SENATE—*Thursday, March 13, 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:

Lord, You stand knocking at the door of our hearts and this Senate Chamber. Once again You make the first move. You come to us in a new way each day. We have learned that yesterday's experience of fellowship with You or guidance from You will not be sufficient for today's challenges. You seek entrance into every facet of our lives and our work. The latch always is on the inside. Today, we have a choice to open the door or leave it shut in Your face.

All-powerful Lord, You have the secret of victorious living. It is Your indwelling, impelling power within us that makes the difference between a great or a grim day. We are alarmed by the number of days spent in self-propelled effort, simply because we didn't begin the day by opening the door of our hearts to You.

Who are we to deserve such attention from You? Then we remember that it is Your grace and not our goodness that motivates Your persistence. You have work to do here in this Senate and You plan to do it through us. Come, Lord; You are welcome. Reign supreme in this Chamber and in our hearts. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President.

THE CHAPLAIN

Mr. LOTT. Mr. President, I want to say what a great pleasure it is to have a Chaplain who puts us to bed with prayer at night, as he did last night at the Library of Congress, and gets us started off with prayer in the morning on the floor of the Senate. We appreciate him very much.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will resume consideration of Senate Joint Resolution 18, the Hollings resolution on a constitutional amendment on campaign expenditures. It is my hope the minority leader and I can reach an agreement as to when the Senate will complete action on this resolution. I have discussed this with the Senator from South Carolina. I still think maybe there is a possibility we can get an agreement and get a vote on it tonight, but if not tonight, we will converse with the sponsor of Senate Joint Resolution 18 and see when we could get a vote on it. If not tonight, it could actually not occur until Tuesday morning. But we will discuss that and make an announcement later on today.

Rollcall votes are possible throughout today's session. It is also possible that prior to completing our business this week, the Senate may be asked to consider the independent counsel resolution. The Judiciary Committee is scheduled to meet today. Hopefully, they can take some action in this area, hopefully in a bipartisan way. That would be helpful.

In addition, it is my hope we will be able to reach a time agreement for consideration of the nomination of Merrick Garland to be the U.S. circuit judge for the District Circuit. I am thinking about the probability of that occurring on Tuesday, maybe Tuesday morning, with a time agreement. We had been thinking perhaps 3 hours equally divided would be sufficient, but we will need to get a final arrangement on that. We do have some Senators who want to speak on this nomination.

I think a lot of the concern on this one is not so much with the nominee as with the circuit. The D.C. circuit actually has one of the lowest caseloads in the country, and it is declining. It has declined pretty perceptively, even in the last year or so. There is a question about how much need there is for additional judges on that circuit. So there will be some discussion about that.

Again, I hope that rollcall vote can occur on Tuesday morning. We maybe could have done it today or Friday, but because of the constitutional amendment and other issues pending, we felt Tuesday morning would give us time to work it out. I expect the Senate to convene on Monday, but this time I do not anticipate any rollcall votes during Monday's session. I would like to note that, again, for the Democratic leader, that while we may be in session, I don't foresee at this time the need to have a recorded vote during the day on Monday. I do know there are Senators who have commitments who necessarily have to be away from the city, but we will want to have votes as soon as we can on Tuesday.

Mr. President, I have no further comments at this time. I will be glad to yield the floor to the Democratic leader.

The PRESIDING OFFICER (Mr. ROBERTS). The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me thank the distinguished majority leader for his announcements regarding the schedule. I agree completely with his assessment of the need to define a time agreement for Merrick Garland. I hope 3 hours can be sufficient. I can't imagine that we would need more than that amount of time. Obviously, there are issues unrelated to Mr. Garland that need to be addressed.

I was interested in the Judicial Conference statement just this week, the 27-judge group, chaired by Chief Rehnquist, actually called upon Congress to create more judges. The group agreed to seek the authorization for 12 new appellate judgeships, 26 trial court judgeships, and 18 bankruptcy court judgeships, over and above the 93 vacancies that exist today. This is going to become an increasingly important matter for the Senate.

I intend to work closely with the majority leader to see if we can't resolve the question of nominations and confirmations relating to judges. I appreciate very much his leadership and cooperation that he has demonstrated in working through the Cabinet-level appointments that we have been able to address so far this year.

Mr. President, I will also say, in talking with a number of my colleagues who want the opportunity to express themselves on the constitutional amendment, I am not sure that our side will be prepared to agree to a time certain for a vote today, but I will certainly work with the distinguished majority leader to see if we can't find a mutually convenient time with which to begin bringing this debate to a close.

Mr. LOTT. Will the distinguished Senator yield?

Mr. DASCHLE. Yes, I will yield.

Mr. LOTT. Mr. President, if we need additional time, we can have time tomorrow and could even have some time on Monday for debate. I am not trying to push it to an early conclusion. I just want to make sure Members are aware that when everybody feels like they have had their say, we will be prepared to set the vote, whether it is this afternoon or Tuesday.

Mr. DASCHLE. Mr. President, if I can regain the floor for a moment to say, given the accommodation of the majority leader, I think it is imperative that we use this time. I was pleased yesterday. I don't think there was a quorum call, and I think it was indicative of the kind of interest there is on the issue and the kind of debate

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

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that it generated. I hope we don't see quorum calls today. I hope we can maximize the use of the time. I think we all know the outcome of this debate, so it isn't necessarily the outcome that is driving the interest as much as just the philosophical approach we take to a very important issue.

But, nonetheless, I appreciate very much the majority leader's interest in accommodating Senators to allow for the debate and we maximize the use of the time. I yield the floor.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

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

Under the previous order, there will be 1 hour under the control of the Senator from New Mexico.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I ask unanimous consent 10 minutes be yielded to me from the time of the Senator from New Mexico. I request about 8 minutes.

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

(The remarks of Mr. FRIST, Mr. DOMENICI, Mr. BENNETT and Mr. SPECTER pertaining to the submission of Senate Resolution 63 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. SPECTER. Mr. President, in the absence of any other Senators on the floor seeking recognition, I ask unanimous consent to proceed as in morning business for a period of up to 10 minutes.

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

SUPPORT FOR THE FBI

Mr. SPECTER. Mr. President, I have sought recognition to voice support for FBI Director Louis Freeh, who has been subject to some criticism in a variety of quarters, including on the floor of the U.S. Senate. I do so as someone who is thoroughly familiar with the work of FBI Director Freeh and of his organization. I have worked with the Federal Bureau of Investigation for many, many years, going back to my days as an assistant district attorney of Philadelphia, when I prosecuted the Local 107 Teamsters and got the first conviction of teamsters resulting from the McClellan committee investigation. I worked with the FBI as an assistant counsel on the Warren Commission. I have seen a great deal of the FBI's work since being in the Senate and working as a member of the Judiciary Committee.

I think the FBI does a good job—not a perfect job, not a job without substantial problems, and not a job where, on some occasions, they don't make mistakes, but a good job. I have seen Director Freeh's work in some detail, specifically, on the oversight hearings that the Senate Subcommittee on Terrorism conducted on Ruby Ridge, where I served as chairman.

Ruby Ridge was a national tragedy. Randy Weaver did some things he should not have done, but he didn't deserve the armada of law enforcement that descended on his mountain in Idaho. That was a sad story, because the Alcohol, Tobacco, and Firearms unit had misrepresented Weaver's record. They said he had a prior record of convictions, which was false. They said he was a suspect in a bank robbery case, which was false. That brought the hostage rescue team from the FBI and the killing of a U.S. Marshal, William Deacon, the killing of Mrs. Randy Weaver and their son, Sam Weaver, age 14.

To the credit of FBI Director Freeh, he was willing to concede the errors. He changed the rules of engagement, he changed the FBI standards on use of deadly force, and he changed the use of the hostage rescue team. This was in stark contrast to what the Alcohol, Tobacco, and Firearms did. They would not concede their errors. The Department of the Treasury, which managed Alcohol, Tobacco, and Firearms, stood by their conduct, even though it was palpably wrong, as disclosed in the extensive hearings the subcommittee had over the course of 2 months, 16 hearings, and a long report in excess of 150 pages.

I have seen what Director Freeh has done in combating domestic violence in the Oklahoma City bombing, and I have seen what the FBI has done in the Unabomber case. Where the FBI has made mistakes, Director Freeh has come forward and conceded that. Where there was unwarranted publicity on the Atlanta Olympics pipe bomb case, for example, when someone unfairly leaked information, Director Freeh conceded that a mistake was made.

While I applaud his concessions on the unfair publicity, I have problems with our inability to properly conduct oversight on that Atlanta pipe bombing case. We have not been able to move that ahead. So that when I evaluate Director Freeh, I do so in the context of someone who sees problems and has been critical, as well as someone who praises the Bureau's overall performance.

Director Freeh has been criticized on the so-called VANPAC case, which involved the murder of a Federal judge and a civil rights leader. Director Freeh prosecuted this case—he has had a very remarkable career as an assistant U.S. Attorney, a Federal judge, and he left the Federal bench to become Director of the FBI. He was recently criticized because there were alleged errors made by the FBI laboratory in connection with the VANPAC case. The FBI laboratory has admittedly had serious problems. That was one of the aspects that was investigated by the Senate subcommittee on Ruby Ridge, because there were problems with their work there, as well.

As the prosecuting attorney in that criminal prosecution, Director Freeh relied on evidence from the FBI laboratory, some of which may have been faulty. But when Director Freeh found out that that was an area of concern in September of 1995, he recused himself from the investigation of the FBI laboratory. That means he took himself out of the case and did not pass judgment on it.

The inspector general, who is about as independent as you can be within the Federal branch—has been looking into the FBI laboratory. We have these inspector generals in a variety of departments. My legislation brought the inspector general to the CIA, the only reform legislation coming out of the Iran-Contra affair. Inspectors general are not perfect because it is hard to be totally independent. But to the extent you can have independence, the IGs are independent. They report directly to Congress. They are as good a mechanism as you can have for that sort of an investigation, unless you have congressional oversight. There ought to be more of that.

But, at any rate, Director Freeh did what was possible by recusing himself and referring the matter to the inspector general, who brought in five independent scientists. He has been out of the case, and he is prepared to make whatever changes are necessary within the FBI laboratory.

The FBI is currently conducting a very sensitive investigation on campaign irregularities, which may go to the highest levels of Government. Not a great deal can be said about that investigation at this time. But from what I have observed Director Freeh

has been independent, has been forthright, and has done his job in a professional way. In that kind of an investigation there are inevitable pressures, either express or implicit. I have some familiarity with what the Bureau is doing and what the Director is doing. I have confidence in him. I do so with some understanding of investigative work on grand juries and criminal matters and the kind of sensitivity which is involved. There are matters on which I consult with him with some frequency in terms of oversight.

As of this moment, I am not yet satisfied with what has been done on Ruby Ridge. The Department of Justice has conducted an investigation on a number of the FBI agents, one of whom was the former Deputy Director, Larry Potts. It may well be as I said, in those hearings, that Director Freeh did not exercise the best judgment with respect to Deputy Director Potts. But at the same time I have said publicly that Deputy Director Potts and others are entitled to have the matter resolved, and that the Department of Justice has been investigating that since the fall of 1995—some 18-month lapse—which is unwarranted. I know that case thoroughly because of the hearings we had. I know investigative practice. That matter should have been concluded. That is not a matter under Director Freeh's purview. It is in the Department of Justice.

I recently wrote to the Attorney General complaining about the delays and got an unresponsive response saying that the investigation will take several more months due to the complicated nature of this matter. It is not all that complicated. We have the Atlanta pipe bomber case where I have been trying to get an oversight hearing since October-November. I am not delighted with what the FBI has done on that in terms of not being as responsive as I think they might be. They have internal investigations which are really very difficult and which delay congressional oversight. But overall my view is that Director Freeh has done a good job. And when you pick up some of these matters on the FBI laboratory, I think he has provided appropriate management and appropriate oversight.

Mr. President, I think my time has probably lapsed. But in the absence of any other Senator on the floor, I ask unanimous consent for an additional 10 minutes to proceed as if in morning business.

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

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

HEALTHY CHILDREN'S PILOT PROGRAM ACT OF 1997

Mr. SPECTER. Mr. President, today I am introducing legislation directed at providing health coverage to children who lack health insurance in America.

This issue has been recognized as one of the leading—if not the leading—problems on incremental health coverage in America today. I am glad that President Clinton's health care plan proposed in 1993 was not adopted. That was a matter that was fought out on the Senate floor in some great detail in 1994. I participated in that debate. When I read President Clinton's health plan, I was amazed by the number of agencies, boards, and commissions, and asked an assistant to make a list of all of them. My assistant made a chart instead of a list. I had that chart on this floor and many other places, and I shall spare you the chart today. Bob Woodward of the Washington Post said that chart was the key factor in defeating the Clinton health care plan because it showed on one page in red more than 100 new agencies, boards, and commissions, and in green about 50 existing bureaus giving new jobs. Then we proceeded, I think wisely, with the Kassebaum-Kennedy bill on incremental health coverage. Now I think we need to go ahead and provide for coverage for children in America.

Very briefly, let me summarize my proposal before going into specifics. It is said that there are 10 million children who lack health insurance. My analysis shows that there is a critical group, perhaps the most critical group, of some 4 million children which my bill addresses in an incremental way; 3 million other children are eligible for Medicaid coverage but not enrolled, and 3 million other children are in families which would not be eligible for health insurance under my plan because their family income levels are too high. My legislation will provide a pilot program which would provide vouchers to States for families which earn up to 235 percent of the poverty level to purchase health insurance in the marketplace.

Later today I am going to have a news conference with the Brandt family from Pennsylvania, because they are illustrative of this issue. I would now like to discuss the key elements of my proposal and why I have asked the Brandts to travel to Washington today.

Mr. President, it is no less true for being a commonplace that nothing could be more important to our Nation than our children. I am introducing today legislation aimed at beginning to fill an enormous and unacceptable gap in our country's support for the health and well-being of our children.

Mr. President, as President Clinton discussed during the State of the Union Address last month, there are today approximately 10 million American children who have no health insurance coverage from any source—private or public—and who therefore lack access to the kinds of preventive and primary care services which can be the difference between staying healthy and getting sick or between minor illness and serious, disabling or even mortal illness.

Now, let me say at the outset that this is not a Republican or Democrat issue. Our two parties do have different approaches to the roles and the cost of our Federal Government but there is not one party that cares about kids and one party indifferent to our childrens' health. Let us work constructively on this and actually address the problem rather than just trying to wrack up political points.

As with most statistics conjured up for social policy debates, the President's figure of 10 million uninsured children needs further discussion to get to the heart of the matter. Of these 10 million uninsured, approximately 3 million children live in families with incomes which make them eligible for Medicaid. I support outreach efforts by the States to enroll these children in Medicaid but, because coverage is accessible to these families if they avail themselves of it, this problem is not the gaping hole in our health care system of which I spoke a moment ago.

Likewise, of the 10 million uninsured children, another approximately 3 million live in families with incomes greater than the median household income. There are even uninsured children in more than a few high income families.

Those numbers are deeply disturbing, but I see them as a clarion call for greater parental responsibility, rather than for legislative or governmental action. I know it is easy for those of us with substantial incomes and employer-paid health benefits—such as we here in the Senate—to preach to families without these protections, but I cannot imagine any higher priority for a family with any more than just enough income to keep food on the table and a roof over their heads than to provide health insurance for their kids. And I see it as clearly inappropriate—despite some proposals on the other side of the aisle to do so—to spend tax dollars to subsidize health insurance for higher income families. The cutoff level I propose in this bill, approximately $38,000 for a family of four is already a bit higher than median household income in the United States—$34,076—$34,524 in my own State of Pennsylvania. In other words, taken together, Medicaid and the new initiative I am proposing would allow eligibility by income for more than half of the households in our country. To go beyond that is to do what too many Government programs already do—tax those who have less for the benefit of those who have more, Robin Hood in reverse.

This leaves approximately 4 million children, ineligible for Medicaid but living in families without the resources to obtain coverage on their own. This

is an American tragedy—the tragedy of the working poor. Mom, Dad, or both going to work every day, often more than 5 days per week, but being paid low wages, without health benefits. These are honest taxpaying citizens, but their kids' futures are in jeopardy. They are falling through a crack in our health care system which must be sealed off.

Some States, including my own State of Pennsylvania, are attempting to address this problem. In Pennsylvania, a public/private partnership, combining a publicly funded program called BlueCHIP, the Children's Health Insurance Program, on which Governor Ridge will spend $39 million this year, and a private initiative called the Caring Program for Children are reaching 60,000 out of the estimated 300,000 uninsured Pennsylvania children who are not eligible for Medicaid.

But, as this statistic indicates, even generous State and private resources are wholly inadequate to meet the need. And this need, this hole in our health care system, is not a statistic. It is real.

I would like to speak to you today about some Pennsylvanians whose stories demonstrate both the real need for action on the matter of uninsured children and the effectiveness of a program, such as the one I am proposing today, in helping real people face life's storms. These good people have been helped by Pennsylvania's existing efforts to provide health coverage to children and their story is the best argument which can be made for a national effort to solve this problem.

Here with me today is the Brandt family, from Tarentum, PA, in Allegheny County: mother, Scarlett; father, Richard; daughter, Lindsay, age 11; and son Chad, age 7.

First, I would like to thank the Brandts very deeply for their willingness to be here today, not only because it involves a precious day off from work for both Scarlett and Richard, a day out of school for both Lindsay and Chad and a long car ride to Washington and back, but even more so because it involves a family decision to put pride aside and to be willing to face the press as symbols for a policy debate. This is not an easy position for people to put themselves in—and even less so their children—but the Brandts believe in the need to tell America about this too long ignored problem of uninsured children and about the way life brightens with just a little help to fill this basic need. I am very grateful to them for putting their desire to help others ahead of their own privacy.

Scarlett and Richard both have full time jobs; Scarlett is a hairdresser and Richard is a truck driver. But neither of their employers offer health benefits and this hard working, taxpaying family simply doesn't earn enough money to go out and purchase private health insurance on their own. Before the Pennsylvania programs began helping the Brandts in 1993, Lindsay had lived the first 7 years of her life without any health insurance coverage and her little brother Chad had gone without coverage from birth until he was 3 years old.

Here, then, are counter examples for the think tank commentators who argue against Federal action on children's health insurance by pointing to examples of children who are only uninsured for transitional periods of months as their parents change jobs. Here, in Lindsay and Chad, are examples of the heart of this problem—the long-term uninsured children of the working poor.

How did Scarlett and Richard make due without health insurance for their kids? They scrounged what services they could from community health clinics and they used emergency rooms in ways that, when multiplied by all those who act similarly, damage and drain our entire health care system. They also restricted the activities of their children—and recent studies indicate this is a common coping strategy for parents in their shoes—cracking down on sports and even bike riding to try to avoid injuries. When Chad became ill as a toddler, with recurring ear infections, the family had to rotate payments to their creditors—some months skipping a utility bill, some months cutting back on groceries—just to be able to afford the prescription medicines for their little boy.

Even with all of these ways of dealing with their situation, the Brandts lived every day under a cloud of fear about their children's health and their family's future and Lindsay and Chad lived with unmet health care needs—for physician care, for vision care, and for dental care.

In 1993 the Brandt family got help from the programs operated by Western Pennsylvania's Caring Foundation for Children. It turned out that this assistance proved even more necessary than they knew at the time.

In April 1996, Lindsay Brandt was diagnosed with hemiplegic migraines. This condition causes stroke-like symptoms. When an incident occurs, Lindsay suffers paralysis on the side of her body opposite from the headache, her speech slurs, her vision is blurred, and she becomes confused. Although she has needed five ambulance trips to the hospital since developing this condition, Lindsay is now on medication to prevent further episodes.

Obviously, all of this care has been expensive. Obviously, the sort of problem the Brandts feared in their uninsured years came to pass. It might well have destroyed this family had it happened before they got health insurance coverage for their kids. Thank God, it did not.

The legislation I am introducing today is a measured response to this major problem. We must react with both compassion and consideration.

Here is my proposal:

A 5-year pilot program funded with discretionary dollars—rather than a permanent entitlement—to provide block grants to the States in support of health insurance for uninsured children who are not eligible for Medicaid or for employer-based private health insurance and whose families have incomes up to 235 percent of the poverty level, $37,718 for a family of four.

States which are already providing health insurance coverage to children eligible under this bill, such as under their own Medicaid plans, would be required to maintain their efforts but would, in effect, receive credit from the Federal Government in the form of dollars equal to the costs of the coverage they are providing to children in families up to the bill's cutoff level of 235 percent of poverty.

My bill would offer full vouchers, with the level determined by the Secretary of HHS based on costs for an insurance policy covering preventive, primary, and acute care services for a child, for families earning up to approximately $29,700 per year for a family of four and partial subsidies from that income level until phased out at approximately $38,000 for a family of four.

By limiting eligibility to children who do not have access to employer-based private health insurance, we avoid creating a disincentive to private coverage. We should all applaud the employers who are covering their employees, including lower wage employees, with family health insurance. Indeed, there are approximately 10 million American children in families earning between the poverty line and 235 percent of poverty who do receive private health insurance coverage, compared to the 4 million who do not. This is another example of the overall effectiveness of our market-based health care system even as it is also the most striking example of a particular case of market failure.

By making this a 5-year pilot program, we admit the complexity of the health care system and the task of health care reform. This approach, with block grants and vouchers, may well prove to be the best way to cover kids who need health insurance, but we all know about the unintended consequences of social policy initiatives and we all know how hard it is to reform an entitlement, even if it has truly perverse effects, and so I am proposing a 5-year demonstration of this approach in the appropriately humble spirit of "trial and correction" which I have many times before said on this floor should inform our entire project of health reform.

By making this program subject to appropriations, we ensure that we undertake this important effort in a fiscally responsible manner.

Specifically, to provide sufficient funds to properly test this approach to children's health coverage in a way that does not bust the budget, my bill establishes the "Healthy Kids Trust Fund," on budget, funded through the sale of available broadcast and nonbroadcast spectrum assets. I am not wedded to this offset but offer it to make clear my intention to see this program paid for with hard dollars, not confederate money.

Furthermore, my proposal provides that:

The first year of the program, fiscal year 1998, would be devoted to HHS and State planning, with the new insurance coverage commencing on or about October 1, 1998.

Coverage would be phased in, beginning with children 0–5 years old in fiscal year 1999 and expanding in subsequent years to cover children 6–9, 10–12, and 13–17.

In the 104th Congress, I was pleased to cosponsor the Health Insurance Portability and Accountability Act of 1996, better known as the Kassebaum-Kennedy bill (S. 1028). There is no question that Kassebaum-Kennedy made significant steps forward in addressing troubling issues in health care. The bill's incremental approach to health care reform is what allowed it to generate consensus support in the Senate; we knew that it did not address every single problem in the health care delivery system, but it would make life better for millions of American men, women, and children.

In retrospect, I urge my colleagues to note a most important fact—the Kassebaum-Kennedy bill was enacted only after some Democrats abandoned their hopes for passing a nationalized, big government health care scheme, and some Republicans abandoned their position that access to health care is really not a major problem in the United States demanding Federal action.

Although we succeeded in enacting incremental insurance market reforms, there is still much we need to do to improve our health care system. Additional reforms must be enacted if we are serious about our commitment to meet the needs of the American people. I am hopeful that my colleagues understand how important it is to our constituents that we continue to reform the health care system. Just look at the Brandt children and multiply their need by millions. Looking back at our success with the Kassebaum-Kennedy bill, I am equally hopeful that my colleagues have come to realize that if we are to continue to be successful in meeting our constituents' needs, the solutions to our Nation's health care problems must come from the political center, not from the extremes.

Mr. President, I hope the legislation I am introducing today can be the basis for taking this next, crucial step in our process of bipartisan, incremental health reform. My proposal seeks to achieve incremental expansion of health care through a conservative means—a fully funded program with carefully crafted eligibility rules for a limited period of time, a program based on State administration and personal choice and responsibility. Let us take this step. Let us make this test. Let us see to it that the anguish and Russian roulette endured by all those situated similarly to the Brandt family are stopped and millions more of our Nation's greatest assets are given a basic ingredient for decent and productive lives.

Mr. President, how much time do I have remaining on the additional time which I sought independent of Senator DOMENICI's time?

The PRESIDING OFFICER. The Senator has 7 minutes and 10 seconds remaining. The Senator from New Mexico has 39 minutes remaining in regard to the previous order.

Mr. SPECTER. I thank the Chair.

MAMMOGRAMS

Mr. SPECTER. Mr. President, the final subject I wish to address briefly involves the problem of mammograms for women age 40 to 49.

Mr. President, this subject came into sharp focus when a National Institutes of Health panel on January 23 issued a report that mammograms were not warranted for women in the 40 to 49 category. That was immediately met with very widespread criticism, including criticism from Dr. Richard Klausner, the Director of the National Cancer Institute, who said that he was shocked by that conclusion. As the facts later developed, a press release was inadvertently disclosed. Some of the members of the panel had held that mammograms were not warranted. But, as I understand it, that had not been thoroughly analyzed and agreed upon by the panel. But once this press release came out they stood by the release. And there has been enormous confusion in America on this issue of women 40 to 49.

The subcommittee, which I chair and which has jurisdiction over the Department of Health and Human Services, had a hearing on February 5 at which Dr. Klausner restated his shock about the matter. He thought that the advantages of mammograms for women 40 to 49 had not been appropriately emphasized, and the disadvantages had been emphasized too heavily. He also said that he was going to await a meeting of the National Cancer Institute later in February—on February 24 and 25. It was my understanding that the matter would be resolved at that time. But, in fact, it was not.

When the Secretary of Health and Human Services testified before our subcommittee on March 4 she said that there would be a 2-month delay, which I said in those hearings was unacceptable. I have since pressed Dr. Klausner as to why there would be such a delay.

I wrote to him on March 5, 1997. I ask unanimous consent that the text of that letter be printed in the RECORD following my statement.

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

(See exhibit 1.)

Mr. SPECTER. Mr. President, when I was dissatisfied with his response, I wrote to Dr. Harold Varmus, Director of the National Institutes of Health, the overall supervisor, on March 6, 1997 asking that there be some acceleration of this determination because no further tests were necessary but only a judgment was needed. What I found was that the matter was being referred to a 7-person subcommittee which was going to deliberate on the issue and then take it up by an 18-person full committee.

I ask unanimous consent that my letter to Dr. Varmus and a subsequent letter to Dr. Klausner be included in the RECORD following my statement.

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

(See exhibit 2.)

Mr. SPECTER. I am concerned that the delays in mammograms could constitute a health hazard for women 40 to 49. And, beyond that, that there is much confusion in America on that subject. The upshot of it has been that there now appears that the subcommittee will render its report to the full committee on this Friday, and there will be a final report rendered next Tuesday which will eliminate the need for accelerated hearings in our subcommittee to try to come to a conclusion on this important matter.

I emphasize that I appreciate the need for an independent medical judgment on this important subject.

It seems to me that where all the tests have been performed and it is a matter of issuing guidelines, coming to closure and judgment on this should not require such a lengthy period of time. I believe that there is not a sufficient sense of urgency generally, and in Government specifically, as this issue has been addressed. My views are expressed more fully in these letters, and I shall not take a greater period of time to elaborate upon them here.

In coming to my own judgment that mammograms are warranted for women 40 to 49, the subcommittee held hearings in Pittsburgh, in Hershey, and in Philadelphia, where we heard from a long array of witnesses. A report has been prepared by my able staff member, Betty Lou Taylor, and also by Craig Higgins. I ask unanimous consent that this statement be printed in the RECORD following my oral statement. It sets forth the findings of prominent doctors in Pennsylvania and quite a number of women in the 40-to-

49 category who give firsthand testimony about the importance of mammograms for them and the importance of mammograms generally for women in the 40-to-49 category.

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

(See exhibit 3.)

Mr. SPECTER. It is my hope, Mr. President, that we will have a definitive statement, as I say, next Tuesday. We need the definitive statement so that we come to closure on the issue, and then it is a matter for scientists acting on their independent judgment. It is my hope and expectation that the abundance of scientific tests which are already available will show that mammograms are important for women 40 to 49.

When I talk about medical tests, I speak from some personal experience, having had an MRI which disclosed a very serious problem. On these medical examinations, the earlier the better, so I hope we move ahead as promptly as we can.

I thank the Chair and yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 5, 1997.

RICHARD D. KLAUSNER, M.D.,
Director, National Cancer Institute, Bethesda, MD.

DEAR DOCTOR KLAUSNER: I was very distressed to hear Secretary Shalala's testimony yesterday that there will be another two-month delay on having the National Cancer Institute reach a conclusion on whether mammograms are warranted for women aged 40 to 49.

As disclosed in our previous hearing, the NIH consensus development conference panel press statement of January 23, 1997, was probably inadvertently released. That resulted in a lot of anxiety for women in the 40 to 49 age category and beyond. When you testified before the Subcommittee on February 5, 1997, the expectation was that the matter would be resolved by further NCI proceedings on February 25, 1997. Now we hear that there will not be a definitive statement until early May.

During the intervening 60 days, thousands of women in the 40 to 49 age category might be screened which could result in the saving of many lives.

I would appreciate your immediate response as to why the National Cancer Institute cannot make a prompt decision, or in the alternative, give our Subcommittee an earlier date.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 6, 1997.

Dr. HAROLD VARMUS,
Director, National Institutes of Health, Bethesda, MD.

DEAR DOCTOR VARMUS: With this letter, I am sending you a copy of a letter I sent to Dr. Klausner yesterday.

Earlier today Dr. Klausner and I had a conversation which I considered totally unsatisfactory. Dr. Klausner had set a time limit of 60 days for the subcommittee to report back to him; and when I said I thought that was unreasonably long, he said they would do it as soon as possible. When I asked him how long that would be, he said he didn't know and referred me to Dr. Barbara Rimer.

When my Chief of Staff, Craig Snyder, called Dr. Rimer, she advised that 60 days was the outside period with the hope that her subcommittee could act more promptly. Dr. Rimer then outlined a procedure where she had drafted a proposed statement for her subcommittee of 7 members which was circulated today with the response time a week from today. After that, Dr. Rimer expected to have a conference call among 18 members of the full committee to resolve the issue with the hope that all of that could be concluded within 10 days.

In my opinion, this is an extraordinarily unwieldy procedure and judgments could really be made at the National Cancer Institute since no additional research is necessary.

If the procedure outlined by Dr. Rimer is followed, I urge you to escalate the pace by having the comments of the 7 subcommittee members returnable next Monday with the conference call of the full 18 members of the National Cancer Advisory Board to be completed promptly thereafter so that the final comments can be completed by the end of next week.

Again, in my opinion, the Department of Health and Human Services, NIH and NCI do not have an appropriate sense of urgency on this matter. I do not have to tell you how many lives could be saved with prompt screening of women 40 to 49 without the kind of delay occasioned since the first release of January 23.

I would appreciate your immediate response on this matter.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 11, 1997.

RICHARD D. KLAUSNER, M.D.,
Director, National Cancer Institute, Bethesda, MD.

DEAR DOCTOR KLAUSNER: I had asked my staff yesterday to set the hearing for the National Institutes of Health including the National Cancer Institute for March 18 because of my concern about the prospective 60-day delay on the issue of mammograms for women 40 to 49.

When I heard you were going to be out of the country from March 14 to March 21, I sought to schedule the hearing for this week, on March 13, because the Senate will be out of session from March 24 through April 6 and I did not want to wait so long on this mammogram issue.

I have since been advised that the NIH subcommittee will circulate its decision to the full committee this Friday and the full NIH committee will act on March 18. While I really believe there has been too much delay up to now on the resolution of this issue, at this point I suppose that's about as expeditious a decision as can be made.

As I think you understand, my point all along has been that the matter ought to be resolved one way or another. I appreciate and understand the importance of independent medical judgment but the time delays for the NIH subcommittee and full committee frankly puzzle me. When you had expressed your own "shock" on the NIH panel finding back on January 23, and the bulk of the evidence supports mammograms for women 40 to 49, I had thought the matter to be pretty much resolved since there were no further tests to be conducted but only a judgment to be made. It was my thinking that 60 more days from the testimony of Secretary Shalala on March 4 was unacceptable.

In any event we will await the final guidelines on March 18 and we will defer the NIH/NCI hearing until April at which time we will take up the procedures which you have employed on the issue as well as the other substantive matters affecting the National Institutes of Health including the National Cancer Institute.

Sincerely,

ARLEN SPECTER.

EXHIBIT 3

Mr. President, in recent weeks, I have been holding hearings here in Washington and around my home state of Pennsylvania on the recommendation made on January 23, 1997 by the NIH Consensus Development Conference Concerning Breast Cancer Screening for Women Between the Ages of 40 and 49. The panel concluded, "that the available data did not warrant a single recommendation for mammography for all women in their forties." Instead, the panel reiterated the 1993 recommendations of the NCI that each women between the ages of 40 and 49 should decide for herself whether to undergo mammography.

On January 23, 1997 after the press release was issued by the Consensus Panel, Dr. Richard Klausner stated that his own reading of the studies and information presented to the conference, in contrast to past years, was that we now have available more convincing evidence. The evidence is primarily from Swedish population screening studies that there is a statistically significant benefit in terms of reduced death from breast cancer for women who begin screening in their forties. Women in that age group who decide to begin screening should be aware of the increased evidence of benefit and of any potential risk. A women's decision to be screened or not screened should be made on the basis of knowledge.

Breast cancer is the second leading cause of cancer death in American women and according to the American Cancer Society, nearly 44,000 women will die from the disease this year, and 10,000 of these women will be in their forties, making breast cancer the number one cause of death in this age group. It seems to me that those numbers alone should signal an alarm that women in this age bracket are at great risk. And while mammography is not perfect, it is the best tool currently available.

FEBRUARY 5, 1997, WASHINGTON, DC

On February 5, 1997, at a hearing here in Washington, I discussed this issue with a panel of distinguished scientists, including Dr. Richard Klausner, the Director of the National Cancer Institute, Dr. Susan J. Blumenthal, Deputy Assistant Secretary for Women's Health, Dr. David Hoel, a Member of the NIH Consensus Development Conference, Dr. Marilyn Leitch, Associate Professor of Surgery at the University of Texas Southwestern Medical School in Dallas, Texas, and Dr. Barbara Monsees, Associate Professor of Radiology and Chief of the Breast Imaging Section of the Mallinckrodt Institute of Radiology, Washington School of Medicine in St. Louis, Missouri.

Dr. Klausner expressed concern that the balance and tone of the Panel's draft report overly minimized the benefits and overly emphasized the risks for women in their 40s. Dr. Klausner also stated the National Cancer

Advisory Board would discuss the screening issue at their next meeting. That meeting took place on February 25, and resulted in the formation of a special subcommittee to develop clear recommendations to the NCI on screening mammography. Dr. Klausner told the subcommittee that the Board intends to complete the process in two months.

Dr. Blumenthal discussed the Department's efforts to improve breast cancer detection and diagnosis to ensure that today's mammography techniques are of the highest quality. She also stated that breast cancer is perhaps the most dreaded and feared disease in women and that it has become an epidemic in our country: the number of women affected by this disease has increased from 1 in 20 over a time in the 1950s to 1 in 8 today.

Dr. Blumenthal spoke of the new frontiers in breast imaging such as ultrasound, digital mammography, breast MRI and Positron Emission Tomography as ways to improve early breast cancer detection. She also described the "Missiles to Mammograms" initiative to adapt advanced defense, space, and intelligence imaging technologies from the DOD, CIA and NASA, to more accurately detect breast cancer.

Next, the Subcommittee heard testimony from David G. Hoel, Ph.D., who is Professor and Chairman of the Department of Biometry and Epidemiology at the Medical University of South Carolina. Dr. Hoel, who is a member of the NIH Consensus Panel briefly outlined the process by which the Panel reviewed available research on the subject and derived its conclusions. Dr. Hoel also detailed the specific questions the panel was charged with answering and further noted that the Panel was restricted to providing answers to specific questions. The Panel is currently involved in completing its work and stated that the Panel's final conclusions would accurately represent the consensus view of its members.

We then heard from a panel of expert witnesses representing the American Cancer Society, the Breast Cancer Foundation, and the National Breast Cancer Coalition.

Speaking on behalf of the American Cancer Society was Marilyn Leitch, M.D., who is Associate Professor of Surgery at the University of Texas Southwestern Medical School at Dallas. She reaffirmed the American Cancer Society's position that the conclusions reached by the Consensus Panel are at variance with the data presented by both European and U.S. scientists, and therefore did not offer women and their physicians the best guidance possible. She noted that the National Cancer Institute and eleven other organizations in 1989 concluded that women in their forties should have regular mammograms. That position was reaffirmed in 1992 after a subsequent review of the scientific evidence.

In 1993, however, NCI withdrew its recommendation on the grounds that randomized clinical trials had not shown a statistically significant reduction in mortality among women under age 50. Since that time, however, two Swedish studies and a statistical compilation of eight clinical studies have been released showing solid epidemiological and clinical evidence that routine screening is effective in reducing breast cancer mortality. The Swedish studies showed statistically significant reductions in mortality of 36 percent and 44 percent, respectively, for groups invited to be screened.

Dr. Leitch conveyed the American Cancer Society's disappointment that the Consensus Panel placed undue emphasis on two issues: the risk of radiation-induced cancer and the issue of false positives and false negatives. She noted that the Society currently recommend that women in their forties be screened every one to two years. Later this month, the Society will convene its own expert panel, however, to determine if, based on new evidence, the mortality benefit might be even greater if women are screened annually.

The Subcommittee then heard from Ms. Susan Braun and Ms. Diane Rowden, both representing the Susan G. Komen Breast Cancer Foundation, a nonprofit organization that supports research on breast cancer.

Ms. Braun noted that when breast cancer is found in its earliest stages, the likelihood of 5-year survival is over 95 percent, but when found after it has metastasized, that survival rate drops precipitously—to 20 percent. Clearly, early detection is a key to longevity. And while she points out that mammography is far from a perfect tool, it has proven to save lives. Ms. Braum contends that the benefits of early screening outweigh the risks, and that is why the Komen Foundation guidelines recommend screening every one to two years, beginning at age 40. Ms. Rowden reaffirmed that position. She cited data estimating that in 1996, women in their forties would account for 18.1 percent of newly diagnosed invasive breast cancers, compared with 16.8 percent for women in their fifties.

We next heard from Frances M. Visco, Esquire, the first President of the National Breast Cancer Coalition and a member of its Board of Directors. Ms. Visco told the Subcommittee that her breast cancer was diagnosed through a mammogram when she was 39 years old. She stated that we cannot act as though the issue whether to recommend screening for women age 40 to 49 is the most important question surrounding breast cancer and that our outrage should be saved for the fact that we do not know how to prevent the disease, how to cure it, how to detect it at an early stage, or what to do for a women once we do find it.

Ms. Visco went on to ask what is the goal? A simple message that is less confusing? She stated that in this situation, the simple message is wrong. She further stated that we want mammography to work for all women. It does not. We want to reduce breast cancer to a sound byte. It cannot be. We should be devoting our resources to designing mechanisms to get the message out to women; to get them to understand the risks, the benefits, the pros, the cons, so they can make their own decision.

Ms. Visco also told the Subcommittee in her view $590 million should be devoted at the NIH to research on breast cancer and $150 should be spent for research purposes at the Department of Defense.

Ms. Visco concluded that women cannot continue to be given false hope. If women in their 40s are told to get a mammogram every year, we are saying ignorance is bliss. What we need to tell them is that there are pros and cons, there are risks and benefits. That is the information they need to get. Then let them decide the course of their own care.

Our last witness was Barbara Monsees, M.D., who is Chief of the Breast Imaging Section at Mallinckrodt Institute of Radiology at the Washington University School of Medicine in St. Louis. She shared her unique perspectives as both a medical professional and as a woman who survived early breast cancer detected by a mammogram.

Dr. Monsees confirmed the fact that there appears to be clear scientific evidence that early screening can substantially reduce the death rate from breast cancer. She, too, cited the findings from five major population-based screening programs in Sweden. Two of the trials showed mortality reductions of 44 percent and 35 percent, respectively, while an overview study of all five indicated a 23 percent mortality reduction.

Unfortunately, according to Dr. Monsees, the NIH Consensus Panel chose to ignore this most recent data, resulting in "an unbalanced presentation of the facts . . ." Dr. Monsees raised some provocative questions, such as "Could this issue have taxed the NIH consensus development model beyond its intended purpose?" And "Were the panelists given adequate time, information and instruction regarding the rules of evidence in order to formulate their report?" In conclusion, she voiced hope that the National Cancer Advisory Board will re-examine all the evidence in an unbiased fashion, and conclude that screening women in their forties does save lives.

FEBRUARY 20, 1997, PHILADELPHIA, PENNSYLVANIA

On February 20th, 1997, I reconvened the Subcommittee for our hearing in Philadelphia.

I opened the hearing with a report on a promising opportunity I learned of last year, whereby certain defense imaging technology may prove useful in more accurately detecting breast cancer in its early stages. I saw to it that this project received the necessary funding, and I look forward to seeing the results.

Once again, we heard from a very distinguished group of witnesses, led off by Dina F. Caroline, M.D., Chief of the Division of Gastrointestinal Radiology and Mammography at Temple University Hospital.

Dr. Caroline began by tracing the history of mammographic screening for women in their forties, beginning in 1977, when the National Cancer Institute and the American College of Surgeons recommended it for women with first degree relatives with breast cancer. Where the controversy came to a head was in 1993, when NCI reversed its stance, stating that experts do not agree on the value of routine screening for women in their forties.

In subsequent testimony, Dr. Caroline noted the concerns of the NIH Consensus Panel with respect to false positive results. But as she points out, until technology improves, we must expect false positive readings simply because the whole purpose of screening is not to miss any opportunity to identify breast cancer. False negatives are also a problem. But with new techniques in development, hopefully these will begin to diminish in number.

In conclusion, Dr. Caroline finds the available data sufficient enough to advocate screening for women in their forties.

Our next witness was Stephen Feig, M.D., Director of Breast Imaging and Professor of Radiology at Jefferson Medical College. Like other witnesses, Dr. Feig cited the latest clinical studies which found that current mammographic techniques should be able to reduce breast cancer deaths by at least 40 percent. He went on to point out that 20 percent of all breast cancer deaths and 33 percent of all years of life expectancy lost to breast cancer are due to cancer found in women in their forties. Not to advise screening in this age group, he contends, is unconscionable.

The Subcommittee then heard from Daniel C. Sullivan, M.D., the Chief of Breast Imaging at the Hospital of the University of Pennsylvania, and a member of the NIH Consensus Panel. Dr. Sullivan was careful to

point out that the Panel's statement that has raised so much controversy is only a draft version. More importantly perhaps, Dr. Sullivan advocates annual mammography for women in their forties and emphasized his hope that the Panel's final statement will reflect that position. He went on to underscore the need for more research, as well as improved access to mammography through more consistent insurance coverage.

Bonita Falkner, M.D., a Professor of Medicine and Pediatrics at the MCP Hahnemann School of Medicine at the Allegheny University of the Health Sciences and Acting Director of the Institute for Women's Health noted in her testimony that the controversy over the scientific merit of mammography in younger women should not confuse the facts for women 50 and above. She also stated that all women in their 40s should have access to a physicians counseling on mammography, and she found it particularly troubling that the Panel's failure to endorse screening has the potential to lead to a failure on the part of insurers to pay for the procedure. Dr. Falkner stated with the increased mortality rate among minority and disadvantaged women, particular efforts must be made to provide access to physician counseling and breast screening for these women at all ages.

The Committee then heard from Robert C. Young, M.D. Dr. Young is the President of the Fox Chase Cancer Center and in his testimony, Dr. Young maintains that for women under age 40, without other risk factors, the risk of breast cancer is quite low and there is no convincing argument for mammography screening at all. Where the gray zone occurs, he notes, is in women between the ages of 40 and 50, where there is generally a lower incidence of breast cancer, difficulty in detecting the disease, and differences in the biology of the tumors themselves. Because of these complications, small or short-term studies fail to yield clear results. In order to arrive at more definitive results, larger, long-term trials are required. And as he points out, trials such as those done in Sweden have shown small but definite improvement in survival rates.

Moreover, Dr. Young made an important point in his testimony: That guidelines are just that—guidelines. And in the case of mammography screening for women in their forties, even though the benefit may be small, the risk is minuscule. He contends that ultimately the solutions will be found through research that addresses the more fundamental questions and leads to new ways to prevent or eliminate this horrible disease.

