Faulkner was a key leader in local law enforcement and the surrounding community. George fully committed himself to police service, and received many commendations. In addition, George served as a volunteer fire fighter for over 33 years for the Norwood Fire Fighting Company of Pennsylvania.

George is well versed in many different aspects of police procedure, and has attended over 40 courses in police education. George was directly responsible for the training of many officers in the use of police computers. The knowledge George passed on in his years of service were essential to many law enforcement officials, and helped them better serve the community.

While on duty as a police officer, George often went above and beyond the call of duty. During his years of duty George was personally involved in rescuing individuals from four separate house fires. He received commendations for all of these rescues, as well as obtaining an Outstanding Community Service award for life saving efforts in Norwood Memorial Park of Pennsylvania.

George has often been acclaimed for his exemplary police service and hard work in the community. He received a letter of commendation from the Norwood Boys Club for the arrest of four individuals that burglarized the club's storage facilities. He also obtained a letter of commendation for Cooperation and Assistance in Performing Police Duties from the Norwood American Legion Post. Furthermore, in 3 separate years George received from the Levan-Smith Rabley Veterans of Foreign Wars Post the "Certificate of Appreciation for Unyielding Adherence to the Highest Ideals of Law Enforcement in Maintaining, Preserving, and Protecting the Lawful Rights of All Citizens."

George has taken great pride in his years of police and community service. Because of his efforts, and those such as him that are dedicated to service, the communities of Pennsylvania and the United States are better off. Mr. Speaker, I know you and my colleagues join me today in celebrating the many accomplishments and achievements of officer George Faulkner, and wishing him good luck in his retirement.

TRIBUTE TO JOAN WRIGLEY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. SOLOMON. Mr. Speaker, one of my greatest privileges as a Congressman is the opportunity which I get to honor the invaluable individuals in my district whose contributions to their community improve the quality of life of their neighbors every day. Today I am afforded just such an opportunity, as I bring your attention to the remarkable career of Joan Wrigley, who will retire on April 15, 1997 from her position as the district manager at the Columbia County Soil and Conservation District. When Joan began working at the district office 35 years ago, no one had any notion of the profound impact she would have on the program's evolution. Joan began as a part-time employee, hired to answer the telephone, take shorthand, and color soil maps. However, her creativity and ingenuity could not be contained for long. Inspired to help further the district's programs, Joan became increasingly interested and involved in the projects, often coming up with ideas to improve operations and increase the success of the undertakings. Proving herself invaluable to the future of the district, Joan soon became a full-time office

employee, artfully balancing her demanding career with newborn twins.

Through 35 years and four locations, Joan worked tirelessly to deal with critical issues to the fast growing county. When the district office's operations required expansion to a larger location, most discounted the cause as hopeless, since the district could not borrow money. However, Joan did not give up, submitting a proposal to the Board of Supervisors for the construction of a new building. At that time, the county planner gave Joan one symbolic dollar bill, with his hope that the building would one day become a reality. Thanks to the continued attention Joan gave to the problem, it remained on the front-burner, and eventually, Joan's impressive persistence paid off. With the approval of the State, the soil and water conservation district building and learning center was built. The new building is located adjacent to a wetland, which serves as a live learning center, accessible to the public, further promoting the district's purposes by educating people about the interaction between different aspects of our environment. Joan has kept the dollar bill given to her by the City Planner framed in her office and labeled "The buck that built the building"; it is a symbol of the seemingly impossible tasks which may be accomplished with hard work and persistence.

Mr. Speaker, my measure of a truly valuable person and a great American is based upon the positive impact which an individual has on his or her community. To me, Joan Wrigley epitomizes the foundation of this great Nation: hard work, ingenuity, and a desire to protect and give back to the world in which she lives. I ask all Members to join me in tribute to Joan and he outstanding record of public service of this great American, and in wishing her all the best in her retirement. Although she will no longer be working at the soil and water conservation district, Joan's legacy will remain for many years to come.

IN HONOR OF THE HONORABLE WILLIAM ROSCOE KINTNER

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. FOX. Mr. Speaker, I rise today to honor a great man who left his Montgomery County, Pennsylvania community to serve the people of the United States in a variety of capacities.

Dr. William Kintner was a patriot in the full sense of the word—a man who lived by the motto of the U.S. Military Academy from which he graduated, "duty, honor and country." Born in Loch Haven, PA on April 21, 1915, the eighth child in a family of nine. Soon his family moved to Johnstown, PA where his father, a successful lawyer, was very involved in local politics and served as district attorney.

The stock market crash of 1929 changed the lives of the members of the Kintner family and, because of a lack of funds for college, Bill Kintner spent a year after his high school graduation in 1932 working in New York City as a typist while earning money for the Academy of the New Church College. It was at this time he learned to appreciate the value of life's necessities. He finished Junior College at the Academy in 1935 and entered the U.S. Military Academy the next year. He graduated in 1940, the same year he married Xandree Hyatt with whom he would raise their four children, three daughters—Kay, Jan and Gail—and a son, Carl. Today, there are 15 grandchildren, 2 great grandchildren in the Kintner clan. After Xandree died in 1986, Bill met and married Faith Childs Halterman who worked with him and tenderly cared for him during his final illness.