The next witness to appear before the Subcommittee was Ms. Barbara De Luca, the Executive Director of the Linda Creed Breast Cancer Foundation. Ms. De Luca highlighted the Consensus Panel's conclusion that there is no clear indication that yearly mammograms for women in their forties save lives. She contends that the Panel's conclusion was based on economic reasons, that mammograms cost money. She went on to report on a small sampling of her Foundation's members. The women she surveyed were diagnosed with breast cancer in their forties. While mammograms had failed to discover their cancer, each of those surveyed felt strongly that women in their forties, nevertheless, should be encouraged to undergo screening every year.

Ms. De Luca reported that a mammogram done seven years ago had failed to identify her breast cancer, but that since that time new modes of detection have been developed, including the MRI and digital mammography. She recommended that tools like MRI should be made more accessible and less expensive. She urged more research be directed to finding a blood test or other methods to turn off cancer cells and arrest the disease. This, coupled with early detection, can mean finding an effective cure for breast cancer.

Ms. Lu Ann Cahn, a reporter for WCAU-TV testified that her experience was similar to Ms. De Luca, in that her mammogram failed to detect the cancer. And also like Ms. De Luca, she was appalled by the Consensus Panel's failure to recommend annual mammograms for women in their forties. She noted that this year 6,000 women in their forties will die of breast cancer, while the NIH is relaying a confused message that many women will take to mean they need not worry.

In a very compelling fashion, Ms. Cahn concludes that the recommendation of the consensus panel has given every woman who wants to avoid mammograms an excuse to do so.

The Subcommittee once again heard from Ms. Frances M. Visco, Esq., the President of the National Breast Cancer Coalition and a breast cancer survivor. Ms. Visco spoke out in support of the consensus panel's findings. But more importantly she urged that we devote our resources to empowering women to understand the available information and discuss it with their physician. She issued a call to arms of sorts, urging us to focus more of our resources and energy on convincing more women in their fifties to be screened and to support a greater investment in research to find a cure, effective treatment, and more accurate ways to detect breast cancer. And she called for a greater commitment to guaranteeing access to quality health care for all women and their families.

Ms. Visco once again told the Committee, as she did in Washington, DC on February 5, 1997, that the National Breast Cancer Coalition is recommending $590 million in research dollars at the NIH and $150 million for the Department of Defense Breast Cancer Research Program. Ms. Visco stated that these figures were based on the percentage of proposals that are scientifically valid, but are not funded because of the lack of resources.

We then heard from Barbara Mallory, M.S.N., R.N., who represented the Nurses of Pennsylvania, an advocacy group for nurses and patients. Her contention is that every health professional she knows suspects that far too much consideration was given to the financial rather than the human costs associated with mammograms.

Her organization has been very active in this field, drafting legislation ending so-called drive-through mastectomies. In her position as a nurse she has encountered many women, some as young as 33, who have had breast cancer diagnosed as a result of self-examinations and mammograms.

Ms. Mallory went on to cite statistics about Ductal Carcinoma In Situ (DCIS), where, since the mid-1980s, there has been a 200 percent increase in the number of lesions detected by mammography. About one-half of these lesions have been found in women under age 50. Up to 25 percent will lead to invasive cancers. While mammography techniques need to be improved, she argues that ambiguous messages and too much attention to the financial bottom-line do a great disservice to the women of this Country.

Our last witness for the day was Lawrence Robinson, M.D., M.P.H., the Deputy Commissioner of the Philadelphia Department of Public Health.

Dr. Robinson told of his strong support for mammography screening for women between the ages of 40–49 and stressed this particularly for African American and Hispanic women. Dr. Robinson reported on a study done at a health event sponsored by the Philadelphia Health Department, the Pennsylvania National Guard and the Fox Chase Cancer Center where a mobile mammography unit performed 43 mammograms. Many of the women screened were under 50. The screening found 6 abnormal readings or 15% of those screened. This result points out the need to do screening particularly in underserved areas.

FEBRUARY 24, 1997, PITTSBURGH, PENNSYLVANIA

The third in a series of special hearings was convened on February 24th in Pittsburgh. I opened the hearing by telling the witnesses that the more I hear about this subject, the stronger I feel that the National Cancer Institute should take whatever steps are necessary to resolve this issue in favor of recommending regular mammograms for women in their forties.

At this hearing, we heard from two panels of distinguished witnesses, led off by Thomas S. Chang, M.D., who is Assistant Professor of Radiology at the University of Pittsburgh School of Medicine and staff radiologist at Magee-Women's Hospital.

Dr. Chang specializes in women's imaging, with a significant portion of his practice devoted to breast imaging. As an expert in this field, he reported being disappointed by the Consensus Panel's inconclusiveness on this issue, noting that the Panel did nothing to clear the confusion that now exists. While the panel may have concluded that insurers should pay for mammograms for women who want one, he is concerned that companies will interpret the Panel's overall conclusions as not requiring them to reimburse the cost of this procedure. In short, many women—especially those who are economically disadvantaged—will have their minds made up for them as a result of financial constraints.

Dr. Chang went on to report that breast cancer is far more common in women in their forties than some have implied. In 1996, in fact, there were more breast cancers diagnosed in women in their forties (33,400) than women in their fifties (30,900).

Dr. Chang is convinced that mammography saves lives and is a medically effective screening test for women in their forties. He advises his patients to have regular mammograms once a year, and encouraged the NIH to make the same recommendation.

Dr. Howard A. Zaren, Director of the Mercy Breast Center for the Pittsburgh Mercy Health Systems told the Subcommittee that in 1997, 11,000 new cases and 2,700 deaths from breast cancer will occur in Pennsylvania. These figures place Pennsylvania within the top five states for highest incidence and mortality from breast cancer. He further stated that almost 20 percent of all breast cancer deaths, and 34 percent of all years of life expectancy lost, result from cancers that are found among women younger than the age of 50 years.

Dr. Zaren also stated that epidemiologic studies show a shift towards diagnosing breast cancer at earlier stages in women 40–49, and this is regarded as indirect evidence of a possible benefit from screening these women. He also cited the statistics of Dr. Stephen A. Feig, from Thomas Jefferson University, who had testified before the Subcommittee in Pittsburgh, that a mortality reduction of up to 35 percent can be expected if annual screening mammograms are performed in the 40–49 age group with current

mammographic techniques and two-views per breast.

Our next witness was Dr. Victor G. Vogel, Professor of Medicine and Epidemiology and Director of the Comprehensive Breast Cancer Program at the University of Pittsburgh Cancer Institute and Magee-Women's Hospital. Dr. Vogel told the committee that mammographic screening holds the promise of early detection of breast cancer in a curable stage. He also commented on the eight randomized studies on which the consensus panel based their recommendation. He stated that the studies show unequivocally that for women ages 50 to 59 years, mammography reduced the chance of dying from breast cancer by approximately 30 percent. However, only one study was designed specifically to investigate screening in women 40 to 49 and that study was seriously flawed. However, meta-analysis from screening studies demonstrates a 24% reduction in breast cancer mortality attributed to screening when women in their 40s are compared with women of the same age who are not screened.

Dr. Vogel also cited some very interesting statistics stating that in Pennsylvania there are nearly 1 million women between the ages of 40 and 49, and nearly 2,000 will be diagnosed with breast cancer this year. Tragically, as many as 1,000 of these women may die. In his opinion, that number could be reduced by approximately 250 deaths if women between the ages of 40 and 49 were screened annually with mammography.

Our next witnesses was D. Lawrence Wickerham, M.D. Associate Chairman and Director of Operations for the National Surgical Adjuvant Breast and Bowel Project. Dr. Wickerham stated that his greatest concern is that the consensus statement not be used by insurance carriers as a reason to deny coverage for mammograms. He further stated that he did not disagree with the consensus statement which directs women to decide for themselves whether to undergo mammography. He felt that in order to make an informed choice, women and their health care providers need to have the best possible educational materials to aid them in these decisions. He felt that there is likely to be a sliding scale of benefit for women in their 40's and that potential benefits can be assessed by a woman in consultation with her health care provider and based on her individual circumstances.

Diane F. Clayton testified she is a breast cancer survivor mainly due to early detection. The ductile carcinoma in-situ was found during a routine mammogram—she was 46 years old.

Ms. Clayton questions the NIH consensus panel's motives. Was it money driving their direction? Was it ignorance? Was it politics? Who could be against preserving extending the lives of mom, sis, Aunt Mary and grandma? Her hope was the recommendation was an honest effort that just went bad. She felt that if it was a mistake then we should admit it and go forward by doing the right thing; advice and counsel women in their forties to have routine mammograms.

The Subcommittee then heard from Ms. Judy Pottgen, a 47 year old woman who was diagnosed with breast cancer when she was 43. Ms. Pottgen found her breast cancer by self breast exam. She is passionate about educating women about self breast exam. She described a program called "check it out", a Pittsburgh program sponsored by the American Cancer Society, Hadassah, and the Allegheny County Board of Health. The program teaches junior and senior high school girls the proper way to do self breast exam.

Ms. Pottgen summed up her testimony by telling the Subcommittee that preventive medicine is a lot cheaper than therapeutic medicine and that a mammogram is a lot cheaper than major surgery followed by radiation and chemotherapy. She cited the NIH recommendation, many years ago, that yearly Pap smears were unnecessary and wondered how many women missed the opportunity to have their cervical cancer diagnosed at an early stage. She wondered if it would be the same with mammograms, and questioned how many women will lose their breasts or be disfigured or die from this dreaded disease before NIH realizes the tremendous diagnostic benefit of mammograms.

The next witness was Ms. Yvonne D. Durham, an African American breast cancer survivor who found her cancer through self breast exam. She was 46 years old. She stated that she was deeply troubled by the Consensus Panel's decision not to recommend regular mammogram screening for women beginning at age 40 and told the Subcommittee that the recommendation sends a confusing message to the public.

Ms. Durham cited statistics based on data from 1987, that African American women, age 35–44, had a breast cancer mortality rate 2 times that of white women at the same age. Yet African Americans, as well as Hispanic Americans, have some of the lowest mammogram screening rates in the United States.

Ms. Durham concluded her testimony by stating that the benefit of mammography far outweighs any risks associated with this screening test. She also urged continued support for research efforts that may offer a clearer understanding of how breast cancer disease affects minority populations.

The last witness of the day was Ms. Laurie S. Moser, the Executive Director of the Pittsburgh Susan G. Komen Breast Cancer Foundation Race for the Cure. Ms. Moser was diagnosed with ductal carcinoma in-situ in 1987 at the age of 40.

She stated that the Komen Foundation strongly disagrees with the latest decision from the NIH Consensus Development Conference on Breast Cancer Screening for Women Ages 40–49. She also told the Subcommittee that an estimated 16.5 percent of new breast cancer cases were women in their 40s. The position of the Foundation is that the Panel's position overstated potential risks and understated the benefits of mammography. The fact is that many consumers look to the opinion of a body of experts to interpret data and provide recommendations which they can weigh as they make decisions. The current Panel statement does nothing more than confuse the public about an extremely important issue.

Ms. Moser stated that when the Race for the Cure began in Pittsburgh in 1993, a woman died every 11 minutes from breast cancer. Today, a woman dies every 12 minutes. Over 2,000 additional lives are saved each year with early detection. The goal should be to add a minute each year in the hope that more and more women will survive breast cancer.

Ms. Moser concluded that she hoped Dr. Klausner and his colleagues at the cancer institute take a closer look at the conference recommendation and see to it that women are given the highest degree of encouragement to get screening earlier, rather than later.

MARCH 3, 1997, HERSHEY, PENNSYLVANIA

On March 3, I convened a hearing at the Hershey Medical Center.

The Subcommittee's first panel consisted of a distinguished group of physicians from the local medical centers. Our first witness was James F. Evans, M.D., Director, of Surgical Oncology and Assistant director of General Surgery from the Geisinger Clinic.

Dr. Evans, expressing his personal opinions, stated that he had studied the clinical trial data and if he were to write his own consensus statement, it would say that the available data specifically does not warrant a single guideline recommendation for women between the ages of 40 and 70 years, namely annual screening. However, guidelines are not recommendations for individual women. He further stated that we would all like to have enough data to make specific recommendations for each individual based on personal profiles and highly specific reliable research data. But that data does not exist. The best data we have comes from trials and that data supports a guideline recommendation for annual screening beginning at age 40. Clinicians and women themselves should then use additional but less reliable data that we have to make decisions for individuals.

Our next panelist was Mary Simmonds, M.D., Chief of the Division of Medical Oncology for Pinnacle Health Systems in Harrisburg. Dr. Simmonds stated that she supported the American Cancer Society recommendations that women in their 40s should undergo screening mammography every one to two years.

Dr. Simmonds also shared with the Committee a copy of Recommendations for a Statewide Plan for the Early Detection of Breast Cancer formulated as a result of deliberations of a Pennsylvania Breast Cancer Awareness Consensus Conference. The recommendations from this conference were that (1) mammography saves lives; (2) women should have a mammogram even if you don't have any symptoms; (3) women should ask their doctor for information about mammography and for access to mammography (4) follow the American Cancer Society guidelines for the frequency of mammography and physical examination of the breast as well as the performance of breast self examination.

Testifying on behalf of the Hershey Medical Center was David M. Van Hook M.D., and Assistant Professor of Radiology and Chief of Mammography at the medical center. Dr. Van Hook told the Subcommittee that although an analysis of the combined data from the seven population-based randomized-controlled trials, which included over 170,000 women in their 40s, demonstrated a statistically significant benefit in reducing mortality from breast cancer, and data from several other studies also support a benefit to women 40–49. But, the problem seems to be that thus far there has been no single randomized-controlled trial which has showed statistically-significant proof of benefit from mammography screening for women ages 40–49. Dr. Van Hook further stated that much more is at stake here than just dollars spent to save lives and that the decisions regarding health care intervention which affects our society should perhaps, involve not only science, but should also take into account the willingness of those most affected by those decisions. To accept some degree of uncertainly, especially when there is controversy or less than scientific proof of benefit. Dr. Van Hook concluded by saying that the beneficiaries of breast cancer screening, those who stand to gain or lose the most from it, our mothers, wives, and daughters are willing to do just that.

The Committee then turned to Lois A. Anderson, Co-Facilitator and Founder of A surviving Breast Cancer Support group and Co-

Captain of York County Pennsylvania Breast Cancer Coalition. Ms. Anderson expressed her outrage by the NIH Consensus Conference's decision on mammography screening for women 40 to 49.

Ms. Anderson described her own experience with breast cancer. She was diagnosed when she was 40 years old. Her mammogram failed to detect the disease and after some suspicious bruising, Ms. Anderson found a lump while doing a self breast exam. A mastectomy was performed one month later and 5 of 11 lymph nodes were found to be cancerous. These findings made her a stage III breast cancer patient with less than a 40 percent chance of surviving 5 years.

Ms. Anderson said that the incidence of breast cancer in younger women is increasing and the NIHs decision to NOT recommend mammograms for women below 50 years of age will certainly cause an increase in the death rate from breast cancer.

Ms. Anderson presented the Subcommittee with letters from over 226 women under the age of 50 who have been diagnosed with Breast cancer through the use of a mammogram.

Ms. Anderson told the Committee that while the mammogram is not perfect, it is the best tool we have for detecting breast cancer early and that deadly confusion over screening mammography will result from the NIH's decision if these guidelines are not changed.

Next the Subcommittee heard from Ms. Lorene Knight, a volunteer with the American Cancer Society and a member of the Pennsylvania Breast Cancer Coalition. Ms. Knight is a 54 year old African American women, and a 7-year breast cancer survivor. Ms. Knight told the Subcommittee that her first mammogram was performed at the age of 36 because of the presence of fibrocystic tissue and a family history of breast cancer. Her sister lost her life to the disease at the age of 43 and her mother is a 5 year breast cancer survivor.

Ms. Knight stated that she was most disturbed by the findings of the NIH Consensus Development Conference statement and felt that their statement would lure entirely too many women of all races, and in their 40s, into a false sense of security about the odds that breast cancer will not likely happen to them during this decade of their lives.

Citing recent statistics from 4 hospitals in Lancaster County, Ms. Knight stated that one hospital, during the 95–96 fiscal year, 105 women underwent breast cancer surgery and nearly 36% of them were under the age of 50. At a second hospital, 21 women underwent breast cancer surgery and 8 of the 21 women were under the age of 50. She also told the Subcommittee that as a volunteer with the American Cancer Society's Reach to Recovery program, she has yet to visit one recovering breast cancer patient that is African American. She believes that this is because not enough African American women are having early detection procedures. The breast cancer mortality rate for African American women increased by 2.6% at a time when the mortality rate in white women declined by 5.5%.

Ms. Knight concluded that every women, of every race, in every community should have access to mammography at age 40 if that is what she determines to be necessary for her, dictated by family history, her physician and her personal health factors.

Our last witness of the day was Representative Katie True, who represents the 37th legislative district in Pennsylvania. Ms. True told the Subcommittee that one of the weapons that she has chosen to fight breast cancer is House Bill 134. This bill which has already passed the House, would provide for a state income tax checkoff for breast cancer research. The donation is deducted from the tax refund and does not constitute a change against the income tax revenue's to the State.

Representative True also stated that the second weapon used to battle breast cancer is education. She stated that self breast exams combined with mammograms can save many lives. Women still hesitate to look after themselves first, usually putting others needs before their own.

Representative True concluded that the recommendation of the NIH Consensus Development Conference on Breast Cancer Screening is irresponsible, and she questioned the motives behind such a recommendation—plain and simple—their message is wrong and deadly.

MARCH 4, 1997—WASHINGTON, DC

On March 4, 1997, Secretary of Health and Human Services Donna Shalala appeared before the Subcommittee on Labor, Health and Human Services and Education to discuss the fiscal year 1998 budget.

At that hearing, I took the opportunity to discuss the NIH Consensus Development Conference recommendations with the Secretary and asked her to take immediate steps towards encouraging women ages 40–49 to undergo mammogram screening. I told the Secretary that the panel finding that mammograms were not warranted for women in the age bracket 40 to 49 has caused quite a stir. And that my own view is that the evidence is substantial, if not overwhelming, that mammograms are very helpful for women of this age group, they do save lives, and that there ought to be a prompt conclusion by HHS to that effect. When there is a public determination that mammograms are not warranted for women 40–49, many women are reading that to mean that a mammogram is not necessary. I also told the Secretary that I felt that there is not a sufficient sense of urgency in the approach that the Department is taking with regard to this issue in allowing another 60 days to pass before a final judgment is made on this issue. I further stated that when it's a matter of dollars and cents, and there is no clear scientific evidence to the contrary, I think the word ought to come from the Secretary of Health and Human Services that, notwithstanding the cost, we're going to make sure that mammograms are made available to women ages 40–49.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I thank my distinguished friend, Senator DOMENICI, for allowing me to go next. I will limit my remarks to 5 minutes.

(The remarks of Mr. ROTH pertaining to the introduction of S. 436 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. DOMENICI. I thank the Chair.

I was pleased to accommodate the distinguished chairman of the Finance Committee.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 437 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I ask unanimous consent I be yielded 10 minutes from the time that is allocated to the Democratic side here, under the auspices of Senator BINGAMAN.

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

THE BUDGET

Mr. LAUTENBERG. Madam President, one of the subjects that dominates the landscape these days, of course, is the budget. How we are going to function as a society, what are the priorities, how will we finance these priorities and at the same time reach an objective that all of us care about, and of course that is getting a balanced budget by the year 2002. Of course, that is getting a balanced budget by the year 2002.

The President has presented a budget to achieve that objective. There are disputes about how we reach that objective, where do we cut further, what is the revenue stream. I, therefore, Madam President, use this opportunity to comment on what I see as the lack of a budget proposal from the Republican side, from the majority side.

The President has put down a budget. We have talked about it in the Budget Committee. I am the ranking Democrat on the Budget Committee. We have had numerous hearings as we explored various avenues, various parts of the equation with proponents and some opponents trying to dissuade us from proceeding with the President's budget.

On the other hand, we have not seen anything yet from the Republican side, the majority side, I point out, Madam President. They have produced one piece of budget legislation this year, but it is not a balanced budget. It is the notion that we ought to be giving a big tax break, primarily devoted to the wealthy in our country. The Republican tax break will blow a huge hole in the deficit, even as we struggle to get down to a zero budget deficit by the year 2002.

In the first 5 years, the Republican plan would cost $200 billion. In the next 5 years, these costs would increase 60 percent to $325 billion for a total of $526 billion over the 10-year period. This chart will help explain exactly where it is we are going.

It causes a ballooning of the deficit. We see it from 1997, which is on the chart projected at $120 billion and expected to be less by the time we reach the end of the fiscal year, September 30. It continues to expand. In the year 2002, when we are striving to have a zero budget deficit, we are at $239 billion, unless some way is found to pay

for these tax breaks. They are not free. If we adopt the Republican tax scheme, we would have to make deeper cuts someplace. I guess that would have to come from Medicare, Medicaid, education, transportation, crimefighting, and environmental protection.

These tax breaks are also backloaded. Their costs explode, as we can see by the expansion of the deficit, after the year 2002. And, believe it or not, these tax breaks are bigger than those that were originally in the Contract With America, larger than the tax breaks that were proposed last year.

This chart is from the Joint Committee on Taxation. It is now at $200 billion, expanded to $525 billion. These are the tax cuts as planned, to $525 billion. That would be a terrible consequence. That is in the year 2007.

Finally, the Republican tax breaks are overwhelmingly tilted toward the very wealthy. According to one analysis, on average, the Republican tax scheme would give a tax break each year of $21,000 for those who make $645,000 a year, the top 1 percent of the income earners in our country. But if you are in the middle 20 percent of our wage earners and you make $27,000 a year, you would get $186 worth of tax relief, 50 cents a day—50 cents a day—for the average hard-working family.

It borders on insulting to suggest that someone who makes $645,000 is entitled to a tax break of $21,000—I hardly think that those people need any help—and if you make $27,000, which is the per capita income of the middle 20 percent, $186 for the year. It is hard to comprehend how that is going to help our society or help hard-working families make ends meet, plan for their child's education, plan for a roof over their heads, plan for health care, plan for helping their parents, the elderly, achieve the tranquility and the peace that they need in their older age. Madam President, this is not a good way to do business.

We have been down this road before. The Reagan administration gave us a tax break for the wealthy, and what was the result? The deficit exploded. It is time to get down to serious budgeting. It is time to balance the budget.

I urge the Republican leadership, the good friends that I have on the Republican side of the aisle who are concerned about balancing a budget, to produce a budget that does the job. If the Republican leadership is committed to their tax scheme, they ought to put up a budget that reflects it. Show us how they would pay for it. But we can't continuously engage in this dialog without, at some point, having to put up a budget that reflects how they intend to get us to where they say they would like to be: Tax breaks for the wealthy, purportedly investments in our society to produce jobs, et cetera, while someone making $27,000 a year is going to get a $186 tax reduction.

It is not fair, it is not just, it is not acceptable. The American people won't accept it, even though we could be bowled over by a majority vote. It is an outrageous scheme for doing things, the constant refusal to produce any kind of a response to a Democratic budget. We in the Democratic Party are not in charge. The Republicans are in charge, and if they are in charge, they ought to take the responsibilities of leadership. Produce a budget, show us exactly what you mean. Enough of this nonsense where they talk about a tax cut and no one willing to say where it is going to come from. If we have a $200 billion extra cost for our society, where are we going to get the money?

People are worried about their future; they are anxious about their jobs. Yes, there has been good growth in our economy, but the anxiety factor has continued to expand because people do not believe that they have the security they need for the years ahead.

So, Madam President, I hope that we will be able to soon get on with our business, have the budget produced by the Republican majority, and tell us how they are going to pay for it.

Let us have an honest debate about it. Let the American people know what is going on here and not hide behind a smokescreen that says, well, we want to give this huge tax cut but we are not going to tell you how we are going to pay for it.

Madam President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Chair.

Madam President, I come here to echo the words that I caught of my predecessor in speaking, and that is Senator FRANK LAUTENBERG from New Jersey, who is the ranking Democrat on the Budget Committee.

I, too, am frustrated. I mean, there are lots of things to be frustrated about this year. The pace has been slow. There are things we should have been doing. There are distractions hither and yon.

One thing we should be doing is the budget. The budget is the statement of priorities of the Congress, representing to the American people what needs to be done in this Nation. The budget, although it comes in a very thick book and has a very sterile appearance, in fact is a powerful and humane document about what our priorities are. It is the ultimate statement of what you believe in.

I do not want to see a Government furlough, and I do not want to see a shutdown. I know the Presiding Officer does not want to see that. The American people certainly do not. In fact, it had a rather devastating consequence, far beyond what I thought would be the case, in States not only close to Washington, DC, but around the country.

There is another reason I worry, and that is what we do know about the Republican budget, which to this point basically is tax cuts. It is not just a question of tax cuts, but the fact that the tax cuts are not paid for. There is no statement or sense or hint of where the money will come from.

So, first, there is not a budget, and, second, to the extent there is a budget, it only relates to tax cuts. The Republican tax cuts add up to $526 billion over a 10-year period. They backloaded it so that, to the public, the more reasonable approach to a tax cut would be the first part, and then at the end the tax cut really bulges and the beneficiaries of that really benefit.

What is interesting is that we have been through this exercise. The American people, and I thought the Republicans themselves, had rejected the idea that we could do the kinds of tax cuts that we were talking about and that we are now talking about, and that is tax cuts that favor the rich, tax cuts that do not favor working American families, the American middle class. Yet here they are back again.

That is frustrating to me. I do not understand that. I am not being partisan in saying this. I am genuinely perplexed by it. I am more than perplexed, I am annoyed by that. But, first of all, I am perplexed.

Why this statement of $526 billion? Incidentally, $526 billion—in the last 4 years of the 10 years, 325 billion of those dollars flow into the back pockets of those who benefit. So, therefore, those who benefit and those who do not is obviously very important. And I will get to that in a moment.

There is a child tax credit the Republicans have put forward and a child tax credit the Democrats have put forward. That is something I feel very, very positively about, both in terms of Republicans and Democrats—with one exception.

There was a policy that I helped advance, along with at that time Gov. Bill Clinton, on something called the National Commission on Children and Families, which I chaired for 4 years. We put forward the idea of the $1,000 child tax credit. It is put forward really by both parties to the extent of $500, but there is a difference.

The Democrats adjust theirs, change theirs, with inflation. It is very expensive to bring up a child in this country. People do not think of it that way. You know, they do not quantify so much per child. But it costs about $7,000 a year on average to bring up an individual child in this country. If you have four, then it costs $28,000 a year. That is averaging in from the time that you are buying Pampers to the time you are paying college tuition. Obviously, it is an average, but it is a

very expensive average. So it is a very good proposition, the idea of a tax credit, but it ought to be indexed to inflation. The Democratic tax cut is. The Republican tax cut is not.

So, if my colleagues would just listen for a moment about what the experts found out about the Republican tax cut proposals and who gains and who does not, more than 75 percent of the Republican tax cuts would go to the top 20 percent of taxpayers. Well, that does not ring right. And it should not ring right.

I mean, this is a country which is constantly—we have all watched, hopefully, the public broadcasting thing on Thomas Jefferson who wrote the Declaration of Independence. In that he talked about life, liberty, and the pursuit of happiness. There was a sense of equality. People were created to be equal, to have equal opportunity.

Well, that does not mean that all people work as hard as others. But does it mean that if you are in the middle class and you are a working family, much less a two-parent working family, and you are working very, very hard and you are working at a job that pays a lot less money, then should you be treated substantially differently than somebody who works hard but makes a whole lot of money or somebody who does not work hard and who makes a whole lot of money through unearned income? The fact of the matter is that only 8.6 percent of the benefit of the $526 billion in Republican tax cuts would go to the bottom 60 percent of the American people. Let us call it 9 percent. Nine percent of the benefit of $526 billion would go to 60 percent of the American people who happen to be at the bottom of the economic scale, that is, to the extent that you are within the 60 percent. It ranges, obviously.

This means that middle-income Americans with an average income of $26,900, which is high cotton in West Virginia, would get a $186 tax cut from the Republican tax package. That is just the fact. But the top 1 percent of Americans, myself included, I suppose, and people whose incomes average $645,000, would get $21,000—actually $21,306 in tax cuts.

That is not the American way. That is not why we are what we are as a country. I understand that some people do better than others in life. And I understand that some people are propelled, through good fortune or through exceptional brain power, to be in a position to make more money. Often that is a circumstance of birth and often that is a circumstance of education, often that is simply a circumstance of life. And sometimes it is simply a matter that you really did it and you deserve it.

But you cannot take something called the working middle class, people who work in steel mills, who work in factories, who work in grocery stores but who work all the time and work every day and pay taxes, and for whom every $10 or $100 is important, and say to them, "You don't count." You do not do that in a budget. We do not do that, at least in a Democratic budget.

So, Madam President, I appreciate your courtesy in listening to these short pronouncements on my part. But I think the budget process should begin. I think we should take the crazy idea of trying to cut $526 billion of taxes, much less figure out how to pay for it, take it and sort of lay it outside the door and let it rest there for time immemorial. In the meantime, let us do a budget.

I thank the Presiding Officer.

I yield the floor and 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. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

LITHUANIA

Mr. DURBIN. Madam President, I rise to speak this morning on an issue of great importance to American foreign policy and to the future of Europe.

This week, on March 11, Lithuanians and Lithuanian-Americans celebrated the seventh anniversary of the restoration of independence from Russia. Lithuania, for those who are not familiar, is a country of fewer than 4 million people. It is smaller than the State of South Carolina, and it is located between Belarus and the Baltic Sea. Historically, it has been the neighbor, sometimes friendly and sometimes not, of Russia and the Soviet Union. It is a nation that has had to struggle time and again for its freedom. Today, it is struggling to recover from the devastation of a half-century of Soviet occupation.

The history of this little country is very interesting. During the middle ages, it was one of Europe's most powerful countries. In the 15th century, it was combined with Poland to create a new kingdom. In the late 18th century, when Poland was partitioned, Lithuania was divided between Russia and Prussia. The czars tried to Russify Lithuania during the 19th century, but their attempts to destroy Lithuanian culture gave rise to a Lithuanian nationalist movement supported by the Catholic Church. Ironically, it was this effort by the czars to Russify Lithuania which resulted in my being on the floor of the Senate today, because these efforts by the Russians led my mother's family to pick her up as a small girl and emigrate from Lithuania to the United States. They came here to preserve their Lithuanian culture, their Roman Catholic religion, and, of course, for the economic opportunity that the United States offered.

In February 1918, Lithuania finally declared its independence from Russia. But, of course, World War II took its toll.

In 1940, as a result of the Hitler-Stalin nonaggression pact, known as the Molotov-Ribbentrop agreement, Lithuania was taken over by the Soviet Union. In 1941, Hitler invaded Lithuania. After World War II, Stalin resumed his brutal repression and Sovietization of Lithuania, forbidding democratic institutions and subjugating the church. Countless thousands of Lithuanians gave their lives during the war and were then subjected to the Stalinist regime and deportation to Siberia.

But the Lithuanian national movement would not die, and it rose again as the Soviet Union crumbled. Of the many things which I have been fortunate enough to witness in my lifetime, one of the most memorable was the restoration of Lithuania's independence. On February 24, 1990, while still occupied by the Soviet Union, Lithuania held free elections to the Lithuanian Supreme Soviet. I was there on the day of the election, as part of a delegation sent by the Speaker of the House of Representatives. The best efforts of the Soviets to keep us out of the country were not successful. The Lithuanian Reform Movement, called Sajudis, won the elections. Keep in mind, this tiny country was still considered by the Soviets to be part of the Soviet Union.

On March 11, 1990, Lithuania declared the restoration of complete independence from the Soviet Union. In January, 1991, the Soviets struck back. A Soviet coup was attempted in Lithuania, leaving 13 Lithuanian civilians dead.

After the failed August coup in Moscow, the United States recognized the Lithuanian Government on September 2, 1991.

Since the restoration of independence, Lithuania and the other independent Baltic countries, Latvia and Estonia, have held numerous free elections. In Lithuania's case, there have been three—in October 1992, February 1993, and October 1996.

If you look at the relationship between Lithuania and the United States, it is one of mutual cooperation and support. The United States recognized Lithuania as an independent country in 1922 and never recognized the annexation of Lithuania by the Soviet Union as a result of the Molotov-Ribbentrop agreement.

During the years of the Soviet occupation of Eastern and Central Europe, the Senate and the House continued to pass resolutions and proclamations commemorating Captive Nations

Week, and asking Americans across the country to join us in recognizing the fundamental freedom and independence of Lithuania, Latvia, and Estonia.

In 1991, the United States recognized the Lithuanian Government, free of Soviet domination. And the United States continued to play a very important role because, even after Lithuania had restored its independence, there were 70,000 Soviet troops still on Lithuanian soil. President Clinton deserves credit for working very hard, through diplomatic channels, for the removal of those troops. When the troops finally left in August 1993, due to the President's good efforts, once and for all, the Lithuanians were free of occupation troops.

Today, however, we are debating the next chapter, and an important one in the history of Lithuania, Latvia, Estonia, and modern Europe. We are debating the enlargement of NATO, and the question of how much of a say Russia should have in this process. This summer, in Madrid, Spain, the members of the NATO alliance will gather together to consider whether new members will be allowed to join the alliance.

All of us are aware of the important role that NATO played after World War II. NATO was the bulwark of Western democracy against the expansion of communism. The allies who came together in that alliance not only were setting out to protect themselves but to establish commonality in terms of values and culture—a commitment to democracy, a commitment to free markets. The NATO alliance has been successful. The Berlin Wall came down. The cold war came to an end.

Now we are talking about a new NATO alliance, and asking ourselves what this NATO alliance would bring to the world. Certainly more than defense, because I do not think that is the paramount concern to Europe. It would be, in the words of Secretary Albright, an effort to "gain new allies who are eager and increasingly able to contribute to our common agenda for security, from fighting terrorism and weapons proliferation to ensuring stability."

The reason I have come to the floor today is to speak about the situation in Lithuania and the challenge we face on the question of NATO membership. It is said that Poland, Hungary, and the Czech Republic are likely to be invited to join NATO. I fully support that. My visit to Poland, I can tell you, was dominated by discussion about the future of NATO and whether Poland would be a part of it after all that Poland has suffered in the war and since. It is only right that this great nation be brought into an alliance with NATO. I fully support that. Nor do I object at all to Hungary and the Czech Republic being considered.

What gives me pause, though, is the fact that there has been little mention by the United States or NATO allies about including the Baltic countries—Estonia, Latvia, and particularly Lithuania.

I hope those who are considering this issue will pause for a moment and reflect on the importance of NATO membership to these small countries. I hope also that they will join me in asking this administration to think anew about the issue of membership in NATO for the Baltic countries.

The Baltic countries, meanwhile, wonder about our intentions, and they worry that Russia will misinterpret our hesitation to include their countries in the NATO alliance as a signal that we still see the Baltics in some sort of "gray zone." I can tell you this: the people in Lithuania, Latvia, and Estonia do not consider themselves in a "gray zone." They want to be a part of modern Europe.

There are some who say that including the Baltic countries in NATO might inflame the ultra-nationalists in Russia and destabilize the Yeltsin government. I think we should listen to leaders of the Baltics who have had some experience, in fact, more experience, close at hand, than the United States in dealing with the Russians. They know that any ambiguity in U.S. policy only emboldens the radicals in Russia. They know that if we are firm and fair, Russia will accept NATO enlargement. We should be mindful of Russian views but not fearful of their reaction.

The Baltics, you see, are very fragile. This map may not be easy to see, but I would like to point out a few things of importance.

This tiny little yellow area here is still part of Russia. It is known as Kaliningrad. The Russians have held on to it even though, as you can see, it is detached from Russia. It is, of course, a port on the Baltic Sea. But, even more importantly, it is a major military installation for the Russians. The Russians have 40,000 troops in Kaliningrad today, and they frequently traverse Poland, Belarus, and Lithuania with materials and troops going to and from Kaliningrad.

Then, next to Lithuania you will see this former Soviet Republic, now an independent state, Belarus. There are 60,000 troops in Belarus, backed up by Russian troops.

So here on its west, directly south and west of Lithuania, there are 40,000 Russian troops, and immediately to its east at least 60,000 troops. While this is happening, Lithuania has a very tiny defense force. It wouldn't even be characterized as an army by most modern definitions. Naturally, Lithuania is concerned about its own security.

The three Baltic States came together to talk about common defense. They want to make certain that they maintain their independence regardless of the whims of history. They are not seeking to expand their territory. They are looking for peaceful development and only defensive capacity. They are making reforms within their militaries and within their countries to be ready to join NATO. They have provided troops for NATO-led operations in Bosnia.

Let me tell you one brief story that I think is illustrative of the commitment of Lithuania to becoming a viable partner in NATO.

When President Clinton and the United States decided to move forward to stop the genocide that was occurring in Bosnia, we created what is known as the IFOR group. These were armies from allied countries coming together to try to bring peace to the Balkans, a daunting task that has challenged generations, if not centuries, of those who live in the region. The tiny country of Lithuania, with 3.7 million people, which has a very, very small army, made an IFOR commitment, sending a small group to be part of this effort. Sadly, one of the casualties in Bosnia, as the result of a landmine, was a Lithuanian soldier who literally gave his life as part of this peacekeeping effort in Europe. A curious thing happened after that tragedy, because the Lithuanian Parliament then had to vote almost immediately on whether to send more troops to IFOR.

Think about it for a moment. What would that have meant in the Senate of the United States or the House of Representatives if our country had lost proportionately as many as Lithuania had lost in this effort, and we had to then debate whether to expand the force that we had sent in? It would have been tough. Some would have said, "Wait a minute; if it means loss of life and bloodshed, perhaps we should think it over."

But the Lithuanian Parliament understood Lithuania's commitment and voted, even after the loss of this soldier's life, to expand its commitment to IFOR—to send even more troops into the area to cooperate with the United States and all of the NATO allies as part of IFOR. I think that says a lot about whether Lithuania wants to be a part of the future of the free world.

The Baltics have also welcomed the placement in their countries of what is called the Regional Airspace Initiative, which is going to increase NATO's security and be located on Baltic soil. They want to make sure that the Baltics are integrated, through this defense capacity, into all of modern Europe. All three of the Baltic countries have joined the Council of Europe, and all three formally have applied for membership in the European Union, which is important for the prosperity of that region.

So now we come to the point where we have to ask the hard question about whether or not Lithuania and the other

Baltic countries should be members of NATO. I firmly believe they should be. I think the United States should make a clear and unequivocal commitment to Lithuania, to Latvia and to Estonia that they will be part of NATO, and welcome them into this new Europe, a Europe which brings together East and West finally in a combined, peaceful strategy and alliance.

I am troubled by the fact that we have been at best ambivalent on this issue. Our official spokesmen in the State Department, the Department of Defense and other channels have been careful not to mention the Baltic countries. One of our leaders in Government has said that, "Well, we don't want to make the Russians too nervous. You know they are fearful of encirclement."

If you visited Estonia, Latvia, and Lithuania today, you would be hard pressed to suggest that any of these countries have any type of motive to expand their territory or to in any way jeopardize the future of Russia. Yet a country like Lithuania, with 40,000 Russian troops in Kaliningrad and 60,000 troops in Belarus, can very well feel threatened by the current situation.

During my visit to Lithuania and Poland a few weeks ago, I met with many representatives of government from every political party. And I can tell you, Madam President, that this issue cuts clearly across party lines—conservatives, liberals, right and left and center. Those who were formerly members of the Communist Party and now a part of democratic efforts in these countries all believe the same thing. NATO is the key to the future.

I think the United States can be proud of the fact that it stood with the Baltic countries during those dark days after World War II, when they were forced into the Soviet Union and became, unwittingly and unwillingly, republics that were part of the Soviet Union. We said in the United States that we would never accept that. We viewed them as freedom-loving people. I was proud of that, proud as a Lithuanian-American whose mother was born in a small village in the southwest part of Lithuania, proud that we stood by them during 50 years of Soviet occupation. Then the moment came for their freedom, a moment that was marked with bloodshed. I regretted the fact that the United States wasn't the first in line to recognize their independence. In fact, 32 other nations in the world came forward to recognize a free and democratic Lithuania before the United States did. I am sorry that we were 33d, but I am glad that we did it. I am glad that we reaffirmed our commitment to the Baltic countries.

During the course of my visit to Vilnius, the Capital of Lithuania, I visited a cemetery with a monument known as the Pieta. It is a monument to those who gave their lives during this recent struggle for independence in Lithuania. I was struck by the fact, as I walked along the gravestones of those martyrs to freedom in Lithuania, how many of them were teenagers, or in their early 20's, who lost their lives in the hope that Lithuania would be free. Many of them in their lifetimes had never known anything but Soviet domination, Communist domination, a domination where the Soviets tried to Russify the Lithuanian language, take away Lithuanian culture and traditions, close down Catholic churches and literally close down the press. They saw that.

I saw as well, when I visited, in Kaunas, the archbishop, His Excellency Sigitas Tamkevicius, who is considered a saint, having spent many years in a Soviet prison for the audacity of publishing an underground journal, how much this country has been through, how much it has suffered. It is not unreasonable for us as leaders of democracy and freedom in the world to understand why Lithuania, Latvia, and Estonia want to be part of our peace-loving and democratic alliance.

I sincerely hope that the United States, starting first with the meeting between the President and President Yeltsin in Helsinki this coming week, and then again in Madrid this coming summer, will really try to show the initiative, to broach this discussion about Lithuania and the Baltic countries becoming part of the NATO alliance. I think it is important for us to say unequivocally that this will happen and we are committed to it, and to say as well, now let us discuss with these countries and with Russia when this will occur and how this will occur.

It should be a transparent process. By that I mean we should say to the Russians this is clearly defensive in nature. These tiny countries are only looking for the assurance that they will have freedom and great opportunity in the future.

I will close, Madam President, by saying that one of the more memorable moments in my trip to Lithuania was on Independence Day, on February 16, when on Sunday I stood in the square in front of the parliament in Vilnius and saw the people gathered singing the Lithuanian national anthem and then went to the cathedral for a Mass celebrated by the Cardinal of Lithuania. At the end of this Mass they once again sang the Lithuanian national anthem, and then closed with a Catholic hymn entitled "Maria, Maria." My brother and I were standing there and looked around and saw men and women with tears rolling down their cheeks. This was the hymn that the Lithuanians turned to in their churches many times in clandestine masses to give them hope that they could survive the occupation by the Russians, the occupation by the Nazis, the occupation by the Soviets. These men and women have suffered so much in the name of freedom and independence, and now they are asking us today as leaders in the free world to invite them into this family of freedom-loving and peace-loving nations.

I hope I can prevail on my colleagues in the Senate to join with me in encouraging the United States to include the Baltic countries, as well as Poland, the Czech Republic, Hungary, and all the other countries that are genuinely interested in becoming peace-loving partners in NATO. I think that will continue the great legacy that really defines America.

We are not out to conquer territory. We have defied history by being the conquerors in World War II and literally working as hard as we could to rebuild the vanquished, and now we have again the chance to say as we embark on this 21st century that this NATO alliance will guarantee that a new Europe, East and West together, will be a peaceful Europe for decades to come.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MIXED SIGNALS ON ISRAELI SETTLEMENTS

Mr. BYRD. Mr. President, I was disappointed to note that the United States, alone among its allies on the United Nations Security Council, vetoed a proposed resolution urging Israel to abandon its plans to build housing for Israeli settlers in East Jerusalem. This housing initiative, which was reported last week to have been pushed by the right wing of Prime Minister Netanyahu's party, threw a cold towel on the peace process that had been so painfully promoted through U.S. intermediation.

Indeed, the President and the Secretary of State, Ms. Albright, both correctly criticized Israel's position on this issue. It is unfortunate that the President felt compelled to mix that clear signal of American displeasure with an American veto of essentially the same policy position, expressed in a United Nations Security Council resolution. American policy on this very important matter needs more consistency if the United States intends to maximize its influence and leadership on the peace process between Israel and the Palestinians. It is unfortunate that the message of displeasure has been diluted, because that softening risks emboldening the hard-liners in Israel

who act as if they do not want that process to succeed.

I believe that the policy of the administration rightly remains opposed to the recently announced settlement initiative by the Israeli government, and I spoke out on the floor a few days ago in support of that position. It does not seem logically consistent that a Security Council resolution essentially expressing the same disapproval could in any way itself "jeopardize efforts to keep the peace process moving", as was reported by the Washington Post on March 8, 1997. Strong leadership on this matter requires sustained consistency in all foras, both national and international regarding American policy, and I hope that there will be further opportunities to make our very correct position in opposition to this new housing initiative abundantly clear.

The Israeli leader stands at a pivotal point in the Middle East. The peace process is clearly very fragile, and great efforts are needed on a sustained basis by all the parties, not some of the parties, for it to succeed. The alarming exchange of letters between King Hussein and Prime Minister Netanyahu, released publicly yesterday reveals the damage that the Israeli housing initiative is causing. Neither the U.S., not the Palestenians, nor the Israeli people should passively allow the Israeli right wing to sabotage this process anytime it decides it has gone far enough for their taste. I congratulate the President for sending an American envoy to meet in Gaza with Mr. Arafat on the overall situation.

I make an urgent plea to Prime Minister Netanyahu to look history in the face and to take a bold step and reverse his decision on the housing matter, regardless of the merits of the initiative in his mind from a narrow geographical perspective. This decision has become the central indicator of his government's commitment to peace in the Middle East. It is clear that, regardless of any merits which may attach to the housing decision, it is causing grave damage to the peace process which our governments have worked so painfully to engender. Therefore, I urge the Israeli Prime Minister to reverse that decision. This would certainly require considerable personal courage and political difficulty on his part, but it would mark him as a true leader at a time when such leadership is desperately needed. He alone is in the position to make a crucial change in the present explosive atmosphere. The process of peace in the Middle East has reached a vital juncture, and its future is highly dependent on the action he takes now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

THE DECISION TO CERTIFY MEXICO

Mr. TORRICELLI. Mr. President, the decision by the administration to certify Mexico as an ally in the fight against narcotics raises a broader issue. In my judgment, it is time to reach several difficult but obvious conclusions about United States policy toward Mexico and our bilateral relations. Indeed, perhaps, if there was a contribution offered by the unfortunate decision to certify Mexico in the war against narcotraffickers, it is the growing sense in the United States of the need for a moment of honest reflection about Mexican-American relations. In short, it is time to simply tell the truth about Mexico.

Mexican-American policy in these years has been based, in my judgment, on three broad deceptions, deceptions not only of ourselves but, perhaps more importantly, of the Mexican people themselves. Deceptions which I recognize have been made, sometimes, with the best of intentions. The United States has understood that some historic injustices create particular sensitivities in Mexico. There is always the need to account for nationalist pride and the obvious concern of internal interference. But not telling the truth to our own people, or to the people of Mexico, allows the Mexican people to avoid dealing with the realities of their own country. This conspiracy of silence about the realities in Mexico prevents the United States from constructing real policies to defend our own interests, and hampers our ability to work with Mexico in protecting its own interests.

These three deceptions are, in my judgment, convincing the American people that Mexico is, in fact, making the transition to a vibrant democracy; that Mexico has a genuinely free economy; and, finally, that Mexico is, indeed, participating in waging a war on narcotics. I believe that an analysis of these assumptions will establish that none of them are true.

First is the question of the Mexican economy. In 1993, in an effort to support the North American Free-Trade Agreement, the American people were told that if only Mexico had access to the American market, then Mexico would complete its historic transition to a free and open economy. I understood the reasons to support NAFTA. A free-trade agreement for North America makes sense. But a condition precedent of a North American Free-Trade Agreement is that each of the participants genuinely has a free and an open economy. Therefore, this Congress could not have affirmatively accepted the treaty without being convinced that Mexico, like Canada and the United States, would accept the rules of a market economy.

The simple reality is that in 1997, despite assurances to the contrary, Mexico retains strong elements of a centrally directed economy, officially controlled and unofficially corrupt. The most important elements of the Mexican economy are either under state sponsorship or government control, including banking, finance, and petroleum. The result has been, predictably, anemic growth which stimulates increased migration and denys the Mexican people real economic opportunity.

Last year, 1.2 million young Mexicans attempted to join the national work force, only to find employment available for a fraction of those seeking work. Since the 1980's, irregular or low levels of growth in the economy have been the exception in the region. Throughout that decade, annual growth in Mexico, the GNP, averaged 1 percent. In some years in the 1990's it grew, but the results were uneven for the people themselves.

The reasons are clear. It is not enough for the national leadership to declare Mexico a free economy. Making pledges to the United States in order to get access to NAFTA accomplishes nothing if the fundamentals of a free economy are not established. Most obvious is the need to allow the development of a free trade union movement. But, indeed, Mexico will conclude the 20th century as one of the last nations in our hemisphere to still not permit the development of independent trade unions.

The results are declining real wages of a magnitude of 70 percent in the last 20 years, a minimum wage which decreased by 13 percent in 1995 and fell by an additional 11 percent in 1996.

A free economy means a free market for labor. Real competition requires that people can engage in collective bargaining. Similarly frustrating to the development of a free economy in Mexico has been the failure to privatize important sectors of the economy. In September of 1995, the Mexican Government announced the sale of 61 petrochemical plants that would be open to the free economy and to foreign investment. It was an attractive response to the promise of NAFTA. On October 13, 1996, the Mexican Government reversed its policy and has maintained Government control over this vital center of the Mexican economy.

As a result of this failure to permit the free exchange of labor, foreign investment, and privatization, Mexico is one of the few countries in the world where, because of declining wages, life expectancy has leveled off and may actually be declining.

The Mexican peso, because of a failure to adequately control both debts and the currency, literally collapsed in 1994, requiring $40 billion of external financing from the United States and other international institutions. And in 1997, the international community faces the same prospect, because the peso is, again, overvalued and, again, facing downward pressure.

The first simple truth, therefore, is we need to be honest with ourselves, investors, and the Mexican people. The promise of establishing a free market in Mexico, the ending of state-sponsored industries, has not been kept. Words do not suffice. The promises mean nothing. Mexico remains a state-controlled and directed economy where market forces are not allowed to operate. And for whatever price that may hold for American investors, or Mexico's new trade partners in NAFTA, the price is principally borne by the Mexican people themselves, who, despite their labors and their sacrifices and their desire to free their economy, are on a downward spiral of opportunity and living standards.

The second truth concerns the promise of democracy in Mexico. For 7 decades, the Mexican people have been victimized by a one-party authoritarian state. It is self-perpetuating and it is not a democracy under any contemporary definition. Successive Mexican administrations choose the next government. Power has been maintained through corruption and outright electoral theft. As recently as 1988, Mexico's ruling PRI party had to resort to outright fraud to guarantee the election of President Carlos Salinas. In 1994, the leading presidential candidate was assassinated, with credible allegations that elements of his own party conspired in the assassination because of his opposition to electoral reforms that might have fulfilled elements of the promise of democracy.

The level of corruption and denial of democratic freedoms has not involved simply the presidency, but almost every level of government. This includes disputed state elections throughout the 1980's and during this decade. In at least four recent gubernatorial elections the opposition PAN party ultimately took control or demonstrated a strong presence because of court challenges and public opposition.

In 1996, despite promises of electoral reform, the PRI majority in the Mexican Congress placed restrictions on electoral procedures and public financing that greatly restricted the ability of opposition parties to participate in, and have a chance of succeeding in, Mexican elections.

Promises of electoral reform in Mexico have simply not been realized. Access to the media, public finance, and control of government institutions to the advantage of the ruling party have all gone without change. Despite public protests and international challenges which have resulted in some successes in state gubernatorial elections, the simple truth is the 20th century will end without Mexico having experienced the peaceful transfer of power from the ruling party to the opposition. That, Mr. President, is a contradiction of any claim that Mexico is operating under contemporary standards of democratic elections.

Mexico has not been alone in having difficulty making the transition from one-party government to a competitive pluralist system. What makes Mexico different is that, unlike in Japan or Italy which had similar monopolies on power in the postwar period, but whose governments bore American encouragement and sometimes criticism, there has been a conspiracy of silence about the realities of Mexican politics and its economy.

Those who remain silent or fail to inform our people or the Mexican people of the truth of their national experience bear responsibility.

There are, indeed, many victims of the realities of Mexican politics. The failure to democratize has caused just as much suffering as the loss of economic opportunity. Suffering which forces thousands of Mexicans to migrate or live with the downward spiral of the Mexican economy.

In 1996, Amnesty International's annual report accused Mexican security forces of outright human rights abuses including the murder and torture of leftist rebels. They also uncovered the use of torture, and the many disappearances which have occurred throughout the areas of conflict. The Mexican media are no less a target. Journalists have been intimidated, abducted, and even killed, with cases as late as 1995 still unresolved.

Public financing of the media, the corruption of journalists, and the monopoly of government power still distorts the view of the Mexican people about their own country and its problems, with predictable results. The Mexican people are unable to express themselves equally through the media, and are unable to gain control of their own lives through the electoral system. They face a declining standard of living because of the monopoly of government power in the economy, and are tragically, but predictably, now involved in guerrilla operations in fully eight of Mexico's states.

Third and finally, Mr. President, is the truth about narcotrafficking in Mexico. Not only is it true that the Mexican people are paying an extraordinary price for the failure to develop a genuine market economy, and democratic institutions, but they, together with the American people, are paying an enormous price for the failure to control or even cooperate in controlling illegal drugs.

The administration has been asked a simple question: Is, or is not Mexico an ally in the fight against narcotrafficking? The administration has answered by explaining that we have to consider the past difficulties in Mexican-American history. They have responded that Mexico is an increasing source of American investment. Those, Mr. President, were not the questions.

The question is this: Is, or is not Mexico cooperating? The simple truth is that the highest levels of the Mexican Government have been corrupted and are, at a minimum, working at cross-purposes with the U.S. Government in controlling the flow of narcotics.

Indeed, the administration's own reports conclude that fully two-thirds of all of the cocaine entering the United States is being transshipped through Mexico. The State Department has concluded that Mexico is now the most important location in the Western Hemisphere for the laundering of narcotics funds.

On March 1, we learned that General Gutierrez, the drug czar of Mexico, was himself arrested for complicity and conspiracy with drug traffickers.

Mr. President, the decision to certify Mexico as an ally in the war against narcotics was a decision to protect the Mexican Government from criticism. It was the wrong decision. The simple truth is that every day, in every way, Mexican officials are permitting the transshipment of narcotics to our country. New laws to stop the laundering of funds in Mexican banks have not been enforced. Not a single Mexican bank has had to alter its operations to comply with new legislation.

Of the 1,250 police officers dismissed for corruption because of narcotics in Mexico, not a single officer has been prosecuted.

Despite 52 outstanding extradition requests to send corrupt officials to the United States, not one has been complied with. Indeed, not a single Mexican national has been extradited to the United States because of drug-related charges.

Most discouraging of all, the head of the DEA, Thomas Constantine, concluded before this Congress:

> There is not one single law enforcement institution in Mexico with whom the DEA has an entirely trusting relationship.

Mr. President, there were times during the cold war, indeed times during moments of national peril when the United States needed to compromise an honest look at the world because of issues of national security. The end of the cold war has ended that time.

We need to honestly assess our relationship with Mexico. We need to tell the American people the truth about the state of Mexican democracy, its economy, and its fight against narcotrafficking. Change will never come without the truth. Ending the certification process will begin that national debate in this Chamber.

I urge the Senate to reject the administration's conclusion, which cannot be borne out by the facts. Let us tell the truth about Mexico.

Thank you, Mr. President. I yield the floor.

ELDERLY IMMIGRANTS AT RISK OF LOSING SSI

Mr. KENNEDY. Mr. President, we have received early reports from the

Social Security Administration large numbers of of elderly legal immigrants who will lose their SSI benefits under the new welfare law unless Congress acts to help them.

In Social Security field offices across the country, the same reports are being heard. Elderly immigrants come into the field offices after receiving a notice that their SSI benefits will be terminated unless the immigrants can prove U.S. citizenship. Many of these immigrants are citizens, but they cannot remember where they stored their naturalization certificate. Most are very old and often infirm. Sometimes they are too infirm to remember whether they were naturalized or not.

For example, two elderly women, both over 90 years old, were senile, and confined to a convalescent home. They sought help from SSA after receiving the notice that their SSI payments would be terminated. Both women say they were born in the United States, but they cannot prove their citizenship.

Another woman, born in Ireland over 80 years ago, came to the US when she was 2. Her parents were naturalized, but she has no proof that she was. She has never left the United States, and believes she is a citizen, but she has no way to prove it.

The Social Security office in New York City reports that a woman's 85-year-old daughter came to inquire about her 105-year-old mother's termination notice. She stated that her mother was born in New York City, but has no birth certificate. Her mother has been receiving SSI benefits since 1976. The only way to find a record of her birth is to search the New York City birth records from 105 years ago. No one knows if the birth was even recorded.

These are just a few stories of the hundreds coming into Social Security offices since the termination notices were mailed a few weeks ago. Several recent news articles have reported stories of legal immigrants about to lose their benefits. I ask unanimous consent that these stories may be placed in the RECORD following my statement. Unless Congress intervenes, the consequences of the welfare bill will be too harsh.

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

[From the Des Moines Register, Mar. 3, 1997]

OVERWHELMED BY OVERHAUL

(By Shirley Salemy)

Israel and Faina Staroselsky are snared in the intricacies of the new welfare overhaul law.

The couple, both 68, fled anti-Semitism in Ukraine five years ago. They applied to become naturalized U.S. citizens seven months ago. They're still waiting, they say.

And if they don't get citizenship soon, they'll lose their Supplementary Security Income.

"We got this letter," said Israel Staroselsky, pointing to a memo from the Social Security Administration. "If we are not able to prove our American citizenship by May, we will lose all sources of life."

If the federal welfare overhaul is a gigantic jigsaw puzzle, the pieces that shape assistance to poor, elderly and disabled legal immigrants may be the most intricate—the ones that remain on the card table the longest.

The rules are complicated, and people like the Staroselskys aren't the only ones confused. Lawmakers are, too.

A DRAMATIC CHANGE

"Generally, I think the Legislature is real confused" about the ins and outs of the law, said Sen. Maggie Tinsman, R-Bettendorf and co-chairwoman of the joint human services appropriations subcommittee.

"It's always confusing when the law changes," Tinsman said. "This is a dramatic change. And people always think the worst."

Generally, the new law prohibits non-citizens who are not new refugees, U.S. military veterans or have not worked and paid taxes in America for at least 10 years from getting most forms of public assistance—that is, Supplemental Security Income, food stamps, Medicaid and cash assistance for families.

It also bars new arrivals—immigrants who came to the United States after Aug. 22, 1996, the day President Clinton signed the bill—from receiving most public benefits during the first five years in the country.

But the states have some options to provide more help. Iowa officials say that's what they will try to do.

The Department of Human Services is proposing to continue benefits for some of the immigrants who would be cut off. State welfare officials are holding community forums around the state to explain the new law.

For immigrants who were already here when Clinton signed the law, DHS intends to continue providing cash assistance in its core program, called the Family Investment Program, and Medicaid.

"We felt it was a humanitarian thing to do," said Ann Wiebers, DHS welfare reform coordinator.

APPROPRIATION NEEDED

But it's up to the Iowa Legislature to appropriate money for the program. Tinsman thinks lawmakers will concur with the department's decision.

The department would need to use a pool of state funds to help new arrivals in those programs. For the Family Investment Program alone, the estimated cost over the next two years would be an additional $702,237.

Tinsman said lawmakers are concerned about legal immigrants who haven't become citizens.

"We suspect most of them are elderly and in nursing homes," she said. "We have money in the budget to take care of that."

She said new arrivals must have sponsors to come to the United States. Sponsors must now sign binding affidavits of support—which means they're held financially liable for immigrants who fall into distress.

"I think they're going to be covered, just not by government," she said.

Sen. Johnie Hammond, D-Ames, who also serves on the subcommittee, said the panel hasn't talked about the way the new law affects legal immigrants.

"We need to look at who's falling through the cracks and do we really want them to fall through the cracks," Hammond said.

EFFECTS AREN'T KNOWN

Advocates, meanwhile, say the way the new law will play out in Iowa is still unclear.

"The law is still so new," said Ta-Yu Yang, a Des Moines attorney who specializes in immigration law. "We are still talking on the macro stage of what to do here in Iowa, whether to continue some of the benefits or not."

But Yang, who is president of both the Asian-American Council and the Taiwanese Association, said: "I don't think there's any question that so much of the legislation is going to have discriminatory impact. I don't know if they intended it to be that way or not."

Terry Meek, executive director of Proteus, a nonprofit group that serves migrant and seasonal farm workers, said such laborers will likely be affected by new food-stamp rules. Now, legal immigrants must work and pay taxes for 10 years before they're eligible.

But many farm workers are paid in cash or through crew leaders, Meek said. She's not sure how those workers will document their work history.

Sandra Soto, an immigrant-rights advocate at the American Friends Service Committee, thinks that the new law asks welfare workers to become specialists in immigration law and that it's creating a lot of confusion at local welfare offices.

THERE'S CONFUSION

"I'm not saying they're denying benefits for the sake of it," Soto said. "I'm saying there's confusion. Getting involved in immigration is difficult, because there are huge numbers of proofs of immigrant status."

She, too, worries about immigrants who may not have documents to prove their years of work.

She points to Blanca Vivas, 44, who came to this country illegally in 1986 from Nicaragua. Vivas, speaking Spanish translated by Soto, said she first worked in the fields of the Southwest, received amnesty and eventually came to Iowa and worked in the meatpacking industry. She earned money with a temporary work permit that was renewed last year.

Debilitating pain in her shoulders and back from the heavy lifting she did prevents her from working any more. She lacks the documents to prove her years of work. And her work permit is no longer valid.

She now lives in Des Moines with the support of her boyfriend. She'd like to get food stamps and medical help but knows she's not eligible.

"I think ignorance has led us to many bad things," she said. "It's one of the major barriers. Even if we have good work ethics, we are coming to a country where the culture, the language and many other things are different."

NEW CITIZENS

Immigration and Naturalization Service officials conservatively anticipate more than 2,000 immigrants will naturalize during fiscal 1997.

The welfare law is playing a role in the boom, said Michael Went, deputy director of the INS office in Omaha, which oversees Iowa. But he also thinks people are simply taking the final step in the immigration process.

The Staroselskys believe it's their only chance.

"If we will not become citizens according to the new law, we will lose all of this," Israel Staroselsky said, sitting at a table in the couple's one-bedroom apartment.

They left Kiev as refugees. He was a cardiologist, she was a pediatrician. They aren't certified to practice medicine in the United States, so he worked for two years as a researcher in Des Moines, then retired.

If they had known about these changes when they were still in Ukraine, their decision to come might have been different.

"We came five years before," Israel Staroselsky said. "If we had known about this law, it could be another decision."

Blanca Vivas, 44, is one of many workers hurt by new requirements that legal immigrants must work and pay taxes 10 years before they can get food stamps. She's worked in this country since 1986 but lacks documents to prove it. Now she's disabled, and her work permit is no longer valid.

[From the Raleigh (NC) News & Observer, Mar. 2, 1997]

OLDER IMMIGRANTS FACE WELFARE DILEMMA

CHARLOTTE—Immigrants in North Carolina face longer waits for naturalization than most other states, making worries about losing welfare benefits more realistic for newcomers from overseas.

The Charlotte office of the U.S. Immigration and Naturalization Service is ranked among the nation's slowest processing offices, according to a report released Saturday by the American Immigration Lawyers Association.

North Carolinians, who apply for naturalization at the Charlotte INS office, can face between 21 and 28 months of waiting before their citizenship records are processed.

The wait might mean disabled and elderly immigrants could lose some federal benefits. Under the welfare reforms, recipients of some benefits must become citizens to keep them.

Those who aren't U.S. citizens and have lived here at least five years are receiving letters saying food stamps and Supplemental Security Income could be eliminated as soon as May. The letter, from the Social Security Administration, also says Medicaid could be eliminated by summer.

"There was no exception made for them (in the new welfare law), and that's one of our biggest sore spots," said Marlene Myers, coordinator of the N.C. Refugee Office, one of several groups that have met with INS officials to find a way to help these immigrants. "(The elderly or disabled) are kind of caught in a crack."

The Charlotte INS benefits staff processed 2,500 naturalization applications two years ago. This year, they expect to handle more than 7,000. Once the welfare law took effect, the office was swamped with applicants.

"No one likes to have people wait," said Donald Young, officer in charge of the INS office in Charlotte. "We go along, day in, day out, trudging along. But again, that slowdown is nationwide, not just Charlotte."

[From the Christian Science Monitor, Mar. 4, 1997]

AMID WELFARE CUTS, STATES TRY TO AID IMMIGRANTS

(By Skip Thurman)

An Iranian man living in Denver can't muster the courage to tell his elderly mother—a legal immigrant who has lived in America for almost 20 years—that her monthly checks from the federal government are about to end. His best hope now is that the state of Colorado will continue some of her subsidies.

Legal immigrants across the US are beginning to see that states as their last best hope to offset the imminent loss of all federal benefits—a cutoff required by the new national welfare-reform law.

State officials by and large seem to be sympathetic. Of 40 states that have filed spending plans, 36 report they will continue benefits to legal immigrants who fall off the federal rolls.

"In the small world of welfare, we are in pretty good shape," says Dick Powers of the Massachusetts Department of Transitional Assistance. The state has enough money to help needy legal immigrants—at least for now—because it's currently getting more money from Washington than it needs for cash assistance to a dwindling welfare caseload.

But states with large numbers of immigrants may not have the same luxury. New York Gov. George Pataki (R) anticipates spending an estimated $240 million to cover legal immigrants who will lose federal aid.

In Texas, Gov. George W. Bush (R) argues that changing the rules for legal immigrants already in the US was unfair.

"He has no concern about prospectively saying to future immigrants, 'You will no longer be eligible,'¿¿" says Bush spokeswoman Karen Hughes. "But he is calling on the federal government to provide funding for this part of the population."

The National Governors Association says many governors, including Mr. Bush, are asking for extra help.

"We aren't talking about reopening the welfare bill. We are talking about amending a little thing on the edge of it," says Nolan Jones at the NGA.

President Clinton has put forward a plan to restore many benefits to 350,000 of the 500,000 immigrants most severely affected by welfare reform. Benefits most at risk include Supplemental Security Income (SSI), a monthly benefit (averaging $400 per recipient) that augments the incomes of the aged or disabled; Medicaid, which helps the same group pay medical bills; and food stamps.

But many lawmakers say revising the law to soften its impact on immigrants is unlikely.

"It's just not going to happen," says Rep. Clay Shaw Jr. (R) of Florida, who led the charge for welfare reform in the last Congress.

For one, federal budgeteers would fight such a move. About one-fourth of the savings expected from welfare cuts will come from ending benefits to legal immigrants.

While Congressman Shaw expects to feel more pressure to revise the law as welfare reform kicks into effect over the next four months, he says. "We've really got to believe in what we are going to accomplish with this, because we are going to be dogged all the way." He points out that 51 percent of SSI benefits go to elderly noncitizens, something he says was never intended by the authors of the original legislation.

Shaw and other Republicans are open to one possible compromise that would provide states with additional block-grant money for programs like food stamps. Mr. Clinton has sought to restore $10 billion in benefits. But Republicans on Capitol Hill would approve no more than a total of $2 billion for states.

The pending cut in benefits has prompted a large number of legal immigrants to apply for US citizenship. Almost 2 million are expected to apply this year, three times more than applied in 1995.

But for elderly immigrants, the naturalization process can be daunting. The US Immigration and Naturalization Service reports that only 9 percent of immigrants older than 65 ever naturalize. Such is the case for the elderly Iranian woman now living in Denver. Her son, who asked not to be named, explains that the entire family fled to the US after the Khomeni government took power in the late 1970s.

"She has gone through this before. She was a wealthy woman and had everything taken from her." he says. Undergoing the naturalization process, including the exams to become a citizen, would be difficult. "Her English is still not very good," he says "There is no way she could pass the test."

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 12, the Federal debt stood at $5,361,482,510,992.32.

One year ago, March 12, 1996, the Federal debt stood at $5,017,284,000,000.

Five years ago, March 12, 1992, the Federal debt stood at $3,854,311,000,000.

Ten years ago, March 12, 1987, the Federal debt stood at $2,247,042,000,000.

Fifteen years ago, March 12, 1982, the Federal debt stood at $1,048,967,000,000 which reflects a debt increase of more than $4 trillion—$4,312,515,510,992.32—during the past 15 years.

HERE'S WEEKLY BOX SCORE ON U.S. FOREIGN OIL CONSUMPTION

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending March 7, the United States imported 7,510,000 barrels of oil each day, 195,000 barrels more than the 7,315,000 imported during the same week a year ago.

Americans relied on foreign oil for 53.8 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,510,000 barrels a day.

RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION

Mr. KENNEDY. Mr. President, it is time—long past time—for the Senate to end the embarrassing delay and ratify the Chemical Weapons Convention. The convention is the most significant nonproliferation agreement to come before the Senate since the 1968 Nuclear Non-Proliferation Treaty. It is a major step toward eliminating this entire class of weapons of mass destruction. U.S. ratification of the convention, before it takes effect on April 29 of this year, is vital to our national security. U.S. support for the convention will demonstrate our continued commitment to halting the spread of these

weapons of mass destruction. This is far too important a subject for further delays. It is time to end the stalling and bring the convention to a vote. There is no justification for a handful of Senate opponents of the convention to bottle it up in the Foreign Relations Committee.

This treaty is clearly bipartisan. It was negotiated under President Reagan, concluded and signed by President Bush, and submitted to the Senate for advice and consent by President Clinton. It has broad bipartisan support in the Senate, and it should be voted on by the Senate, now.

The Chemical Weapons Convention deserves this broad support, because it makes sense for America's national security. We have the opportunity now to move forward and rid the world of these senseless weapons.

The United States initially led by example, by unilaterally destroying our stockpile of chemical weapons. The Chemical Weapons Convention will extend this requirement to all other nations that approve the convention.

The convention also provides for monitoring and controls to reduce the proliferation of the chemicals and technology used to make such weapons. These restrictions will make it much more difficult for terrorists and rogue nations to develop these weapons of mass destruction. The convention also contains provisions to investigate and punish violators, including short-notice inspections of chemical manufacturing sites and other facilities.

Opponents of the convention argue that since it is not being ratified by all nations, it will not stop rogue countries from acquiring these deadly weapons. But no international treaty starts with worldwide support. Countries suspected of chemical arms violations will be subjected to broad economic and arms embargoes. In fact, the convention specifically restricts the export or transfer of controlled chemicals to nonparticipating nations, a clear deterrent to rogue countries.

American leadership is essential to halt the proliferation of these deadly weapons. It is already a serious international embarrassment that the United States, the leading country in the development of the convention, has taken over 4 years to ratify it. If not us, who? If not now, when? As of today, 71 nations have ratified the treaty, including the United Kingdom, France, Germany, and Canada. We stand with Iraq, North Korea, Libya, and Syria as nonsigners. The Senate needs to act now to end the unconscionable delay in ratifying this urgently needed convention. The longer we delay, the greater the danger of the proliferation of these devastating weapons.

Protecting our own soldiers and civilians from chemical attack is and will continue to be a high priority. Without U.S. support for this convention, rogue nations will have a greater incentive to acquire chemical weapons, and our military and civilian populations will face greater risk of chemical attack. The Joint Chiefs of Staff, those directly responsible for the men and women who are most at risk from chemical attack, fully support this convention.

It is clearly in our national interest to ratify the convention before April 29, so that this country can be involved in the initial implementation legislation, the budget negotiations, and the verification provisions for tracking chemical weapons worldwide.

Critics of the convention say that it will impose high costs on the U.S. chemical industry. But our industry and defense representatives have been involved in the development of the convention from the beginning. They helped draft the convention's language to ensure that their interests will not be compromised. The chemical industry supports ratification, because they know that if the convention enters into force without U.S. support, they will lose hundreds of millions of dollars in annual trade. This economic burden more than offsets the marginal costs that compliance with the convention will impose on the industry.

Opponents also argue that the convention will reveal U.S. trade secrets to foreign inspectors. But the United States will always be the target of industrial espionage, with or without this agreement. Issues relating to the confidentiality of product and processes received a great deal of attention during the negotiations, and they are addressed in detail in the convention.

In addition, the Commerce Department's expertise in protecting the proprietary interests of U.S. companies will continue to assist our chemical industry. The strong support for the convention by the Chemical Manufacturers Association, the Pharmaceutical Manufacturers Association, and the National Federation of Independent Business is a tribute to the fact that the concerns of these industries are fully protected.

Ratification of the Chemical Weapons Convention is vital to America's national security. I commend all those who have done so much to make this achievement possible. It represents arms control at its best, and I urge my colleagues to vote for ratification.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CAMPAIGN FINANCE AMENDMENT TO THE CONSTITUTION

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

The legislative clerk read as follows:

A joint resolution (S.J. Res. 18) proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

The Senate resumed consideration of the joint resolution.

Mr. FEINGOLD addressed the Chair.

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

Mr. FEINGOLD. I rise today to oppose the proposed constitutional amendment offered by the junior Senator from South Carolina and the senior Senator from Pennsylvania.

Mr. President, first I would like to say a few words about the Senator from South Carolina. Our colleague, Senator HOLLINGS, has been calling for meaningful campaign finance reform for perhaps longer than any other Member of the U.S. Senate. I disagree with this particular approach. But I certainly do not question his sincerity or commitment to reform.

Mr. President, when the U.S. Senate last had an extended debate on the issue of campaign finance reform back in 1993, the junior Senator from South Carolina offered a sense-of-the-Senate amendment to take up a constitutional amendment very similar to the one that is before us today.

I remember we had a very short period of time before that vote came up, and I made a decision and I voted with the Senator from South Carolina on that day. I did so because I believed that other than balancing the Federal budget, there was perhaps no more fundamental issue facing our country than the need to reform our election laws.

Such a serious topic I believed at the time merited at least a consideration of a constitutional amendment. And I will confess to a certain level of frustration at that time with the fact that the Senate and the other body had not yet acted to pass meaningful campaign finance reform in that Congress.

But, Mr. President, to be candid, I immediately realized, even as I was returning to my office, that that might not have been the best vote I ever cast. I started rethinking right away whether I really wanted the U.S. Senate to seriously consider amending the first amendment to address even this subject of which I and so many other Americans feel passionately about.

Then, 18 months later, my perspective on this question began to change even more as I was presented with two new developments here in the U.S. Senate.

First, I was given the privilege of serving on the Senate Judiciary Committee, and, second, I would soon learn that the new 104th Congress was to become the engine for a trainload of proposed amendments to the U.S. Constitution. As a member of the Judiciary Committee, I had a very good seat to witness first hand what was being

attempted here with regard to the basic document of our country, the Constitution.

It started with a proposal right away for a balanced budget constitutional amendment, and we were considering a term limits constitutional amendment, and then a flag desecration constitutional amendment, then a school prayer amendment, then a supermajority tax increase amendment, and then a victims rights amendment. In all, Mr. President, 135 constitutional amendments were introduced in the last Congress.

As I saw legislator after legislator suggest that every social, economic, and political problem we have in this country could be solved merely with enactment of a constitutional amendment, I chose to strongly oppose not only this constitutional amendment but others that also sought to undermine our most treasured founding principle. I firmly believe we must continue this reflective practice of attempting to cure each and every political and social ill of our Nation by tampering with the U.S. Constitution. Mr. President, the Constitution of this country was not a rough draft. We must stop treating it as such.

I want to say, because the Senator from South Carolina has just arrived and I know that he is not one who has engaged in such an attitude toward the Constitution, I know very well he only makes a proposal like this with the most serious consideration and for the goal of trying to do something about campaign spending. What I am addressing here, what I saw in the last Congress was a wholesale attempt to try to amend what seemed to be almost virtually every part of the U.S. Constitution.

We must also understand that even if this constitutional amendment were to pass this body today, which it will not, but even if it did, it would not take us one single, solitary step closer to campaign finance reform. It is not a silver bullet. This constitutional amendment merely empowers the Congress to set mandatory spending limits on congressional candidates. Those are the same kind of mandatory limits that were struck down in the landmark Buckley versus Valeo decision.

Here is the question I pose for supporters of this amendment: If this constitutional amendment were to pass the Congress and be ratified by the States, would campaign finance reformers have the necessary 51 votes—or more likely what would be required would be 60 votes—to pass legislation that included mandatory spending limits?

Mr. President, in January I joined the senior Senator from Arizona in introducing the first bipartisan campaign finance reform proposal in over a decade. That proposal, unlike the law that was considered in Buckley versus Valeo, includes voluntary spending limits. That is to say, Mr. President, we offer incentives in the form of free and discounted television time to encourage but not require candidates to limit their campaign spending. When the Senator from Arizona and I bring that legislation to the floor of the Senate, I have no doubt that we will be met with strong resistance from a number of Senators. So the notion that this constitutional amendment will somehow magically pave the way for legislation that includes mandatory spending limits simply ignores the reality of the opposition that campaign finance reformers face here in the Senate and I think would face in the Senate at the time of ratification of any such amendment.

Mr. President, this amendment certainly, if ratified, would remove the obstacle of the Supreme Court. But it will not remove the obstacle of those Senators such as the junior Senator from Kentucky who believe that we need more money, not less, in our political system.

Most disconcerting to me, Mr. President, is what this proposed constitutional amendment would mean to the first amendment. I find nothing more sacred and treasured in our Nation's history than the first amendment. It is perhaps the one tenet of our Constitution that sets our country apart from every mold of government form and tested by mankind throughout history. No other country has a provision quite like the first amendment.

The first amendment is the bedrock of the Bill of Rights. It has as its underpinnings the notion that each individual has a natural and fundamental right to disagree with their elected leaders. It says that a newspaper has an unfettered right to publish expressions of political or moral thought. It says that the Government may not establish a State-based religion that would infringe on the rights of those individuals who seek to be freed from such a religious environment.

Last year I stood here on the floor of the Senate with a number of my colleagues to oppose a proposed constitutional amendment that would have prohibited the desecration of the U.S. flag. I did so because that amendment as proposed, for the first time in our history, would have taken a chisel to the first amendment and said that individuals have a constitutional right to express themselves unless they are expressing themselves by burning a flag.

Now, Mr. President, I deplore as much as anyone in this body any individual who would take a match to the flag of the United States. And I am firmly convinced that unrestrained spending on congressional campaigns has eroded the confidence of the American people in their Government and their leaders. I believe we should speak out against those who desecrate the flag. I believe we should take immediate steps to fundamentally overhaul our system of financing campaigns. Mr. President, I do not believe, as the supporters of this constitutional amendment and other amendments believe, that we need to amend the U.S. Constitution to bring reform to our system of financing campaigns.

Mr. President, sometime in the next day or so, this constitutional amendment will lose. That has been predetermined, or the supporters of this amendment probably would not have been granted consideration here on the floor of the Senate in this manner. This debate has some characteristics of a charade. Again, that is not because of the author, who is sincerely advancing this provision because he believes in it and he thinks it should become part of the Constitution. The ultimate outcome of the charade is everyone knows this will not pass. There are those who want this to sort of be the campaign finance reform debate for this Congress. Have a couple of days of talk, no amendments, have a vote, and be done with it. Be done with campaign finance reform.

Mr. President, believe me, I know the feeling. The Senator from Arizona and I have been there. We were there last year, last summer. We were allowed to bring our bipartisan campaign finance reform legislation to the floor last June, but here was the deal: No amendments, just 2 days of debate, and then we had to vote on cloture, whether we will filibuster, just after 2 days. That was it. No chance to fix the bill up or make it appealing to other Members like we do in other things. That is very similar to what is going on here. We were only allowed to do that after the votes had been counted and assurances given that our bill would suffer a quick and painless death. It was not entirely painless, but it was not unanticipated. We did get a majority of the votes in this body on the first try, 54 out of the required 60 votes but, of course, when the process is set up like this, this simply with these few options, we know the outcome and we know what will happen here.

Mr. President, I want to point out that things just look a little different this year on the issue of campaign finance reform than they did a year ago. A few things have happened. The McCain-Feingold bill has not been placed on the Senate Calendar this time. It does not appear that the majority leader is terribly interested in bringing it up before the March recess, the Memorial Day recess, or possibly even before the turn of the century. We can speculate about the meaning of that, but one thing is clear: This constitutional amendment will not pass this body, and until this body makes a commitment to considering meaningful, bipartisan campaign finance reform, campaign spending in this country will continue to go completely unrestrained.

Nothing in this constitutional amendment before the Senate today would prevent what we witnessed in the last election—the allegation of illegality and improprieties, the accusations of abuse, and the selling of access to high-ranking Government officials would continue no matter what the outcome of the vote we had on this constitutional amendment. Only the enactment of legislation, Mr. President, that bans soft money contributions and that encourages candidates to voluntarily limit how much they spend on their campaigns will make a meaningful difference.

Mr. President, I see Members of the Senate as having, really, three choices. First, they can vote for constitutional amendments and partisan reform proposals that basically have predetermined fates of never becoming law. That allows you to say you voted for something and put the matter aside. Second, they can stand with the junior Senator from Kentucky and others who stood here on the Senate floor last June and told us all was well with our campaign finance system and we should all be thrilled that so much money was pouring into the campaign coffers of candidates and parties. That is a second option that some folks are still pursuing. A third option, Mr. President, Senators can join with the Senator from Arizona and myself and others who have tried to approach this problem from a bipartisan perspective and have tried to craft a reform proposal that is fair to all.

We have said on countless occasions that our proposal is open to negotiation. We simply have two goals: To encourage Senate candidates to spend less on their campaign and to give challengers an opportunity to run a fair and competitive campaign against well-entrenched incumbents. If you share those goals, we can work together to produce a meaningful reform proposal.

Let me say our proposal is picking up steam. We seem to be adding new cosponsors a couple of times a week.

Three days ago, I was challenged on the floor by a stated opponent of our bill as to why I was unwilling to address, he said, a particular aspect of our campaign finance system. Now, this surprised me very much because, in the 18 months since this legislation was originally introduced, this Senator had not approached me one single time to ask if I would be willing to address that issue. I told this Senator the other night, and I say to all my other colleagues, if you share those two basic goals of reducing campaign spending and leveling the playing field with the Senator from Arizona and I, we are willing to work with you to address those concerns.

Let's do this in the context of a real effort, a real debate, not a charade. That real debate will begin when a comprehensive bipartisan campaign finance reform bill is brought to the floor of the U.S. Senate. After this amendment fails, and as the Governmental Affairs Committee proceeds with the investigation into illegal and improper conduct by Presidential and congressional candidates in the last election, it is my hope that there will be an opportunity for an open and full debate on the issue of campaign finance reform.

Mr. President, without meaningful bipartisan campaign finance reform, the American people will continue to perceive their elected leaders as being for sale. Unfortunately, they will continue to distrust and doubt the integrity of their own Government.

So, Mr. President, I urge the Members of the Senate to reject this amendment, again, with the understanding that I greatly admire the sincerity and commitment that its author brings forward on this issue.

Mr. HOLLINGS. Mr. President, I have tremendous respect for my colleague from Wisconsin. I voted for McCain-Feingold. But in a breath, when the Senator says he wants meaningful campaign finance reform, he is asking that the only real meaningful campaign finance reform be tabled or rejected.

Let's look, for example, at the Senator's own initiative here. In McCain-Feingold, it says that voluntary spending limits are set according to a State's population. You get free broadcast time—30 minutes of prime time—and then you get half-price broadcast discounts and reduced postal rates. How much is that going to mean to the Huffington-type campaigns that we see, where they are ready to spend $30 million, or the Steve Forbes-type campaigner, who is ready to spend $35 million? That is not even going to give them a burp in their campaign.

The candidate's individual contribution limits would be raised from $1,000 to $2,000, if the opponent does not agree to the voluntary limits or declares an intent to spend $250,000 or more of their personal funds. But that is just the interest on the money the amounts of money we are talking about, were it to be loaned. But they have it available. So that really doesn't control the buying of the office. It doesn't control the buying of the office. It is not meaningful campaign finance reform.

The Senator wants to ban soft money. Now, here it is. With respect to the Colorado Republican Federal Campaign Committee against the Federal Election Commission, the Federal Election Commission brought suit charging that the Colorado party had violated the party expenditure provision of law by buying radio advertisements attacking the Democratic Party's likely candidate. This is the evil that you have in these decisions. It went on, and the Colorado Republican Party won out. Why? On account of a key little word: coordinated. You have to prove affirmatively that the candidate himself called up and suggested it or coordinated it, as they say, even if it is proven he called up. It has to be coordinated.

Now, I want you all to know the reality of my particular comment. In next year's campaign, newspapers have already run a poll where they have shown that the former Governor of South Carolina, Carol Campbell, if we had the election this afternoon, would beat me. All I have to do is tell that friend there to tell that friend over there to get the third friend to tell the Democratic Party of South Carolina to start running radio advertisements attacking the former Governor as a likely candidate. He hasn't announced, but he is a likely candidate.

But they say everything is fair in love and war and in a political campaign. This is the mischief. It is not just the money, it is the mischief that this nonsense promotes. You can't get to it, Mr. President, without a constitutional amendment. You can't get to it. The distinguished Presiding Officer and I went through this yesterday afternoon. I read down the 20 to 25 campaign finance initiatives we have had over the last 30 years, trying to get a grasp and a grab and a handle on this evil, this corruption. We have tried every way in the world, from having cloture after cloture vote, to arresting the Members and bringing them to the floor. We have tried everything. The best offer now, they say, is McCain-Feingold, but I have gone down it. It has voluntarism. We know from the campaign in Massachusetts what "voluntary" means in politics; it means temporary. When the two gentlemen that ran last year got down to the end of the campaign, they said of the public agreement they had agreed to—both of them are affluent—they said, "Let's forget about this limit and let's get affluent." Then they started spending like gangbusters. There you go, voluntary limits and everything else. We have to nail this buzzard with a limit, a constitutional authority to limit.

I hasten to add that I don't prescribe the specific limit. It is still up to Senator MCCONNELL, if he has a majority, to prevail. Unfortunately, we see the machine. We see the orchestration. When I first presented this, we got many Republican cosponsors, and we had a majority, bipartisan vote. Again, on two other occasions, we had a bipartisan vote and the support of a majority. But I can see right now the orchestrated drumbeat of first amendment. And they go back to Patrick Henry and James Madison, and every other kind of fanciful position, to try to get everybody's mind on "let's not rip a hole in the first amendment." And the very authority they are using that money is speech, or speech is money, is

Buckley versus Valeo, which does what? It rips a hole in the first amendment. That is their very holy grail that speaks of money. "The first time in 200 years" I don't know how they have the unmitigated gall to come out and say "the first time in 200 years," when in the same breath they are saying, "Buckley versus Valeo, speech is money." Buckley versus Valeo limited the freedom of speech. It "ripped a hole," as they phrase it, "in the first amendment." We can read it.

I read from Buckley versus Valeo, the majority opinion:

> It is unnecessary to look beyond the actual primary purpose to limit the actuality and appearance of corruption, resulting from large individual financial contributions, in order to find a constitutionally sufficient justification for a $1,000 contribution limitation . . .

I will read that again.

> . . . resulting from large individual financial contributions, in order to find a constitutionally sufficient justification for a $1,000 contribution limitation on political discourse.

They limited the freedom of speech of the contributor when they equated speech with money in this famous decision. Everybody knows it. But they want to totally ignore; like this fellow from South Carolina is going to rip a hole for the first time in 200 years in the first amendment. What a charade. They are hiding. They do not want to get serious. They don't want to limit expenditures. They don't want what they overwhelmingly supported 20 years ago with the original Federal Election Campaign Practices Act that said you are not going to be able to buy the office. Now, with Buckley versus Valeo, and particularly with the Colorado decision, you have to buy the office. And they show you how to do it. Two years ahead of time you can see a potential opponent. Just let the party start savaging him on radio and TV. If the gentleman were disposed to announce, by the time he got ready to announce he would announce for the State border trying to escape. They would make him an outright rascal by that time with money.

That is not free and open discourse in the political arena. That is discourse in the financial arena. The financial marketplace is where we are allowing the decision to be made. And everybody in America knows it. That is why we had the investigating committee by unanimous vote of this body day before yesterday saying we cannot countenance this conduct any longer, and we can't dance about on illegalities. We have to look at the improper as well as the illegal. So we unanimously voted it. But now we are trying to cover up on a party position.

Someone asked me, "Senator, how many votes?" I said, "Well, I came yesterday with hope. But after I saw the particular activity among some of the finest Members that you will ever have in this body, and come along giving me James Madison, Patrick Henry, and the Founding Fathers, they didn't have to get in the horse and wagon and go out and collect $14,000 a week in order to get the office. They didn't have to go around with their national party asking to cut up the opponent before he could even announce. They didn't ask him to spend an average of over $4 million.

The Senator from Kentucky, who just withdrew, said he would have to get $5 million. So that is more than $14,000 a week—not a day, a week—each and every week between now and election time. Patrick Henry had the freedom of speech and a strong democracy trying to counter—of course, what the distinguished Senator from Texas commented on, the Gephardt remark. The truth of the matter is they had it in those days as I had it in my days of the beginning political arena. We went around on the stump. You had to get there, or you were embarrassed. "Why weren't you there?" You had to answer the questions. It wasn't all of that expense. It wasn't this third party activity in soft money.