That is his family history, Mr. Speaker, but as I have said, Bill Kintner was a patriot in every sense of the word. Patriotism is not just a matter of flag waiving or doing one's duty by voting. Patriotism is an attitude of life. It is measured by our willingness to sacrifice and give of ourselves for the common good. By that barometer, Bill Kintner was an extraordinary patriot.

At noon on June 6, 1944, then Major Kintner landed with the allied troops at Omaha Beach as part of the Normandy Invasion. He survived the shock of death all around him in that bloody invasion and wondered where God would take him after sparing his life. Bill Kintner served his Nation again in Korea as a Battalion Commander and Regimental Executive of the 17th Infantry, 7th Division during the battle of Pork Chop Hill. In 1961, now Colonel Kintner retired from the military. While in the service in 1948, he earned his Ph.D. from Georgetown University. His graduate thesis, published under the title "The Front Is Everywhere," was his first of many books he authored. This and his subsequent books earned him wide respect in the field of foreign affairs. While in the military, Bill's assignments sent him around the world many times over and he became more and more involved in our Nation's foreign affairs. His final assignment was as Chief of Long-Range Plans for the Strategy Analysis Section Coordination Group serving the Chief of Staff of the U.S. Army.

Upon leaving the service, he became a professor of political science at the University of Pennsylvania, retiring as professor emeritus in 1985. While at the University, he also served as deputy director and then director of the Foreign Policy Research Institute and as editor of ORBIS. At the same time, he worked for President Richard M. Nixon on the team which wrote the President's famous Checkers Speech. President Nixon sent Bill Kintner on a secret assignment to pave the way for the President's historic visit to China in 1972. The next year, Nixon appointed him Ambassador to Thailand, a post he held for 2 years.

Many great men and women of our time have known and respected Bill Kintner. Among them are Henry Kissinger, Secretary of State under President Nixon; President Dwight Eisenhower; General Alexander Haig; former United Nations Ambassador Jean Kirkpatrick; Yitzhak Rabin, the Prime Minister of Israel who was assassinated during his quest for peace, and former Vice President Nelson Rockefeller.

In 1986, President Ronald Reagan appointed him to the U.S. Peace Institute which is a think tank recommending solutions to conflicts before they grow into large-scale warfare. In 1989, he was appointed by President Bush to the President's Commission on White House Fellowships.

This was a long and impressive career in service to the nation he loved, the career of a patriot.

Bill Kintner's final publication, completed last November, is titled "The Role of Ancient Israel 'Written With The Finger of God'" with a subtitle: "A Swedenborgian Perspective on the History of the Israelites from Abraham to Jesus." This book was his way of expressing his life-long dedication to the church he loved.

We see in the life of Bill Kintner a model of dedication to the affairs of state. His was a steady pursuit of peace on Earth. Through the experience of war, he sought peace. His faith bestows blessings on the peacemakers calling them "the children of God." But he knew that peacemakers must often engage in war to make true peace possible as was the case when he battled the Third Reich and Nazi tyranny. The family and friends of Bill Kintner will remember him, not just as a friend, or father, or loved one, not just for his thoughtful commitment to world affairs, not just for his many accomplishments, but for his courage in seeking peace, for his dedication to duty, honor, and country.

We will all miss him.

TRIBUTE TO EUGENIA CHEN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Eugenia Chen, a dedicated young leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Eugenia Chen is an exemplary student who has taken the most rigorous academic program at Mills High School, achieving first place in her class of 327 students and being honored as a National Merit semi-finalist. She serves her school and her fellow students as student body president, is an accomplished musician playing both piano and flute, and was chosen most valuable player in tennis and badminton. Eugenia has been chosen National Youth Ambassador for the Organization for Chinese-Americans and will travel across the country, representing Chinese-American youth. She was elected Supreme Court Justice at last summer's Girls' State, and is serving as an intern with the San Mateo County Board of Supervisors. She is an extraordinary student and athlete, and gives generously of her time to her community.

Eugenia Chen is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

HUMMINGBIRDS, LEAKY PLUMBING, AND WILDERNESS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. YOUNG. Mr. Speaker, hardly a day goes by without hearing about some outrageous ruling by a Federal agency that defies common sense and victimizes average citizens.

Syndicated columnist and environmental scholar Dr. Alston Chase has an uncanny ability to uncover these bureaucratic excesses and explain them in plain English. One of his recent columns entitled "Hummingbirds and Other Prey of the EPA" began by asking the following question. "What do rescuing hummingbirds, owning leaky plumbing, getting lost in the wilderness, and smuggling refrigerator coolants have in common?"

This column, which appeared in the February 28, 1997 edition of the Washington Times, cited specific horror stories involving how Federal agencies dealt with all these items. I urge my colleagues to read this well-written column by Dr. Alston Chase.

[From the Washington Times, Feb. 28, 1997]

HUMMINGBIRDS AND OTHER PREY OF EPA

(By Alston Chase)

Question: What do rescuing hummingbirds, owning leaky plumbing, getting lost in the wilderness, and smuggling refrigerator coolants have in common?