So don't come now on the floor joining the stonewalling on the other side of the aisle that we have an advantage—that we have a financial advantage in spite of all the shenanigans that President Clinton and Vice President GORE engage in. "We have $150 million more. Whatever they did, we did better." You remember that song in the Broadway play. Whatever the Democrats did we can do better on money. And do not be toying around. Get in there and support that Constitution, and read. And they come out and religiously read it. You can't pass any laws, or do anything with the freedom of speech. And, in the next breath, they say whoopee for Valeo. Money is speech in politics. And we have to protect and limit the contributors. That in and of itself sets aside their thrust here today.

I can read on. Maybe, if we have the time, we will read on because I would be prepared. Some of the colleagues said they would come. But I can see that there is very little interest. I was wondering why the majority leader allowed me to get this on an up-and-down vote. I know I had the amendment on the balanced budget amendment to the Constitution. And the distinguished Senator said, "Now, look. If you set this aside, withdraw your amendment, we will give you an up-and-down vote and sufficient time." I can see after yesterday afternoon, Mr. President, that I have had sufficient time because whatever we say here, they are cast now in the sort of party preference of spending, spending, spending. I hope we can expose it because that wasn't the real opinion over on the other side of the aisle. I had Senator Kassebaum from Kansas. I had Senator ROTH from Delaware. We still have, I am pretty sure, the distinguished Senator from Pennsylvania because he had a personal experience. When he comes to the floor you ought to listen very carefully because you can see in reality what this bifurcation finding that contributions are corruptive, or gives rather the appearance of corruption, whereas the explosive expenditures in campaigns, "Oh, that particularly has to be allowed to reign free because we have the free public discourse in politics." You can see the "free." None of this is free when it says here—"bought" radio advertisements. You can bet your boots the word "bought" b-o-u-g-h-t—"bought" radio advertising; the word "free." Basically every one knows we are not talking about free speech.

We have to go along with the Supreme Court in our discourse for the present time. But if we can come now with this proposed constitutional amendment which is stated is needed by a majority of the Senate now three times, by the law professors, by the State attorneys general. And the gentleman here says he has—that was interesting. He has the Washington Post and the New York Times.

Let's see now. I heard just a minute ago from the Senator from Wisconsin. So let's see what the Wisconsin State Journal has to say.

Our former colleague stood there as sort of the one man on S. 2—that supersonic plane that we can all spend billions on, and now the market has barely supported it financially. The Europeans with subsidies have to support it. But the entire Pentagon with all of their minions over here and big budget and everything else, one little Senator, Senator Proxmire of Wisconsin, stood there time and time again with a staff. And he finally conquered not just the Pentagon but the consciences of all of Senators, and we voted along with him.

Now let's see, on Monday, March 10, the Wisconsin State Journal, and I quote:

> Part of the American dream is that any child can grow up to be President. Our Government is of, by and for the people, and ordinary citizens should have the opportunity to attain office by virtue of their ideas, their talent and their integrity.
>
> Unfortunately, the ideal of self-government has succumbed to rampant special interest money in elections that only an amendment to the U.S. Constitution can restore. Our elections are now auctions, with the average price for a seat in Congress costing more than $500,000.

In the Senate, the average cost of a seat exceeds $4 million. As former Senator Proxmire said:

> Few Americans have the desire or ability to raise that sort of money.

It is not only the time devoted to fundraising that we take away from the people's business, but also the fact that really good candidates are deterred from running for public office

because they see the financial obstacles raised against them. For example, as was the case recently in Colorado, the party trying to defend an incumbent can come in and start savaging the likely opponent without any announcement and without any controls over their spending because there is no way to prove coordination. As a result of this flood of money, the regular, average, sane and prudent man or woman is deterred from running for office and democracy itself is corrupted.

It is just not family concerns that causes candidates to bow out. It is the fact that if candidates get serious, they will get savaged. Often I run into friends of fairly good affluence who say, look, I can't expose my family to all this complete disclosure.

People do not want to expose themselves to such public notoriety. If you want a free genealogical study of your family, Mr. President, all you have to do is announce for public office. Opposition researchers will dig up the place you were born, find out what kind of house you had, where you bought a washing machine on credit, automobiles, how much you contribute to the church, what is in your doctor's records and everything else you can think of. Most of it has little to do with one's qualifications for public office, but that is the nature of the beast—not the issues, not the ideas, not the candidate's integrity, but insinuations that can be distorted and used against an individual in the court of public opinion.

But the real corruption is in the amount of money necessary in this day and age to run a modern political campaign.

Let me go back to the quote of our former colleague, former Senator Proxmire from Wisconsin.

> The latest headlines focus on Democratic donors buying coffee at the White House and on the Republicans $250,000-a-person "season tickets" designed to give the largest donors more access to the elected officials. But the problem is not that interested people have given money and in return received access—politicians will always grant audiences to their donors. The problem is that few Americans can play in this big money game. Majority rule takes on a whole new meaning when the majority of campaign cash comes from just one quarter of 1 percent of Americans.
>
> Well-heeled interests have largely usurped power from the people. Big money determines who runs for public office and who wins elections. Last November, the House candidates who spent the most won their races 96 percent of the time. In Wisconsin, this held true in all but two races.
>
> We know the solution is to limit what anyone can spend on elections, whether they are running for office themselves or giving money to a candidate, party or independent advocacy campaign. But here we run into the problem of the foxes guarding the chicken coop—incumbents have little incentive to change a system they have mastered.
>
> However, even incumbents can act when public pressure is high.

Let me say that again. "Even incumbents can act when public pressure is high." We saw a perfect example of that the day before yesterday. The Republicans they had it greased; they had a majority in that Rules Committee. The leader came out and said this is the scope of the hearings that we are going to have, like it or not. We are only going to examine alleged illegalities and not the broader question of improper campaign financing. But, as they say, public pressure will change that, and public pressure did.

As a result, we had 99 Senators vote on the day before yesterday for broader investigation into improper as well as illegal actions.

After Watergate, Congress took bold steps and set limits on campaign cash. But in the now infamous 1976 case, Buckley versus Valeo, the Supreme Court struck down most of the law, ruling that unlimited spending on campaigns deserves protection as free speech. Again, quoting Senator Proxmire:

> When we equate spending money with speech, then speech is no longer free.

I must read that again, because it is so basic.

> When we equate spending money with speech, then speech is no longer free.
>
> Moneyed interests can pay the price and the rest of us are free to be silent. The Buckley ruling is simply wrong. Twenty-four State attorneys general have recently called for Buckley to be reversed, as have a host of constitutional scholars. But the current court appears unlikely to do so.
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> As in the past democratic struggles to end slavery and give women the vote, the only certain recourse is to amend the Constitution and overturn the Court. We must clearly authorize Congress and the States to limit campaign contributions and expenditures.
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> A majority of the Senate has voted to support such an amendment in the past but a two-thirds vote is required. Another vote is likely soon. Senator Russ Feingold, D-Wis., has voted for the constitutional amendment in the past but now says he is against it. Senator Herbert Kohl, D-Wis., also has a mixed voting record. He has voted once for and once against a similar amendment. Let's hope that this time they read the headlines about fundraising scandals and decide to change them by voting for the amendment.

We must take down the For Sale sign on Capitol Hill by authorizing limits on campaign cash with a constitutional amendment. Let us not be daunted by how difficult such a task may appear, for the price of inaction is far too great.

Mr. President, I thought that we might be daunted by how difficult the task would appear. That argument has been made previously by our good friend Lloyd Cutler. He said it would take 4 to 20 years to get a constitutional amendment enacted, and therefore we were wasting our time. But it has been 20 years since the Buckley decision. Let us not talk about wasting time. That is what we have been doing since Buckley.

How are you going to stop doing that? A constitutional amendment. The arguments were, "It would take too long," or, "I don't believe in a constitutional amendment; leave it as it is."

Now, we know the distinguished Senator from Kentucky, and the distinguished Senator from Kansas, Senator ROBERTS, engaged in their little sweetheart exchange on the floor yesterday. They both believe in amending the Constitution. They both voted to amend the Constitution in order to prevent the desecration of the American flag. In fairness to Senator MCCONNELL, he said it was a mistake. Fine business. The Court made a mistake when they outlawed the Federal income tax. So, what did the body politic do? The Congress passed a joint resolution and the people of the United States ratified the 16th amendment. Let us read how you can correct a mistake. Amendment 16:

> The Congress shall have the power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States, and without regard to any census or enumeration.

That is not what they are talking about now, because we know mistakes are corrected; mistakes with respect to elections have been corrected. The 21st, 22d, 23d, 24th, and 25th amendments to the Constitution, all except the last one, have dealt with elections. So we corrected those mistakes. One important mistake, perhaps most significant, was the poll tax. The people said, "Wait a minute, disqualifying people from voting through a poll tax—we are not going to allow it." So we adopted that amendment to the Constitution.

Now we want to disqualify candidates, parties, and everyone else from running for office by allowing the explosive spending of money; thousands of dollars, $200,000 for this, $500,000 for that. It is just outrageous. Yet, they do not want to recognize it. They want to give me Patrick Henry and go back to the first amendment and read it to mean that any restriction "rips a hole" in our freedom of speech. But it is not so when for the safety of people, we prohibit shouting "fire" in a theater; not when for national security reasons, we prohibit disclosure of classified documents; not so in the matter of obscenity and false and deceptive advertising. Just the other day, concerning a buffer zone around an abortion clinic—the Supreme Court said, oh, no, you don't have a freedom of speech in that buffer zone. That restriction is constitutional.

The contention was made that unless people were given the right to be heard in that particular area, you were ripping a hole in the first amendment. The Supreme Court said no. Get out. Don't get into this buffer zone.

So we have example after example, but none better than the Senate itself

that says you cannot have unlimited debate here in this body; we can get a 60-vote majority and hush you. Over on the House side, they have to follow the 3-minute rule; the 5-minute rule. In committees, we regularly agree and conform to a 5-minute rule for all the members. We know the value of limiting speech. Don't come here with this sanctimony about the first amendment and Patrick Henry and talking about ripping a hole in the first amendment for the first time in 200 years. Buckley versus Valeo—the very basic authority that you use when you come to the floor of the U.S. Senate saying speech is money, or money is speech—ripped a hole in the first amendment. That is the exact finding of Buckley versus Valeo.

So, that will not wash.

Mr. President, I have not only the Wisconsin State Journal, I have the Cleveland Plain Dealer. I ask unanimous consent to have that article printed in the RECORD.

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

[From the Plain Dealer, Mar. 12, 1997]

ONLY A CONSTITUTIONAL AMENDMENT CAN LIMIT CAMPAIGN CASH

(By Seth Taft and Amy Simpson)

Part of the American dream is that any child can grow up to be president. Our government is to be of, by and for the people, and ordinary citizens should be elected to office by virtue of their ideas, talent and integrity.

Unfortunately, the ideal of self-government has succumbed to special-interest money in elections and only an amendment to the Constitution will restore it. The average cost of a congressional campaign exceeds $500,000. Few Americans have the desire or ability to raise that sort of money.

The latest headlines focus on Democratic donors buying coffee at the White House and on the Republicans' $250,000 a-person "season tickets" designed to give the largest donors more face-to-face time with elected officials.

But the problem is not that interested people have given money and in return received access; politicians will always grant audiences to their donors.

The problem is that an extremely small number of Americans can play in this big-money game. Majority rule takes on a whole new meaning when the majority of campaign cash comes from just one quarter of 1 percent (0.25 percent) of Americans.

Big contributions frequently determine who runs for public office and who wins elections. In Ohio's congressional races last year, the candidates who spent the most succeeded in capturing the House seat 84 percent of the time.

We know the solution is to limit what anyone can spend on elections, whether he is running for office or giving money to a candidate, a party or an independent advocacy campaign. But current incumbents have little incentive to change a system they have mastered.

However, even incumbents can act when public pressure is high. After Watergate, Congress took bold steps and set limits on campaign cash. But, in the now infamous 1976 decision in Buckley vs. Valeo, the Supreme Court struck down most of the law, ruling that unlimited spending on campaigns deserved protection as free speech.

Since 1994, voters in five states have passed initiatives to set low contribution limits, $100 in most races, for state elections. These initiatives have been overturned in two states by courts that thought themselves better able than the public to set "reasonable" limits. Proposals that would require candidates to raise their funds from within their districts face a similar fate.

When we equate spending money with speech, then speech is no longer free. Wealthy interests can pay the price, and the rest of us are free to be silent. The Buckley ruling is simply wrong. Twenty-four state attorneys general recently called for its reversal, as have a host of constitutional scholars. But the current court appears unlikely to do so.

As in the democratic struggles to end slavery and give women the vote, the only certain recourse is to amend the Constitution and overturn the court. We must clearly authorize Congress and the states to limit campaign contributions and expenditures.

A majority of the U.S. Senate has voted to support such an amendment in the past, but a two-thirds vote is required. Another vote is likely within the next week.

In the past, Sen. Mike DeWine has voted against and Sen. John Glenn has voted for such an amendment. Let's hope that this time, they read the headlines about fundraising scandals and decide to change them by voting for the amendment.

We don't like using the Constitution for this purpose, but the Buckley-Valeo decision makes it necessary. Campaign spending limits that do not apply to independent committees and individuals become meaningless.

Mr. HOLLINGS. These liberal eastern papers, the Washington Post and the New York Times make the argument of free speech. I hope you midwesterners do not get bitten by that. I want to see you stay in the U.S. Senate. I want to see you all continue to serve. The best way is not to get wrapped around and go back to the Midwest and say that the ACLU is a wonderful authority. I know how to lose an election. I have lost before. I don't know any quicker way to lose one than to run around in my backyard or your backyard, Mr. President, quoting the ACLU. You folks have to be embarrassed with this kind of argument about first amendment and the ACLU. And even more embarrassing is the anecdotal nonsense they put up relative to what could happen. The Senator from Utah even said Congress might decide not to let anyone oppose them.

He got into a wonderful discourse with the Senator from Kentucky. He said if this amendment passed, Congress could put such low limits that the opponent's name would never become known and that Congress might decide not to let anyone oppose them.

Of course, in the next breath they say it is vague, because the language says "reasonable," "reasonable limits."

The courts said they are going to decide what is reasonable. But they put up all kinds of examples about how newspapers might write an editorial against someone. And they said that could be a contribution for or a contribution against.

Right now the newspapers do write editorials for and do write editorials against. We have the free press. No one has the gall to contend that is a contribution in the context of being a violation. No one is going to contend that now, and they are not going to contend it later on.

But these are all straw men, because they do not have the argument. But they have the frontal assault of Patrick Henry and the first amendment. And trying to say, as the Senator from Texas said, the simple question is "Do you believe in free speech or not?" He says if he can answer this question, then he is home free. All 100 of us believe in that. That is not what we are voting on. The question is, Do you believe in limiting spending or not? They know it. And they do not want to hear of it. So they bring out the volume and repetition of numerous Senators talking about 200 years and the first amendment and Patrick Henry. If you pass this, you can go back to what we voted for in 1974 and have complete disclosure, rules against bundling, rules against soft money, rules against individual wealth buying elections. It would free up the speech of the poor. Buckley really freed up the speech of the rich, but it has taken away freedom of speech from the poor. That is the actual effect of the decision, and we are suffering from it.

We have lost the confidence of the people in the political institutions up here because we do not want to deal with it. We tried and tried and tried over a 30-year period without success and now we are using the octopus approach. We want to sneak off in the dark ink of a charade about Patrick Henry, the first amendment, and what may happen.

Mr. President, let us go back to better times. Let us go back to better times.

What happened was, in better times, we had the orderly process of several hearings before the Judiciary Committee. We had several witnesses. And I come to the distinguished Mr. Lloyd Cutler, who served as Counsel for the President.

But he says now on the House side:

An amendment would take too long to adopt, 4 to 10 years.

He did not testify on behalf of the Commission for the Constitutional System heretofore, but he says now that it would take too long. We know that is totally wrong. The last five amendments preceding the most recent one, which took 200 years, took an average of 20 months to ratify.

The gentleman, I think, is suffering from battle fatigue because he said: This could be a camel's-nose-under-the-tent aspect. He did not see a camel's-nose-under-the-tent aspect when he was representing the Commission for

the Constitutional System. He says that the Hollings resolution in the Senate authorizes "reasonable regulation of expenditures. Only the Supreme Court can draw the line between reasonable and unreasonable."

The courts are always directing the jurors in determining if they have gotten a reasonable decision, the "reasonable, sane and prudent man," in law talk, is the test. We did not have "reasonable" when we first drafted it, but we put it in there so the amendment will not look categorical and result in a legal contest. The Supreme Court is certainly going to decide if it is unreasonable, as they have decided that the matter of contributions is constitutional, if limited to that speech, but unconstitutional if you limit the speech of those who spend it.

Let me read parts of the hearing here that we had before the Judiciary Committee some 10 years ago. We had already been on this a dog-chasing-its-tail solution for 10 years.

My name is Lloyd N. Cutler. Along with Senator Nancy Kassebaum of Kansas and Mr. Douglas Dillon, I am a Co-Chairman of the Committee on the Constitutional System, a group of several hundred present and former legislators, executive branch officials, political party officials, professors and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

One of the most glaring weaknesses, of course, is the rapidly escalating cost of political campaigns, and the growing dependence of incumbents and candidates on money from interest groups who expect the recipient to vote in favor of their particular interests. Incumbents and candidates must devote large portions of their time to begging for money; they are often tempted to vote the conflicting interests of their contributors and to create a hodgepodge of conflicting and indefensible policies; and in turn public frustration with these policies creates cynicism and contempt for the entire political process.

A serious attempt to deal with the campaign financing problem was made in the Federal Election Campaign Act of 1974 and the 1976 amendments, which set maximum limits on the amounts of individual contributions and on the aggregate expenditures of candidates and so-called independent committees supporting such candidates. The constitutionality of these provisions was challenged in the famous case of *Buckley* v. *Valeo*, 424 U.S. 1, in which I had the honor of sharing the argument in support of the statute with Professor Archibald Cox. While the Supreme Court sustained the constitutionality of the limits on contributions, it struck down the provision limiting expenditures for candidates and independent committees supporting such candidates. It found an inseparable connection between an expenditure limit and the extent of a candidate's or committee's political speech, which did not exist in the case of a limit on the size of each contribution by a non-speaker unaccompanied by any limit on the aggregate amount a candidate could raise. It also found little if any proven connection between corruption and the size of a candidate's aggregate expenditures, as distinguished from the size of individual contributions to a candidate.

The Court did, however, approve the Presidential Campaign Financing Fund created by the 1976 amendments, including the condition it imposed barring any presidential nominee who accepted the public funds from spending more than a specified limit. However, it remains unconstitutional for Congress to place any limits on expenditures by independent committees on behalf of a candidate. In recent presidential elections these independent expenditures on behalf of one candidate exceeded the amount of federal funding he accepted. Moreover, so long as the Congress remains deadlocked on proposed legislation for the public financing of Congressional campaigns, it is not possible to use the public financing device as a means of limiting Congressional campaign expenditures.

Mind you, Mr. President, as I cover this particular testimony, it is 10 years ago. They are talking about the dilemma, the problem, and how it was exacerbating at that particular time. You can tell the frustration from the wording of this testimony.

I go to the quote of Mr. Cutler:

Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment.

Now, my colleague from Kentucky says you do not have any authority and there is no constituency. The fact of the matter is that this particular committee is a group of several hundred present and former legislators, executive branch officials, political party officials, professors, and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

Not the ACLU. I do not rely on the ACLU for my case. I want to win this thing. I do not want to be spreading the dark ink of the ACLU in the Washington Post. Go down to the Washington Post and ask them for free speech. Say, "I want a little free speech. Not a whole page, a half, maybe a quarter of a page." They will not give you a little tidbit of a column free.

Going back to the testimony before the Judiciary Committee:

The amendment would be a very simple one consisting of only 46 words. It would state merely that "Congress shall have power to set reasonable limits on campaign expenditures by or in support of any candidate in the primary or general election for federal office. The States shall have the same power with respect to campaign expenditures in elections for state and local offices."

This was 10 years ago, Mr. President, and those who have been working on this particular problem copied the language, adopted the suggestion. It was a reasonable thing because here are the best of minds, without a particular Republican bent or Democratic bent or interest, who said here is the way to do it not only constitutionally but in a constitutionally sound manner so that the court could properly interpret it.

Let me go back to the testimony of Mr. Cutler:

Our proposed amendment would enable Congress to set limits not only on direct expenditures by candidates and their own committees, but also on expenditures by so-called independent committees in support of such a candidate. The details of the actual limits would be contained in future legislation and could be changed from time to time as Congress in its judgment sees fit.

It may of course be argued that the proposed amendment, by authorizing reasonable limits on expenditures, would necessarily set limits on the quantity of speech on behalf of a candidate and that any limits, no matter how ample, is undesirable. But in our view the evidence is overwhelming by now that unlimited campaign expenditures will eventually grow to the point where they consume so much of our political energies and so fracture our political consensus that they will make the political process incapable of governing effectively.

Mr. President, I divert here to emphasize just exactly that concern that our political consensus will be so fractured that it will make "the political process incapable of governing effectively." Put that on as a test to this particular Congress. If you think we have governed effectively, I have grave misgivings with that opinion. I think that is exactly where we are, and exactly was the concern 10 years ago.

And I continue to quote the testimony of Mr. Cutler:

Even Congress has found that unlimited speech can destroy the power to govern; that is why the House of Representatives has imposed time limits on Members' speeches for decades and why the Senator has adopted a rule permitting 60 Senators to end a filibuster. One might fairly paraphrase Lord Acton's famous aphorism about power by saying, "All political money corrupts; unlimited political money corrupts absolutely."

There is no question in this Senator's mind. Quoting further:

Finally, Mr. Chairman, I would not be discouraged from taking the amendment route by any feeling that constitutional amendments take too long to get ratified.

You see, Cutler has come over from the other side earlier this year and he said it would take too long. He was not worried then, some 10 years ago, because he knew exactly that. The last five amendments at that particular time were all ratified within the 20-month period. Now he has misgivings.

Let me quote further:

The fact is that the great majority of amendments submitted by Congress to the States during the last 50 years have been ratified within 20 months after they were submitted. All polls show that the public strongly supports limits on campaign expenditures. The principal delay will be in getting the amendment through Congress. Since that is going to be a difficult task, we ought to start immediately. Unlimited campaign expenditures and the political diseases they cause are going to increase at least as rapidly as new cases of AIDS, and it is high time to start getting serious about the problem.

Mr. Chairman, on three past occasions we the people have amended the Constitution to correct weaknesses in that rightly revered document as interpreted by the Supreme Court. On at least two of these occasions—the Dred Scott decision and the decision striking down federal income taxes, history

has subsequently confirmed that the amendments were essential to our development as a healthy, just and powerful society. A third such challenge is now before us. The time has come to meet it.

That was in March 1988.

Now, Mr. President, I see my distinguished colleagues on the Senate floor. At this time I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, are we operating on a time agreement now?

The PRESIDING OFFICER. There is no time agreement.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say that it is not often on matters such as this one that I am on the floor in opposition to something that Senator HOLLINGS favors. We normally are here on either economic matters or budget matters or the like. I want to say right up front while I totally disagree that we should adopt this constitutional amendment and send it out to the States for ratification, I believe it is fair to say that among the Senators who have been talking about limiting or dramatically changing the campaign laws of this land, of limiting of the amount of money that can be spent, at least this amendment is honest.

It faces the reality right between the eyes, and the Supreme Court of the United States has said that you can't do that because you are limiting freedom of speech. And the distinguished Senator has said, OK, if that is the case, I want to change the Constitution, so we can do it. At least that is a straightforward position, instead of coming here and trying to get around the Supreme Court decisions and around the clause in the U.S. Constitution that protects freedom of speech.

Having said that, I want to take a couple of minutes to talk with the Senate about my views and version of why we should not adopt this amendment. First of all, I believe that I should lead off by saying, yesterday afternoon, I was in my office when some speeches were being delivered on the floor of the Senate. I don't think I am much different from most Senators. Normally, if you have your set on and somebody is speaking on the floor, even though we all love them dearly and they are great speakers and they have great things to say, we don't listen very often—at least, if we are busy in the office, and we do other things.

But I took time out to listen to Senator PHIL GRAMM of Texas, and I tried to tell him this personally so it would precede me saying it on the floor, I thought his remarks yesterday afternoon were very eloquent. They expressed a very good picture of the history of our Constitution and, in particular, of that part of our Constitution that we so glibly say is freedom of speech, protected by that wonderful document and the Bill of Rights.

Having said that, I was not prepared to argue that this amendment is broad enough to perhaps some day affect the editorial policy of the newspapers. I didn't come here particularly prepared to argue that point. But over the evening I read it again and read my remarks. I am prepared to say that I believe the Congress of the United States, if this amendment ever became law, will clearly then be able to determine how we can change freedom of speech in the manner described, and to what extent and when and who will be affected by our changes. I think where this amendment says that the amount of expenditures that may be made by, in support of, or in opposition to a candidate for nomination for election to a Federal office, and where it is said that you are able to put limitations on the amount of contributions that may be accepted, I believe it is entirely possible that some time out in the future, if this were in fact the law of the land, Congress could decide that a newspaper could only write one editorial a week on behalf of its favorite U.S. Senate candidate because they might equate that with an expenditure. In fact, they might be able to ask, what's the newspaper charging for advertising? And then they might say, when you write something in that paper about a candidate expressing your views, we are going to assume that it is worth at least the advertising costs of the paper.

Now, frankly, I am giving you kind of a shirt-sleeve lawyer's opinion. But I can see out there in the future where, under the right circumstances, with a Congress that is being beaten up by newspapers, or perhaps the majority party being beaten up by newspapers or editorials on television, they might indeed decide that they are going to determine the expenditures that can be made and attempt to change our most protected basic right.

Now, having said that I believe the first amendment guaranteeing free speech is the matrix of every other freedom we have, and the most fundamental and urgent application of free speech is to conduct campaigns for political office. Elections and campaigns that lead up to those elections are how the democratic process works. Therefore, I repeat, the amendment guaranteeing freedom of speech is the matrix of every other freedom because it is through the democratic process, the selection of candidates, perhaps even the selection of the philosophy or the ideology of candidates and parties, that decisions are made about our lives and are made about our future. And, therefore, freedom of speech, if controlled, can control that which affects our lives in a most profound way.

I regret to say that while I am not one who comes to the floor very often and chooses to become popular at home by beating up on Congress—in fact, I don't think I have done that very often in my life—I believe it is a mistake to put this power in the hands of a partisan Congress, with the potential for a President of the same party with a huge majority in the Congress, this absolute power to abridge freedom of speech and decide just how much can be spent by whom, what organizations can spend how much on which candidates. The power to determine how much a right-to-life organization can spend on behalf of its candidates or party, or its opposition organization in America, how much they can spend, and a myriad of other organizations that are out there trying to affect Government and how Government works and how we vote—for Congress to be able to regulate that means we are placing in the hands of Congress and a President of the party in control the absolute and unequivocal future destiny of the election process. They will determine it either directly or indirectly, just as certain as you write in black ink on white paper so that it will be most legible.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. MCCONNELL. Since independent expenditures and so-called legislative advocacy ads, which have been so widely condemned by the reformers, are constitutionally protected speech, doesn't the Senator think it is entirely possible that the Congress, given the power to control that speech by those outside groups, might decide to shut it off entirely, conclude there is nothing reasonable about any of those kinds of expressions, if this amendment were to be passed?

Mr. DOMENICI. I think, given the right circumstances, that is entirely possible. I can dream up a scenario in my mind where it would probably be constitutional under this amendment. You could have a situation in the country where Congress would make a finding, which may be backed up by what's going out in society. Those kinds of expenditures could cause harm in America, at least to some major group that thought the unlimited use of propaganda —this is they would call it—has been harmful to the country, so they will say that we will have none of it.

Let me say, that is one issue, it is clear to me, that in and of itself ought to cause us to say no to this amendment. I think there is even a more serious one. I guess I will choose to say, as my point No. 2, that it's hard enough to win a fight with someone who buys paper by the ton and ink by the barrel. That leads me to ask, who uses freedom of speech most in the United States? Who does? The media of America. The media of America, be it the newspapers, radio, television, or whatever other media we have. That is the principal use of freedom of speech in

the United States. They, combined, are the big makers of news. They are the ones who write the news, who talk the news, who present the issues on TV. Frankly, the media sets the agenda. They have even been called the "fourth estate," meaning that we have three branches of government, and they are also a branch of government. Well, we say: Protect them.

As a matter of fact, the U.S. Supreme Court, in a very historic case, New York Times versus Sullivan, a 1964 case, has even held that for a public personage to have a cause of action against the media, which has the right to freedom of speech, to have the right to sue because they told an untruth, you can't sustain a cause of action unless it is made with actual malice, with knowledge that the statement was false or with reckless disregard of whether it is false or not. That is how important we think that right is.

Should it surprise anyone that those who use freedom of the speech in the press of America—that they have their prejudices? Should it surprise anyone that they pick and choose candidates? Should it surprise anyone that they have a philosophy? Should it surprise anyone, even though they are my good friends, that they are predominantly liberal and predominantly Democrats in terms of party affiliation? That just happens to be true. If they were without opinion and used no discretion, what good would they be as the fourth estate in America? For they would be dullsville, and nobody would care what they said. So they are not that. And they can really influence a candidate or an elected officer's future. They can even do it by neglect, if they choose. They can fail to cover what somebody does in their elected office because they, either directly or in some other way, are prejudiced by what Senator Jones from Kansas says, and so it doesn't appear in the newspapers in the State of Kansas. Or, at least in one chain perhaps, or at least, if that is too far-fetched, a certain reporter won't write about Senator Jones, and he is the reporter that writes the front page story all of the time. That is kind of the benign neglect of the media.

What we know is happening in America is that we have moved away from editorial writing only appearing on the editorial pages of the paper. It now also is appearing in the stories in the media. TV has gone from just reporting news to interpreting the news and interpreting situations in America. News shows which do that abound. Should it surprise anyone that sometimes the media take a position in opposition to a President, in opposition to a Senator, in opposition to a party, in opposition to a philosophy of government?

Mr. President, if that is the case, where is the candidate or elected officeholder going to get the resources to tell his side of the story? I know where they are getting that kind of resource today. They are getting it because people contribute to their campaign, and they run ads, or they buy time, or they put out brochures, or they get on a radio show and pay for the time. And they say, "If the media and my opponent can get on and get free time, I want to get on and pay for it." Whatever the media puts on is their choice, and they are free to do as much as they want.

I am not going to stand here and be critical of that. In fact, I am suggesting that they are important in this society. It leads me to the conclusion that they have a right to try to be effective in trying to change public opinion. When they do that and exercise that prerogative, they create a situation which in the combat over political ideas requires that, if you are going to respond and have a chance of being heard, you must compete either in ink, or in paper, or in voice over the radio network, or in your picture and voice on television. Or else, how can you get the message across?

Having said that, I am absolutely convinced that while I stand here and give credence to the United States Congress having great authority, and I would even say that over history, I trust its collective wisdom, I can already in my time in the U.S. Senate find many occasions when I think we weren't very wise and we passed laws that weren't the very best. But even if I were to say over time that we perhaps come out on the wise side more times than not, I am not prepared to give the United States Congress the authority to control the destiny and the lives of political figures today or in the future when it comes to how much of their resources, or resources that others want to give to them, that they can use to make their case.

I believe it is a greater and more frightening evil to control the opportunity for candidates to make their case through the exercise of free speech. That is a far more serious problem for America than the concern over too much campaign spending.

We can pass reasonable rules and regulations regarding campaign contributions. Clearly we already have. We have limited PAC contributions. We have individual contributions limited. But when it comes to those things that the U.S. Supreme Court has already said are protected because they are political speech, isn't it interesting? Some people, including this Senator, had trouble understanding what they were talking about when they said that spending is equal to free speech. If you want to spend your money on a campaign, the use of that money is speech, they said. Well, I understand it now. I hope I have expressed it today. It is precisely what I have been talking about. For what other way than through the use of resources can you get your speech heard and exercise that freedom I speak of? How can you get your message out to the public if you are limited as to how much, or when, or which organization can spend how much in behalf of your candidacy, your position, or your ideology?

So from my standpoint the issue is really very, very clear and very simple. We should not change the Constitution of the United States when it comes to that part of this protected speech that has to do with candidates and political parties getting their message across through the use of resources. Nothing, in my opinion, will suffice other than to leave the decision of what is needed and how it will be used in the hands of the person claiming the freedom. To place it in the hands of somebody else to determine for that person claiming that freedom will, in my opinion, render the freedom useless. For the more you try to tell somebody how to exercise their right to free speech and when they can exercise it, the more the freedom becomes a nonfreedom. It becomes control rather than opportunity to enter into combat in a way that is equal and able to meet any circumstance. I am fully aware that there are many other approaches that we can take to modifying our campaign laws. And some of those being discussed will be constitutional without this change.

But I for one want to close today saying to the U.S. Senate, and to the people of the United States, do you really want Congress to be the one that manages by statute the use of this freedom, political freedom, the freedom of political parties and people running for office to use resources in a way that they think is best to get their message out, their cause, and to exercise their rights?

Mr. President, I want to make 5 points about this resolution and to make them clearly, strongly and simply.

Point one: This is an attempt to make the unconstitutional constitutional.

The first amendment guaranteeing free speech is the matrix of every other freedom we have.

The most fundamental and urgent application of free speech is to conduct campaigns for political office.

Elections and the campaigns leading up to those elections, after all, are how the democratic process works.

Point two: It's hard enough to win a fight with someone who buys paper by the ton and ink by the barrel. This amendment would make it impossible to win that fight.

The liberal news media exercises its free speech rights more than any other individual or entity in the United States. They are the Big Opinion Makers. They compose the editorials, write the news, talk the news, present the issues on TV. Frankly, they set the agenda.

The media are the ones who exercise freedom of speech as it pertains to politics. They are on the airwaves every day. It used to be that there was political speech on the news at 6 p.m. and 10 p.m. In 1997, there is news at 6 a.m., 7 a.m., noon, 4 p.m., 5 p.m., 6 p.m., 10 p.m., and 11 p.m. on the regular channels. We also have numerous 24-hour news channels.

No one would tolerate a suggestion that reporting and editorializing should be censored or otherwise limited or that there should be—to use the language of the proposed amendment—"reasonable limits."

All of the political speech contained on the news is protected. In New York Times versus Sullivan (1964) the Supreme Court held that public officials could maintain defamation actions only upon proof that the media's statement was made with "actual malice" defined by the Court as made "with knowledge that it [the statement] was false or with reckless disregard of whether it was false or not." As a result, the "comfort zone of protection" given to a political figure or candidate for public office under the defamation actions for libel and slander is very small. Public figures are given little protection.

Defamation stands virtually alone in the 20th century tort law. Every other major substantive area has expanded a plaintiff's right to recover, while in defamation the balance has shifted, and quite dramatically, in favor of the media defendant.

Point three: Government rationing of political speech by candidates will increase the power of the media, which has an unlimited free speech right.

The makers of the Constitution, influenced not only by their own experience but also by theorists such as Montesquieu, consciously provided for allocation of national authority among the executive, the legislative and the judicial branches. By insisting upon separation of powers, the Framers sought to protect against tyranny. Over the years, the media has emerged as the fourth branch of Government. Creating an elite of those with unlimited free speech will dangerously upset the balance of power and make the Fourth Estate the most powerful. This runs contrary to our fundamental notions of freedom and effective democracy.

The members of the fourth estate are mere mortals and they have strong biases.

Reporters are opinionated. Arguably, they are the most politically homogenous and biased group in American politics today. Most studies of media voting behavior show 9 out of 10 reporters and editors voting for liberal Democratic candidates. And the media coverage mimics the media's voting pattern.

A study by the Center for Media and Public Affairs, a nonpartisan Washington research group, shows that TV coverage overwhelmingly favored President Clinton this past election season.

In September, Clinton received 54 percent positive coverage on the networks' evening news programs, compared with only 30 percent for Bob Dole. The networks criticized Dole's economic views 81 percent of the time, his social policies 78 percent of the time; and his conduct as a candidate 81 percent of the time. Yet, voters view the media as balanced.

We have TV commentators who criticize ideology, personalities, and lifestyle. Yet, the quantity, quality, and content of the media programs and articles are totally protected and unrestricted.

A paper could editorialize every day of the week, every week of the year against a candidate. If an elected official or candidate wants to respond, he has to buy an ad. He has to make an expenditure.

At the other extreme, a Senator could toil tirelessly day in and day out in meetings, in committee, on the Senate floor. An unfriendly paper could ignore his efforts during his entire term. If that Senator wants to let voters know of his accomplishments he has to buy an ad. He has to make an expenditure to compensate for the medias' benign neglect of his efforts. The Supreme Court is correct, free speech is a fundamental right essential to getting reelected. The Constitution is right to protect this fundamental right.

My question to Senators is: Do you really think it is wise to exclusively vest the power of unlimited speech in the fourth branch? If the Founding Fathers were wise enough to resist tyranny by requiring a balance of power among the branches that existed when they wrote the Constitution, we should recognize this amendment as a bald-faced attempt to shift the balance of power from the candidates involved in the legislative and executive branches, over to the media. In practical terms this reserves to the media the control of freedom itself.

The ACLU has called this proposal a recipe for disaster. This amendment makes mincemeat out of the first amendment. Mincemeat belongs on a menu, not in the Constitution.

Point four: Being an incumbent is a formidable advantage and this amendment would make this advantage insurmountable.

Spending is the way challengers combat the inherent advantages of incumbency, such as name recognition, access to media, and franked mail.

Besides, the most important and plentiful money spent for political purposes is call the Federal budget—$1.6 trillion and rising.

Federal spending—along with the myriad regulations and subsidizing activities such as protectionist measures—often amounts to vote-buying.

Write a tax bill and wealth is redistributed.

This amendment will allow incumbents to write limits on campaign spending. These limits, when coupled with the inherent advantages of incumbency, will make it more difficult for challengers to compete.

History gave us 40 years of House control by Democrats. If this amendment had been law, the "reasonable" limits would have been written decade after decade in a self-preserving fashion to favor the ruling party. Is there any doubt that the spending limits would give any challenger a fighting chance?

Point five: When amending the constitution, err on the side of caution—you better be very careful.

Mr. President, today truly is a remarkable day. In the name of "campaign finance reform," some of our distinguished colleagues have come to the floor to offer a resolution which strikes at the very heart of one of the fundamental freedoms the Founding Fathers of this great Nation sought to protect. While I agree that our campaign finance laws are in need of change, amending the first amendment to allow the Government to restrict political speech simply is not the way to reform the system.

The authors of the first amendment were very straightforward: "Congress shall make no law * * * abridging the freedom of speech."

Mr. President, surely none of us here today agrees with all of the "speech" people in this county make, especially in this town. I don't like the fact that pornography exists. I don't like violence on TV But regardless of what I like, the first amendment protects this type of speech. While the protections of the first amendment are not absolute in all circumstances—we all know that the amendment does not protect one's right to yell "fire" in a crowded theater—the right to free speech is nearly absolute when that speech is directed toward the political process.

Throughout its jurisprudence, the Supreme Court has reaffirmed this notion time and time again. In recounting the history of the first amendment, the Court in the past has observed that: "there is practically universal agreement that a major purpose of the first amendment was to protect the free discussion of governmental affairs * * * of course including discussions of candidates." The Court also has noted that: "It can hardly be doubted that the constitutional guarantee [of the right to free speech] has its fullest and most urgent application precisely to the conduct for campaigns for political office."

The Court extended these principles to campaign spending in the Buckley case and held that restrictions on campaign expenditures are improper under

the first amendment. The Court's decision can be summed up very simply: restrictions on the resources needed to make political speech heard are restrictions on political speech itself. As the Court has said, "the distribution of the humblest handbill" costs money and the Court consistently and properly has refused to make a distinction between the humble handbill and other forms of political speech. They all deserve first amendment protection.

The authors of this proposal are not so straightforward. It will regulate who may speak, when, where, for how long, and for what purpose.

For some, this debate will be about the wisdom of the Supreme Court's decision in the Buckley case and those decisions which followed it. Supporters of this amendment believe that, if spending equals speech, then only those with a lot of money will be able to participate in the political process.

I look at the problem from a different perspective: is it at all proper to amend the organic law of this land to allow the Government to begin regulating the political speech of individuals and groups? It runs contrary to the spirit of the entire Constitution to answer that question in the affirmative.

Thomas Jefferson once wrote that "there are rights which it is useless to surrender to the government, and which governments yet have always sought to invade. Among these are the rights of thinking and publishing our thoughts by speaking and writing." This amendment would be the first step toward surrender, the first step toward putting the Federal Government in control of all political speech in America.

Let us take a look at the language of the proposed amendment, because there are two areas which I believe need to be mentioned.

First, the resolution gives Congress the power to set reasonable limits on campaign contributions and expenditures. Proponents of this amendment and campaign finance reform bills like McCain-Feingold claim that the current system favors wealthy candidates and protects incumbents able to raise large amounts of money because of their name recognition, seniority or membership on important committees.

Yet—under this amendment—who would be responsible for making the initial determination of what is "reasonable"? Incumbents. Members of Congress. Setting aside whether it is at all wise to allow the Government to regulate political speech, I also wonder whether this amendment would accomplish the goals many of its supporters would hope for. Government micromanagement of political speech, particularly by those already entrenched in government, to me seems like a recipe for more of the same problems we currently face.

The proposed amendment also allows Congress to regulate contributions and expenditures "made by, in support of, or in opposition to" a candidate. Under this language, Congress can regulate the political speech of candidates, parties, individuals and groups. One group that apparently remains unregulatable is the media. By limiting all political speech, except that by the media, the role and importance of the media in the political process would grow exponentially. I have already discussed that. Yet despite the power it would provide to the press, the Washington Post and New York Times oppose this amendment. I think I know why.

The first amendment is at the heart of the basic freedoms all Americans enjoy, including the freedom to promote one's political views. If we amend the first amendment to limit the political speech of candidates and parties, what is to stop us from amending the press's free speech rights if we become unhappy with their role?

While we all have felt the sting of a harsh editorial on the pages of a State or national newspaper, I do not believe that any of us feel comfortable with the possibility that Congress could be in the business of regulating the content of newspapers. Yet that seems like the logical next step if this amendment were to pass.

I understand my colleagues on the other side of this issue who seek to "level the playing field" or make the campaign finance system more equitable for all participants in the political process. We all would like to see candidates unburdened by the "money chase" and campaigns free of excessive negative ads. But this is not the way for us to get our house in order.

President Eisenhower once told Congress that "freedom has been defined as the opportunity for self-discipline * * * Should we persistently fail to discipline ourselves, eventually there will be increasing pressure on government to redress the failure. By that process freedom will step by step disappear." I think that comment sums up where we are headed with this amendment.

As politicians, we have failed to bring discipline to the campaign process. Rather than give in to the pressure to redress our failure by restricting the freedoms offered by the first amendment, I believe that we should look to other, less onerous, means to achieve our goals. I support reasonable campaign finance reform legislation, and have done so in the past. But this proposal goes way beyond reform. It makes mincemeat of the first amendment.

If the concern is that money corrupts and a lot of money corrupts absolutely, there are steps that can be taken that don't require amending the Constitution. Full disclosure is a good way to provide good government.

I urge my colleagues to reject this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank my distinguished colleague from New Mexico for an outstanding speech. I think he is right on the mark. The issue here is who is going to control political discourse in this country. And the Supreme Court has said no one may do that. That is protected first amendment speech.

I just wish to thank my good friend from New Mexico for his thoughts on the first amendment and say I agree with him entirely.

Mr. DOMENICI. Might I ask the Senator a question?

Mr. McCONNELL. Yes.

Mr. DOMENICI. I alluded to a couple of organizations that are openly engaged in trying to get their points across with the electorate and with those seeking election. Are there a number of groups that are involved in that kind of activity with the American people and with candidates that have expressed their views on this amendment?

Mr. McCONNELL. There certainly are, I say to my friend from New Mexico. There are periodic meetings in my office with a coalition in defense of the first amendment that includes a set of groups that have never met each other before. On the left, the American Civil Liberties Union and the National Education Association; on the right, Right to Life, Christian Coalition, and all shades of philosophies in between, all of whom have one thing in common—they do not want Congress to push them out, do not want them to push them off the playing field and keep them from participating in American elections.