Answer: They're all crimes against nature, punishable by stiff fines or imprisonment or both. And if one federal agency has its way, our jails may soon be filled with folks who have committed equally harmless offenses.

As to hummingbirds, last fall one of these creatures, having summered around Billings, Mont., didn't migrate south as it should have. Bad decision. Probably, it had been surprised by the sudden cold snap that made that autumn the second most frigid on record. Whatever the reason, a kindly couple found the shivering bird and took it to Jill Herzog, owner of a local bird store. Miss Herzog was making arrangements to ship it south when officials of the U.S. fish and Wildlife Service knocked at her door.

Release the bird immediately, they told her, or pay a $10,000 fine. So, release it she did. By this time it was January, and outdoor temperatures hovered around 18 below zero. End of hummingbird.

As to the other criminals:

In November, a New York court convicted Kent and Glenda Druell of 164 counts of pollution. The couple, who are of modest means, face $32.6 million in fines and 1,000 years in prison. Their crime? Owning a leaky septic system. The case is on appeal, as the state never adduced a shred of evidence to show that this effluent was contaminating state waters, as charged.

In December, race car driver Bobby Unser got lost in a blizzard when snowmobiling in Colorado. While trying to find his way, he accidentally strayed a half-mile into federal wilderness. For this offense, the U.S. Forest Service brought charges against Mr. Unser that carry a $5,000 fine and a six-month prison term.

Then, there's the case of the banned coolant. In January, federal authorities brought charges against several people and businesses for smuggling the refrigerant Freon into the United States. Relying on what many scientists believe is a flawed theory claiming this substance causes stratospheric ozone depletion, the government forbids its manufacture or import. Yet since millions of air conditioners cannot run without it, prices are skyrocketing, which leads to widespread smuggling.

And lest you think that's the end of the matter, Freon substitutes—so-called HCFCs—which are currently being installed in new car air conditioners, are slated to be banned by the year 2020, thus promising to generate another lucrative illegal trade when supplies run out.

Notice the pattern? Each year, the list of eco-crimes gets longer. Each year, more erstwhile law-abiding behavior is declared illegal. Each year, environmental agencies extend their police powers. Each year, Americans lose a little more liberty to laws that don't protect plants and animals but do put people at risk.

This process proceeds by such incremental steps that few take notice. But it continues as you read this. Consider regulations currently proposed by the Bureau of Land Management:

Two days after last November's general election, the bureau published in the Federal Register rule changes for law enforcement. These revisions are touted as merely stylistic, as only rephrasings couched in "plain English" to help ordinary citizens understand them. But actually, that's a deception. Under the guise of simplifying law, the bureau is pursuing vast extensions of its police powers.

The proposed regulations would criminalize thousands of minor offenses that previously were not deemed criminal. They would give bureau police unparalleled authority of arrest, search and seizure. They would extend federal enforcement to surrounding private properties. They would raise the maximum punishment for violations from $1,000 to $100,000 and authorize bureau agents to enforce not only their own rules but all other local, state and federal laws as well.

And they redefine guilt. No longer would ignorance of the law be an excuse. Instead, one could be declared criminally responsible for breaking a rule few ever heard of.

Thus, individuals could go to jail for violating "any regulation, authorization or order"—such as walking a dog in a recreation area without a leash, not wearing a seat belt, failing to display a state inspection sticker on one's car or entering "wilderness areas without a permit, where permits are required by BLM."

The bureau has set a March 7 deadline for receiving public comments on these provisions. And on March 20, the House Subcommittee on Parks and Public Lands will hold hearings on them.

Let's hope Congress can stop this power grab. Otherwise, those who hike in wilderness may discover the greatest dangers they face are neither bad weather nor grizzly bears but green police, and that their most essential survival tool is neither tent nor cook stove but a copy of the Federal Code of Regulations.

IN TRIBUTE TO MORDECAI LEE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, it is an honor and a privilege for me to pay tribute today to one of the most respected community leaders in my hometown of Milwaukee, WI: Mordecai Lee.

The name Mordecai Lee has long been associated with excellence and one of our highest standards of civic pride. Mordecai Lee is moving on from his position as executive director of the Milwaukee Jewish Council for Community Relations after 6 years of outstanding service to the people of Milwaukee.

Mr. Speaker, our communities and our country have always relied on the contributions of those individuals who have the ability to rise above and beyond the call of duty to make a difference in the lives of others, both personally and professionally. Mordecai Lee has demonstrated an unfailing and tireless commitment to the betterment of Milwaukee County, the State of Wisconsin, and the entire Nation. With his steady guidance and strong leadership, Milwaukee's Jewish community has emerged as a powerful voice in Milwaukee.

We are surrounded by global conflicts, and the path to the peace is often a difficult road to travel. Yet we are constantly reminded of the necessity to pursue peace. Mr. Lee, with his dedication to the Middle East peace process, has been a voice of stability when many had doubts about advancing peace in the region and almost everyone had different approaches.

When someone leaves a post of importance, it is often said that his or her shoes will be hard to fill. But I can say without hesitation that, in Mordecai Lee's case, this is an understatement. In addition to his excellent work on behalf of Milwaukee's Jewish community, his influence has been felt far and wide—from the leaders of nations abroad, to college freshmen in Milwaukee.