So this coalition is very active. You would think, listening to the broadcast media and reading the Washington Post, that there was nobody on the other side of this debate, that Common Cause was the only conscience out there pressing for these kinds of reforms. Ironically, Common Cause is against the Hollings constitutional amendment as well. But there is a broad coalition, I would say to my friend from New Mexico. They are very active, very involved, and do not intend to be taken off the playing field.

Mr. DOMENICI. Does the Senator have any idea why they would be opposed to it? Can the Senator express what they said to him?

Mr. McCONNELL. What they say is they believe the Supreme Court was correct when it said they had a right to support or oppose whomever they choose in the American political system. They know that if Congress is given the power, either through a constitutional amendment or through a measure such as McCain-Feingold, their voices will be quieted, their ability to participate will be capped, limited. They are quite concerned about

that and feel that this is not a step in the right direction, that in fact it is the worst possible thing you can do. If you look out at America, we are a seething cauldron of interests. The Founding Fathers envisioned that. The Supreme Court has made it clear that all those interests have an opportunity, a right, a constitutional right to participate in the American political system, and these groups don't want to be pushed out. They think their causes are important. They want to be able to advocate them. They want to be able to support whomever they choose.

Mr. DOMENICI. So it seems to me that if the National Education Association opposes this amendment and the National Rifle Association opposes this amendment, then they must be saying that if this were the law of the land, that some Congress in the future could do violence to one or the other of them in terms of their promoting their cause with the American people and with candidates. In fact, they must be worried about whether there might be some picking and choosing among those who might have the right to promote or to participate in the process of trying to influence candidates and elections. Is that not correct?

Mr. MCCONNELL. That is absolutely the case, I say to my friend from New Mexico. They fear that a Congress, that a future Congress, will try to quiet their voices, to push them out of the process, to make it impossible for them to support candidates of their choice. We know that there are schemes around to do that. There is a bill that we will be debating this year absolutely designed to put a limit on how many people can participate. So their fear is well-founded, I say to my friend from New Mexico.

Mr. DOMENICI. Mr. President, I just want to continue for a couple more minutes. I thought I was finished but I am prompted to say I am not.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Am I recognized, Mr. President?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Chair.

I am not here saying that Congress absolutely would do this, that this would be something that we could just expect in ordinary times, but I believe bad laws are made in unordinary times. I believe bad laws are made when things are not going well and somebody decides that they know why they are not going well. That is why I am reluctant to say Congress, over the scheme of history, would not act in some almost aberrational way to limit speech if things just were not going right and it was their decision there was just too much going on out there in the political arena. Those kinds of things have happened in our history. They have happened and you look back and say, how could it have happened? Historians say all of these different things came together at the same time and, of course, some people thought they knew precisely why and they acted accordingly.

Now, I also commented about the media collectively as being the big user of this freedom and, indeed, I think that is a fair statement. Frankly, I do not think anybody individually within that collective media would question this statement. They are not always right either. They are not always right in their conclusions, individually and collectively. Even if they are not disposed to be philosophically one way or another, they are frequently wrong. And yet their wrongness is protected by the Constitution. The quantity of that is protected in that if they have enough money and own enough papers, they can be as big as they want. Or if they happen to be a personality that now gets on the nightly news and has reached an esteemed position, then clearly they can say what they like and it becomes kind of what people think, what people talk about the next day. And they might be wrong.

So it seems to me that when you put all that together, you do not want to change that. That is a great part of America. We want to live with that. Some of us do not think that Congress ought, with that being the reality, to have the authority to say how much you can spend in a campaign to tell your side of those same facts that others are pushing on the public either through the exercise of their right or by campaigning and being in the political arena.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank the Senator from New Mexico for a very important contribution to this debate.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, the Senator from Rhode Island has been in the Chamber waiting to be recognized, so I will just take a few moments and ask unanimous consent to insert in the RECORD the "American Constitutional Law Restatement on the Freedom of Speech," by Laurence Tribe, Ralph S. Tyler, Jr. Professor of Constitutional Law at Harvard University.

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

EXCERPT FROM "AMERICAN CONSTITUTIONAL LAW"

(By Laurence H. Tribe)

* * * * *

COMMUNICATION AND EXPRESSION

§ 12-2. The Two Ways in Which Government Might "Abridge" Speech—And the Two Corresponding "Tracks" of First Amendment Analysis

Government can "abridge" speech in either of two ways. First, government can aim at ideas or information, in the sense of singling out actions for government control or penalty either (a) because the specific message or viewpoint such actions express, or (b) because of the effects produced by awareness of the information or ideas such actions impart. Government punishment of publications critical of the state would illustrate (a), as would government discharge of public employees found in possession of "subversive" literature. Government prohibition of any act making consumers aware of the prices of over-the-counter drugs would illustrate (b), as would a ban on the teaching of a foreign language or a prohibition against discussing a political candidate on the last day of an election. Second, without aiming at ideas or information in either of the above senses, government can constrict the flow of information and ideas while pursuing other goals, either (a) by limiting an activity through which information and ideas might be conveyed, or (b) by enforcing rules compliance with which might discourage the communication of ideas or information. Government prohibitions against loudspeakers in residential areas would illustrate (a). Governmental demands for testimony before grand juries notwithstanding the desire of informants to remain anonymous would illustrate (b), as would ceilings on campaign contributions. The first form of abridgment may be summarized as encompassing government actions aimed at communicative impact; the second, as encompassing government actions aimed at noncommunicative impact but nonetheless having adverse effects on communicative opportunity.

Any adverse government action aimed at communicative impact is presumptively at odds with the first amendment. For if the constitutional guarantee means anything, it means that, ordinarily at least, "government has no power to restrict expression because of its message, its ideas, its subject matter, or its content * * *." And if the constitutional guarantee is not to be trivialized, it must mean that government cannot justify restrictions on free expression by reference to the adverse consequences of allowing certain ideas or information to enter the realm of discussion and awareness. Whatever might in theory be said either way, the choice between "the dangers of suppressing information and the dangers of its misuse if it is freely available" is, ultimately, a choice "that the First Amendment makes for us."

A government action belonging to the second category is of a different order altogether. If it is thought intolerable for government to ban all distribution of handbills in order to combat litter, for example, the objection must be that the values of free expression are more important constitutionally than those of clean streets at low cost; if a ban on noisy picketing in a hospital zone is acceptable, the reason must be that the harmful consequences of this particular form of expressive behavior, quite apart from any ideas it might convey, outweigh the good. Where government aims at the noncommunicative impact of an act, the correct result in any particular case thus reflects some "balancing" of the competing interests; regulatory choices aimed at harms not caused by ideas or information as such are acceptable so long as they do not unduly

my district that were down to visit me from the New Jersey Medical Society, and some of them were on a cable TV show that I had earlier this afternoon. I asked about the issue of preventative care, and one of the physicians was an eye doctor. He specifically pointed out how in the case of eye disease, prevention and being able to see an eye doctor and getting help when problems start is so crucial and really prevents serious eye disorders down the road.

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Also, I would note how very inexpensive it was to deal with preventative care to make sure children were seeing a doctor, as opposed to having to go to a hospital or having a very expensive operation later.

At some point during our special order, I would like to talk about some of the legislation that my Democratic colleagues have put forward to try to solve this problem, as well as the proposals that have been put forward by President Clinton.

Mr. Speaker, I yield to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, in some of these things I will be repeating the same as the gentleman from New Jersey, but I think they are worth repeating. It is alarming, the number of children in this country who do not have any health care. Again, it is over 10 million children with no health care. Every minute, every minute, three children lose their health care coverage. By the year 2000 if nothing changes, as many as 12.6 million kids will have to depend on an emergency room as opposed to a family physician.

Let me try to tell the Members what that means for our kids. Most of the uninsured children are at risk for preventable illnesses. For example, one in two uninsured children who have asthma do not visit the doctor during the year. As a consequence, these kids end up in the hospital with problems that could have been prevented with proper care. All we need to do is look at the kids that are uninsured who have ear infections, a very common problem for kids. One in three never see a doctor, and many end up with permanent hearing loss.

It is situations like these that make me think about the parents who lay awake each night wondering what they can do when their kids get sick. There is no instinct as basic as that instinct to protect one's children and care for one's children.

Today there are too many parents in America who cannot act on that instinct. The real tragedy of the situation is that these are parents who play by the rules. Nine out of ten uninsured children have parents who work. These are not deadbeat parents, these are parents who work, but their employers do not provide coverage for their employees' children.

We have Medicaid that helps the very poorest of the children, and we have families that are well off that can afford insurance, and we have some people that work for employers who provide that insurance; but we have millions of parents who work every day, who are trapped in the middle. They have just enough money to cover their food or their housing and clothing for their children, and they simply do not have the money to pay for health insurance. But we can help. I think it is time that we provide some kind of targeted tax credit that will help working families provide that health insurance that their kids so desperately need.

This is not a new government program. We can do it within our current structure. It is a way to make the current health system work for working families.

Mr. Speaker, I think it is a very practical, commonsense solution to a growing problem. It is a problem that every parent caught in the middle has to deal with, and we need to make sure that these parents can provide for their children. We cannot afford to do anything different.

Mr. PALLONE. Mr. Speaker, again I think the Children's Defense Fund report that both of us are making reference to really explains to us what the nature of the problem is.

Some people have said to me, why is it that the number of children who do not have insurance has gone up in recent years, because Congress has made an effort over the last 10 or 20 years to expand Medicaid, which of course is the program for those below a certain income, and many States have actually instituted programs to try to cover those children who were not eligible for Medicaid on their own. So we had this effort over the last 10 or 20 years to expand Medicaid on the Federal level and to also have States address the problem.

I think the Children's Defense Fund report explains very well, the reason why those efforts have not been enough is because during that same period, the last 10 years or so, we have seen fewer and fewer employers that provide any health insurance coverage for children, and also they increasingly charge the employee either the full cost of a group plan or a significant portion of the cost, which makes it unaffordable.

We also have the phenomenon now increasingly where an employer will pay either all or part of the cost to the employee, but not for the family. That was not the case so much in the past.

Just to give some statistics again from the report, it says that more workers are on jobs that either provide no health insurance benefits or require employees to pay unaffordable amounts. In 1993, more than three-quarters of employees at medium and large companies had to pay some or all of the cost of family health insurance provided through their employers. In 1980 the proportion was less than half.

Then it gives some statistics from the Health Insurance Association of America that says the total cost of family health coverage in 1992 averaged $4,500 to $5,000 a year, but in 1993 employees of medium and large companies themselves paid an average of $1,300 a year for family coverages. Employees of small companies were even worse off. They paid an average of $1,900 a year.

So what we see is moderate-income working families who live from paycheck to paycheck who simply cannot afford, even if the employer offers a policy, they cannot afford that coverage. That is why all our efforts, and of course they were good efforts on the part of Congress and the State legislature, have helped, but we continue to slide back because of increasingly the situation with people not getting health benefits through their employer.

Ms. HOOLEY of Oregon. Last weekend I was at home, Mr. Speaker, in Oregon, and I was at a community health program. I talked to some of the people there. I think it is helpful to hear some real life stories. I can give a lot of them, but let me just repeat a couple.

I was talking to one woman who had three children, two smaller ones and a child that was 9. She had no health care coverage. She was working. She worked for $6.50 an hour. She was working about 26 hours a week. Her employer provided no health insurance for either her or her children. Her husband worked. He had a very low base pay. He worked on commissions. Some months he made better than others.

In Oregon we have what is called an Oregon Health Plan, but because you have to be consistently at a certain pay level, some months he made more so he was not eligible, and then the months that he made less, by the time he got eligible he was into a month where he made more. But the fact is, they never had enough money for insurance.

So they have three children, both parents are working, he is working full-time, she is working more than half-time, neither company provides insurance for their children. They are living really month to month, and in this instance, they were able to go to a community health program where they paid on a sliding scale and got some attention, but it is very difficult. It is a community health program that has too many patients, no more room to expand, so they are also restricting the number of people they can see.

Another person I talked to was a father of four kids, two sets of twins, and his youngest child got sick, one of the younger twins. He took that child, he

debate on public issues in a political campaign.

That seems to be the core sense of why the Court decided it. But I suggest the notion that citizens and even candidates are controlling the system today has been overwhelmed by events, overwhelmed by an avalanche of money coming into political campaigns. In fact, the system that was created under Buckley versus Valeo has collapsed, in effect, inundated by independent expenditures, special interest expenditures, money by the torrent coming into campaigns. It is not surprising, then, that the Washington Post detailed that the special interests coming into a campaign in Pennsylvania's 21st Congressional District outspent either one of the candidates. In effect, the candidates control neither the dialog nor the issues; it was outside forces, some of them anonymous or at least ambiguous.

All of this contributed not to what we think an election should be about, two candidates or several candidates presenting their ideas, arguing eloquently, reaching out to people. In effect, the candidates became a sideshow. It was the battle between special interests. That is not what the American people want to see in their elections, and if we are to control that and constrain that, we must have, in this particular moment, a constitutional amendment to do so.

The issue about the Buckley versus Valeo decision is one that constrained our thought about campaign financing for many, many years. My colleagues in this body have offered many proposals, legislatively, to correct it. There is the Feingold-McCain bill. There is other legislation. Leader DASCHLE has introduced legislation. I support all of these. But my fear is if we adopt any one of them, and I hope we do adopt campaign finance reform legislatively, the ingenuity and creativity of lawyers and consultants will find ways around it, simply because ultimately we cannot control the amount of money going into campaigns. This amendment will give us that authority.

The concept, also, that unlimited spending is good, I think, has to be looked at very skeptically. Unlimited spending can drown out free speech, can squelch someone who does not have the resources to compete. It may not, in fact, always advance the concept of a free exchange of ideas in an electoral campaign.

Many of our leading constitutional scholars, in fact, have reached this conclusion. Paul Freund, the distinguished professor at Harvard Law School wrote:

> Campaign contributors are operating vicariously through the power of their purse, rather than through the power of their ideas. I would scale that relatively lower in the hierarchy of First Amendment values. We are dealing here not so much with the right of personal expression or even association, but with dollars and decibels, and just as the volume of sounds may be limited by law, so may the volume of dollars, without violating the First Amendment.

Judge Skelly Wright, one of our most distinguished jurists wrote:

> Nothing in the First Amendment commits us to the dogma that money is speech. Far from stifling First Amendment values, campaign limits actually promote them. In place of unlimited spending, limits encourage all to emphasize less expensive, face-to-face communications, exactly the kind of activities that promote real dialogue and leave much less room for manipulation and avoidance of the issues.

In the words of a distinguished New York School of Law professor, Ronald Dworkin:

> The Buckley decision was a mistake, unsupported by precedent and contrary to the best understanding of prior first amendment jurisprudence. It misunderstood not only what free speech really is, but what it really means for free people to govern themselves.

All these experts would conclude that Buckley versus Valeo in effect is wrong. But Buckley versus Valeo as it stands today is the law and, recognizing that, we are attempting to give the people of this country a chance, through the amendment process, to change that decision, that position of the Court.

If you look at Buckley versus Valeo, though, perhaps the best argument I found against it was contained within the very confines of the decision. It was the dissenting opinion of Justice White. I do not think anyone has to vouch for Justice White's fidelity to the first amendment and the values that it holds that are dear to us all. First of all, time has proven Justice White to be very perceptive, indeed prophetic. Because he wrote:

> Without limits on total expenditures, campaign costs will inevitably and endlessly escalate, pressure to raise funds will constantly build, and with it the temptation to resort to those sources of large sums, who, history shows, are sufficiently confident of not being caught to risk flouting contribution limits.

This is in 1976. Again, recall, since he wrote those words, campaign spending has tripled.

He also went on to add:

> I have little doubt that limiting the total that can be spent will ease the candidate's understandable obsession with fundraising and so free him and his staff to communicate in more places and ways unconnected with the fundraising function. I regret that, by rejecting a limit, the Court has returned them all to the treadmill.

I would argue there is no one here in this body who would suggest that that treadmill is not still there.

I have heard in the debate notions about how this would infringe on treasured values of the first amendment. But Justice White, in his opinion, pointed out that this is not a unique issue, that the limiting of the quantity of speech is done routinely.

As he said:

> Compulsory bargaining and the right to strike, both provided for or protected by Federal law, inevitably have increased the labor costs of those who publish newspapers. Federal and State taxation directly removes from company coffers large amounts of money that might be spent on larger and better newspapers. But it has not been suggested, nor could it be successfully, that these laws, and many others, are invalid because they siphon off or prevent the accumulation of large sums that would otherwise be available for communicative activities.

We do on a routine basis require newspapers, the great champions of the first amendment, the most vociferous defenders of the first amendment, to comply with laws that effectively limit the quantity of speech that they can put out. So this notion that what we are doing today trods on the sacred core of the first amendment, I do not think is right.

Indeed, I think we would be better off to have the Court reassess its opinion of Buckley and find that these limits are appropriate under the first amendment. But today, we are left with presenting to the American people the opportunity to make that judgment. I hope that, as I said, Buckley could be reviewed and indeed be recognized by the Court to be inappropriate based on the facts today. They have the authority to do that.

We have the authority to present to the American public this constitutional amendment. I urge that we do so.

I want to commend the sponsor, Senator HOLLINGS, for his leadership, for his perception of the issue, and for his unflinching commitment to develop a campaign finance system that is fair to all.

One last point. I have also heard in this debate the notion that this Congress would impose irresponsible and reckless limits. In reality, any limits we impose we would all have to recognize and work within. They would be the same as applied to Republican candidates or Democratic candidates. They would limit the amount of money that right-wing, special-interest groups could put in or left-wing, special-interest groups could put in.

They would, in effect, return our elections to the democratic process that our citizens believe we should have, a process by which they can listen to the voices of the candidates, they can communicate their views, they can, in effect, not be drowned out by an avalanche of money and 30-second sound bites. In fact, an election can be a dialog about democracy and not about who raises how much money. I urge my colleagues to support this amendment.

Again, I commend the Senator for his great leadership.

Mr. HOLLINGS addressed the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. I will yield in a second to the distinguished Senator from Washington.

I want to thank the distinguished Senator from Rhode Island. He was tortured with the same problem as a Member of the House. As a good old West Point graduate and with the discipline and the analytical approach that he has learned over the many years in public service, we really appreciate his contribution here today.

Mr. REED. Thank you.

Mr. GORTON addressed the Chair.

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

Mr. GORTON. Mr. President, Senate Joint Resolution 18 almost certainly represents the most serious and fundamental attack on first amendment rights of free speech in the 210-year history of that first amendment.

Senate Joint Resolution 18 is not aimed at the entire ambit of free speech rights. It in no way grants Congress authority over obscenity, over beer advertising, over fine arts. It is focused solely on allowing the Congress sweeping authority over the freedom of political speech, not just of politicians but of all citizens and of the news media that serve those citizens.

The first Congress of the United States responded to the most serious objection to the ratification of our Constitution that was presented during those ratification debates—the absence of a bill of rights and, most particularly, the absence of a constitutional guarantee of free speech.

When James Madison and his colleagues drafted the first amendment and worked on its protection of free speech, they were not concerned, Mr. President, about defending obscenity. They were not concerned with limitations on beer advertising. They were not concerned with playwrights. They were concerned with debate over the political future of the people of the United States of America.

They believed, as did almost all of the citizens who worried about a new Constitution, that the new Government might, like its British predecessors, attempt to gag newspapers and individuals in their pursuit of a free and open debate over matters political. So they wrote a first amendment that was unconditional in that respect. They wrote a first amendment that said, "Congress shall make no law . . . abridging the freedom of speech . . ." They did not write, as this resolution would, in paraphrase, "Congress shall make no law abridging the freedom of speech except such restrictions as Congress may deem reasonable."

Mr. President, you and I and all the other Members of this body and every American who has ever run for office recognizes that, other than that vitally important meeting of people as individuals on a one-to-one basis, doorbelling, canvassing, and the like, important even to those of us who run for the U.S. Senate but obviously an impossible tactic when one represents hundreds of thousands or millions of voters, that there are fundamentally four ways in which we can communicate political ideas in the course of the campaign to the people who are constituents or whom we seek to represent.

The first of those, Mr. President, is through our own campaign committees. "Gorton '94," "McConnell '96," "Hollings '98," formally organized and set up, receiving campaign contributions, writing advertisements, scheduling the candidates, doing so in a fairly transparent fashion. That is the first one.

The second way which our ideas can be communicated to those whom we seek to represent is through the party organizations with which we are affiliated. All candidates for Federal office are members of organized political parties. Most candidates for State office and many for local office are as well. In fact, in almost every State the only identifier on the ballot in addition to the name of the candidate is the political party that candidate identifies with. So the Republican Party and the Democratic Party, and the Socialist Worker Party also, involves itself in campaigns communicating en mass in the ways that they consider to be most effective with the voters.

The third way of communicating political ideas, Mr. President, is by the independent activity of individuals or organizations who are not, under most circumstances, directly connected with either the candidate or with any political party but who have a vital interest, on behalf of themselves as individuals or as members of organizations in which they are a part in the political future of the country, in who is elected to particular offices.

As I say, they may be individuals, they may be very wealthy individuals, they may be organizations from one end of the political spectrum to another, but they communicate quite freely and without any censorship from Congress their ideas about political elections, their support for candidates, their opposition to candidates.

Finally, the fourth way in which political ideas about elections get to the voters is through our mass media—through radio, television and the newspapers—many of which are vitally interested in these ideas, many of which literally editorialize and endorse, but even when they don't, they communicate such ideas as they deem relevant in explaining the positions of the various candidates.

Senate Joint Resolution 18 is, I must say, philosophically consistent and intellectually honest in that it permits Congress to regulate all four of those activities. It allows Congress to put reasonable limits on contributions or expenditures by, in support of, or in opposition to candidates for Federal office. That covers the candidates' committees, that covers the political parties, that covers the totally independent individuals and groups, and that covers the newspapers and television stations and radio stations that participate in these political campaigns.

I say, Mr. President, that this proposal is philosophically consistent and logical and principled in making no real distinction among those four methods of contribution, because, of course, the present campaign law does not. The law under which we operate today puts very real limits on candidates' campaign organizations, limits which, by the operation of inflation, have grown smaller in each successive election cycle on contributions from organizations or from individuals to those candidates, significant disclosure requirements on the source of those contributions, so significant that on many occasions, it would seem that our newspapers spend more time and more column inches reporting contributions than they do on reporting ideas.

The 1974 law imposes some, but vaguer, restrictions on contributions to and expenditures by political parties. It was unable, as a matter of constitutional law, to impose any significant restrictions on independent expenditures, and it made no attempt to impose any restrictions on the news media, recognizing even then the unconstitutionality of doing so.

What has been the net impact of the set of restrictions that we have today? In almost direct ratio to the restrictions on the amount of money that individuals and organizations can contribute to candidates, it has caused those individuals and organizations, when they feel passionately about a candidate, either for or against, to funnel their contributions to the political parties whom they know would support those candidates. And so we have the challenge of soft money today, largely because those who contribute soft money to political parties cannot contribute that money in hard form to the candidates themselves.

This, all by itself, has made political campaigns less satisfactory and candidates less responsible. Each of us as a candidate is responsible directly for the way in which he or she conducts his or her campaign. When our name is on the disclaimer of a television ad, we cannot disown it. When we have reported a contribution from an individual or a group, we cannot disown it. But even when that advertisement or that political activity comes from our political party, we can, to a certain extent, disassociate ourselves from the ideas or the messages involved. We may very well, we hope, benefit from it

when they support us, but we cannot guarantee that we will gain such a benefit.

Now we have waiting in the wings, subject to validation only, I believe, if we adopt this constitutional amendment, a set of similar restrictions on political parties. If we adopt such a system of restrictions on political parties, Mr. President, it seems to me we know clearly what will happen, because it is already happening. Those same groups, those same individuals who feel passionately about Federal elections today and who are barred from providing the support they want to provide to the candidate directly, are barred from providing that support to the candidate's political party, will simply do it on their own.

Last Sunday's Washington Post had an interesting article about the 1996 campaigns, the headline of which is: "For Their Targets, Mystery Groups' Ads Hit Like Attacks From Nowhere." The airwaves were filled with this kind of activity at the end of 1996—organizations with fictional names engaged mostly in negative advertising against particular candidates, the source of support for which was unknown and, therefore, the responsibility for the content of which was unknown. But as long as we have a Congress that impinges on every aspect of our social and individual and economic lives, we will have individuals who wish to participate and will participate in that fashion if they are not allowed to participate more directly and more openly.

So Senate Joint Resolution 18 very clearly will allow Congress to put limits on that kind of political participation. So it will say, in the ultimate analysis, we can do whatever we think is reasonable to shut people up when it comes to political debates.

Now, that still leaves the fourth element of communication: the radio, television stations, and the newspapers of this country. Very likely, the first bill that went through Congress after this constitutional amendment passed would not affect them, but they would sure be in clover, Mr. President, because then, with the candidate and the candidate's supporters and the candidate's proponents all muzzled, the only source of information would be the mass news media.

But now this passionately devoted and wealthy individual or this passionately devoted organization would soon find the answer to that question: Buy a newspaper; buy a television station. Then you are entirely free to spend all the money you want on political communication, totally divorced from any responsibility on the part of the candidate at all.

So the next law, Mr. President, will limit what the newspapers and the television stations and radio stations can do.

Mr. McCONNELL. Will the Senator yield?

Mr. GORTON. I am happy to yield to the Senator.

Mr. McCONNELL. There is a bill we will be discussing later this year called McCain-Feingold, which seeks, in this Senator's judgment, to essentially shut down legislative-advocacy-type independent expressions and to make almost impossible the ability of outside groups to engage in independent expenditures.

My question to my friend from Washington is, given the fact that we have bills that go that far now, given this authority under this constitutional amendment to set "reasonable limits," is it not possible that Congress might decide such expenditures should be shut down entirely, that there is nothing reasonable about them, and that those voices should be quieted altogether?

Mr. GORTON. Congress, if this should be part of the Constitution, might well make just such a decision on the relatively rational grounds that all political speech they want to be directly attributable to candidates and not to permit anyone to engage in a partisan political debate except through the candidate's committees.

Now, I must say to my friend from Kentucky, I doubt that would happen in the Congress immediately after the adoption of a constitutional amendment like this. The sponsors of this constitutional amendment are all supporters of the McCain-Feingold proposal, and my inclination is that they would be content with the passage of that legislation with this constitutional provision in effect.

They know, or at least the most thoughtful and principled of them know, that McCain-Feingold is blatantly unconstitutional under the first amendment as the first amendment exists today. I rather imagine they would be satisfied with this reform as their predecessors were satisfied with the 1974 reforms. As soon as this reform showed itself to be as ineffective as 1974 has, as soon as it had pushed communication into another channel, they would be back to close off that channel.

At the present time, their frustration stems almost entirely from the fact that they are only permitted to dam one channel of the river, and all the water just goes around the other side of the island and flows into the political system to the same extent or to a greater extent than it does at the present time. This constitutional amendment allows them to dam the whole river for good and permanently.

It is for exactly that reason that I say, Mr. President, this is certainly the most fundamental attack on the most fundamental of American freedoms that has taken place in this body in the 14-plus years during which I have served and, I think, probably in the 210 years since the first amendment was adopted by the first Congress.

Mr. McCONNELL. Will the Senator yield?

Mr. GORTON. I am happy to yield to the Senator.

Mr. McCONNELL. Since the Congress composed entirely of incumbents has the power to determine what is a reasonable limit directly on campaigns, would it not be entirely conceivable, I ask my friend from Washington, in the very near future, if not in the very same Congress, after this became part of the Constitution, that these incumbents might seek to limit spending in campaigns directly by the candidates themselves standing for reelection and a challenger, quite dramatically?

Most incumbents start out with a pretty substantial lead unless they are running against a famous athlete, a movie star, or sitting Governor. It has often been described as the incumbent looking at it as a football field, and the incumbent at the beginning of the campaign is at the 40-yard line and sprinting toward the goalline; the challenger is back on the 5-yard line with 95 yards to go. Might not this Congress composed entirely of incumbents decide to set a spending limit of, say, $50,000 per House of Representatives race and declare that reasonable?

Mr. GORTON. Congress would certainly have the authority to pass just such a law, I say, Mr. President, to my friend from Kentucky. I think as a former State attorney general, he has argued a number of cases in the Supreme Court. I would probably be willing to take that challenge on a reasonable basis to the Supreme Court of the United States, and I might well win at that $50,000 figure.

But the vice of this constitutional amendment is that I would have to do that in the first place, and there would be an argument that that was a reasonable limitation. When we start down this road, we put the right of free speech and political matters of the people of the United States into the hands of Congress.

As the Senator from New Mexico said earlier, each of us believes sufficiently in this system to hold the opinion that most of the time we do the right thing and that almost all of the time we try to do the right thing. We are probably least likely to do the right thing when it affects our own individual fates and our own individual careers. Even when we are, we sometimes, at least, can make mistakes. That, I must say, is obviously the reason that Madison and the first Congress wrote the first amendment in unequivocal terms with a primary focus on political speech. They simply did not wish to give this authority to Congress, and they were right.

The Supreme Court of the United States, in dealing with the 1974 law in Buckley versus Valeo, I think put the issue in the simplest and clearest fashion when it says,

In the free society ordained by our Constitution, it is not the Government, but the people individually as citizens and candidates, and collectively as associations and political committees, who must retain control over the quantity and range of debate on public issues in a political campaign.

That is the central issue here. Is this a matter that is up to the judgment of the people as individuals and as members of organizations? Or is it up to the Government—in this case a self-interested Government—to say what is reasonable? You and I, Mr. President, and the Senator from Kentucky and I believe that this is a matter for people as individuals and as members of voluntary associations. The proponents of this constitutional amendment believe this is a matter for the Government. Between us, there is a great gulf fixed which cannot be bridged. We stand on the Constitution as it was written by the Founding Fathers. We stand on a faith in the people, and we reject the interference of the Federal Government on this question.

Mr. MCCONNELL. Mr. President, I want to thank the distinguished Senator from Washington for his eloquent defense of the first amendment. He certainly encapsulated, better than I could ever, exactly what the heart of this debate is. I thank him very much for his support and contribution.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Arizona.

Mr. MCCAIN. Mr. President, daily we are learning of new allegations and revelations regarding how last year's elections were financed. Just yesterday, we learned that the Chinese Government created a $1.8 million fund with which it sought to influence up to 30 Members of Congress with campaign contributions.

The Congress now faces a monumental task. How can the system be effectively and fairly changed? The answer is both simple and daunting: by passing comprehensive, bipartisan campaign finance reform. Some openly oppose campaign finance reform. One of the leaders, if not the leader, my friend, Senator MCCONNELL, is there. I admire him and respect the fact that he is a standup guy. He does not hide that fact. Others have said to me, "I am for campaign finance reform, just not yours." I challenge my colleagues and say that every aspect of Senator FEINGOLD's and my bill is open for debate. Everyone is welcome at the table. I believe there is no excuse for inaction.

Real reform must do two things. It must limit the influence of money in campaigns, and it must level the playing field between challengers and incumbents. I believe those two principles cannot be compromised, but the rest is up for negotiation.

I find that there are fewer and fewer Americans—in fact, recent polls show that 9 out of 10 Americans believe that we must repair this system and that it is out of control. I just heard my colleagues talking about how in 1974 it didn't work, and if we passed further campaign finance reform, somehow that would be bad, as it was bad in 1974.

Now, Mr. President, I wasn't in Congress in 1974, but I am very aware that, in 1972, there were people walking around this town with valises full of hundred dollar bills. The stories I have heard concerned people being asked to contribute 1 or 2 percent of their gross income. Somehow to allege that the changes made in 1974 didn't help reform the system I think, frankly, flies in the face of facts. The facts are that, as a result of the 1974 reforms, we did fix the system for quite a while. Mr. President, when I was elected to Congress in 1982, there was a far different environment than exists today in fundraising. The fact is, it worked for quite a while, and then loopholes were exploited, Supreme Court decisions gave additional avenues for the funneling of so-called "soft money" into campaigns, and it is out of control again.

Mr. President, in 1986, we reformed the tax system in this country—supported overwhelmingly here in Congress—and closed some tax loopholes. We took several million people off the tax rolls, and it was generally applauded. We fixed the system to a significant degree. We all know now, in 1997, we need to fix the tax system again. I say to you, in 1974, much needed reforms were enacted by an overwhelming majority of Congress. They did some good things. It did clean up the system dramatically.

Now circumstances and times have changed. We all know the problems, Mr. President. We all know the problems. They are made abundantly clear by picking up any newspaper today. The pursuit of funds and money has become a full-time occupation, and the average citizen no longer has the same voice in Washington, DC, that they did years ago.

Earlier this week, a man who I have not only grown to respect and admire enormously, but I have also become a good friend with over the many years I have been here and worked very closely with, is Senator FORD from the other side of the aisle. I think many would describe Senator FORD, with admiration, as a partisan member of his party. I also know that there are many others of us who have had the opportunity of working with him for many, many years. If you want to reach a legislative result and you want to reach it in a nonpartisan and, if necessary, bipartisan fashion, you sit down with WENDELL FORD, along with, by the way, my friend from South Carolina, Senator HOLLINGS. Example: At the end of last year, we were able to pass legislation which was the most massive change in aviation, how we fund and structure it, since 1978 when we deregulated the airline industry. WENDELL FORD, acting in a bipartisan fashion, made that legislation possible. I intend, as is appropriate, when the time comes, to elaborate on my feelings of affection and respect for Senator FORD.

One of the things Senator FORD mentioned as the reason why he was not going to seek reelection was because he was going to have to raise $100,000 a week between now and election day. He also added, in his own inimitable style, that his wife would not allow him to rent out the spare bedroom. But the fact is, Mr. President, that every time one of our Members leaves this body, they cite the money chase. They cite the problem that money has become the overriding factor in the determination of candidacy and outcome. That should not be, Mr. President.

Ask anyone who is considering running for public office. They come here to Washington, DC, because they need the support of the party people and the money and the PAC's and the interest groups, and they will tell you they are only asked one question when they announce they are going to seek election, and one question only. It's not, "How do you stand on taxes?" or "on the role of Government," or "how do you feel about national defense?" There is only one question they are asked, Mr. President: "Where are you going to get the money?"

When we get into a full-blown debate on this issue—which I hope we will because I still hold the fervent hope and belief that we will address campaign finance reform on this floor in one way or another before this year is out, and I don't know when that will be—I suggest that it will only be done in a meaningful fashion when there is sufficient anger and outrage on the part of the American people who demand that we fix this broken system, and not until.

I don't think we really ought to debate this until we are ready to achieve a legislative result. I don't know when that will be, Mr. President. But I can tell you, we are a heck of a lot closer to that point than we were, say, 6 months ago. I believe 3 months from now, or 2 months from now—after the hearings Senator THOMPSON is going to be holding—there will be a much greater impetus and desire on the part of the American people that we more thoroughly and completely address this issue and try to fix the broken system. I believe that we can and should and will. It used to be that we waged a battle of ideas between candidates. The battle was well fought and hard won on the election battlefield. Now it is the battle of the bucks.

Again, at an appropriate time, I will talk about the well-known public facts and how much campaign costs have risen, how much it costs to run a Senate race, how much it costs in order to

buy television, and how much soft money has grown in exponential numbers to the point where, according to the Washington Post not long ago, the cost of Federal campaigns was well over $2 billion, whether they be small States or large States.

Mr. President, I do not believe that the constitutional amendment is the answer. We can enact campaign finance reform without a constitutional amendment. S. 25, the McCain-Feingold bill, is fully consistent with the law. I can point out many more constitutional scholars, including a former chief counsel of the ACLU, as to constitutionality because it is based primarily on voluntary spending limits.

The Supreme Court has ruled that we cannot stop someone who is willing to spend an unlimited amount of money to campaign for a Federal office from doing so.

This bill provides strong incentives for candidates to voluntarily comply with spending limits regardless of personal wealth. Candidates who choose to spend unlimited amounts of their own money receive none of the benefits under our legislation.

Mr. President, there is an argument that is being bandied about that somehow we cannot place a limit on soft money, that it would be unconstitutional to do so. I find that curious. I find that curious because the courts have clearly allowed the Congress to place limits on contributions to campaigns. We have placed an individual limit of $2,000. We placed a PAC limit of $10,000. We do not allow a corporation or a union to provide any direct contributions. Yet somehow people on this floor are saying somehow it would be unconstitutional to place limits on soft money. There is no rational constitutional argument there in my view. There is no justifiable need for soft money. All contributions made to the party should be done using hard, fully traceable, fully disclosed dollars. There is no constitutional right to soft money. The courts have stated that any contribution can be limited.

I will submit for the RECORD those court decisions that have stated that any contribution can be limited.

As you know, Mr. President, my good friend Paul Taylor has worked tirelessly to promote the idea of free broadcast time. Broadcasters use spectrum that is owned by the American people. As such, the Congress and the courts have agreed that when the Government gives out licenses to the broadcasters—enabling them to operate—that such licenses may be conditioned on certain activities deemed to be in the public interest.

When each broadcaster receives a license, they sign on that license that they agree to act in the public interest.

Some of the opponents of the McCain-Feingold legislation complain incorrectly that the bill will limit individuals free speech. As I have just explained, the bill is compatible with the Constitution. But there is even a greater question that must be asked. If spending is akin to free speech, then how much speech does an individual without means have? If money is free speech, how much free speech does a person without money have?

On March 2, on CNN a woman from Bartlesville, OK, called in, and, said, "I have a question for you. I'm a Republican, supposedly. I'm more Independent than anything else. But I want to ask you something. At $735 a month, how much freedom of speech do I have? I cannot contribute to these big campaigns."

Mr. President, men and women all over America ask in response to the equation of money and free speech about how much freedom of speech they have if they are a moderate- or low-income American. Where is her voice? Where is the voice of the woman from Bartlesville, OK? What can be done to ensure that her voice is not overwhelmed by the voices of monied special interests?

Spending limits will do more to both level the playing field between challengers and incumbents and give a voice to individuals who either give little or can afford to give nothing at all.

The most money tends to win elections. And this is the incumbent protection system. The reality is that the current, perverse system under which the richest takes all has resulted in entrenched incumbents.

The Congressional Research Service has compiled an analysis of congressional races in recent years, and the conclusion of that study is that the candidate who raises and spends the most money, even if that money is his or her own, usually wins the elections. As I have said before, elections should be about message and ideas. I do not believe it was an accident that in the last election we had the lowest voter turnout in any time in the history of Presidential elections in this century.

Mr. President, I have a letter from Common Cause. I quote:

Dear Senator: The Senate is expected to vote later this week on a proposed constitutional amendment to provide Congress with the ability to impose mandatory limits on campaign spending, thus overriding a portion of the Supreme Court's 1976 decision in Buckley v. Valeo.

Common Cause opposes the constitutional amendment because it will serve as a diversionary tactic that could prevent Congress from passing campaign reform this year. We believe that a constitutional amendment is not necessary in order to achieve meaningful and comprehensive reform.

Congress needs to act now to address the growing scandal in the campaign finance system. Congress can act now—and constitutionally—to adopt major reforms. Congress need not and should not start a reform process that will take years to complete by pursuing campaign finance reform through a constitutional amendment. Instead, the Senate should focus its efforts on enacting S. 25, comprehensive bipartisan legislation that represents real reform. It is balanced, fair, and should be enacted this year to ensure meaningful reform of the way congressional elections are financed.

Mr. President, I ask unanimous consent that this letter be made part of the RECORD.

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

COMMON CAUSE,
Washington, DC, March 12, 1997.

DEAR SENATOR: The Senate is expected to vote later this week on a proposed constitutional amendment to provide Congress with the ability to impose mandatory limits on campaign spending, thus overriding a portion of the Supreme Court's 1976 decision in Buckley v. Valeo.

Common Cause opposes the constitutional amendment because it will serve as a diversionary tactic that could prevent Congress from passing campaign reform this year. We believe that a constitutional amendment is not necessary in order to achieve meaningful and comprehensive reform.

Under existing Supreme Court doctrine, Congress has significant scope to enact tough and effective campaign finance reform consistent with the Court's interpretation of the First Amendment in Buckley.

The McCain-Feingold bill, S. 25, provides for significant reform within the framework of the Buckley decision. The legislation would: ban soft money; provide reduced postage rates and free or reduced cost television time as incentives for congressional candidates to agree to restrain their spending; close loopholes related to independent expenditures and campaign ads that masquerade as "issue advocacy"; reduce the influence of special-interest political action committee (PAC) money; strengthen disclosure and enforcement.

A recent letter to Senators McCain and Feingold from constitutional scholar Burt Neuborne, the Legal Director of the Brennan Center for Justice and a past National Legal Director of the ACLU, sets forth the case that the McCain-Feingold bill is constitutional. Professor Neuborne finds that the key provisions of the bill are within the Court's existing interpretation of the First Amendment, and he thus demonstrates that a constitutional amendment is not necessary to enact reform.

Professor Neuborne concludes that the voluntary spending limits in the McCain-Feingold bill are consistent with the Supreme Court's ruling in Buckley. He further concludes that "Congress possesses clear power to close the soft money loophole by restricting the source and size of contributions to political parties. . . ." He also concludes that efforts to close loopholes relating to independent expenditures and so-called "issue ads" are also within Congress' existing authority.

It is, therefore, not necessary to amend the Constitution in order to enact meaningful campaign finance reform. Congress has the power, consistent with the First Amendment, to enact comprehensive reform by statute.

A constitutional amendment for campaign finance reform should not be used as a way to delay reform legislation. Typically, amending the Constitution takes years. After both Houses of Congress adopt an amendment by a two-thirds vote, it has to be

approved by three-quarters of the state legislatures. Even then, the Congress would still have to take up enacting legislation. This is a lengthy and arduous process.

Congress needs to act now to address the growing scandal in the campaign finance system. Congress can act now—and constitutionally—to adopt major reforms. Congress need not and should not start a reform process that will take years to complete by pursuing campaign finance reform through a constitutional amendment. Instead, the Senate should focus its efforts on enacting S. 25, comprehensive bipartisan legislation that represents real reform. It is balanced, fair, and should be enacted this year to ensure meaningful reform of the way congressional elections are financed.

Sincerely,

ANN MCBRIDE,
President.

Mr. MCCAIN. Mr. President, I also would like at this time to have printed in the RECORD by unanimous consent a letter that is by Mr. Burt Neuborne who is the Legal Director at the Brennan Center for Justice.

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

BRENNAN CENTER FOR JUSTICE,
New York, NY, March 3, 1996.

Hon. JOHN MCCAIN,
Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATORS MCCAIN AND FEINGOLD. I am writing in response to a letter to Senator Mitch McConnell, dated February 20, 1997, from the American Civil Liberties Union, arguing that critical provisions of S. 25, the Bipartisan Campaign Reform Act of 1997, are unconstitutional under existing Supreme Court precedent. I am the John Norton Pomeroy Professor of Law at New York University and Legal Director of the Brennan Center for Justice. I served as National Legal Director of the American Civil Liberties Union during the 1980's, and remain active in defense of the First Amendment. I continue to serve as an ACLU volunteer counsel. I believe, however, that the ACLU letter on S.25 is simply wrong in a number of assertions, despite the fact that it was written by an able lawyer whom I respect and admire.

In assessing the ACLU's views on the constitutionality of S.25, it is important to recall that the ACLU believes that an restriction on campaign financing is unconstitutional, even those restrictions upheld by the Supreme Court in Buckley v. Valeo. The only Justice on the current Court who accepts the ACLU's position is Justice Clarence Thomas. Thus, the ACLU is quite right in predicting that Justice Thomas would find S.25 unconstitutional—but quite wrong in claiming that a majority of the Court would condemn critical parts of the statue.

I. EFFORTS TO PERSUADE CANDIDATES TO LIMIT CAMPAIGN SPENDING VOLUNTARILY BY PROVIDING THEM WITH VALUABLE INDUCEMENTS LIKE FREE TELEVISION TIME ARE CONSTITUTIONAL

The ACLU argues that Title I of S.25, which asks candidates to limit campaign spending in return for free or subsidized broadcast time and subsidized mailing rates, is unconstitutional. But, in Buckley, the Court approved precisely such an approach when it upheld the offer of campaign subsidies to Presidential candidates in return for a promise to limit campaign spending.

The fact is that the ACLU still believes the Buckley Court was wrong when it upheld Congress right to condition public campaign subsidies on a promise to limit campaign spending. But the ACLU lost that argument. It is, to say the least, difficult for the ACLU to argue that a far lesser set of inducements in S.25 would violate the First Amendment. In effect, the ACLU argues that virtually any inducement offered to a candidate to persuade her to limit campaign spending is unconstitutional as a form of indirect "coercion". But the Buckley Court clearly distinguished between inducements designed to elicit a voluntary decision to limit spending, and coercive mandates that impose involuntary spending ceilings. If giving a Presidential candidate a $60,000,000 subsidy is a constitutional inducement, surely providing free television time and reduced postal rates falls into the same category of acceptable inducement. Merely because a deal is too good to pass up does not render it unconstitutionally "coercive".