Indeed, we need more people with his vision and energy to tackle the vast challenges we all face. Mr. Lee will continue his distinguished service to the people of Milwaukee as an assistant professor of governmental affairs at the University of Wisconsin-Milwaukee's Division of Outreach and Continuing Education Extension. Mordecai Lee deserves our heartfelt thanks for his years of dedicated service as executive director of the Milwaukee Jewish Federation and our best wishes for the future.

JACQUELINE ALEX

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to recognize Jacqueline Alex of Oregon, OH, in my district. Mrs. Alex is the National Catholic War Veterans Auxiliary president, and is being honored for her work with a testimonial dinner on March 8, 1997.

Jackie and her husband, John, were married in 1947. Together they raised two sons, James and John. Her husband passed away only 10 years later, in 1957. A year later, Jackie joined the Toledo Logsdon-Walla Catholic War Veterans Post 639 Auxiliary, serving the auxiliary in every capacity. She was elected auxiliary president several times through those years, and in 1971 Jackie was named president of the Department of Ohio's Auxiliary. She began her service with the National Department in 1985, and served as the president of the 1995 Auxiliary National Convention.

Her tireless efforts have been recognized by the organization, and Mrs. Alex has been awarded numerous honors: the National Auxiliary President's Gold Medal Award For Outstanding Service; the Ohio Auxiliary President's Award; the Ann Senft Award For Meritorious Service to the Auxiliary; the National Auxiliary's St. Agnes Medal; Department of Ohio Auxiliary 1988 Woman of the Year; and a citation for meritorious service from the Chapel of Four Chaplains in Gettysburg.

Our Nation pays tribute to its veterans in various ways, but often overlooked in such recognition is the role of women, wives, and families who served here on the homefront. For whether they bought war bonds, planted a victory garden, worked in a munitions factory, went to work to support a family, or played both mother and father to a family growing up, they kept our Nation running in times of war. Their contributions created a strong backup system to those engaged in combat and in service to our Nation. Their ideals of service are upheld through their auxiliaries, which are the sinew that binds a veterans post together.

For nearly 40 years, Jacqueline Alex has served our Nation and its veterans honorably. I am pleased to join with her sons, grandchildren, colleagues, and friends in a deep and heartfelt salute of gratitude.

HONORABLE MENTION AWARDED BY READING IS FUNDAMENTAL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to congratulate Abigail Bauman, a 7-year-old second grader in Sciota, PA. Abigail is a student at Hamilton Elementary in Sciota.

Abigail was one of 41 honorable mentions in this year's poster contest sponsored by Reading is Fundamental [RIF]. Abigail's poster was chosen out of over 300,000 entries.

The theme of this year's National Poster Contest was "Read! Imagine!" Abigail's poster showed a tremendous effort to display this message to the youth of America. Her efforts in this endeavor earned her a commemorative certificate along with a dictionary and gift books.

In this year's State of the Union Address, President Clinton touched on the importance of literacy in America. Teaching children to read at a young age, and getting them interested in books is fundamental to improving literacy in the United States. Using posters as a tool to achieve this is a creative vehicle to do so, avidly conveyed through Abigail's drawing.

It is essential for our children to read and love books if they are to compete, as well as excel in tomorrow's world. The key to the high paying jobs and opportunities of tomorrow is for each and every American citizen to be able to read.

Aibigail's colorful poster helps to make reading more fun and interesting for elementary school children. I contgratulate her on using art to communicate such an important message.

HONORING SUSAN RICHTER

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. WHITFIELD. Mr. Speaker, every day it seems as if we pick up a newspaper or turn on the evening news and hear about the troubles of our young people. Critics argue they are disengaged with school, disinterested in their communities, and disinclined to become productive citizens of our country.

Not everyone agrees with this dismal view of our Nation's youth. Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor the Voice of Democracy audio-essay scholarship program. This program was started in 1947 by the National Association of Broadcasters, the Electronic Industries Association, and the State Association of Broadcasters. Since 1961–62, the Veterans of Foreign Wars has been the sole sponsor of the program with over 5,200 VFW posts and 4,200 auxiliaries participating. The program requires high school entrants to write and record a 3 to 5 minute essay on an announced patriotic theme. This year, more than 109,000 secondary school students participated in the contest competing for 54 national scholarships. The contest theme was "Democracy—Above and Beyond."

I rise today to honor Susan Richter, a senior at Calloway County High School in Murray, KY, who won the 1997 Voice of Democracy broadcast script writing contest in Kentucky. Susan is the youngest child of Fred and Margaret Richter of Murray, KY. She hopes to attend Transylvania University in Lexington, KY, where she plans to pursue a degree in radio/TV broadcasting.

In addition to participating in essay contests, Susan keeps busy at Calloway County High School with a full plate of activities. She is the news anchor of the morning show on WCSD–TV 28, a school-run local cable channel, and an officer in the Student Council, the Co-ed Y Club, the Beta Club, and the Foreign Language Club. Outside of school, she enjoys playing the piano, reading, and working on her computer.

Please allow me to share with you Susan's award-winning essay, which appears below.

"DEMOCRACY—ABOVE AND BEYOND"

Democracy is a general term used to describe both a form of government and an ideal. Throughout the years, our country has thrived on the idea of creating a more perfect union through the means of a plan known as democracy. I believe democracy is a superior way of life and I believe that it will help carry our nation onward to meet its most fantastic goals.

Democracy is often referred to as "rule by the majority." However, another phrase I prefer seems to more clearly define democracy. It relates that democracy is the absence of hereditary class distinctions or privileges. In other words, democracy allows for any person, regardless of age, race, gender, or social status to have his say in the workings of our country. According to Robert Hutchins, "Democracy is the only form of government that is founded on the dignity of man, not the dignity of some men, of rich men, of educated men, or of white men, but of all men." I agree with this statement and claim this type of equal dignity and representation to be a major reason why democracy is a form of government above the rest.

Also, democracy is superior for its emphasis on individual freedom. As a general rule, it allows persons both the right and the responsibility of shaping their future. Each person is allowed to make his own choices, both in life and in governmental issues. However, not only is one given the ability to do so, he also has a responsibility both to the government and to himself to carry out his decisions. This individual freedom is necessary for a democracy and is another reason why democracy is a step above the rest.

However, not only is democracy an excellent program for the present, it is also a bright path into the future, a yellow brick road to tomorrow.

One feature of democracy that will help lead to a prosperous future is its ability to ensure peaceful change. Democratic methods for making changes negate the need for violent uprisings. Many economic and social changes have been made recently, and most have happened with little turbulence, other than perhaps a peaceful protest march, or other such means allowed by the Constitution. Also, democracy allows for the peaceful change of political leaders. Free elections are held when time for the transfer of power, and the people vote upon who should next receive the responsibility of representing them in government. This power of the people ensures that they can make decisions peacefully. In a country founded on war, this assurance of peacefulness is a key to a bright future.

Another way democracy will take us beyond is due to its practicality. Generations to come will be able to follow in our democratic footsteps, just as we have been following our ancestors' paths as far back as the founding days. Why? Because democracy is easily applicable to a daily life. The process of electing officials and making decisions based upon majority vote can be seen from the capital to the classroom. The right to "Life, Liberty, and the Pursuit of Happiness" is something not just penned in the Constitution, but is also a motto for daily life. The ability to still apply democracy some 2,600 years after its origin in Greece only stands as proof that it is a form of government stable enough to lead us beyond the realms of today and into tomorrow.

In conclusion, democracy is both a form of government and an ideal. Our country has been built and has grown as a result of this plan we call democracy. I believe that democracy is a way of life above and beyond any other man-made plan, and I am proud our country subscribes to this mode of self-government and equality for all.

INTRODUCTION OF THE AMATEUR RADIO VOLUNTEER SERVICES ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to announce the introduction of the Amateur Radio Volunteer Services Act of 1997. Similar to a unanimously accepted amendment I offered last year to the FCC reauthorization bill in the Commerce Committee, this bill would help protect the personal liability of volunteer amateur radio operators while performing duties on behalf of the Federal Government.

Amateur radio operators are self-regulated, with volunteer operators monitoring the airwaves for violations and administering licensing exams. This volunteer corps saves countless hours of staff time and resources for the Federal Communications Commission [FCC]; however, because they are not Federal employees, they put their personal assets at risk in the event of actions taken against them as a result of their volunteer service to the Government.

It is simply unfair that these volunteers who are saving the Government time and resources should have to risk their personal assets in carrying out their service. The Amateur Radio Volunteer Services Act would classify those individuals donating their time and expertise to maintaining the quality of the amateur radio airwaves as Federal employees only for the purpose of actions taken against them in the performance of their duties as self-regulators. This action will ensure the continued viability of the amateur radio community and continue to save the FCC and the Federal Government time and money that would otherwise need to be expended.

Thank you, Mr. Speaker, and I urge my colleagues to support this worthy legislation.

TRIBUTE TO THE SPRINGFIELD LIONS CLUB

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. NEAL. Mr. Speaker, it gives me great joy to extend my congratulations to the Springfield Lions Club, one of the most prestigious organizations in my district, who will celebrate their 50th anniversary on March 29, 1997. With this in mind, I take this opportunity to enter the history of the club into the CONGRESSIONAL RECORD.

In the Spring of 1947 a member of the Springfield Lions Club invited a group of men from Sixteen Acres to a meeting in the old brick schoolhouse on the corner of Parker St. and Old Acre Rd. At the meeting he described the purpose of a Lions Club and what being a member would entail. Fifty-three men signed up that day and a Lions Club was formed in Sixteen Acres.

The Sixteen Acres Lions Club was organized April 25, 1947 and was chartered June 18th. Charter Night was held at Belli's with many members from other Lions Clubs in attendance.

Meetings were held for a short time in the schoolhouse with a caterer providing the meals. The meetings were later held for long periods in Belli's and Foster Memorial Church and for brief periods at various area restaurants. While meeting in the original Foster Church building the members meals were prepared by their wives at home and then brought to the meeting. Meetings are not held at Church in the Acres.

When the Club was formed a public dump existed where Duggan Jr. High now stands. Many people apparently found it more convenient to dump their rubbish at the side of the road. Under pressure from the Lions Club they had the rubbish removed.