II. CEILINGS ON CONTRIBUTIONS BY PACS ARE CONSTITUTIONAL

The ACLU argues that a $1,000 cap on contributions from PACs, and a 20% limit on PAC contributions to a particular candidate violate the First Amendment. Once again, the ACLU's constitutional position is traceable to an issue that it lost in Buckley, but continues to re-argue in Congress.

In Buckley, the ACLU challenged the $1,000 ceiling on campaign contributions, arguing that campaign contributions were entitled to the same level of free speech protection as campaign expenditures. The Supreme Court rejected the ACLU's argument, and upheld the ceiling on contributions. Indeed, in the years since Buckley, the Supreme Court has upheld every contribution limit that has come before it in an election context. California Medical Ass'n v. FEC, 453 U.S. 182 (1981); FEC v. National Right to Work Committee, 459 U.S. 197 (1982). If Congress may limit contributions from individuals to $1,000, surely the First Amendment does not require preferential treatment of PACS. If individuals can be restricted to $1,000, so can PACS.

Moreover, Congress may surely determine that the greatest risk of corruption occurs in connection with campaign contributions from self-interested, interest PACS. Accordingly, placing a 20% ceiling on PAC contributions in well within Congress' power to prevent corruption, or the appearance, or the appearance of corruption, by placing limits on overtly self-interested campaign contributions.

III. LIMITS ON ENORMOUS CAMPAIGN CONTRIBUTIONS TO POLITICAL PARTIES FROM CORPORATIONS, LABOR UNIONS, AND WEALTHY CONTRIBUTORS ARE CONSTITUTIONAL

The ACLU argues that the First Amendment prevents Congress from closing the notorious "soft money" loophole that threatens to destroy the integrity of the Presidential campaign process. In the most recent Presidential campaign, donors poured more than $250 million through the soft money loophole to political parties, ostensibly for use in building local parties, registering voters, and increasing voter turnout. The vast bulk of soft money contributions came from corporations and labor unions, barred by law from participating directly in federal campaigns, or from wealthy individuals anxious to contribute in excess of existing contribution ceilings.

The ACLU argues that the First Amendment prohibits Congress from closing the loophole. But, once again, the ACLU's constitutional position is simply a reprise of arguments it has lost in the Supreme Court. In Buckley, the ACLU argued that any effort to limit campaign contributions violated the First Amendment, an argument the Court rejected. In later cases, the Court also dismissed the argument that corporations and labor unions have a right to use their money to influence federal elections. See, e.g., Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990); FEC v. Nat'l Right to Work Comm., 459 U.S. 197 (1982).

In 1978, the FEC, reversing an earlier ruling, opened a seemingly modest loophole in the contribution rules by allowing corporations, labor unions, and wealthy individuals to contribute funds directly to a political party free from the usual restrictions on contributions, as long as the funds were to be used in connection with local party building, voter registration or other activity not directly connected to a federal election. In the years since, the soft money loophole has become a threat to the integrity of the regulatory system. Hundreds of millions of dollars pour through the loophole each year to both major political parties from contributors who are barred from contributing directly to a federal campaign. The funds are often solicited by federal candidates and spent in ways designed to advance their candidacies. More ominously, the forbidden donors, if their contributions are large enough, are rewarded by both parties with preferred access to public officials, creating precisely the appearance of corruption that justifies restricting large campaign contributions in the first place. Thus, unless one accepts the ACLU's premise that contributions can never be limited no matter what the size and no matter what the source (and even Justice Thomas has not gone that far), Congress possesses clear power to close the soft money loophole by restricting the source and size of contributions to political parties just as it does for contributions to candidates.

The ACLU's suggestion that the recent Supreme Court decision in Colorado Republican Party provides First Amendment support for a soft money loophole is flatly wrong. Colorado Republican Party was an "expenditure" case, not a "contribution" case, and it involved hard money, not soft. It held, merely, that when a political party makes an expenditure attacking the candidate of another party six months before selecting its own candidate, the expenditure should be treated as an independent expenditure, as long as the funds come in small amounts from donors who are eligible to contribute to a federal campaign. The Court did not hold that ineligible donors, like corporations, labor unions and wealthy individuals, have a constitutional right to buy preferred access to public officials by pouring unlimited amounts of cash into a political party's coffers.

The most relevant Supreme Court decision is not Colorado Republican Party, but Austin v. Michigan Chamber of Commerce, where the Supreme Court held that corporations can be walled off from the electoral process by forbidding both corporate contributions and corporate independent expenditures because they have the capacity to distort the democratic process. Surely, the law cannot be that Congress has the power to prevent corporations from giving money directly to a candidate, or from expending money on behalf of a candidate, but lacks the power to prevent the corporation from pouring unlimited funds into the candidate's political party in order to buy preferred access to him after the election.

IV. THE NARROW LIMITS ON COORDINATED EXPENDITURES BY POLITICAL PARTIES IMPOSED BY S. 25 ARE CONSTITUTIONAL

Colorado Republican Party holds that political parties are entitled to make truly independent expenditures on the same terms and conditions as other entities. Since the expenditure at issue in Colorado Republican Party was made six months before the party's candidate was selected, there obviously was no coordination between the party and the candidate. The case says nothing, however, about coordinated expenditures. Indeed, the critical swing Justices—Justices Breyer, Souter, and O'Connor—explicitly refused to decide how to treat coordinated expenditures, noting that if coordinated expenditures were treated like independent expenditures, the critical line between contribution and expenditure would be destroyed, since every forbidden contribution could be recycled as a coordinated expenditure.

S. 25 attempts to deal with coordinated expenditures by providing that once a political party makes contributions, and engages in coordinated activities with its candidate, it can no longer be said to be making truly independent expenditures. The provision is merely a common sense effort to police the distinction between truly independent and coordinated expenditures. Since the ACLU rejects the critical distinction between expenditures and contributions put forth in Buckley, it believes that any restriction on the party's right to spend money, even a de facto contribution made in the form of a coordinated expenditure, is absolutely protected. But, if you accept the Supreme Court's ruling in Buckley that contributions may be regulated, it becomes critical to decide when an expenditure is truly independent, and when it turns into a *de facto* contribution. Thus, once again, the ACLU's opinion on the effort in S. 25 to draw a careful line between truly independent expenditures and coordinated contributions is an exercise in wishful thinking, not an accurate description of existing law.

V. THE EFFORT IN S. 25 TO DISTINGUISH BETWEEN AN INDEPENDENT EXPENDITURE DESIGNED TO AFFECT THE OUTCOME OF AN ELECTION, AND ISSUE ADVOCACY DESIGNED TO INFORM THE PUBLIC, IS CONSTITUTIONAL

Independent expenditures designed to affect the outcome of a federal election are subject to one important restriction—funds contributed to finance the expenditure must come from sources that would be lawful if contributed directly to the candidate and in limited amounts. Issue advocacy designed to inform the public is, on the other hand, subject to no restrictions, either as to funding or disclosure.

The last election was characterized by numerous groups purporting to engage in public education outside the reach of the campaign laws. For example, both major parties spent substantial sums on so-called "issue ads", paid for by donors who were barred from contributing directly to a federal election campaign. Numerous private groups targeted close races and poured funds into them in the guise of issue education, even though the funds came from forbidden sources and in amounts that could not be contributed. S. 25 attempts to close that loophole by setting forth two tests to differentiate between campaign speech and genuine issue advocacy. Throughout most of an election cycle, the test is whether the speaker's purpose and effect was to advocate the election or defeat of an identified candidate. Within 60 days of the election, however, the test dispenses with an examination of the speaker's purpose and looks only to whether, applying certain enumerated criteria, a reasonable person would understand the ad to be advocating the election or defeat of a named candidate.

It is, in my opinion, unclear whether the latter test is sufficiently precise. I believe that the better approach would be to apply throughout the election cycle a purpose-and-effect test along the lines of the first one described above, but perhaps slightly more demanding. Speech should be viewed as campaign speech only if the speaker's predominant intent was to affect the outcome of a specific election, and the FEC should be required to establish the relevant intent by clear and convincing evidence, or, even, beyond a reasonable doubt before labeling speech as campaign-related. Such an approach would prevent egregious evasion of the rules governing campaign contributions, while providing ample space for genuine public education.

VI. THE EFFORT IN S. 25 TO ENHANCE THE ENFORCEMENT CAPABILITY OF THE FEC IS LONG OVERDUE

The FEC is currently powerless to cope with massive violations of existing law. For example, the last campaign saw both major parties accept illegal donations, and engage in blatantly illegal spending activities, like running phony "issue ads", or making phony "independent" expenditures in order to evade contribution restrictions. The FEC stood by like a helpless spectator while the law was turned into a mockery. S. 25 provides needed authority to seek injunctive relief against blatant violations. I would, however, tighten the enforcement provisions to permit injunctive relief only for clearly established violations. I would place a significant burden on the FEC in order to permit action against egregious violations, while preventing undue intrusion into the electoral process.

Finally, I would break the FEC's monopoly on enforcing the campaign funding laws. The FEC's current structure permits either major party to veto the enforcement activities of the FEC. The result has been an enforcement history that harasses minor parties and independents, but rarely challenges the questionable activities of the major parties. We will, I predict, never see an FEC proceeding against either or both major parties for their activities during the last campaign.

The solution is a private cause of action for violating the FEC. Abuse of such a private right of action could be minimized by provisions for attorneys fees and Rule 11 sanctions for frivolous claims.

Reasonable people can disagree over the merits of S. 25. Some believe that efforts to regulate campaign financing are misguided and doomed to failure. But opposition to the wisdom of S. 25 should not take the form of distorted descriptions of existing constitutional law. The complexity of existing campaign financing law in the Supreme Court makes it impossible to state with certainty what path the future Court will follow. But I believe that the best reading of existing precedent renders the foregoing provisions of S. 25 constitutionally defensible. Only Justice Thomas has embraced the ACLU's absolutist refusal to permit any regulation of campaign financing.

Respectfully submitted,

BURT NEUBORNE,

Legal Director, Brennan Center for Justice.

Mr. MCCAIN. Mr. President, the reason I asked that the letter be included in the RECORD is that he says:

I am writing in response to a letter to Senator Mitch McConnell, dated February 20, 1997, from the American Civil Liberties Union, arguing that critical provisions of S. 25, the Bipartisan Campaign Reform Act of 1997, are unconstitutional under existing Supreme Court precedent. I am the John Norton Pomeroy Professor of Law at New York University and Legal Director of the Brennan Center for Justice. I served as National Legal Director of the American Civil Liberties Union during the 1980's, and remain active in defense of the First Amendment. I continue to serve as an ACLU volunteer counsel. I believe, however, that the ACLU letter on S. 25 is simply wrong in a number of assertions, despite the fact that it was written by an able lawyer whom I respect and admire.

Mr. President, I think it is an interesting rebuttal to the position that the ACLU has taken on S. 25.

I would also like to point out that I have great respect for the ACLU. But there are very few occasions on which I have agreed with the positions that the ACLU has taken on a broad variety of issues.

We can argue the constitutionality of this issue, and, if we win, we will get into the major debate. But I will have a very large body of constitutional opinion—not just the ACLU—as to the constitutionality of the McCain-Feingold bill.

I also suggest again that we have to clean up this system. It is broken. It is out of control. Almost every American agrees with that. Poll after poll after poll is telling us that the American people are cynical about us, the way we are selected, and the system under which money seems to be the determinant factor in the selection of our public servants.

I will continue to seek support both inside the Halls of Congress and outside the beltway, and I and Senator FEINGOLD fully intend to bring this bill up this year. The ideal way that we would seek to do that would be us all sitting down together and coming up with a package as we did on the gift ban, as we did on lobbying reform, as we did on the line-item veto, as we have on a broad variety of reforms we have enacted by near unanimous if not total unanimous agreement.

My message to those who say I am now in favor of campaign finance reform is, as you know, so am I, so are many others, so are most Americans. So let us sit down adhering to principles and recognize what the problems are and sit down as mature individuals and move forward and reform this system for the benefit not only of those of us who have the honor and opportunity to serve today but provide an opportunity for dedicated and outstanding young men and women to serve this Nation in the future in elected office.

I intend to continue to conduct this debate with respect and appreciation for the views of my colleague from Kentucky, Senator MCCONNELL, who disagrees with me, my colleague from

the State of Washington, Senator GORTON, and others. I believe that we can strongly disagree on this issue and respect each other's views, and I think the American people deserve a debate that is conducted in an environment of mutual respect. I am happy to say that at least in my view we have conducted this debate on that level during this period of time, recognizing that it is a very emotional issue on both sides. But I think the American people will be far better off if we continue to conduct this debate on the Hollings bill today as well as our overall debate on campaign finance reform in that vein in the future, and I commit to my colleagues that I will conduct it in that fashion.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am honored to be here today with two great Senators who have been leading the discussion on a very important matter to this country.

During my campaign last fall, I was involved in a campaign in which I had two opponents spend over $1 million of their own money on a primary election, two others spent over half a million dollars—$5 million was spent really against me in the primary, which I eventually won, and we had a very contested race in the fall.

I know how difficult it is to raise money, how distasteful it is, how frustrating it is to have to deal with that problem. I came here with an idea that I would be quite willing to consider whatever reforms we could undertake to improve that system. I have given it thought. The results of my thoughts are that I have concluded that we are at a point where we have to admit the primacy of the first amendment and free speech and I have come down on that side.

We had in my general election campaign the trial lawyers association that spend hundreds of thousands of dollars, maybe over $1 million, opposing my candidacy. That frustrated me. Some of it was not properly reported. It was not required to be reported in a timely fashion to the public. So it was difficult to know where that money was coming from, and I do not think that was correct.

I ask, after having given it a lot of thought, how can we say that a group of trial lawyers, a group of business people, a group of union people cannot get together and go on television and speak at the time of an election about candidates or issues in which they believe deeply. This is so fundamental. Some say, well, you can talk about issues; you just cannot do it at the election cycle.

Well, when else do we want to talk about it? When is it more important than when we are trying to decide the direction this country is going, when we are facing it during an election cycle. I do not see how we can avoid that.

The amendment of the Senator from South Carolina I think is an honest attempt to deal with the problem because I do not believe under the present constitutional structure we can make many of the changes that have been suggested to date. So I respect him for that. But I consider that it would be an astounding, a thunderous, a remarkable change of policy for America to adopt this proposed amendment.

It says Congress shall have the power to limit expenditures made by a candidate in an election. That is a remarkable thing to say, that a person cannot go out and say to the people, through their own resources or the resources of others, why they ought to vote for them or against their opponent. I think that is a fundamental alteration of the great democratic trends or tendencies of this Nation.

I do not think it is a complicated case. We can have professors and scholars, and they can write briefs and all this stuff, but look at this. This is a restriction on free debate in America. It is a fundamental issue that this country is dealing with, and I must say that I do not believe we should support it. I think it would be one of the most regressive actions, one of the greatest retreats from the democratic ideal that would have occurred in my lifetime, maybe in the history of this Nation.

I just wanted to take a few minutes to share those comments. I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Before the Senator from Alabama leaves the floor, I want to commend him for his statesmanship when he made the observation that our first inclination after a campaign is to think, boy, I would sure like to have shut up those people who were out there trying to beat me; wouldn't it have been easy if I could have just quieted those voices who were against what I was trying to do?

But as the Senator from Alabama has pointed out so well, America is a seething cauldron of voices, either individually or in groups who take an interest in the future of this country and try to sway our free elections one way or the other.

That is exactly what the founders of this country envisioned. And so what the amendment before us seeks to do is to take a big hunk out of the first amendment, which when it was passed over 200 years ago was almost entirely about political speech, and say that the Government now has the power to control how much not only we get to speak in our own campaigns but the Senator from Alabama knows, because he was referring to this amendment, not just the campaign that we are conducting against our opponent but this says in addition Congress may set reasonable limits on those in support of us or in opposition to us.

Given all the discussion that we have observed here in the last few months about the expressions of outside groups, whether it was through legislative activity or independent expenditures, I would just ask my friend from Alabama, does he not think it is conceivable that Congress might decide that kind of speech is unreasonable and eliminate it entirely in this environment?

Mr. SESSIONS. I think that is a very realistic possibility, and it is so incapable of enforcement or definition. Do you say that a private group that believes deeply in interests like pro-life or pro-choice cannot raise money and say don't vote for John Doe because he is opposed to our views? I think that is what America is all about. We have to be able to take the heat and defend our positions as best we can, and we should not turn that over just to the news media to do so.

Mr. MCCONNELL. I say to my friend from Alabama, I agree with him; we should not do that, but I think under this amendment we could do it.

Mr. SESSIONS. It troubles me greatly. I have read that language in this proposed amendment. I consider it frightening. That is the reason I felt obligated to come and express my opinions today, not for any other reason. I think we should not amend the Constitution in this fashion, and I want to be on record opposing it.

Mr. MCCONNELL. I thank my friend from Alabama.

The only other point I will make, now that he is an incumbent, like the Senator from Kentucky, and since all of us incumbents would get to decide what is reasonable, is it not, I ask my friend from Alabama, conceivable to think that Congress might decide it was reasonable to shut up all the outside groups and have such a low spending ceiling that a challenger to us could never get off the ground? All in the name of getting that nasty money out of the system; we want to get rid of that, want to control all that spending, stop the money chase. We could all stand up here in a chorus of 100 of us and say we are going to stop the money chase. Each of us here are going to set the spending limit in our respective States exactly where we think it is reasonable.

The Senators from Alabama would set the spending limit in Alabama, the Senators from Kentucky would set the spending limit in Kentucky, and the Senators from Idaho would set the spending limit in Idaho. I bet you we would all come up with just the right amount to make sure that nobody had a shot at us. I mean nobody. We would

make sure the groups could not talk at all. We would make sure our opponent could not talk much. And, of course, under this, you could tell somebody they could not spend their own money to express themselves, the difficulty with which the Senator from Alabama was confronted in the primary. We could shut them all up under this. This in the name of healthy democracy?

The Democratic leader of the House—I just happened to have it posted. I do not want to detain the Senator from Alabama, but several people have mentioned this. I just wanted those who might be viewing to see it. The Democratic leader in the House, in support of an amendment like this, said, with a straight face, apparently—apparently with a straight face:

> What we have is two important values in direct conflict: Freedom of speech [on the one hand] and our desire for healthy campaigns in a healthy democracy. You cannot have both.

I am told he did not snicker when he said that. Everyone who heard it broke out laughing. This is one of the most astonishing comments in the history of American politics, made in behalf of a constitutional amendment, similar to the one before us today, to carve a niche out of the first amendment and give the Government, us, the Congress, the power to shut everybody up. That is what is before us today. This is about free speech. It is about political discourse in this country.

I thank the distinguished Senator from Alabama for a very important contribution to this most important debate.

Mr. SESSIONS. I thank the Senator from Kentucky. I agree with the Senator, the statement as printed behind him there on that chart is an astounding and very troubling statement. I think it reflects accurately, though, what thicket we get into when we attempt to pass laws to regulate speech in the campaign. I do not see how we can get out of this.

I think we need to make sure people report what they give so the public can know who is supporting whom. But I think this would be a historic retreat, the greatest retreat from free speech since the founding of this Nation, if we were to adopt it. It is bad policy, and I must speak in opposition to it.

I thank the Senator from Kentucky for his leadership in this effort.

Mr. MCCONNELL. I thank the Senator from Alabama.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senator from Oregon, Senator WYDEN, be added as a cosponsor.

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

The Senator from South Carolina has the floor.

Mr. HOLLINGS. I thank the Chair. I had hoped, when I see the distinguished Senator, that he and others on the other side would have an open mind. I know there was a time when that occurred. But, obviously, you can see from their strategy here that they are taking the party position. It is unfortunate when you do that and try to hide behind free speech, which is not at issue. We are talking about paid speech. But instead, they hide behind James Madison and Patrick Henry and do not want to recognize the truth.

I would be ready to vote this afternoon. I can see at a glance that time and again we face a false charge. Time and again my opponents come up with the same false representation. And time and again we met with anecdotal "could be's," and "what would happen's."

For example, the distinguished Senator from Alabama just said, "This is remarkable. This goes to a fundamental issue. Congress should not be amending the Constitution."

And under my amendment, Congress is not. Instead, it will be up to the people of America. This amendment simply is a joint resolution giving authority to the Congress to limit expenditures, should the States approve this. We have to get 34 States to approve of this joint resolution, and this joint resolution only gives to the people an opportunity to vote. I wrote the first version of this resolution 10 years ago with, "The Congress is hereby authorized to regulate or control expenditures in Federal elections." The States and the Governors and everyone else said, "Include us." So we amended the joint resolution giving the people a chance to vote. So it is not Congress that is running around amending the Constitution.

Then the Senator from Washington, Senator GORTON, "When we put the rights of free speech in the hands of Congress"—we have done it. But we did it with respect to false and deceptive advertising. On television and radio, we gave Congress the right to regulate free speech when Congress acted in controlling obscenity. We told the Federal Communications Commission, as the administrative arm of the Congress, "We want you to watch these programs and rule out obscenity." And then in Buckley, in a 5-to-4 decision by the Supreme Court, they held—as the Senator from Washington says, if we put the rights of free speech in the hands of Congress, oh, that would be a terrible thing. But if we look closely at the Buckley decision, it has been put there and has been found constitutional by none other than the U.S. Supreme Court.

When the Congress acted in 1974 to control expenditures in Federal elections, the U.S. Supreme Court, in Buckley v. Valeo, to use the opposition's expression, took a big hunk out of the first amendment. And there are those who would, in political discourse, see their freedom of speech to contribute as they choose limited. So don't come around here with the call of horrors—"this is fundamental"; "this is so terrible"; or, "this is remarkable."

Their conduct in the treatment of this joint resolution is what is remarkable. They don't want to admit that what is involved here is limiting spending, not freedom. There is nothing free here at all but our chance to limit expenditures in political campaigns. If you want to limit spending, if you want to excise the cancer on the body politic that has grown so now that we can't even do our business except in a party fashion, so be it.

We have tried over the years in every way. I don't want to clutter the RECORD with the entire article in Congressional Quarterly a few years back discussing the need for campaign finance reform, but it I will read part of it:

> Most Democrats supported spending limits which would allow challengers to spend on a level equal to incumbents. Under the 1976 Supreme Court decision in Buckley v. Valeo, spending limits had to be voluntary. The Court said that public financing was a legitimate carrot to encourage compliance with those voluntary limits, a concept some Democrats supported anyway, calling public funding "clean money." Most Republicans, however, strenuously oppose taxpayer financing of congressional campaigns which they liken to welfare for politicians. Many Republicans also argued that spending limits locked in incumbent advantages. They said challengers needed the option to outspend incumbents to make themselves equally viable to voters.

Then, Mr. President, going along:

> In 1987, debate over these issues threw the Senate into a virtually unprecedented procedural fit. Consideration of a bill that included spending limits and Federal funding stretched over 9 months and forced a record 8 cloture votes in an effort to break a Republican filibuster, a 53-hour-24-minute session and a Senator injured and dragged to the floor under arrest highlighted the episode. In the end, the Senate failed to overcome partisan divisions, and the bill succumbed to the process.

The article goes on to talk about a bill in 1992. They wrote:

> In the years that followed with a Republican in the White House pledging to veto any bill approved by the Democratic Congress, neither party showed much interest in restaging the drama. Instead, when an ethics scandal broke, such as the Keating Five affair in 1990 and 1991, in which five Senators were accused of accepting favors from a savings and loan magnet, campaign finance legislation was trotted out as a symbol of reform. The two Chambers reached agreement on a bill in 1992, after the House came under siege over the House bank scandal. That bill stapled a plan House Democrats had crafted for their campaigns to an entirely different plan Senate Democrats had sanctioned. Both plans, however, included spending limits and public finance and, as promised, President Bush vetoed the bill.

I only mention this because it has been a long, hard road, and I hoped, as

that article said, that we would have another fit here. I thought that we would get a fit of conscience here and really do away with the partisanship stonewalling, because they know that is what is involved. They have the advantage, in spite of all that the White House did in the last Presidential race. Just mark it down in Senator THOMPSON's hearing that the Republicans got $150 million more. So whatever the Democrats did, the Republicans did better. We all know it, and you can ask anybody in the public.

We have been in the game, we have watched it, we have read about it, everybody knows about it, and we have tried over the years to correct it. In 1966, Congress adopted public financing for Presidential elections, and then in 1967, they repealed public financing for Presidential elections.

In 1971, there was the passage of the Federal Election Campaign Act.

In 1974, the amendments to that.

In 1976, a further amendment.

In 1979, another amendment.

By 1985, we had the Boren-Goldwater amendment—we had bipartisanship then—to change the contribution limits and eliminate the PAC bundling, but that was tabled.

Then, in 1986, the Boren-Goldwater amendment was adopted, but then it didn't go far.

In 1988, Senator BYRD forced nine votes on the motion to instruct the Sergeant at Arms and request the attendance while trying to get a vote on S. 2. That is when they arrested a Senator, only the second time in history, dragging him in.

In 1988, we had the Hollings constitutional amendment to limit campaign expenditures, and we got a 53 to 47 vote on cloture. Of course, we needed 60 votes at that particular time, and the majority didn't control.

In 1989, S. 139, a comprehensive reform passed the Senate but never made it out of the conference.

In 1991, of course, as I just mentioned, a comprehensive reform passed, which President Bush vetoed.

In 1993, we had a sense of the Senate by this Senator that Congress should adopt a constitutional amendment limiting campaign expenditures which passed 52 to 43.

In 1993, we had a comprehensive reform pass the Senate but it never made it out of conference.

In 1995, again the Hollings constitutional amendment to limit campaign expenditures offered as amendment to the balanced budget amendment. That was tabled by a vote of 52 to 45.

And, in 1995, the Senate passed the sense-of-the-Senate amendment to address the campaign finance reform during the 104th Congress. Again, we got a majority vote.

Then, in 1996, we had cloture on the McCain-Feingold campaign finance reform, and that cloture vote failed by a vote of 54 to 46.

So we keep hammering and hammering and trying every kind of which way. But we know that the intent in 1974 was to prevent individuals from buying their way into office. And now we are continuing our fight in trying to overturn the Buckley decision that held the office must be bought. We are trying to remove that requirement, because the money in campaigns has gone up, up, and away. Good people are being withheld from public service, and the public is losing confidence in the democratic process.

The only way to save this democracy is amend the Constitution. And rather than recognize this fact, the opposition simply raises strawman after strawman.

The distinguished Senator from Kentucky and the Senator from New Mexico, Senator DOMENICI, say, "Might a Congress not come up and cut off speech entirely?" The Senator from New Mexico says, "I could dream up a scenario where that would be constitutional." He said he did not think it was going to happen, but he could think of that later on at a time when Congress would act in an inordinate fashion.

Then he turns to the Senator from Washington. He asks, "Can't you think of a Congress that may shut down entirely any opposition that just comes?" Well, Senator GORTON, the Senator from Washington, said, "I doubt that that would happen, but it is the most fundamental attack on the freedom of speech since the adoption of the Constitution."

So they continue the same rhetoric about the freedom of speech. But if Buckley says that freedom of speech can be limited with respect to those contributing in politics, then why not for those spending? They do not want to answer that question.

Chief Justice Burger, in the better of the opinions in that case, said they are two sides of the same coin, contributions and expenditures.

To quote exactly, he said, "The Court's attempt to distinguish the communication inherent in political contributions from the speech aspects of political expenditures simply will not wash."

But, no, we come here with the Senator from Alabama, "Congress should not amend the Constitution." I agree with him. It cannot. But instead, we let five Justices of the Supreme Court—over the opposition of four individuals—amend the Constitution whereby they limit freedom of speech as to contributions.

I put it word for word in this particular joint resolution. I wanted to show how we had come and aimed right down the barrel of the U.S. Supreme Court on the so-called freedom of speech. "Congress shall have power to set reasonable limits on the amount of contributions that may be accepted by * * *." That is word for word the Buckley versus Valeo decision. You can limit the amount of contributions.

That is what Congress did in the 1974 act. It is a frustrating thing that is going on today because we try and try over a 30-year period. We arrest people, get into a 9-month debate, and have cloture resolutions.

But now they ignore the need for action. They go in the back room and say, we are going to vote as a party so do not worry about it. We let it go on over the weekend, discuss it maybe on Friday or Monday, and vote on Tuesday, because no one is going to listen. All that is required is for someone to come out from time to time, mention freedom of speech, and talk about how remarkable, how untoward, how drastic this amendment is.

Then they have the Senator from Kentucky get up and say, "Don't you think the Congress could do all these horrible things?" Well, it has already occurred. Congress passed the 1974 act, and the Supreme Court has held it binding. Our mistake was in figuring that conscience and common sense would say, as Chief Justice Burger said: two sides of the same coin.

We say, "Congress shall have power to set reasonable limits on the amount of contributions that may be accepted * * *." We have done it, and we are doing it. Then we add "* * * and the amount of expenditures"—which is what we try to get—"that may be made in these campaigns." That is all it is. And it is said, let the people vote on it.

I wish I could get enough publicity to get the people focused on what is involved here and break down the stonewall thrown up by most on the other side of the aisle against limiting expenditures. We tried in a bipartisan way in 1974 to limit expenditures, and we said so much per our votes at that particular time.

After Watergate, Congress did not say, "Heavens above, let's limit the campaigns to $50,000," or any such thing. We had limits in a small State like South Carolina where we could spend $510,000, and inflate that over the 20-year period. That is not $50,000. But no, they come up and say what Congress could do and how the U.S. Supreme Court, under the mandate of being reasonable, would agree with them.

You know and I know that is a straw man. It should not even be considered seriously. But they come here with a very analytical argument about, "The media sets the agenda, the fourth branch," and try add to their parade of horribles as to what the media could do. Well, look at this particular joint resolution. It has nothing to do with the freedom of the press, absolutely nothing to do with the freedom of the press. And on the other hand, you have that freedom of the press right now.

I related in the debate yesterday that I was running along with a nice little

lead going into the election in 1992, and along comes the Wall Street Journal and Paul Gigot. We had not heard of him before and we have not heard of him since. But it was coordinated with the London Economist and Robert Novak and others. Articles started being written about the right to work. They know South Carolina is a right-to-work State. And they said, by cracky, I was opposed to it, but in fact I voted for it as a member of the State legislature and have stuck with it throughout my political career. Organized labor knows that.

My opponents try to make the claim that I could say that the editorial was a contribution against me or a contribution for my opponent and therefore set it aside. Nonsense. They know that.

If you get a violent, caustic, scavenging editorial against you as a politician, wake up, because you are in the game. As Harry says, you have to take the heat or get out of the kitchen. If you are in the kitchen of politics, that is going to happen. There is no such thing as stopping it under our Constitution. Certainly not this amendment, which is to limit campaign expenditures, not the free press.

But they try to distort and stretch with this strawman exercise and charade that we have been going through here all day today. Here and now, and I have experienced it, that kind of activity has already occurred.

What we say here, and it is as simple as was testified before the Judiciary Committee in 1988, is 43 very simple, very clear-cut, words to limit expenditures in Federal, State, and local elections. That is all it is. Shall we do it? Shall we have the authority? It does not address those questions. It does not say how you do it or that you must do it.

The Senator from Kentucky, Senator MCCONNELL, has been forthright. He says we have not spent enough money on politics. He talks about how we spend way more money on cat food and dog food and Kibbles 'n Bits and yogurt. You would think that there would be some kind of dignity in the silly things they put out as real arguments against this particular mission. But the Senator from Kentucky has come forward and said we are not spending enough. Well, that is forthright. Maybe he can persuade others, as he has persuaded the stonewalling opposition here today, and he might get it increased. Then we can all get out and let the idle rich come in here and make the laws for the people of America, because we will not have any regular folks that are willing to listen to the people, who demand we get this money out of politics, that we limit this thing, that we get this corruption out of politics.

Everybody admits to it and everybody says, "I am for reform, reform, reform, campaign finance reform." But you cannot get reform unless you have the authority. This has been proven over the last 30 years by all of these failed attempts. So if you want new authority, which does not say whether or not to do it, does not try to limit newspapers, does not say what it is expenditures, vote for this amendment. As a politician, you are not going to get anything free from the free press. Go to them and ask them for a quarter- or half-page ad and they will laugh at you. They just do not give free coverage. I have not ever heard of a newspaper doing it yet.

The same with the radio and the TV advertisements. Go tell them how much you want to buy, and we are couched in a very sinister way into these 30-second ads. You cannot discuss intelligently the issues before the American people. That is the real burden on an incumbent. They say, "Well, HOLLINGS, you voted in 1974 one way and now in 1994 you are voting another way." Well, you come forward and try to explain that, but you cannot explain that in a 20-second bite on TV. And try to buy 5 minutes. They will say, "No, we are not selling that, and there is nothing you can do about it. Nothing you can do about it. We control the prime time that you need to do it. We control that freedom of your speech."

It is already controlled here in the U.S. Senate with the filibuster rules, and over on the House side with the 1-minute, 2-minute, 5-minute rules, and in the committee with 5 minutes per Senator to examine the witnesses. We all agree and understand and know the reason for the limits, but then they bring on the dog and pony show, saying "remarkable, fundamental, never heard of it before." Who believes that?

Mr. President, for 21 years Buckley versus Valeo has been on the books and we have abided by it, as the distinguished Senator from Arizona says. We have the PAC limits and individual contribution limits. But there is no limit on the individual candidate. That is what we were after back in 1974. I was there. I voted. We said, "Mr. Rich Man, you cannot buy this office." Now with this half a haircut solution, what we have is the ones who contribute are totally limited, but the ones with the wealth are totally unlimited. In reality, then, you have taken away the speech of the poor. You have indirectly limited the speech of the poor in spending.

The Supreme Court, five individuals against four, have amended that Constitution. You know it and I know it, but yet you come up here and talk about what is remarkable and fundamental and "the first time in 200 years" and on and on and on. Congress was given the authority to prohibit false and deceptive advertising and it has been upheld by the Court. Congress has amended the right of free speech with respect to obscenity. It has been exercised, and in the decision of the U.S. Supreme Court upheld. In a sense, we now have the rights of free speech in the hands of Congress. They said that is fundamental, and do not ever do that. Like this is something new, putting the right of free speech in the hands of Congress. But Congress has done it, and it has been upheld in Buckley versus Valeo. To use their expression, the Court "took a big hunk" out of the first amendment, and found that among those who want to exercise their free speech by contributing, free speech is limited.

So we should get the real facts out about what we have here. We have a bottom line. Do not come here congratulating on a misdescription by the Senator from Texas as to whether or not you are for free speech. We say expenditure. We do not say anything about "free" in this amendment. It has nothing to do with free. It has to do with paid speech, paid expression.

I was really moved by the Senator from Texas, who tried to change the debate. That is what you have constantly with the stonewall against limiting spending on the other side of the aisle. That is what we have. They do not want to limit spending. They will say, "Well, you have the advantages of people. You have the AFL–CIO, the organization labor fellows, but we have the banks and we have the money and you expect us to give up our money."

Well, well, well, I think that both sides have the cancer of money. They ought to be able to recognize the reality that faces us after the 30-year trying. They ought to give the people of America the right to vote and amend the Constitution.

When my Southern State and a lot of other Southern States had the poll test, we amended the Constitution. I told the story about the poor minority that presented himself to the polls in the early years and we had the literacy test. They said to the poor minority, "Boy, read that paper." They gave him a Chinese newspaper. What goes around comes around; we are back to China. And the poor individual just looked at it and he said, "Yes, sir, I can read it." He said, "You can? What does it say?" "It says, 'Ain't no poor minority fellow going to vote in South Carolina today.'" Yes, he could get the message. There were all kinds of devices to prevent some from voting. However, we have amended the Constitution to fix that.

If Madison, Patrick Henry, and Jefferson and all that crowd that the other side has been celebrating were so good, with their slaves, why did we have to pass the 14th amendment? We didn't agree with what they found, so we had the discrimination cases and the civil rights movement. In my lifetime, we have had the poll test. We changed the Constitution to fix that.

We changed the Constitution when we made a mistake in Prohibition. We changed the Constitution when we made a mistake with respect to the Federal income tax law.

Now, professors, all the studied minds, jurists, attorneys general, and the like have, said the Supreme Court made a mistake in Buckley versus Valeo, and the only way to correct it is with a forthright, restricted, limited kind of constitutional amendment. An amendment that says expenditures are limited in Federal, State, and local elections. It is not free speech, it is paid speech. We are just as assiduous as any other Senator in the protection of the freedom of speech. We know its value, but we know it must have exceptions.

I put in the RECORD, Mr. President, a statement by Prof. Lawrence Tribe of the freedom of speech and some of its exceptions that have developed over the years. So don't come here on the floor of the Senate with the act about fundamental, how remarkable this is. Egads, the U.S. Senate has voted for a constitutional amendment to grant Congress the authority to limit campaign spending three times. We just voted 4 years ago for a Sense of the Senate Resolution. Is there any sense of history and experience around here that we can finally come to grips with the fundamental—yes, it is a fundamental—money is a cancer on the body politic.

If money corrupts in political campaigns, then unlimited money corrupts absolutely in political campaigns. We know that, in warfare, he who controls the air controls the battle. We know and understand and appreciate that, in campaigns, he who controls the airwaves controls the campaign.

What you have here is the rich, as we saw 2 years ago in California, spending $30 million to be a Senator, and we think that is legitimate. It is a disgrace. It is buying the office, and everybody knows it.

The rich who walk in and say, "I am making so much money, but I need another tax cut, a flat tax," and they sell it by controlling the airwaves with their millions of dollars in a Presidential race—they ought to hang our heads in shame. That kind of activity is going on and is even covered by the free press. They ought to understand that freedoms really are in jeopardy when we allow the rich to come along and buy the office.

My amendment says reasonable limits on expenditures, not on speech.

Mr. President, if others want to be heard, I will be glad to yield the floor, but I have plenty here with respect to the authorities and the witnesses that appeared before the Judiciary Committee. We have had hearings. The former Senator from Illinois, Paul Simon, was on the other side. He withheld in that committee for a long time. I had to struggle to get a majority vote. But we had the witnesses. They were heard, and a majority of the Judiciary Committee voted the amendment out and to the floor.

Please, my gracious, they reported it out. Once out, we didn't get it passed, but we got a sense of the Senate that it should be passed. Senators want to get that political credit. It's a pollster politician that says, "I am for reform and that is what we ought to do." "Yes, sir, I believe we ought to limit this financial cancer." "Yes, I voted reform when it was only a Sense of the Senate." And then when they get to real reform, they put on this big show here trying to quote Mr. GEPHARDT and saying, "You can't have a strong democracy and freedom of speech." They know and I know, this democracy is strong because of free speech—none of us believe otherwise. I think it is a distortion. I think it is a distortion perhaps of what the gentleman said, but be that as it may, no one ascribes to that in this particular body.

Everybody knows how we got here. Incidentally, we all got here not through free speech—unless somebody was appointed, and I can't think of any appointments now that we have had the election—but every one of the 100 have had to pay through the nose to be heard on the TV, to be covered in the newspapers, to be heard on the radio, and seen on the television, billboards, and yard signs. So we know all about the paid speech.

That is what we are trying to do, put an ultimate limit on it because, once done, then we can get a handle on some of the real abuses. Then we control all of the monkeyshines that go on.

Once you get it limited and fully disclosed, like in the 1974 act where every dollar that I receive in a campaign is recorded in the secretary of the senate's office in my State capital and with the Secretary of the Senate, then you get it under control. With that limit and disclosure, you can see from whence they come, and who has, if at all, tried to buy or has been subject to undue influence.

After all, it is the people who are the ultimate jury. They decide on election day. You can refer to that public record and say, see, he is bought and paid for by such and such an industry or such and such an interest, whatever it is that comes out in the campaign. That is what the disclosure requires. You can't receive huge sums and have it obscured.

We ran it the right way back in 1974. But the justices who amended the Constitution in that Buckley decision, they created the system we have been tortured with now for the past 20 years. And every time we make the good college try to fix it, they come out here, and I am surprised, frankly, at this particular charade because they got a lot of good conscientious Members that have come to the Senate, and they say we will not fix it.

Some of those Members have run on the proposition of trying to limit spending. Here is the one opportunity to ask the American people if that is what they want to do. HOLLINGS is not amending the Constitution. The Senate is not amending the Constitution. The Congress is not amending the Constitution. We simply, in a little closely worded amendment, said the people will have a chance to vote on it in the several States.

The last amendment to the Constitution took 200 years to pass. That is the 27th amendment. "No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened."

Congress submitted the text of the 27th amendment to the States as a part of the proposed Bill of Rights on September 25, 1789. The amendment was not ratified with the first 10 amendments, which became effective on December 15, 1791. The 27th amendment was ratified on May 7, 1992, by the vote of the State of Michigan.

Just like the 27th amendment, you can put this Hollings-Specter amendment up and let the people decide. You don't have to talk about this amendment being so remarkable. It is not remarkable to let the people decide. Only the people will change our fundamental rights. Don't believe those who say it is going to guarantee incumbency or any other of those parade of horrors that they bring up. Just remember, we are just giving the people, the good, commonsense American people, the chance to vote.

When the people looked at the 27th amendment, it wasn't until 203 years later, in 1992, that they finally got the State of Michigan to ratify it and the people decided. So there you are. It is just a chance to give the people chance to clear up this Buckley versus Valeo decision.

The distinguished Chief Justice said, "The Court's result does violence to the intent of Congress." There isn't any doubt about it. I was there. Chief Justice Burger,

> The Court's result does violence to the intent of Congress in this comprehensive scheme of campaign finance. By dissecting the act bit by bit and casting off vital parts, the Court fails to recognize the whole of this act is greater than the sum of its parts. Congress intended to regulate all aspects of Federal campaign finances.

I read again Chief Justice Burger:

> Congress intended to regulate all aspects of Federal campaign finances. But what remains after today's holding leaves no more than a shadow of what Congress contemplated.

This decision, a 5-to-4 decision, and they are talking about what Congress might do. Look at what those five individuals have done.

Look what Justice White said in dissent,

The judgment of Congress was that reasonably effective campaigns could be conducted within the limits established by the act and that the communicative efforts of these campaigns would not seriously suffer. In this posture of the case, there is no sound basis for invalidating the expenditure limitations so long as the purposes they serve are legitimate and sufficiently substantial, which in my view they are.

So there is Justice White finding them "substantial" back 20 years ago, long before any kind of Keating Five, long before the Lincoln Bedroom, long before the soft money scourge with the Colorado decision. Long before all these things, there was "substantial" then, and they are more than "substantial" today. "Expenditure ceilings reinforce the contribution limits and help eradicate the hazard of corruption."

Justice Byron "Whizzer" White couldn't be more correct. He couldn't be more on target. We know it. The American people outside this Chamber know it. They have asked for a chance to correct it. Let me read further from Justice White.

I have little doubt, in addition, that limiting the total that can be spent will ease the candidate's understandable obsession with fundraising and so free him and his staff to communicate in more places and ways unconnected with the fundraising function. There is nothing objectionable, indeed, it seems to me, of weighing the interest in favor of the provision in the attempt to insulate the political expression of Federal candidates from the influence inevitably exerted by the endless job of raising increasingly large sums of money. I regret that the Court has returned them all to the treadmill.

Mr. President, when you talk of that treadmill, you can't ignore the description that was used by the distinguished writer some 15 years ago, Elizabeth Drew, in the New Yorker when she described, if you please, the same situation with respect to that treadmill in her article "Politics and Money." And I read:

Until the problem of money is dealt with, it is unrealistic to expect the political process to improve in any other respect. It is not relevant whether every candidate who spends more than his proponent who wins—though in races that are otherwise close, this tends to be the case. What matters is what the chasing of money does to the candidate and to the victor's subsequent behavior. The candidates' desperation for money and the interests' desire to affect public policy provide a mutual opportunity. The issue is not how much is spent on elections but the way the money is obtained. The point is what raising money, not simply spending it, does to the political process. It is not just that the legislative product is bent or stymied. It is not just that well-armed interests have a head start over the rest of the citizenry—or that often it is not even a contest . . .

It is not even relevant which interest happens to be winning. What is relevant is what the whole thing is doing to the democratic process. What is at stake is the idea of representative Government, the soul of this country.