In the 1950's the club purchased a motion picture projector and screen and for several years movies were shown on Saturday afternoons in an upstairs room of the old schoolhouse. the purpose was to give the younger children a place to go during the winter months. A charge of ten cents was made to help defray the cost of the film. It should be noted, however, that no child was turned away due to lack of a dime.

The Lions Orthoptic Clinic was originated in 1951 by the late Russell Koch, a past president of the Sixteen Acres Lions Club, who, with the approval of the club, enlisted the aid of other clubs in the district to get it organized. The clinic offers treatment of eye problems which have been referred to local ophthalmologists. A charge is made according to the patients ability to pay.

A sport program was organized under the direction of Fred Hoarle. He was successful in developing a number of teams and getting area men to coach them. The program was expanded to include soccer, softball, and basketball as well as the baseball teams. For several years the club held a soccer tournament on Memorial Day weekend attended by soccer teams from as far away as Virginia.

For 17 years the club has given food baskets to families at Christmas time. A week's food supply plus small toys for children are included in these baskets. For the past several years money for this has been raised by selling raffle tickets for a gift certificate for food at a local market. It has been extremely successful and appreciated venture.

The club has also sponsored glaucoma and diabetes testing clinics, paid for eye examinations and eye glasses for needy families and supported eye research, emergency sight and hearing fund, LCIF and various other projects. It has sponsored community events like the Fourth of July and Halloween parades and parties, Easter egg hunts, pancakes and spaghetti suppers, tag sales, dances, light bulb sales and many other house to house sales.

In 1986 the club embarked on a new fundraising project. After many years of work by many members, L'il Toot was completed. L'il Toot is a locomotive train with two passenger cars which can be rented out to provide rides for children at fairs and carnivals. To date success seems assured.

The Sixteen Acres Lions Club is proud to have four of its members elected district governor. Robert Scott, Fred Hoarle, John Ingalls and Richard Leary have each served as a district governor and are held in high esteem by their associates.

The success of many projects was due to the dedication and hard work of its members.

I wish to commend the Springfield Lions Club for their vital role in the Springfield area. The achievements of these men are a tremendous source of pride for not only the city of Springfield but the entire Second Congressional District. I am honored to represent such outstanding individuals and I join with the citizens of the Second Congressional District in offering a most heartfelt congratulations.

DELAURO HONORS JOHN KINGSTON AS HE ENDS OVER 25 YEARS OF SERVICE ON THE CONNECTICUT BOARD OF LABOR RELATIONS

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. DELAURO. Mr. Speaker, on April 1, 1997, John Kingston is retiring from the Connecticut State Board of Labor Relations. I am pleased to rise today to commend Jack on a great career in State service and an outstanding tenure with the Connecticut State Board of Labor Relations.

For more than 25 years, Jack has served as agent to the board of labor relations. His hard work, strong leadership and commitment to excellence have left an indelible mark on the board of labor relations. Jack has seen a number of changes over the last quarter century. During Jack's tenure on the board, the Connecticut State Employee Relations Act was passed. Jack handled the first petitions filed by State employees in their efforts to organize. He also conducted elections for the 30,000 State employees under the new act. His experience in the area of State employee union negotiations is invaluable and his colleagues and coworkers rely on his encyclopedic knowledge of the labor board processes and procedures.

Over the course of his career, Jack has become one of the most highly respected and admired people in the labor relations field. The fact that both advocates for both labor and management frequently call for his advice and counsel, speaks volumes about his reputation. Everyone who knows Jack seems to recall one thing in particular when asked about him and his career. They recall his integrity and sense of fairness. They also talk about Jack's commitment to settling disputes and bringing sides together. Under his leadership, the board has boasted an 87-percent settlement rate for the 1,000 cases they handle per year.

I have been told that as word of Jack's retirement made its way through the State, everyone who heard asked "What are we going to do without Jack?" What is absolutely clear is Jack's commitment to doing his job well so that both labor and management come out ahead.

I am proud to join the entire labor community in congratulating Jack as he retires. He has continually demonstrated his commitment to service. He should take great pride in this moment and enjoy a much deserved tribute. I

know that he will continue to do great things in his retirement. I wish him many years of good health and happiness. He truly deserves it.

KILDEE HONORS PAULINE PRYOR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. KILDEE. Mr. Speaker, it is my pleasure to rise before my colleagues in the U.S. House of Representatives to pay tribute to an outstanding woman from my hometown of Flint, MI, Ms. Pauline Pryor who is retiring from the Flint Branch of Michigan National Bank after 33 years of service. Ms. Pryor has served as the assistant vice president of the Community Development Office for the past 10 years.

As the assistant vice president of the Community Development Office, Ms. Pryor's professionalism and integrity were instrumental in securing many of the much needed investments in the Flint community. Ms. Pryor believed in the need to rebuild our city through new opportunities in jobs and housing. It is a privilege to know such a dedicated, active, and concerned human being as Ms. Pryor.

Ms. Pryor is also an active member of the Foss Avenue Baptist Church in Flint. Through her volunteer work with her church, she continues to promote the prosperity of the surrounding communities even after her formal workday. Ms. Pryor has contributed in every aspect of her church: from being a Sunday school teacher to serving as the church treasurer. As a result of both her professional and personal devotion, Ms. Pryor has received numerous distinguished service awards in our community over the years.