That was written in 1982, some 15 years ago. We were worried then about Buckley versus Valeo. That was 6 years after everybody had looked at it and seen the treadmill, exactly as Justice White called it, and the damage to the soul of the country as a result of this treadmill. It was an injury to our democracy, according to Elizabeth Drew.

There is no question that this has to be dealt with. They might run, as Joe Louis said, but they can't hide. I am not going to let them hide behind this freedom of speech babble. I have it in here word for word. Mr. and Mrs. American people, you are given the authority to vote. You are not controlling it unless you vote yea, allowing Congress to have the power to set reasonable limits on the amount of contributions.

That is already in place under the Buckley versus Valeo constitutional decision. We have that limit on the freedom of speech which is so remarkable and so fundamental that they inaccurately continue to caterwaul about. Now, we are attempting to limit the amount of expenditures, not freedom of speech. It is limits on the amount of contributions, limits on the amount of expenditures, nothing free. It is contributions and it is expenditures, and it is limits thereof, and it is whether or not the American people shall have the right to vote on it after this 30-year trial.

Otherwise, as Justice Thurgood Marshall in another one of the distinguished dissenting opinions stated, and I quote:

It would appear to follow that the candidate with the substantial personal fortune at his disposal is off to a significant head start. Of course, the wealthy candidate can potentially overcome the disparity in resources through contributions from others, but ability to generate contributions may itself depend upon a showing of a financial base for the campaign or some demonstration of preexisting support, which in turn is facilitated by expenditures of substantial personal sums. Thus, the wealthy candidate's immediate access to a substantial personal fortune may give him an initial advantage that his less wealthy opponent can never overcome. And even if the advantage can be overcome, the perception that personal wealth wins elections may not only discourage potential candidates without significant wealth from entering into the political arena but also undermine public confidence in the integrity of the electoral process.

There it is, that last phrase—"not only discourage potential candidates without significant personal wealth, but also undermine public confidence in the integrity of the electoral process." That is exactly what is occurring

That is the trouble. As Marshall said:

Large contributions are the less wealthy candidate's only hope of countering the wealthy candidate's immediate access to substantial sums of money. With that option removed, the less wealthy candidate is without the means to match the large initial expenditures of money of which the wealthy candidate is capable. In short, the limitation on contributions puts a premium on a candidate's personal wealth.

Think about that. This is, as expressed, "a big hunk of the first amendment," as expressed by my distinguished colleague from Kentucky. We are capable of limitation on contributions. And that is sustained here by the U.S. Supreme Court in the Buckley case. That puts a premium on a candidate's personal wealth because the only way that a less wealthy candidate can catch up is with large expenditures. But the Court, has "limited the freedom of speech for the first time in 200 years." I will use their expression and see if anybody believes it. This happened in 1976. It happened after many other times the Court has upheld limits, but let us use their expression if that is what everybody wants to believe. The Supreme Court, in Buckley versus Valeo, for the first time in 200 years, limited a contributor, his expression, and his freedom of speech in politics and therefore has put a premium on the candidate's personal wealth. He is penalized. The speech of the less affluent candidate is taken away because the less affluent candidate can only make it up, if he has no personal wealth, by larger contributions. But the Court, in limiting contributions, limited free speech for the first time in 200 years.

Maybe that is the way they will understand it. I do not know how to get their attention and get them out from this stonewalling on limiting spending in political campaigns.

Everywhere we go, they all say, what about campaign finance reform, Senator? I say, "Oh, yeah, I am for reform." And then one chance we get here this week to vote for it, we decide to put it off until next week. We hope it does not appear on the Sunday programs or anything of that kind so the people will never know we had that chance. And once we have done that, then they will tell Senator FEINGOLD and Senator MCCAIN, "Well, you had your vote; you can see Congress does not want to limit it. We cannot spend a whole year on reform. You have had your chance, and the majority voted against that chance. You did not pass the joint resolution of Hollings-Specter so let's go on to something else." Thereby, the entire thing is supposed to be swept under the rug. Well, it was almost swept under the rug on Monday. On Monday, they had it greased. They had a majority vote out of that Rules Committee, Mr. President, to just look at the illegal and not look at the improper, and they thought they had a majority vote along party lines. But Senator THOMPSON of Tennessee won out. He said we had a fit of conscience of at least eight or nine on that side. They were going to have egg on their faces. They were going to lose to a Democratic amendment.

"My gracious, we cannot ever let that happen. We are so bipartisan around here," they said. My Aunt Ida.

Instead they said, "we just cannot have a Democratic amendment prevail in this particular score. So, we will just all join in, then, and vote the 99 votes and adopt it." They had a fit of conscience.

Maybe we will get a fit of conscience. Maybe not today, maybe not tomorrow or next week, but we will keep coming back. We have had it three other times. We will get this the fourth time. We keep picking up steam.

My difficulty over the years has been in trying to put up an amendment again and again, because they tell me at the desk, that according to parliamentary rules, you cannot amend a simple bill—three readings in the House, three in the Senate, signed by the President—because this is a joint resolution. It is not to be signed by the President, but to go directly to the people for their ratification in the several States.

So, if I bring it up on any and every bill—which I am prepared to do, because I know the people are demanding it, and we will finally make a breakthrough—I have to wait for a joint resolution. That is why I finally got it up on the balanced budget amendment to the Constitution, for the simple reason that last year Senator Dole would not let me up. He just would not bring up a joint resolution on anything. When he got his unanimous consent to bring up the balanced budget amendment, I told them that I had an amendment to offer. They said later on, "Oh, that is not relevant and our agreement meant relevant amendments on the balanced budget amendment to the Constitution."

So I struggled all last year, 1996, and could not even get it up. I am going to look for any joint resolution that quietly comes by, and I will draft my resolution so that it is separate and apart from the other resolution, so that it would not interrupt it, and we, maybe we can get an up or down vote at that particular time again. But I can tell what the strategy is here, now. It is to get an arguable reason to stonewall McCain-Feingold. We can say, "Well, we have had enough debate. We debated it 3 or 4 days, and everything else. Everybody has considered it. They are not going to limit campaign expenditures, so why do McCain-Feingold? If you do this, you are going to limit it. If you do that, we are going to limit it. We have already voted on limits in the Hollings amendment and that is it. Forget about it and let us all go home and say we all tried. We were all for reform."

Oh, yes, we are all for limiting it any time it is in a sense of the Senate. It is kind of hard to hide behind that. Maybe that is what I will continue to do, on every bill, get a sense-of-the-Senate resolution. I think you have to get 25—we can get 25 Senators to cosponsor that right easily, and keep bringing it up until they get that fit of conscience.

They do not have it now. They are not interested in the soul of democracy. They are not proud to be in public service. What they are proud to do is outmaneuver; what they are proud to do is avoid and evade; what they are proud to do is finesse, in a clever, parliamentary way. What they are proud of is parliamentary maneuver. So, then they all vote up or down on this. They smile at each other. And they will give that praise to the Senator from South Carolina. They will say, "We know he is sincere, but he is so misdirected, the poor fellow. He has tried hard. We respect him for trying so hard, but, bug off, son. You are not going to pass anything here that has to do with limiting expenditures in Federal elections."

That is what we have considered, time and time and time again. And it is not freedom of speech—it is the protection of speech. But if they want to say it is the freedom of speech, then we have drafted it after Buckley versus Valeo, which said that part of the speech is already limited. Let us give a neat little other side. There are two sides to the Buckley coin, as Justice Burger said. Let us take care of the expenditures themselves and not dance around the mulberry bush with Patrick Henry and James Madison and anybody else from the time that they believed in slavery.

That is the forefathers. I think we have come a long way. They did not have to go down the road in the wagon and solicit $14,000 every week. They did have freedom of speech and free elections.

They did a pretty good job, though. We got a good Constitution, generally. But we have had to amend it because they did believe in slavery and we have outgrown that particular cancer. We are trying this afternoon to outgrow this particular cancer. We can get elections back to the issues and the confidence of the people back in their Congress and their democracy. And we can get participation. But why did less than 50 percent come out to vote? The votes say, "What is the reason? The money controls the whole blooming thing."

Look at what is in the headlines, that is all we have had—January, February, down into March. There is another shoe that falls every day. They begin to think this political contribution character is a centipede. I have never seen so many shoes falling.

We go from Indonesia to China to all these different countries to everything else of that kind. It would be helpful to me if they all would say: "Look, we tried to compete. We stretched every law. We intentionally stretched every law. We asked Philadelphia lawyers, 'Can you do it?' And when the Philadelphia lawyers said, 'You can do it,' then we said, 'We have to do it, because that Republican crowd is going to outraise us anyway you look at it.'" And they did. They raised over $150 million more than the Democrats were able to raise.

So, why don't they admit to what exactly occurred and then let us pass this amendment and give the people an opportunity to vote on what they have been asking for 30 years now. I went down the litany of failed reforms, Senator, from 1966 right on.

But when we get the distinguished former chairman of the Judiciary Committee, and now ranking member of the Foreign Relations Committee, to come to the floor, the Senator from South Carolina knows when to hush. I yield the floor.

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

Mr. BIDEN. Mr. President, I want to apologize to my friend from South Carolina because, as usual, he has been carrying the heavy load here. He has been carrying the water for all of us. I do apologize for not being here, to be more engaged in this debate. Frankly, I say to my friend from South Carolina, everything else we talk about—all the other talk about what we are going to do about campaign financing and campaign finance reform, and who has more money and who has less money, and how to avoid the stain and stink of money—ultimately, cannot make a difference until, we do what you have been telling us we need to do for the last decade or more.

We have a Supreme Court that has interpreted the first amendment in a bizarre way. This is not only with regard to the Buckley case. Take, for example, all this talk about soft money. We would not be in the spot we are in with soft money in terms of both political parties had it not been for the Supreme Court decision last year. At least there used to be a couple of veils left in this dance of seven veils. Now, you have major, major contributors who can come in and just change the whole dynamic of Senate and House races.

I just came from a meeting on chemical weapons. This is sort of the biological agent of politics that we are trying to eliminate here. Two years ago, in the last cycle, if somebody wanted to come in and put up $100,000, $500,000, $1 million, $5 million—if they did it all by themselves, did not coordinate it with a political party, put up billboards and advertisements and did not collude with the one or the other political parties against a specific candidate, then they could spend all the money they wanted. But there was this little veil that sat there. It did not allow the multimillionaire to pick up the phone and call the chairman of the Democratic Party or Republican Party in Delaware and say, look, I want to defeat BIDEN or I want to defeat the other guy and I have a million bucks; how do you want me to spend it?

The Supreme Court came along—a fellow I voted for, a brilliant guy—and wrote an opinion and said in effect, "Oh, no, there's no distinction between you going out and spending it yourself, in first amendment terms, and giving it to and coordinating with a political party."

What happened? We have a thousand dollar limit on individual contributions. But what does that mean? In my campaign this last time out, all of a sudden I find—I assume in coordination with the political party; by the way, I am not saying Democrats would do the same thing if they had the money—all of a sudden, I am finding all these ads on the radio with our good friend Malcolm Wallop. He was a good friend; he is a good man. He was heading up Americans for Freedom or some organization with a name like that.

He said, "This is Americans for Freedom. Do you realize Senator JOE BIDEN is taking away your freedom?" Another group came in and did specific radio ads against me, coordinated by the Republicans.

All of a sudden, my opponent had money. When he had to go out and get little pieces at a time, he had a hard time convincing people to give him the money. But, you get a couple of those big guys, they come along, and here is 10, 20, 50, 70, 100,000 bucks.

The point I am making is, all that is legal now. So what are we going to do? We can pass all the laws. I support McCain-Feingold. I am going to vote for it. But, I am reminded of that person who once said, "You know, moderate reform is like moderate chastity." That is about what we are getting here with legislation.

When I arrived here, one of the first things I did, to the best of my recollection—it was Dick Clark and JOE BIDEN—was propose Federal funding of elections, congressional elections, because I wanted to get the private money out of this deal. I wanted to challenge incumbents, to let challengers have the same money incumbents had. I did not want public officials to be beholden to anybody but the American taxpayer.

I will never forget, some Democratic Senators, God bless their souls, like Warren Magnuson—"Maggie," as we used to call him—from Washington State, and some very prominent Republicans, looked at me and said, "Kid, do you know what you're doing here? Do you understand this?" I am not joking about this. "Do you understand this?"

One Senator I will not name but has long since passed, called me into the Cloakroom, pulled me aside and said, "JOE, come here." I was 30 years old at the time. I walked in and said, "Yes, sir?"

He said, "Enough of this stuff now, all right?"

I said, "Enough of what?"

He said, "This thing about giving the other guy the same amount of money we get." He said, "I worked too"—I won't quote him precisely—"I worked too darn hard to get to the point where some little sniveling brat will get the same money I have to run against me."

Well, that is why nobody in here wants to have it that way. I am not crazy about the fact. I have been around longer now. I am a senior Senator, so I can raise more money than the other guy. But, the other guy should have as much money as me to run, and neither of us should have to go around with our hats in hand saying, "Will you help me?" because it is a corrosive process, especially for a new guy and a new woman.

The reason I am saying that is this. I believe the vast majority of people who contribute to campaigns contribute to campaigns because they, in fact, find a Senator who already has a position they agree with. The problem I worry about is the young person who decides to run for the first time.

I will repeat this story. I told it in a hearing once, and I paid for it. But I will repeat it again and probably will pay for it again.

Toward the end of my first campaign, when I was 29 years old, I had no money, didn't have a thing—no television money—and all of a sudden, the guy that couldn't possibly be beaten, I am within a point of him, the polls said.

About 10 days before the election, I get a phone call from a group of men I never heard from before in an area of my State, I say to the Presiding Officer, where we used to only ride through and say, "My God, look at the size of those houses." I get a phone call. They were decent men, by the way, decent, honorable men. They called me, and we went out to this place they call "the hunt country" in my area. You know it. You know some of the people. I was just so flattered they invited me.

I was thinking, 10 days. My brother, who is 6 years younger than me, was my campaign finance chairman. You can tell how effective we were. We had no money. He was 24 years old. The Senator from South Carolina knows my brother. Jimmy says, while driving me out there, "You know, Joe, we got a call from the radio stations. If tomorrow we don't have the check for next week, we're off the air." Now, like anybody who is running for office, you pour your heart, your soul, everything into this.

Mr. HOLLINGS. That's what they call free speech.

Mr. BIDEN. Right, free speech. You pour everything into it. So I was sitting there, and I was within a point, according to the polls, of pulling off at that time, that year, what was viewed as the upset of the year. I wasn't even old enough, Mr. President, to be sworn in the day I got elected.

So I was riding out there. I walked into this room with nice big leather couches. I get offered, like we do in the Foreign Relations Committee, a sherry. That is a kind of foreign relations thing, sherry. I get offered a sherry. I don't drink, so I politely said, "No thanks."

These guys are real nice guys, five or six of them, and most of them made a living, God bless them—I don't begrudge them this—by clipping coupons. They came from wealthy families with a lot of money, and they are decent guys. Two of them had already been helping me. They thought this was a nice little revolution, this kid coming up doing this.

They sat there and looked at me. The one guy who was the older of this group—I say I was 29, so they were probably between the ages of 32 and 40. One guy looks at me and says, "JOE, can you tell us your position on capital gains?" Now, Mr. President, I knew the right answer for $30,000. I knew the right answer. Capital gains had not been an issue in the campaign. I had never spoken out on capital gains. No one had talked about it, but I am not stupid.

I was sitting there—and this is the God's truth—I was sitting in that room seeing what I worked for for 2 years about to go down the drain because I don't have $20,000 to keep my radio ads on the air. $20,000 wouldn't get you anything these days, but it would have kept me on the air for 10 more days with my radio ads, which were very effective, as it turned out.

I sat there, and I don't know why I did it—not because I am so honorable and brave or anything—I just blurted out, "I don't think we have to change the capital gains structure." That was the end of the conversation. Everybody was very polite to me, said, "Great idea,"d talked about a few other things. They said, "JOE, lots of luck in your senior year." I got up and left. I didn't raise any money from them.

I could have said, "You know, gentlemen, I think the capital gains rate should be reduced." I knew that is how they all made their living. By the way, there is a legitimate, serious argument that capital gains should be reduced. It is not like it is something that is immoral or bad. I just happen to disagree with it. The truth is, I had not even thought that much about it, so it would not have been like I was selling my soul had I changed a position. But, the contrariant instinct got the better of me. I heard the words come out of my mouth and I thought, "Oh, my God, what did I just say?"

Maybe I should not be so honest, but I have been around here too long. I have been here 24 years. And, this story illustrates the corrupting nature of the process. I have never known anybody I have worked with where a contributor says, "Here, I got some money for you

if you go ahead and take a certain position.'' That is not how it works. That is not the corruption. The corruption is sort of an insidious thing. It is insidious. But, in the public's mind, it is all bad now, even when we get support from people for positions we die for politically—whether somebody contributed to us or not, we would hold them dear, we would go down.

I always say to young people when they say they want to run for office, answer one question: Is there something you are willing to lose over? If you are not willing to lose over something, you should not get involved in politics; you should go do something else.

And for all the women and men in the Senate, there are positions over which they are willing to give up their seats rather than yield on. Somebody who contributes to them, who happens to share their view on that issue—now it is tainted in the public's mind. When we get support from people who are supporting us because we are of like mind, not because we changed our mind to get their support, we are viewed in a way that we must have done it because of the contribution. That is how bad it has gotten.

So what I do not understand, I say to my friend from South Carolina, is, you would think out of mere self-preservation and our own honor——

Mr. HOLLINGS. Right.

Mr. BIDEN. You would think we would want to change the system. I would say, to the best of my knowledge, all 100 Senators here are honest and decent people. But the perception out there is that there must be—must be—something wrong because all this money is in here.

So, it seems to me, I say to my friend from South Carolina—and I am not being solicitous—as usual, you have cut to the quick of the matter. Nothing can fundamentally change—fundamentally change—with regard to the way in which the process works until we have the ability under the law to limit the amount of money we spend, to determine how we can raise it, and to limit certain outside excesses that presently exist. If we did the things that we all would agree privately we have to do, the Supreme Court, I believe, would rule under their recent case law that it was a violation of the first amendment.

So what I am saying to my friend from South Carolina is, besides thank you, that you are dead, dead, dead right. I am going to vote for things in addition to this amendment, but not because I think without this amendment they are going to work, but because I think they are the only things we can do. And, I hope that I am wrong in terms of my reading of the Court's assessment of the first amendment.

My colleagues sometimes kid me, Mr. President, because they know I teach constitutional law in law school now. I think it must send shutters through Justice Scalia and others that I have been teaching the last 5 years a course on constitutional law and separation of powers issues. But you know what they say, if you want to learn a subject, teach it. If you want to learn a subject, teach it.

I am an adjunct professor at Widener University Law School, and I have taught a seminar on constitutional law for the past 5 years on Saturday mornings. I might add for the record, I do it without any conflicts to my job in the Senate. I do it Saturday mornings, on my time. Nobody helps me with it.

I am telling you, Senator HOLLINGS, you are right. Without changing the Constitution and giving us the power to determine what parameters we set or how we raise money for elections or how much we can spend, then anything we do here is subject to significant change by the Supreme Court.

Twenty-one years ago the Supreme Court ruled that spending money was the same thing as speech. The Court said that writing a check for a candidate was speech, but writing a check to a candidate was not speech.

The Supreme Court made a supremely bad and, I believe, supremely wrong decision. By saying that Congress shall make no law abridging the freedom to write a check, the Court is saying that Congress cannot take the responsible step of limiting how much money politicians can spend in trying to get elected. And we have to start putting limits on this because money is just permeating the system.

I am sure I am going to repeat a few things here that have been said by others, but I think they are worth being repeated.

In just the last 4 years, the total amount of money given to the political parties has increased 73 percent—73 percent. The total amount of money spent on races for Congress has increased 600 percent in the last 20 years. These are in real dollars—600 percent.

I ask you, how do these young pages, some of whom hopefully have dreams and aspirations of standing where I am right now—hopefully, a number of you have that aspiration—how do they get started.

When I started to get involved in public office, I had to raise the awful sum of $150,000 to make the race credible, $250,000 to be in the game, and $350,000 to win in little old Delaware.

Today, somebody who wants to beat an incumbent, me or BILL ROTH, they better be able to raise a minimum of $2 million. But guess what? We only have 700,000 people in my whole State. But you know why they need so much money in Delaware? The reason is, we are in the fourth most expensive media market in the country. And as everybody knows, just to get to the point where 60 percent of the people in your State know enough about you to make a judgment whether they should vote for you or not, costs a lot of money. Just to get to know you—nothing else, not even to get to the point where they have any idea what your views are. Just to get to the point you are known. You know what it costs, I say to my friends who are from States much bigger than mine but in places where it is a lot cheaper to buy television? You know what it costs to air one 30-second ad at a good time on Philadelphia television on one of the network stations? It is $30,000 for 30 seconds.

Mr. HOLLINGS. You do not have a TV station.

Mr. BIDEN. I do not have a TV station. I believe we are the only State in the Nation that does not have its own commercial television station. That is not because we are good, bad, or indifferent. It is because it would make no economic sense. I live within 22 miles of the antennae of every one of the major stations—every one of the major networks in America. They are located in Philadelphia. I live in Delaware.

And so what happens when I buy an ad or my opponent buys an ad on television? For every 100 people who see the ad, 96 of them live in New Jersey, Maryland, or Pennsylvania and are unable to vote for or against me. But I have to pay for them all. Now I am not complaining because I have an advantage. I am an incumbent. It is an advantage and a disadvantage. The disadvantage is that you are an incumbent. People do not like incumbents. The advantage is that people know your name.

If you are an unknown person running, like I was the first time, how do you get to the point where even enough people know your name—unless you have a lot of money? And, my goodness, what it must be in the State of Michigan or Pennsylvania or South Carolina. Nevada is a little bigger now, but when I got here we were bigger than Nevada. Those States are bigger in population than Delaware.

I can speak knowledgeably only about one of our colleagues who did not run the last time. I will not mention his name. I know why he did not run. He would have won, and most people say he would have won. The State he happened to represent required him to raise at least, he thought, $12 million. He did not want to do that anymore—did not want to do that.

Look, the way we can raise the money is we can raise it at $1,000 a shot. That is the most we can raise from an individual. How many phone calls—from non-Federal property—do you make to be able to raise, in $1,000 increments, $12 million? That is a lot of money.

But guess what that does now? It means that you have to go from a circle of people who you know—and you know you do not have to worry about

their backgrounds, their circumstances, where they came from, what their objectives were—to the universe. And, I want to tell you there is not a single U.S. Senator, myself included, who, I believe, could vouch for the character or motive or motivation of all the people who contributed to them unless they have the FBI working for them. We would have to spend more money than we raise to do background checks.

You know what I always think of, I say to my friend from South Carolina? I think of the guy who was probably more chaste than Caesar's wife, Jimmy Carter. I will never forget when he was running for President. He showed up at a fundraiser, and there was a guy named John Gacy—remember him, the mass murderer? Seriously, I am not joking. This literally happened. Gacy walks in and he contributes to Carter. And he is standing between Rosalynn Carter and Jimmy Carter. Then, later, we find out that the guy is a mass murderer. I say that not just because it is kind of humorous and we all laugh about it. But, I say that because there is no way, no matter how thorough you are as a candidate, that you can know about all your contributors. And I would have thought by now that we would all be worried about how it reflects on our reputation if a contributor turns out to be somebody that should not have contributed.

For example, recently there was a name of somebody who was an unsavory contributor, as it turned out, in the newspaper. It was a Chinese man. One of my guys said, "My God, we have a man by that name that contributed to you," and I said, Oh, my God, find out who this guy is. It is a name that is a relatively common Chinese name, I found out later, like Smith or Jones. Guess what? It turns out the guy with that name who contributed to me was a librarian with the Library of Congress. I will never forget sitting in my seat going, Oh, thank God, thank God. Because, really and truly, what would have happened if it turned out to be the guy everybody was writing about? If I were up for election I would have to spend $100,000 in television ads to prove I did not know the guy.

Now, maybe we are counting on the people being so cynical that they will not hold anybody accountable for this. But I just think for pure self-preservation—not self-preservation of our jobs, self-preservation of our reputations and our integrity—that we would very much like the system to change.

I might add, you know how they kid around here. We joke when we have colleagues who announce they are not running again and they have been here for some time. We always joke and say things like, Well, now you will be able to tell them what you think. There was a guy that my friend from South Carolina knows well, and I will never forget him. Remember Steve Young—Senator Young from Ohio? Senator Young had been out of office about 2 or 4 years, but he was a guy I think who was widowed at that time, a man in his eighties, if I am not mistaken. And, he hung around here. He did not lobby anybody but he hung around, in the gym, in the dining room.

You may remember this story, Senator HOLLINGS, and I apologize for being so personal. But, the reason I am telling these stories is I want to communicate to the American people who are listening in real personal terms how this system works. I will never forget the effort of the distinguished Senator from South Carolina who took me under his wing when my first wife was killed in an automobile accident. When I got remarried and wanted to introduce my new wife, Jill, to the people, he had a reception for me up in the famous caucus room and everyone from the Vice President, President, the Supreme Court, really laid it out to welcome my wife. And, I might add, as they say, a point of personal privilege, I still appreciate that.

I will never forget there was a reception line and, Senator HOLLINGS, you introduced me to people. Later in the night the reception line was still going on but you were having to entertain some of the people you brought along. Old Steve Young came in the line, Senator Young was being nice, welcoming people who were coming in. This is a true story. And, a guy walked up to Senator Young—he was to my left—put out his hand, and said, "Senator, I bet you don't know my name." I can't quote what Senator Young said exactly because I am on the Senate floor and it would be inappropriate, but Senator Young turned to me and said, "Joe, will you tell this horse's tail his name? He has forgotten it."

All of us would like to say that once in a while. So we joke and we say when someone leaves this place, Well, guess you will be able to tell them what you think now. The implication in that comment is that how nice would it be if you were totally unfettered, even indirectly, totally unfettered? I envy, and I mean this sincerely, the women and men in here who have close to unlimited wealth, and I do not begrudge that. I mean that sincerely. I would love nothing better than to be able to run for office and say I do not want anybody's money. I do not want one single penny from anybody, thank you very much, because then I know people would look at me and no one would be able to even think or imply that anything I did was because of anything anybody contributed to me.

I do not know why there is not a stronger instinct on this floor for that notion of not having to be beholden to any contributors—and more support for public funding. We may never get to the point where we even get television time made available to challengers. We may never get to the point, and I am a distinct minority, where we have public financing, so the taxpayers are deciding whether they in fact, support a candidate. But, at least we could get to the point, if we have the Senator's amendment, where we could limit the amount of money in the process for everybody across the board, for everybody. Boy oh boy, do you not think it would be nice not to have to go out and do all those fundraisers?

Let me say what our friend from Nebraska, Senator KERREY, says. The danger in having this kind of discussion is that we imply that the 99 percent of the honorable people who contribute to us are somehow motivated by a bad reason. The vast majority of people who contribute to both political parties are people who contribute because it is their way of participating in the system and they want to promote the person whose ideas they agree with. That sounds naive to say after all these years, but it is true. I understand why the public does not believe any of it. I understand why the public does not believe any of that.

I will conclude, Mr. President, because I see there are others here who wish to speak. I will never forget thinking as a young man when I arrived here that the best thing to do, and I still think it is, is to bring everything out in the cold light of day. That is why I have spent time explaining how the system works. I am often reminded of that phrase, that saying, that comment attributed to Bismarck in Germany. Bismarck allegedly said there are two things you should never watch being made. One is sausage and the other is legislation. I would amend that slightly. Once the American people got a chance to see exactly how this worked, with all the disclosures which I think are necessary and good in the long run, I think the thing that suffered was our collective integrity—our collective integrity.

To the average person like my dad, anybody who was able to contribute $1,000 to a public official for a campaign must be doing it for a reason, and maybe is not so altruistic.

So, what does it say now that they pick up the paper and realize that individuals and corporations and unions and anybody else can contribute $20,000, $30,000, $50,000, $100,000, $1 million? Why do we expect them to say, "Well, it must be nobly motivated, it is not for selfish reasons." In many cases it probably is totally nobly motivated.

Mr. President, I think that the single most important thing that has to be done from a purely practical sense is to amend the Constitution and give us the right to limit the amount of money that candidates are able to spend. I lay you 8 to 5 that if you ask every Senator to stand up and say whether or not they thought too much money was

being spent in public elections, 90 out of 100 would say yes. I bet that if you asked them, do you think we should limit the amount of money that is spent, at least 70 would say yes. But if you asked them, "Will you or your party lose political advantage if you do that?" they may change their views. The truth is that it is not just the Republicans who don't want this reform; it is some Democrats, too. And, the truth of the matter is, if we do what you and I, Senator HOLLINGS, talked about a long time ago—essentially make it available for everybody to have the same amount of money, either by establishing a limit so that everybody would be able to be equal, or by providing public funding—every one of us would have a race every time. None of us like having those races.

Mr. HOLLINGS. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. HOLLINGS. I know others want to be recognized, and I am hopeful to hear from them. As usual, you are unfettered, and you don't wait until you get out of office to do that. You have been masterful, because in this exchange we have had, talking about charades, there is no charade in your presentation here this afternoon; it is right on target. I thank the Senator for yielding and for his talk today.

Mr. BIDEN. I thank the Senator. I must tell you that there is a piece of me that says keep the system the way it is, because it is awful hard to beat me the way the system is. There is a Senator we used to know who was very powerful here. I would say, "Senator, how in the Lord's name did you get that person to contribute to me?" He said he told them, "It's not so much what BIDEN can do for you; it's what BIDEN can do to you."

The truth of the matter is, if you are here and you have gained seniority and you are in a good position—better in the majority than the minority—it is a lot easier for you to stay if you are challenged. So I have to admit to you that I know if I ever prevail in making sure everybody running has the same amount of money, or by practically making it low enough so everybody could raise the same amount of money—I might say, "Oh, my God, what have I done?" But it is the right thing to do. I don't have a lot of hope that we can do it.

I thought when I got here in the midst of Watergate that maybe that episode would shock us into doing something serious—and we did it, until the Supreme Court overruled it. I hope we take advantage of the current situation and have the courage to act at a time when the spotlight is going to be on not only potentially illegal, but clearly unseemly, aspects of how these funds are raised.

I want to make it clear that I am not suggesting that I am any better or worse than anybody else in this body. I am merely suggesting that we should change, for our own safety's sake and for our reputations, the way we do it now. I don't know how to really do it unless you first have the authority under the Constitution to be able to do it.

I thank the Chair and yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the gentleman for yielding, and I appreciate the opportunity to speak on this issue because I think it is so important. When we are talking about amending the Constitution, and especially the first amendment to the Constitution, which is, in effect, what this would do, I suggest that we think very carefully about the ramifications.

So what are we doing here? We are actually considering an amendment that would open the door for restriction on first amendment political speech and freedom of association of many kinds. It seems to me, if we are rating the amendments, the free speech amendment is one of if not the most revered in our country. If we are going to dissect the freedom of speech that we have known for over 200 years in our country and effectively establish various levels of free speech, I think we must examine the impact this would have. By allowing restrictions on political speech, as this amendment would do, but not other forms of speech, we are opening the door to rendering political speech secondary to commercial advertising or even pornography. What could we be thinking? Of all of the rights we have, the ability to have freedom of political expression is perhaps the greatest, and must be preserved at least as vigorously as other rights.

Additionally, Mr. President, I would suggest that this amendment might also be called the Incumbency Protection Act of 1997. If we unduly restrict the ability of people to spend money to support the candidate of their choice and to likewise have the ability to raise adequate funds to run against incumbents in political office, as this amendment would allow, what we are doing is saying that, forever more, incumbents will have an advantage that challengers will not have. In fact, the reason we have the ability to have relatively free access to campaign funds or free access to the news media by challengers is so our democracy will work. Our democracy will only work if everyone gets a fair chance to do his or her very best to run against an incumbent or anyone else for political office. The idea that we would allow for almost limitless restrictions on that fundamental right is unthinkable.

Mr. President, many of us believe that campaign reform is essential, that we would look at our system and that we would make sure that there is accountability, openness, and transparency—that whoever contributes to campaigns would be known to the voting public. We need to make sure that is the case. But to say that we would open the door to allowing restrictions on free access to the media or that we would require the media to, in effect, give access to anyone who might decide that they are going to pay a filing fee is really an inhibition not only of free speech but of the right of free press, which is also a crucial element of our first amendment. This resolution raises this as a real possibility and encroaches unacceptably on our hallowed Bill of Rights—that document that has made our democracy work and has kept our Government in the hands of the people. Our democracy will simply not be as strong if we do not preserve the freedom to be able to go out into the news media, or the sidewalk, or anyplace else and proclaim why we are running and what cause we care about for public office.

So I applaud Senator MCCONNELL for standing up for the first amendment, for making sure that we do not do something that would amend our Constitution without careful consideration.

I know that many in this body are frustrated. They are frustrated with our campaign system. I am sure that Senator HOLLINGS is frustrated and is clearly trying to fix a system that has problems. I would just say to my colleague from South Carolina that I think we need to address campaign reform, but this is not the vehicle. Amending the Constitution to provide for the ability for any State legislature or any Congress in the future to limit access to the airwaves or freedom of speech or association or of any organization to lawfully contribute to a campaign is simply not the way to go.

Let us in Congress come together on real campaign finance reform so that the people of America will be informed voters. But whatever we do, we should never relegate political speech to second-class status. Rather, we must work to ensure that the basic right to speak one's mind in the political marketplace of ideas remains the most protected of all of our rights.

Thank you, Mr. President.

Mr. MCCONNELL. Mr. President, I want to congratulate the Senator from Texas for a very important contribution to this important debate. We have finally gotten on to the real subject. The real subject is the first amendment, free speech, and protecting political discourse in this country. I just wanted to congratulate the Senator from Texas for her contributions today.

Mrs. HUTCHISON. Mr. President, I appreciate the opportunity to speak today, and I appreciate the Senator

from Kentucky managing this amendment in opposition because we are exercising that free political speech that we enjoy. I think the ability for us to disagree while not being disagreeable is very important in the process.

I thank the Senator from Kentucky for leading the opposition.

Thank you, Mr. President. I yield the floor.

Mr. KENNEDY. Mr. President, I oppose the amendment offered by my friend Senator HOLLINGS. I respect his leadership on campaign finance reform, but it is a mistake to write it into the Constitution.

The current system of financing elections clearly needs reform. Something must be done to curtail excessive spending on the campaign trail. The billions of dollars spent by candidates and the massive exploitation of loopholes in current law have led to a growing cynicism and distrust of our system of government. We must act on reform, but amending the Constitution is the wrong way to do it.

In the entire history of the Constitution, we have never amended the Bill of Rights, and now is no time to start. It would be wrong to carve an exception in the first amendment. Campaign finance reform is a serious problem, but it does not require that we twist the meaning of the Constitution.

Campaign finance reform is clearly possible without a constitutional amendment. The Buckley decision does not make it impossible for Congress to pass legislation achieving far-reaching reform. In fact, a large number of experts believe that the Supreme Court's 1976 decision in Buckley versus Valeo went too far, and that the Court is likely to reconsider it in an appropriate case. Over 50 prominent lawyers have said that the Buckley decision is "a mistake, unsupported by precedent and contrary to the best understanding of prior first amendment jurisprudence."

These lawyers and other constitutional scholars believe that Congress should pass campaign finance reform legislation and give the Supreme Court the opportunity to revise the Buckley decision.

The McCain-Feingold legislation provides us with that opportunity. As President Clinton commented during his State of the Union Address, Senator MCCAIN and Senator FEINGOLD have reached across party lines to develop a solution to uncontrolled campaign spending. Contrary to what Majority Leader LOTT believes, this legislation is not, "food stamps for politicians." It is a serious bipartisan effort to solve this problem, and the Senate should make it a priority.

The constitutional amendment before us today—unlike statutory reform—will not make a difference. It merely empowers Congress to pass legislation that would place mandatory limits on campaign spending in Federal elections. After the long ratification process, Congress would still have to actually pass legislation setting those limits. Though well-intended, this constitutional amendment is simply a distraction. We should get on with the business of enacting reform, without waiting for ratification of a constitutional amendment, and certainly without tampering with the Bill of Rights.

UNANIMOUS CONSENT AGREEMENT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate resume consideration of Senate Joint Resolution 18 at 11:30 a.m. on Tuesday, March 18, and that there be 1 hour remaining for closing remarks to be equally divided between myself and Senator HOLLINGS; that the Senate then resume consideration of the resolution at 2:15 p.m. on Tuesday for 30 minutes equally divided; and, finally, following that time on Tuesday, the joint resolution be read for the third time and the Senate proceed to vote on passage of S.J. Res. 18 with no intervening action or debate with paragraph 4 of rule XII being waived.

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

Mr. MCCONNELL. Mr. President, as a reminder to all Senators, this consent agreement allows for a rollcall vote on the measure currently before us at approximately 2:45 on Tuesday, March 18.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nevada.

Mr. REID. Mr. President, I am a sponsor of Senate Joint Resolution 18. I am proud to be a sponsor of that resolution.

What we have to understand is that the present system must change. It is hard for me to comprehend that since I was first elected to Congress more than 14 years ago the system is still the same as it was. It has not gotten better. It has gotten worse. Ten years ago when I was elected to the Senate, I came to this floor, and one of the first speeches I gave was about the need for campaign finance reform. It is hard for me to really believe that here it is 10 years later and it has not gotten better. It has gotten worse. I thought it might stay the same. In my most pessimistic thoughts I thought there was a possibility that the system would remain the same. It has gotten worse.

What our friend from Delaware just talked about in this very remarkable good speech is what other abuses take place. Independent expenditures—we didn't have independent expenditures when I was first elected to Congress. What is an independent expenditure? That is a good question. No one really knows. But they are legal. They are legal. They are not illegal. If a group gets together, they don't have to identify themselves. They can make up a name. Senator BRYAN, for example, was Governor of the State Nevada, and he ran for the Senate. A group of individuals got together and they represented the automobile industry. They ran a bunch of ads, hundreds of thousands of dollars' worth of ads, tens of thousands. I don't know how much money. There is no way to know. They do not have to list how much they spent against Senator BRYAN, using Social Security as their issue. It had nothing to do with their field of interest. But it was a way to embarrass my friend, the Governor of the State of Nevada, who was running for the Senate. That is an independent expenditure.

In my race the last time I ran for the Senate, a wealthy person from Las Vegas ran ads against me dealing with something about the military on submarines and aircraft carriers because I didn't visit with one of his grandchildren when they came to Washington. I was busy. I don't know what it was. I didn't visit with his grandchild when they came to Washington to visit me. He is a rich man who spent money trying to defeat me. He doesn't have to list where the money comes from. That is an independent expenditure.

Early this century Congress outlawed corporate money in Federal elections. They are not illegal anymore. The Supreme Court ruled last year that you can give unlimited amounts to State parties, and they can spend the money any way they want. That is what happened this election. That is what all this campaign mess is about—State parties spending all of their money.

So things have gotten worse; they have not gotten better since I have been in the Congress. It is really too bad that the system has reached a point where it is.

I have heard a lot of speeches here today about our Founding Fathers and about the first amendment. Well, the Founding Fathers who drew up this little instrument, the Constitution of the United States, would turn over in their graves if they saw how money was being used in campaigns. The first amendment wasn't meant to allow unlimited spending of money in campaigns. Should we wind up in this Congress with 535—it can't just be a millionaire—multimillionaires? The answer is no, that isn't the way it should be.

When I first was elected to the House of Representatives, we had a plumber, a tradesman, who represented a congressional district from Missouri. He ran and he won. He could not win working on those wages anymore; he couldn't win.

We cannot let what has now become the status quo—which is worse than the status quo of the election before—continue. Under the current campaign finance laws, Government is restricted from regulating campaign spending. This is a result, as we have heard here

several times, of a U.S. Supreme Court in a 5 to 4 decision equating spending money in a campaign to free speech.

There are all of these speeches here about first amendment rights. If the resolution of the Senator from South Carolina passes, there is nothing that will violate the first amendment. Every day that we come on this floor to pass legislation we have to be aware of the first amendment. We are not going to do anything to denigrate the first amendment rights. The Supreme Court struck down the expenditure limits imposed by the Federal Campaign Practices Act of 1974 as an unconstitutional restriction on free speech. The intent of that legislation which restricted campaign spending was to equalize the ability to run for office between persons of differing wealth. The Supreme Court, through their decision, made the playing field not level.

What happens in a relatively small State like Nevada is, if someone wants to come in and spend, it will cost now $4 million to run in the State of Nevada, or more. What if somebody wants to come in and spend $10 million, a third as much as was spent in the California race an election ago where a man came in and spent $30 million of his own money—$30 million. He could save $20 million if he decided to move to Nevada.

I have to say, as popular as the present Governor is in the State of Nevada, as popular as my friend, the junior Senator from Nevada is, $10 million would test their ability. The airwaves would be drowned with TV messages, radio, and, of course, newspapers throughout the State. Is that fair? I really do not think it is. I think that we need to be able to stop that. The playing field is not level.

Most Americans believe that the current system is flawed. Their central concern is special interest influence. It is ironic that the Court equated free speech with money. Their decision has the opposite effect. It actually ensures that those with money can talk and those without money cannot talk.

I want to also spread across the record of this Senate my appreciation for the courage of the Senator from South Carolina for continuing on this issue. We are only here today as a result of the persistence of the Senator from South Carolina. We are here by virtue of a unanimous consent agreement that was entered into sometime ago saying we are going to debate this issue or I am not going to let something else move forward on the Senate floor. That is what the Senator from South Carolina did. And it took someone with experience, prestige, and abilities to get us to the point where we can at least talk about it.

I also say to my friend from South Carolina, I think we know we are not going to get 67 votes. I am disappointed. And maybe a miracle will happen. But that does not mean we are not right. That does not mean what the Senator from South Carolina is leading is not right. And we are going to win some day. It is only a question of when. I say thank you from the people of the State of Nevada to the Senator from South Carolina for allowing us to have the opportunity to talk about this.

Campaign finance is a sore that is festering in the body politic of America, and we have to do something to change it. We may not change it with this resolution passing, but we are going to change it because we are going to keep talking about it, because what is going on now is wrong. It is wrong you have independent expenditures, somebody spending money against people because they refused to see their grandchild. And in the middle of the night they go to the TV station and run these ads because they are wealthy. Is that the way to conduct business in this country? I say no.

I say people can stand up and say, well, it is free speech; they can do what they want. But they can play by the rules everybody else plays by. If somebody wants to contribute to my campaign under the Federal law that I thought existed when I came here—you have to list how much they give and they cannot give more than $1,000 an election, their occupation, where they live—why shouldn't they have to do the same. You do not know who these groups are that come in the middle of the night. I did not learn until after the election someone was mad at me because I did not see their grandchild.

I repeat, the Supreme Court equated free speech with money. Their decision has the opposite effect. It actually ensures that those with money can talk and those without money cannot talk.

Over the last decade we have seen an unsettling trend in American politics. Most of our candidates for Federal office have money. There are some estimates which say $1.6 billion was spent on campaigns this past year. And campaigns have become more expensive with each election. You can call it free speech; call it whatever you want. That is wrong. You cannot make something wrong right by saying it is wrong enough times. It is wrong to have the ability to be elected depend on how much money you have.

Thomas Jefferson was a bad speaker. He could not be elected today. As much of a genius as Thomas Jefferson was, he could not be elected today unless we change these rules.

The skyrocketing costs are prohibitive and serve as a deterrent for average Americans who want to participate in the political process. As long as costs continue to rise, so will the need for more money. Limiting spending is the only way of keeping the cost of campaigns down.

I wish we had a way of shortening the election cycle. The Presidential election just finished and people are already beginning to run for President.

Over the past 10 years, Congress has tried to get around the Buckley decision with at least 100 different proposals. There are numerous proposals now pending. But we are never going to slow the amount of money associated with campaigns until we address the Buckley decision head on. That is what the Senator of South Carolina has done.

Congress must undo the Buckley decision and reinstate campaign spending limits. This legislation amends the Constitution to authorize Congress to cap campaign expenditures in Federal elections. I do not take lightly amending the Constitution or our precious freedom of speech, but it is the only way to undo the Buckley decision.

No one is in favor of free speech more than I am, and I think I have the record to indicate that. I represented newspapers before I came here. Some of my clients went to court on first amendment cases. But equating free speech with campaign spending simply creates a constitutional protection for wealthy candidates to buy Federal elections.

An alternative to this amendment is to continue to spin our wheels, working on hundreds of different initiatives designed to provide public financing, financial inducements in exchange for voluntary spending limits or one of the other failed proposals we have debated over the years.