Mr. Speaker, it is indeed an honor and a pleasure for me to rise today before my colleagues in the House of Representatives to pay tribute to Pauline Pryor. She is a woman of high moral character committed to improving the welfare and dignity of those in need. I wish her many years of joy in her retirement.

TRIBUTE TO LILLIAN HECKER FREED

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Lillian Hecker Freed, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Lillian Hecker Freed has been a champion for those less fortunate and a political activist since she was a teenager. She became her employer's first female departmental supervisor in the 1950's, and was a leader in her company, encouraging and assisting other women. She was a peace activist during the Vietnam war and led union opposition to racial discrimination in San Francisco. Lillian Hecker Freed is now 80 years of age, and gives generously of her time and talents to the San Mateo Central Labor Council, the Yerba Buena Center for the Arts, the Contra Costa Hills Conservation Club, the Peace Action Association, the Talmalpais Conservation Club, and the California Alpine Club. She is president of the Federation of Retired Union Members and continues her valiant fight for social justice.

Mr. Speaker, Lillian Hecker Freed is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

REMEMBERING THE RAJAH

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mrs. CARSON. Mr. Speaker, Indianapolis lost one of its outstanding citizens last Tuesday. He was Roger Brown, the first player ever signed to the Indiana Pacers and a pillar of the Indianapolis community following his basketball career.

A graduate of the University of Dayton, Mr. Brown was the third all-time leading scorer for the Pacers, scoring 10,058 points over his career in the American Basketball Association. Had it not been for a gambling scandal during his college career, which he was cleared of, Roger (The Rajah) Brown would be in basketball's Hall of Fame.

Those who saw him play consider him one of the best to play the game. Oscar Robertson, himself a NBA star and a native of Indianapolis, advised the Pacer organization to seek out Brown in the early 1970's and sign him to the team.

Yet Mr. Brown was not merely one of the best to play the game. He also contributed much to his inherited community of Indianapolis. He served as a city-county councilman and worked with local law enforcement officials to improve Indianapolis' streets and help protect our young people.

The community remembered him for this as well. When Mr. Brown was diagnosed with cancer of the liver, he was faced with mounting medical bills due to his lack of medical coverage. The community of Indianapolis chipped in, with teammates, fans, and local businesses helping the Rajah pay for his medical care.

Perhaps the most poignant testimony of Roger Brown was his statement after learning about his cancer. "If I was to die tomorrow, I've lived a hell of a life," said Mr. Brown. "I've dealt with my mortality. I did that coming out of Brooklyn, because you don't know if you're going to make it to the next day. The quality of life is what's important, because everybody's got to go."

Mr. Speaker, perhaps this body could learn a little from Roger Brown, a person who lived his life unassumingly but understood that in the end, it was the value of a life well-lived that mattered the most. For Mr. Brown, we should continue to look for ways to ensure that all have the quality of life they deserve. In the words of Pacers coach Larry Brown, "we have lost a good friend."

INTRODUCTION OF LEGISLATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. TRAFICANT. Mr. Speaker, on February 27, 1997, I reintroduced legislation, H.R. 897, that would require the National Aeronautics and Space Administration to take advantage of abandoned and underutilized buildings and grounds in economically depressed areas of the country when selecting new site facilities. I ask all of my colleagues to become cosponsors of H.R. 897.

In this age of reinvestment in our large cities, programs such as enterprise zones and HUD grants offer economically depressed communities the opportunity to pick themselves up and forge ahead with their recovery. However, Federal agencies, such as NASA, should look at those same communities when looking to expand their facilities. Much like a major sports team, NASA expansion into an economically depressed area would boost the area's financial status, self esteem, and morale. Often these last two items simply cannot be fixed with a simple government-sponsored grant.

H.R. 897 would also allow older buildings and underused facilities in decaying cities the chance to be fully utilized, thereby furthering the economic and cosmetic recovery of those cities. And because those facilities would already be in place, NASA would not have to spend a fortune on constructing all new buildings and support infrastructure.

Mr. Speaker, NASA's operations should not just be something we see pictures of on television. Once again, I urge all House Members to cosponsor H.R. 897.

TRIBUTE TO JOANNE RON GILBERT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Joanne Ron Gilbert, a dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Joanne Ron Gilbert is an educator who specializes in at risk students. According to her nomination, she "has received no formal awards, but is recognized by those who know her as someone who has transformed lives." Transferred from Detroit to San Mateo County in 1984, newly divorced with a teenaged son, her job was soon eliminated. She worked out a homesharing plan to provide her son with a secure environment, returned to school to earn a teaching credential, got a full-time teaching job, and developed a private tutoring

practice. She also managed to volunteer as a landlord-tenant dispute mediator, coordinate events for the Jazz for the Homeless Program, and worked in local political campaigns. As a member of the county Human Relations Commission, she developed the first and only County Hate Crimes Conference. In 1992, finally able to buy her own condominium and seeing her son enter law school, she was diagnosed with thyroid cancer. During her battle with this disease, which left her voiceless and unable to work for 3 months, she maintained correspondence with her students, providing them with support and counsel. Back at work since February 1995, she is taking classes in alternative dispute resolution and educational therapy.

Mr. Speaker, Joanne Ron Gilbert is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.

PAYING TRIBUTE TO ST. JOSEPH PARISH, LEBANON, IL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. COSTELLO. Mr. Speaker, I want to ask my colleagues to join me in paying tribute to St. Joseph Parish in Lebanon, IL, which is celebrating its 135th anniversary this month. For over a century, St. Joseph Parish has provided essential services to its parishioners, local residents, and to communities throughout the diocese through a number of organizations and programs.

Locally, St. Joseph Parish works with other parishes to provide substantial financial assistance to Christian Home Care Services, an ecumenical nonprofit organizations. With the help of St. Joseph's, this group focuses on keeping people in their homes as long as possible by providing low-cost, nonmedical care in the form of companionship, transportation, light housekeeping, and meal preparation for the elderly and disabled in the community. St. Joseph Parish seeks to meet the emotional needs of the community as well through its participation in the family care ministry which helps strengthen individuals and families by providing low-cost counseling. The most immediate needs of local residents are not overlooked by St. Joseph Parish, which also contributes to a local food pantry and provides financial resources to transient individuals, and to individuals needing rental assistance.

The parish's tradition of giving extends well beyond the local community. Through its local chapter of Saint Vincent dePaul, St. Joseph Parish provides children in the neighboring community of East St. Louis with school supplies during the school year and Christmas gifts during the holiday. St. Joseph's also aids the community by donating clothing, furniture, and household items, and has participated in various flood relief efforts in recent years through these means.

St. Joseph's has a rich history of helping others and has become one of the mainstays of this small, close-knit community. I ask my colleagues to join me in congratulating St. Joseph Parish's parishioners and friends on their 135th anniversary.

HONORING STEPHANIE CAVANAUGH

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Mr. MURTHA. Mr. Speaker, I'd like to take this opportunity before the House to congratulate Ms. Stephanie J. Cavanaugh on her 22 years of commitment to the ladies auxiliary to the Veterans of Foreign Wars No. 554 in Somerset, PA.

Stephanie has served in a variety of positions within the organization, including four terms as auxiliary president and one term as district president. She has chaired numerous programs, at times while simultaneously serving in her leadership positions or serving her community as president of the Somerset County Council, which she did for two terms. Additionally, she was elected to the high offices of department guard, in 1991, and department president, in 1996. She has garnered numerous awards, including a national award for best promotional materials during her tenure as membership chairman from 1993 to 1994.

Stephanie followed her late father's example of leadership and service to fellow citizens. William S. (Bill) Orban served in the U.S. Army Air Corps during World War II and was a founding member and first commander of Post No. 7565 in Hooversville, PA.

Stephanie is also a trained paramedic, has worked with mentally handicapped. In the scenic mountain wilderness of scenic Somerset County, she was a member of the County Sheriff's Department search and rescue team, certified in as a tracker, dog handler, and in rope rescue.

I hope you will all join me in applauding Stephanie Cavanaugh for her stellar achievements in the service of her community and the ladies auxiliary.

TRIBUTE TO MARGARET TAYLOR

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Margaret Taylor, an extraordinary, dedicated community leader who is being honored as an inductee into the San Mateo County Women's Hall of Fame.

Margaret Taylor, as the director of San Mateo County's Health Services Agency, has distinguished herself as a regional and statewide leader in health care. She has ably guided the department to prepare for the future of healthcare delivery well into the 21st century. Margaret Taylor is the very first woman ever appointed head of a San Mateo County government department. She consistently sets the highest of standards and goals, and turns them into reality.

Margaret Taylor is the first chairperson and founding member of the Health Plan of San Mateo, a model, countywide managed care program for 52,000 Medi-Cal beneficiaries. She also is co-chairperson of the executive committee of Nuestro Canto de Salud, a joint project between El Concilio and Health Services, responsible for $2 million in health education and health care grants. As an executive board member and past president of the County Health Executives Association of California, she works with all of California's county health directors to develop public health policy for elected officials. Additionally, she is a board member of the San Mateo County Hospital Consortium, the Association of Bay Area Health Officials, and the California Association of Public Hospitals.

Margaret Taylor is deeply concerned about the health needs of women. She has developed prenatal care programs and created conferences on breast cancer and cancer education. She is an executive committee member of the California Women's Health Council, the first advisory group to the State Department of Health Services on all women's health issues.

Margaret Taylor joined with the San Mateo Rotary Club in developing a health professions mentorship project for young women and minorities, and has developed many partnerships with community organizations to enable them to enhance the care of those they serve. Her work with the Hispanic Concilio resulted in the award of a prestigious Robert Wood Johnson Foundation grant. Margaret Taylor is a woman of vision, and because of her public service, tens of thousands of people's lives have been bettered.

Mr. Speaker, Margaret Taylor is an outstanding citizen, a long-time colleague, and my trusted friend. I salute her for her remarkable contributions and commitment to our community and our country and I ask my colleagues to join me in honoring and congratulating her on being inducted into the San Mateo County Women's Hall of Fame.