I have been in the Senate 10 years, so I do not want to go back further than that, but let me read to my friend, the prime sponsor of this resolution this year and the years gone by: During the years I have been in the Senate, we have had 6,742 pages of hearings. We have had 3,361 speeches, 62 now with this one, 1,063 pages of committee hearings, 113 Senate votes on campaign finance reform, and we even had one bipartisan Federal commission which went nowhere. The vast majority of those votes, I would say 90 of the 113 votes were for cloture—stop debate so we could get to vote on one of the issues.

Now, I am a cosponsor of McCain-Feingold, an imperfect piece of legislation, but I say I do not know how we could make things worse than what they now are. I support McCain-Feingold; I hope it passes, but I think the chances of passing are pretty remote. I have to tell you that. I hope it passes. I am a sponsor of it. But until we do what the Senator from South Carolina suggests we do—and I am cosponsoring the amendment, an original cosponsor—I think we are just going to add to this. We are going to have probably by the time this year is over 7,500 pages of hearings, maybe 500 floor speeches, maybe 1,300 pages of committee reports, and probably 125 votes rather than 113, and accomplish nothing.

So I think we have to stop talking about limiting spending and look for a way to hit Buckley head on. We cannot enact powerful campaign spending limitations as long as this is the law.

Overall funding for the Democratic and Republican Parties totaled almost $1 billion last year, a 73 percent increase over the same period during the 1992 cycle. We can get up and say all we want that this is just part of free speech. I do not buy that. I do not think we can be whipsawed into cowering because the free speech argument is raised. I am not going to be. I am going to talk about this issue every chance I get.

I would like to be able to spend more of my time debating issues dealing with education, dealing with the trade deficit, dealing with juvenile crime, adult crime; I have some environmental things I would like to come here and talk about. That is one of my prime responsibilities on the Environment and Public Works Committee. I would like to come here and talk about that. I would like to spend some time talking about the ISTEA bill. But, frankly, a lot of us have to spend a lot of time making phone calls to raise money.

It is too bad, isn't it.

Mr. HOLLINGS. Yes, siree.

Mr. REID. The public believes that escalating cost of elections puts a price tag on our democracy. So why is there this call for campaign finance reform? Let us go over the issues.

No. 1, record-breaking spending. As I said, we hear all kinds of estimates, but just the parties spent over $1 billion; in overall spending, $1.6 billion at least.

No. 2, Americans feel shut out. Americans, more than ever, believe that the emphasis on money in elections excludes them from meaningful participation. They believe that special interests who contribute large sums of money have more influence on elected officials and that candidates are forced to spend too much time raising funds and too little time listening to voters' concerns.

No. 3, campaigns are too expensive. Campaigns have become more expensive with each election. The skyrocketing costs are prohibitive and serve as a deterrent to the average American who wants to participate in the political process. As long as the costs continue to rise, so will the need for more money. Limiting spending is the only way of keeping these costs down.

My friend, the Senator from Delaware, talked about these pages. We have serving in the U.S. Senate today a fine senior Senator from the State of Connecticut who was a page. I am sure, years ago, he sat where you young people are sitting and heard speeches delivered by various Senators. I am almost embarrassed to stand here and talk to you four young people about this issue. It is embarrassing to me, to admit the system is failing. I don't like to talk about the system failing. I started last summer coming on this floor talking about how good Government was, that we should be proud of Government. And I do believe that. There are many things we should be proud of: Our National Park System, how well FEMA reacts to crisis, our Consumer Safety Products Commission—many, many things we should be very proud and happy over. But this is one thing I am not proud of. I am embarrassed to come here and admit a Government failure, and that is what this is. I hope you young people are not so turned off by the speeches that are relating to this proposed constitutional amendment that you turn against Government, because you should not.

No. 4, comprehensive reform is the only lasting solution, and comprehensive reform can only come about as a result of our amending the Constitution to allow us to get around the 5–4 decision made by the Supreme Court.

We need bipartisan action. I say to my friend, the junior Senator from South Carolina, that we have a sponsor on this resolution, Mr. SPECTER, who is second in line. The second sponsor of this amendment is the Senator from Pennsylvania, the senior Senator from Pennsylvania [Mr. SPECTER]. I commend and applaud his courage for stepping out on this issue. We need more bipartisanship. This is a bipartisan resolution. I wish we had a few more from the other side of the aisle, but this is bipartisan and I, again, want to congratulate my friend from the State of Pennsylvania for having the guts to step forward and say he also believes that this resolution should pass.

No one can say anything about his ability to analyze the law. I have heard him give hours of speeches here, with detailed legal analysis. I am sure he has spent time, recognizing we are not violating any free speech. If there is no other reason that we should feel good about this, it would be because we have bipartisan support from a Senator who has joined us who has great qualifications as a legal scholar. So we need bipartisan action and I think we need to move forward now and pass this resolution.

I hope that I am wrong. I hope that over the weekend—we are going to vote on this early next week—I hope that people get the idea that this is the only way to go and that we are surprised and get 67 votes, enough to pass this constitutional amendment. I hope so.

The time to act is now. Over the next 2 years, Congress will deal with changes in regulations and programs that affect virtually every American, from clean air and water to education programs for our children and Medicare and Medicaid for our Nation's elderly. In order to address these concerns, Congress must first act to reform itself. That is what we are talking about. We talk about reforming everybody else, why don't we reform ourselves? Why don't we reform ourselves? Because the present system is pretty comfortable. We, who have access, have the ability to raise money and, unless you are independently wealthy, access is really, really important. Why don't we do something that would level the playing field, like we tried to do in 1974?

So I close with the plea that we can reform the way we handle campaigns in this country. The only way we can reform the way we handle campaigns in this country is if we follow the admonition and the courageous activities of the junior Senator from South Carolina, ERNEST F. HOLLINGS, who has worked so hard and so long on this issue. I am proud to be a cosponsor of this resolution.

Mr. HOLLINGS. Would the distinguished Senator yield? I know others want to be recognized, so before you yield the floor, let me take this opportunity to thank the distinguished Senator from Nevada. He has really given a very, very cogent analysis of the dilemma that we face, the real-life experience, now, that we have all engaged in, and what we are trying, in the best of our ability, to reform, and reform ourselves, as you so sincerely pointed out.

So I cannot thank you enough for your presentation and joining with us. I have been delighted to work, over the many years that we have been here, together. This is one more time. I, again, admire the Senator from Nevada. He has sincerity and bipartisanship. I have seen him work with the other side of the aisle so often. So he is looking at getting something done and making headway rather than headlines. It is with that knowledge, listening again this afternoon to your sincerity of purpose, that I truly thank you for your support and your cosponsorship.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 438 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of the pending business, the constitutional amendment which will authorize the Congress or State legislatures to control campaign finance spending. I

believe it is a matter of great urgency that the Congress of the United States deal with the subject of campaign finance reform.

Day after day we have seen disclosures about very serious violations of existing Federal law and disclosures of very substantial improprieties which call for additional Federal legislation. Regrettably, the opportunities for Federal legislation are sharply restricted by decisions of the Supreme Court of the United States which have limited Congress' ability to act on the stated grounds that such action would violate the first amendment relating to freedom of speech.

The case of Buckley versus Valeo, decided on January 30, 1976, equated speech with money in a very curious manner. It said that an individual could spend as much of his or her money as he or she chose, but upheld congressional limitations on what others could spend in support of a person's candidacy.

The Court also left an exception on what is called the independent expenditure. That decision was a very forceful one for me personally, because at that time I was a candidate for the Republican nomination for U.S. Senate. I was running against John Heinz, who later became a colleague of mine in the U.S. Senate and a very, very close personal friend. At that time, we were friends, too, but we were political opponents.

Senator Heinz at that time was a Congressman. I had been district attorney of Philadelphia, and we entered that race in April looking forward to the primary. The Federal election provided that someone running in a primary in Pennsylvania would be limited to spending $35,000, computed on a per capita basis for the size of the State. That was about as much money as I had, having been in the practice of law for a short time after having been district attorney of Philadelphia. So it was an even playing field.

On January 30, the Supreme Court of the United States said that an individual could spend as much of his money as he chose, and John Heinz chose to spend millions. I was limited to my own bank account which was $35,000. As a matter of fact, I spent that.

At that time, I had a brother who could have financed my campaign, although not on the size perhaps of some others. But my brother, Mort Specter, was limited by law to contributing $1,000 to my campaign.

It struck me then, and strikes me now, as being curious. Mort Specter's speech was limited to $1,000 in support of his brother, but John Heinz' speech was unlimited. There have been cases of others having come to this body after having spent into the millions of dollars and overwhelming their opponents. Last year, we saw a Presidential election where Steve Forbes came into the field and declined to be bound by Federal spending limits and spent in excess of $30 million, as the reports have demonstrated.

I believe that there ought to be authority in the Congress to regulate campaign expenditures. The Supreme Court in Buckley and a number of my colleagues here in the Senate have stated that limiting campaign spending would violate first amendment protection of freedom of speech. I take second place to no one in defense of the first amendment and the freedom of speech clause, as well as freedom of religion, freedom of right to assembly, freedom of right to petition the Government. But I believe, as someone who studied the Constitution in depth for some years, that the Buckley decision was wrong as a matter of legal interpretation.

There are many who agree with that. In fact, on November 10, 1996 some 26 scholars joined together to urge the Supreme Court to reconsider and reverse the decision in Buckley versus Valeo. Among them are some of the most prominent constitutional scholars in the United States, including Pro. Bruce Ackerman of the Yale Law School, Pro. Ronald Dworkin of the New York University Law School, Pro. Peter Arenella of the University of California Law School, Pro. Robert Aronson of the University of Washington Law School, and many, many others.

Following the statement of the professors, the attorneys general of 24 States called for the reversal of the Buckley decision in January 1997.

The simple fact is that the Buckley decision makes no sense as a matter of law. Why should an individual be able to spend an unlimited amounted of money when an individual's brother is limited to $1,000 in speech? If freedom of speech applies to a candidate, why does not the same freedom of speech apply to a candidate's brother?

Freedom of speech has traditionally been limited by Supreme Court decisions. It is not an unlimited, absolute right. You have the famous decision by Oliver Wendell Holmes on clear and present danger. If there is a clear and present danger, speech may be limited.

The most famous example of limiting free speech is the rule that you cannot cry "fire" in a crowded theater. If you cry "fire" in a crowded theater that endangers other people who would be injured in the stampede for the exits.

Likewise, you are not free to use a racial or religious slur against somebody. There is a famous Supreme Court opinion on this issue by Justice Murphy. An individual had uttered a racial slur and the target of the slur punched the speaker in the nose. The speaker then sued the individual who hit him for assault and battery. Justice Murphy ruled that the person who had uttered the slur and was punched could not sue. He held that racial slurs were fighting words, and you cannot utter fighting words even within the context of freedom of speech.

We know from very complex decisions by the Supreme Court that there is a limit as to what you can say in the way of obscenity. If material appeals to the prurient interest, if it is contrary to accepted moral standards, it can be restricted.

In addition, this body has gotten involved in some very controversial issues in the effort to protect children's viewing on television. So there are clearly limits to first amendment protection.

As I say, I take second place to no one in wishing to safeguard the first amendment. But I have heard a lot of talk in the U.S. Senate that this amendment would be an invasion of cherished freedoms of speech. I disagree. Money is not speech. Just on its face it is not speech. And to enable the wealthy to, in effect, buy elections is not sound public policy. Congress ought to have the authority to make that change.

We have seen the most recent decision of the Supreme Court of the United States on the subject in Colorado Republican Campaign Committee versus Federal Election Commission, a 1996 decision which defies logic, defies reason, and defies reading to understand what this opinion means.

There is an opinion by Justice Kennedy concurring in the judgment and dissenting in part with Chief Justice Rehnquist, and Justice Scalia joining.

There is an opinion by Justice Thomas, concurring in the judgment and dissenting in part, in which Chief Justice Rehnquist and Justice Scalia joined in part.

There is an opinion by Justice Stevens with a dissenting opinion, with Justice Ginsburg joining.

There is another opinion by Justice Breyer joined by Justice O'Connor and Justice Souter.

All that to the viewing audience on C–SPAN sounds extraordinarily complicated, but you "ain't heard nothing yet." It is a lot more complicated than that.

In order to have an opinion of the Supreme Court, you have to have five Justices who state a judgment and then articulate an opinion so you know what the ruling of the Court is. There is no opinion which five Justices joined in. You have four Justices saying they have one conclusion, which leads them to the judgment that results, and other Justices saying they have different reasons leading to a judgment. In other words, you have a majority of the Justices agreeing on the conclusion but not agreeing on the reasons.

You hear the Supreme Court often criticize legislative intent, criticize what the Congress of the United States does because it is not clear. Some Justices, Justice Scalia in particular, say

they do not pay any attention to legislative intent because they cannot find it.

We spend a lot of time on the floor of this Senate seeking to clarify legislative intent: stating what we are trying to accomplish and asking the managers if they agree with that and expect that to be followed, trying to give some guidance because we cannot anticipate every last conclusion and every last consequence when we have legislated. But our muddled congressional activities and actions are clear as crystal compared to what the Supreme Court does frequently as illustrated in this Colorado case.

By the time you finish reading this case about what parties can do and about what soft money can do, there is absolutely no guidance. That guidance ought to be presented by the Congress of the United States. If we had a constitutional amendment on campaign spending, all of the confusion of the Buckley opinion and the Colorado opinion would be eliminated.

You have an extraordinary situation where the President of the United States is reported, in the book by his campaign director, Dick Morris, as sitting down and editing the campaign commercials paid for by millions of dollars of soft money collected by the Democratic National Committee.

Federal election law provides that soft money must be spent on independent expenditures. But money is certainly not being spent independently of President Clinton's campaign if President Clinton sits and edits the commercials. But that is precisely what President Clinton did.

Some have argued that President Clinton did not violate the election law because the DNC spent soft money and the soft money was used for issue advocacy instead of express advocacy on behalf of a specific candidate.

The general rule of what constitutes express advocacy for a specific candidate is "vote for Senator BENNETT." That would be express advocacy. Or "vote against Senator BENNETT." But if someone engages in issue advocacy and lists all the votes which Senator BENNETT has made which they claim are undesirable and mentions all of the good qualities of Senator BENNETT's opponent, that is often considered issue advocacy. That is often not controlled by the Federal election laws. Let's face it, the line between issue advocacy and express advocacy is impossible to draw.

We are approaching the issue of campaign finance reform in the activities of the Governmental Affairs Committee. This was the subject of heated discussion on this floor, though maybe not as heated as it was in the Republican caucus. The distinguished Presiding Officer was there. I might say, parenthetically, it is very troublesome to have our deliberations among Republican Senators in the caucus reported to the press. I was called by the press. My standard answer is, "I will tell you what I said, but I won't tell you what anybody else said." Then the reporter says, "Well, do you mind confirming this?" And they repeat exactly what happened in the Republican caucus, which was limited to Republican Senators. Very distressing. That really is a confidential communication that ought to be respected.

But when we looked at that issue, we came to the conclusion that we have to have a wider scope which includes not only illegal but improper activities. That is because we want to correct what has gone on, and not only with the use of these millions of dollars in soft money, but what has gone on in foreign expenditures. We have seen very substantial moneys contributed illegally by foreigners. We know it is illegal because the Democratic National Committee has returned the money.

When I talk about the Democratic National Committee, I do not wish to be unduly partisan. I favor an inquiry which would take in not only the Democratic Presidential campaign, but the Republican Presidential campaign, and not only the Presidential campaigns but congressional campaigns, so that we would take a look across the board and not with a limited scope.

But the foreign contributions as disclosed to the media have been received by the Democratic National Committee. And we know they are illegal because the Democratic National Committee has returned a great many. We do not know if they returned them all. This is a matter that we ought to look into.

Although contributions by foreigners, noncitizens, are illegal, maybe we ought to extend our laws beyond the bounds which we have now. If we are to really be able to regulate campaign money, we are going to have to have the authority to do it without having the Supreme Court hand down the Colorado case and without having loopholes virtually as broad as the planet.

These are issues of great importance. We have really seen our democracy, our Republic, on the line in terms of what has happened on campaign irregularities. This is something that the Congress ought to take up. The Congress cannot take it up realistically unless we have a constitutional amendment.

I see my distinguished colleague, Senator HOLLINGS, has come back to the floor. I am happy to start again. I am not sure where he came in.

Mr. HOLLINGS. If the Senator will yield, I came in at the very beginning. I could not repeat it better than what the distinguished Senator from Nevada said when he congratulated the Senator from Pennsylvania not just on the guts to be able to cosponsor this, because he takes it from his side—there is no more erudite attorney and legal scholar within this body. I would not miss a word of it.

Mr. SPECTER. I am glad I know that Senator HOLLINGS was here. Otherwise, he would not have made those flattering, complimentary statements.

I know Senator HOLLINGS has been here all day today and all day yesterday, because I came over to look for an opportunity to speak yesterday and the floor was taken, and earlier today I was looking for a chance to speak, and I came out of hearings on the Agriculture Subcommittee where we have a major problem with dairy pricing in Pennsylvania, which occupied me all afternoon.

As I was about to say, Senator HOLLINGS has been the leader on this, and it has been the Hollings-Specter constitutional amendment for the better part of a decade. Senator HOLLINGS asked me to join him in the news conference Tuesday morning at 11:30 where we talked about this amendment and campaign finance reform generally, and then questions from the media got into the issue of what the Governmental Affairs Committee would be doing, more broadly than the constitutional amendment. Some of that got on to the wires and stimulated some of the discussion we had later at the Republican caucus. It was synergistic and moved the issue right along.

It is very difficult to pass this amendment because it takes a two-thirds vote. There is no doubt about that. On May 27, 1993 the Senate adopted by a vote of 52–43 a sense-of-the-Senate resolution that this amendment should be passed, and my sense is that one day this constitutional amendment will pass. It will take a lot of effort. I am not optimistic about its chances at the present time. I do not believe there will be campaign finance reform until the Congress has to act.

We have in here a conflict of interest in passing campaign finance reform because it benefits incumbents. Some say that the absence of campaign finance reform benefits the Republican Party. I disagree with that. I believe the Republican Party would do just fine with campaign finance reform. I think it would be tougher on incumbents, but we are not going to get it until we do overturn Buckley versus Valeo.

The Supreme Court has often reversed itself when the Court was wrong, and there have been constitutional amendments when the Court was wrong. We have an amendment process where two-thirds of the House of Representatives and the Senate, and three-fourths of the States, can change the Constitution—because the U.S. Supreme Court is not the last word. They can be overturned.

There have been proposals to overturn Supreme Court decisions by a two-thirds vote of the Senate. I would hate to see that happen because we

muster two-thirds of the Senate sometimes on issues which may not really reflect long-range interests of the United States. I think it is important to have a high barrier to have a constitutional amendment. I think one day the public alarm, the public dismay, the repugnance of the public will reach a level which will motivate the Congress to have campaign finance reform and to have a constitutional amendment.

I think it is a solid constitutional principle that money ought not to be equated with speech, and we ought to overturn Buckley versus Valeo and then Congress ought to have sensible legislation to ensure that democracy is protected and our Republic is protected.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent 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.

Mr. LOTT. Mr. President, I want to thank the cooperation of the Senator from South Carolina and all the other Senators involved in this debate for their cooperation. It certainly has been a full debate and not a lot of quorum calls were taken. I believe we have entered into, now, an agreement where we will get a final vote on this on Tuesday at 2:45.

Mr. HOLLINGS. That is correct.

Mr. LOTT. We will have further debate on the issue?

Mr. HOLLINGS. Early Tuesday morning, just immediately after the party caucuses.

Mr. LOTT. So all Members will understand there will be a vote on this issue, then, on Tuesday at 2:45.

We are about ready to propound a unanimous-consent request and/or take other action if it is necessary. We have been communicating with the Democratic leader about getting some agreements entered into that could affect Monday and Tuesday and perhaps even Wednesday.

So that we can have a final opportunity to consult, 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. 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.

CONGRATULATIONS TO PROFS. ROBERT F. CURL AND RICHARD E. SMALLEY

Mr. GRAMM. Mr. President, I would like to congratulate Profs. Robert F. Curl and Richard E. Smalley of Rice University in Houston for their work in the field of molecular chemistry. Along with Prof. Harold Kroto of England, Professors Curl and Smalley were awarded the 1996 Nobel Prize in chemistry for their discovery of the third molecular form of carbon.

Professor Curl, a native Texan from Alice, and Professor Smalley are codiscoverers of the carbon molecule called Buckminsterfullerene. It was named after R. Buckminster Fuller, the architect famous for his geodesic domes, because this new molecule closely resembles his designs. In fact, the term used to describe these molecules is "buckyballs."

This breakthrough discovery by Professors Curl and Smalley promises to revolutionize the world we live in. This new carbon molecule will have scientific and practical applications across a wide variety of fields, from electrical conduction to the delivery of medicine into the human body. These extremely stable molecules are impervious to radiation and chemical destruction, and can be joined to form carbon nanotubes which are 10,000 times smaller than a human hair, yet 100 times stronger than steel. Buckyballs will establish a whole new class of materials for the construction of many products, from airplane wings and automobile bodies to clothing and packaging material.

The work of Professors Curl and Smalley is just one example of the excellent work being done at Rice University and at the many other fine research institutions in Texas. Rice University has long been a premier research center, and with the new Center for Nanoscale Science and Technology, Rice is the first university in the United States to focus on submicroscopic methods for fabricating new structures on the atomic and molecular scale. As Professor Smalley himself described it, "This is the ultimate frontier in the game of building things."

Given that nanoscale science and technology requires an interdisciplinary approach, Rice University is the ideal setting for this new center for nanoscale research. The collaborative scientific approach, which is common at Rice but less customary at larger research institutions, encourages the sort of scientific breakthroughs exemplified by the discovery of buckyballs. These discoveries are essential if we are to guarantee that America will remain the world leader in research. We must be sure we do all we can to support our Nation's scientists, because our Nation's future depends upon the work of people like Professor Smalley and Professor Curl.

Once again, I congratulate Professor Robert Curl and Professor Richard Smalley, as well as Rice University, for earning the Nobel Prize in chemistry. Their contribution to the body of scientific knowledge has been invaluable and will touch the lives of millions.

MESSAGES FROM THE HOUSE

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker appoints Ms. Jo Anne Barnhart of Virginia as a member from private life on the part of the House to the Social Security Advisory Board to fill the existing vacancy thereon.

The message also announced that the Speaker appoints the following Member on the part of the House to the U.S. Holocaust Memorial Council: Mr. YATES.

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–1408. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the notice of a multi-function cost comparison; to the Committee on Armed Services.

EC–1409. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a rule entitled "Government Securities Sales Practices" (RIN1557–AB52) received on March 12, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1410. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a rule entitled "Policy and Planning Guidance" received on March 6, 1997; to the Committee on Energy and Natural Resources.

EC–1411. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a memorandum of justification and a schedule of proposed obligations; to the Committee on Foreign Relations.

EC–1412. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "The Saving Law Enforcement Officers' Lives Act of 1997"; to the Committee on the Judiciary.

EC–1413. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, seven rules received on March 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1414. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of indemnification actions approved during calendar year 1996; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

Th following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 435. A bill to provide children with improved access to health care; to the Committee on Labor and Human Resources.

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. WYDEN, Mr. JEFFORDS, Mr. BIDEN, Mr. KERRY, Mr. DEWINE, Mr. LEAHY, and Mr. SPECTER):

S. 436. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. JOHNSON, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BINGAMAN):

S. 437. A bill to improve Indian reservation roads and related transportation services, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 438. A bill to provide for implementation of prohibitions against payment of social security benefits to prisoners, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. DOMENICI, and Mr. KYL):

S. 439. A bill to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. BROWNBACK):

S. 440. A bill to deauthorize the Animas-La Plata Federal reclamation project and to direct the Secretary of the Interior to enter into negotiations to satisfy, in a manner consistent with all Federal laws, the water rights interests of the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 441. A bill to improve health care quality and reduce health care costs by establishing a National Fund for Health Research that would significantly expand the nation's investment in medical research; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. KERRY):

S. 442. A bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, Mr. FRIST, Mr. CLELAND, Mr. ROBERTS, and Mr. SPECTER):

S. Res. 63. A resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. AKAKA):

S. Con. Res. 7. A concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed; to the Committee on Governmental Affairs.

By Mr. ROBB:

S. Con. Res. 8. A concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should be effective on the same date as other cost-of-living adjustments given to federal retirement programs; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. DODD, Mr. MCCAIN, Mr. BIDEN, and Mr. LUGAR):

S. Con. Res. 9. A concurrent resolution expressing the sense of Congress regarding cooperation between the United States and Mexico on counter-drug activities; to the Committee on Foreign Relations.

By Mr. GRASSLEY:

S. Con. Res. 10. A concurrent resolution expressing the sense of the Congress regarding certification of Mexico pursuant to section 490 of the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

By Mr. GREGG (for himself, Ms. MIKULSKI, Mr. JEFFORDS, and Mr. KENNEDY):

S. Con. Res. 11. A concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. WYDEN, Mr. JEFFORDS, Mr. BIDEN, Mr. KERRY, Mr. DEWINE, Mr. LEAHY, and Mr. SPECTER):

S. 436. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes; to the Committee on Finance.

AMTRAK TRUST FUND LEGISLATION

Mr. ROTH. Mr. President, I rise to introduce legislation that would create a dedicated source of capital funding for Amtrak. Joining me as cosponsors are Senators MOYNIHAN, LAUTENBERG, WYDEN, JEFFORDS, BIDEN, KERRY, DEWINE, LEAHY, and SPECTER.

Mr. President, all major modes of transportation have a dedicated source of capital funding, except for intercity passenger rail.

My legislation would correct this inequity and create a secure and reliable capital trust fund for Amtrak, no different than what other major modes of transportation now have.

My legislation would transfer one-half cent of the 4.3 cent per gallon motor fuels tax currently going to the general fund, to a new intercity passenger rail trust fund.

This rail trust fund would total approximately $3.9 billion dollars over 5 years to be used for capital improvement projects. After the fifth year, the revenues from the half cent would revert back to the general fund. My bill would create contract authority to allow Amtrak to enter into contracts necessary for long-term capital projects. For States that do not have Amtrak service, it would provide funding for qualified transportation expenses.

This capital funding proposal is critical to Amtrak's future.

Amtrak needs capital funding to bring it's equipment, facilities, and tracks into a state of good repair. Much of Amtrak's equipment and infrastructure has exceeded its projected useful life. The costs of maintaining this aging fleet and the need to modernize and overhaul facilities through capital improvements to the system are serious financial challenges for Amtrak. My proposal would help reverse these problems and give Amtrak the resources necessary to meet its capital investment needs.

Mr. President, Amtrak, and the National Commission on Intermodal Transportation have called for a secure source of capital funding for Amtrak. I believe that now is the time for this Congress to reverse our current policy that favors building more highways at the expense of alternative means of transportation such as intercity passenger rail. Despite rail's proven safety, efficiency, and reliability in Europe, Japan, and elsewhere, intercity passenger rail remains severely underfunded in the United States. In fact, over half of the Department of Transportation's spending authority is devoted to highways and another quarter to aviation; rail still ranks last with roughly 3 percent of total spending authority.

Last year we spent $20 billion for highways while capital investment for Amtrak was less than $450 million.

In relative terms, between fiscal year 1980 and fiscal year 1994, transportation outlays for highways increased 73 percent, aviation increased 170 percent, and transportation outlays for rail went down by 62 percent. In terms of growth, between 1982 and 1992 highway

spending grew by 5 percent, aviation by 10 percent, while rail decreased by 9 percent.

A problem that is going to increase is the congestion on our roads. Between 1983 and 1990, Vehicle Miles Traveled increased nationwide by 41 percent. If current trends continue, delays due to congestion will increase by more than 400 percent on our highways and by more than 1000 percent on urban roads. Highway congestion costs the United States $100 billion annually, and this figure does not include the economic and societal costs of increased pollution and wasted energy resources.

Air travel is equally congested. Commercial airlines in the U.S. presently transport over 450 million passengers each year. A recent transportation safety board study revealed that 21 of the 26 major airports experienced serious delays and it is projected to get worse. Again, the costs are enormous. A 1990 DOT study estimated the financial cost of air congestion at $5 billion each year, and it expects this number to reach $8 billion by 2000.

Congestion is a problem and it must be addressed. However, the current path we are on directs more money for highways and airports. For us in the Northeast, building more roads is simply not an option. We do not have the land nor the financial resources to build more highways or more airports. For these reasons, we must provide more than just good roads but a good passenger rail system as well.

Adequately funded passenger rail can successfully address highway gridlock and ease airport congestion. Passenger rail ridership between New York and Washington is equal to 7,500 fully booked 757's or 10,000 DC–9's. Between New York and Washington, Amtrak has over 40 percent of the air-rail market.

Improved Northeast rail service will also have the same positive impact on road congestion—5.9 billion passenger miles were taken on Amtrak in 1994. These are trips that were not taken on crowded highways and airways. Improved rail service in the Northeast is projected to eliminate over 300,000 auto trips each year from highways as well as reduce auto congestion around the airports.

Improved rail service will also have a positive affect on rural areas. Twenty-two of Amtrak's 55 million passengers depend on Amtrak for travel between urban centers and rural locations which have no alternative modes of transportation.

Mr. President, now is the time to invest in our rail system.

Opponents of my legislation have said that we should not use revenues from our motor fuels tax to pay for Amtrak. I disagree. States are currently using revenues collected from our motor fuels tax for many non-highway uses. For example, Virginia uses its motor fuels tax receipts on mass transit and ports; New Hampshire uses its motor fuels receipts to bolster their Fish and Game Department; Wyoming uses its portion of the motor fuels tax for snowmobile trails and boating facilities; Florida and Arkansas use the motor fuels tax for environmental protection. Like these States have already done, I believe Congress should spend the revenues raised by the motor fuels tax on those programs it feels best serve our transportation needs. I think passenger rail should be one of those programs.

Another argument I often hear is that we should stop subsidizing Amtrak. Amtrak needs to be self-sufficient.

I would like to see that happen, but to date, I am not aware of any transportation system that supports itself without Federal assistance. Further, I am not aware of any transportation system that supports itself through user fees. According to the Department of Transportation, in fiscal year 1994 nearly $6 billion more was spent on highways than was collected in user fees.

In fiscal year 1995 nearly $8 billion more was spent on highways than was collected in user fees. Transit which is exempt from the motor fuels tax, received $3 billion in revenues in motor fuels revenues last year. I repeat, no mode is self-financed.

In closing, our national passenger rail system is important.

My legislation would provide capital funding to help improve and maintain the corporation's infrastructure. Amtrak will not be able to make it to zero operating subsidies by the year 2002 without it. If we are to adequately fund our passenger rail system like we fund our highways and other major modes of transportation, Amtrak will need this trust fund.

By Mr. DOMENICI (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. JOHNSON, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BINGAMAN):

S. 437. A bill to improve Indian reservation roads and related transportation services, and for other purposes; to the Committee on Indian Affairs.

THE AMERICAN INDIAN TRANSPORTATION IMPROVEMENT ACT OF 1997

Mr. DOMENICI. Mr. President, I rise to introduce a bill on behalf of myself, Senator INOUYE, Senator CAMPBELL, Senator JOHNSON, Senator MURKOWSKI, Senator STEVENS, and Senator BINGAMAN.

Our bill, the American Indian Transportation Improvement Act of 1997, says that the U.S. Congress desires to treat the Indian people of the United States fairly when we pass a new ISTEA; that is, a new highway and transportation and transit bill. As everybody who knows anything about our Indian reservations and Indian pueblos knows, the Indian people buy gasoline just like average Americans. They have cars and pickup trucks. But they have a road system that is maintained for the most part by the Bureau of Indian Affairs. Now, if there is not a dedicated source of revenue, then obviously you have to take money out of the Bureau of Indian Affairs general funding to build roads.

For a number of years we have decided—and I am pleased that I took the leadership—to set aside some significant portion of money out of the highway trust fund that should go to Indian roads.

Today, I am introducing a bill that says to our 557 Indian tribes and the Alaskan Native villages, which are served by about 50,000 miles of road—about 42 percent of these roads are Bureau of Indian Affairs roads, as I indicated—we are going to try to begin a program that will not only build some more roads but will maintain them and will give the Indian people their share of each category of ISTEA money for their road needs, be it construction of bridges, transit programs, highway safety, scenic byways, or the like.

Mr. President, our Nation's 557 Indian tribes and Alaska Native villages are served by over 50,000 miles of roads. About 42 percent of these roads are Bureau of Indian Affairs [BIA] system roads. Beginning in the 1982 Surface Transportation Assistance Act, these BIA system roads were included in the national highway trust fund for the first time in history. The gasoline tax, paid by every Indian who buys gasoline, was invested on Indian reservations through the Indian Reservation Roads [IRR] Program. Indian tribes were included in subsequent major highway legislation, most recently in the Intermodal Surface Transportation Efficiency Act [ISTEA], where annual funding has been $191 million for the past 5 years. Prior to ISTEA, annual IRR funding was $80 million per year.

Our best estimates indicate that at least $300 million is needed annually to begin to bring the IRR system up to par with the rest of American roads and highways. Today, I am proud to be joined by Senators INOUYE, CAMPBELL, and JOHNSON in introducing the American Indian Transportation Improvement Act of 1997. Our legislation increases the Indian Reservation Roads Program from $191 million per year to $250 million in fiscal year 1998; $275 million in fiscal year 1999; and $300 million each year for fiscal years 2000 through 2002. These funds are primarily used for the design and construction of the BIA road system in Indian country. It is significant to most tribes that our bill also includes road maintenance as an eligible activity.

In addition to increasing the planning, design, construction, and maintenance money in our bill, we make other significant changes in the IRR Program and related ISTEA Programs

to improve the transportation system on our Nation's Indian reservations. These changes will improve the bridge construction program; provide a set-aside for transit systems; allow DOT certification to directly operate DOT programs; provide a set-aside for highway enhancements like lighting and transfer points to buses; create a competitive grant process for scenic byways; exclude State roads on tribal lands from the apportionment adjustment provisions of ISTEA; and increase funding for Indian Technical Centers from $200,000 each to one million dollars each for the six existing centers.

In the ISTEA Bridge Program, which now requires each State to set aside 1 percent of its ISTEA Bridge Program funds for Indian tribes, our bill would consolidate the 50 separate State set-asides into one national pool. This national set-aside is then distributed to all tribes using to the BIA National Bridge Inventory Standards Program. This BIA Bridge Program rates each Indian bridge and gives it a national ranking by deficiency. Funding priorities for all tribes would be set through the BIA bridge ranking system.

To encourage and expand transit systems on Indian reservations, The American Indian Transportation Improvement Act of 1997 [TAITIA] would also establish a 1 percent set-aside from ISTEA—and its successor—transit programs. While a national formula to allocate transit funds is developed in consultation with tribes, the Federal Transit Administration of the U.S. Department of Transportation [DOT] would allocate the funds. Without the new set-aside, tribes would have to continue to compete within each State for transit moneys. Our bill also allows the conversion of up to 3 percent of IRR construction and design funds for local transit purposes.

Under current law, tribes are not included as eligible entities for direct certification by DOT. This situation is clearly detrimental to tribes hoping to directly operate DOT highway programs other than those operated by the BIA. While only a handful of tribes, like the Navajo Nation, are potentially capable of meeting the DOT certification standards, none are allowed to be certified under the terms of current law. Without changing any of DOT's certification standards, this bill would allow tribes that qualify to become certified by DOT to directly operate Federal highway programs.

In a related certification issue, any tribe certified by DOT, as States are now certified, would be allowed direct access to DOT highway safety program funds. Other tribes—most tribes—would continue to fund their highway safety programs through the BIA–DOT program.

Indian tribes need better access to the Highway Enhancements Program for such improvements as lighting, bike trails, transfer points to buses, and other enhancements. States are allowed to use up to 10 percent of their ISTEA funds for these types of enhancements. Our bill creates a national Indian set-aside of 1 percent and would be administered through the Federal Highway Administration competitive grant process. Each tribe would be eligible to compete for these funds.

The Scenic Byways Program of ISTEA is essential to many tribes for enhanced access to scenic areas for improved economic development activities and other purposes. The Jicarilla Apache Tribe in New Mexico, for example, has committed $3 million of its IRR funds—about 2 years of its total allocations—to complete its portion of the narrow gauge scenic highway to Colorado. To improve critical roads like this one without detracting from the more basic highway needs, our bill would create a 1 percent set-aside for Indian scenic byways. The Federal Highway Administration would allocate these funds through a competitive process with priority consideration given to tribes with the greatest potential for tourism and other economic development activities for tribal members.

Many States commit ISTEA resources to public lands highways on Indian reservations. Under current law, there are apportionment adjustment hold harmless provisions between donor and donee States. If a donee State like New Mexico decides to allocate funds for a public land highway through an Indian reservation, that donee State's allocation for the following year is reduced by the amount of money committed to the public land highway through the Indian reservation—as well as public land highways elsewhere in the State. To encourage States to commit their ISTEA resources to these critical highways on Indian land, like New Mexico highway 537 on the Jicarilla Apache Tribe's reservation, our bill exempts State commitments to public lands highways that are built on Indian land.

If The American Indian Transportation Improvement Act of 1997 were law today, the State of New Mexico and similar donee States would not be penalized for committing their resources to State roads like New Mexico highway 537. Our bill does not address the more general issue of the apportionment adjustment hold harmless provisions in ISTEA, we simply exempt Indian land highways from those provisions.

Finally, The American Indian Transportation Improvement Act of 1997 increases the allocation of IRR funds to the Indian technical centers from $200,000 per center for six centers to $1 million per center for the same six centers. These centers provide training to Indian tribes in all phases of highway planning, design, construction, maintenance, procurement, and related bridge programs. Increasing the ability of these centers to train Indian highway administrators, engineers, and others involved in the IRR Program will significantly enhance the ability of tribes to operate their own programs and improve their transportation systems.

Mr. President, The American Indian Transportation Improvement Act of 1997, was developed in close consultation with Indian leaders. I would like to give special recognition to Paulson Chaco and Sam Johns of the Navajo Nation Transportation Department and Arnold Cassador of the Jicarilla Apache Tribe and Mark Wright, their tribal roads engineer. Their assistance in developing this bill has been essential and their knowledge of these highway programs is impressive.

The American Indian Transportation Improvement Act of 1997 will be a considerable improvement in the current way we do business for the BIA roads system. This system serves over a million American Indians who live on or near a reservation. In my home State of New Mexico, IRR funds have made a large difference in the past decade. It is time to accelerate this effort for the direct benefit of Indian people in America.

Under the current relative needs formula for distributing the IRR money, the Navajo Nation—in New Mexico and Arizona—is now scheduled to receive about $55 million annually in IRR funds. New Mexico Pueblos receive about $12 million and the Apache Tribes receive about $3 million in New Mexico. I know from personal observation, that these funds are generally well spent and much needed throughout Indian country. I believe they are critical funds for improving the poor employment opportunities on most Indian reservations. I urge my colleagues to study the importance of Indian roads for economic development opportunities, and support our effort to greatly improve the Indian Reservation Road Program as described in our bill. Our bill will go a long way toward helping American Indians make the best use of our Nation's highway programs to improve their daily lives.

We have not heretofore broadly applied this degree of Indian participation in the trust fund we set up for highways and mass transit. We have, in the past, principally put money in to build roads. This year, the new bill that we introduced with the cosponsors that I have spoken of, will increase the ISTEA Indian Reservation Road Program to $250 million in 1998, to $275 million in 1999, then $300 million in each of the years 2000, 2001 and 2002. The ISTEA Indian Reservation [IRR] Roads program is currently funded at $191 million per year.

I want to have a list printed in the RECORD at this point to show the current distribution of IRR funds by the

BIA regional offices. Mr. President, I ask unanimous consent that this be printed in the RECORD, and I ask that a program activity allocation, showing how this IRR money is currently allocated among the participating Federal agencies, be printed in the RECORD at this point.

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

INDIAN RESERVATION ROADS PROGRAM, DESIGN AND CONSTRUCTION

[Dollars in millions]

	RNF (percent)[1]	Amount
Bureau of Indian Affairs, Central Office, $191 million:		
Aberdeen	9.109	$15.2
Anadarko	2.987	5.0
Billings	6.052	10.1
Juneau	9.460	15.8
Minneapolis	5.045	8.4
Muskogee	7.705	12.9
Phoenix	9.327	15.6
Sacramento	2.863	4.8
Albuquerque	7.026	11.8
Navajo	32.752	54.8
Portland	5.700	9.5
Eastern	1.974	3.3
Total	100	[2] 167.25

[1]RNF=Relative Needs Formula (Allocation distribution).,

[2]Approximate amount available for design and construction after deductions for different categories.

INDIAN RESERVATION ROADS [IRR] PROGRAM ALLOCATION PLAN

IRR Program Activity	Allocation (percent)	Million
Yearly Authorization	.....	$191.0
Less FHWA Administration	Δ3.00	5.7
Less BIA Administration	Δ5.00	9.0
Less IRR Transportation Planning	Δ2.00	3.8
Less 2 percent Tribal Transportation Planning]	2.00	3.8
Less Mapping	Δ.13	.25
Less LTAP	Delta.63	1.2
Available for design and construction	.....	167.25

*]23 U.S.C., Section 204(j)(b)-Up to 2% of funds made available for Indian Reservation Roads for each fiscal year shall be allocated to those Indian tribal governments applying for transportation planning pursuant to the provisions of the Indian Self-Determination and Education Assistance Act. The Indian tribal government, in cooperation with the Secretary of the Interior, and, as may be appropriate, with a State, local government, or metropolitan planning organization, shall develop a transportation improvement program, that includes all Indian reservation road projects proposed for funding. Projects shall be selected by the Indian tribal government from the transportation improvement program and shall be subject to the approval of the Secretary of the Interior and the Secretary (of Transportation).

Mr. DOMENICI. Mr. President, I send the bill to the desk and ask it be referred to the appropriate committee or committees.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. DOMENICI. Mr. President, I send a summary of the provisions, the purpose and various provisions. This document will show that Indian reservation bridges, for example, will be handled in a better way. Our bill continues the basic design and construction of Indian roads. We also add road maintenance as an eligible activity. We also provide transit, scenic byways, highway enhancements, and other Indian set-asides in our bill.

We include scenic byways, especially those that will help to develop reservation economies. We think if there are byways that are scenic in Indian country and can add to the reservation economy, they ought to get their share of these highway trust funds. We allow DOT certification for tribes who can qualify to directly operate DOT programs without going through the Bureau of Indian Affairs. We increase funding for Indian technical centers to enhance tribal capabilities in the entire range of highway planning, design, construction, and maintenance.

I ask that this bill summary be printed in the RECORD.

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

THE AMERICAN INDIAN TRANSPORTATION IMPROVEMENT ACT OF 1997

PURPOSE

To increase the Indian Reservation Roads (IRR) Program of the Intermodal Surface Transportation Improvement Act (ISTEA) from $191,000,000 per year to $300,000,000 per year, and to include Indian tribes in other relevant programs of ISTEA as described below.

IRR FUNDING AMOUNTS AND ROAD MAINTENANCE

IRR Program funding will be increased from $191 million in fiscal year 1997 to $250 million in fiscal year 1998; $275 million in FY 1999; and $300 million in fiscal years 2000 through 2002. Road maintenance is made an eligible activity.

INDIAN RESERVATION BRIDGES

The current Indian reservation bridge program in ISTEA is operated through the states. Each state has a set-aside of one percent for Indian bridges. The American Indian Transportation Improvement Act of 1997 (TAITIA) creates a single national bridge program from amounts previously allocated to the states. TAITIA allocates one percent to the Secretary of Transportation for Indian bridges. Priorities for distribution among tribes will be determined by the Bureau of Indian Affairs' (BIA) National Bridge Inspection Standards Program which determines deficiency levels for Indian reservation bridges. Priority for TAITIA funds will be given to bridges with the highest level of deficiency.

INDIAN TRANSIT SET-ASIDE

In The American Indian Transportation Improvement Act of 1997, one percent of the ISTEA Mass Transit funds will be set aside for transportation services to Indian tribes. The Secretary of Transportation will develop an allocation formula in consultation with tribes. Until the allocation formula is formally developed, the Administrator of the Federal Transit Administration of DOT will establish a temporary allocation formula. the funds through a temporary formula.

SCENIC BYWAYS PROGRAM

One percent of the funds for scenic byways are set-aside for Indian tribes in a competitive grant process for the planning, design, and development of Indian tribe scenic byway programs. These scenic byways are important for tribal economic development programs.

CERTIFICATION ACCEPTANCE AND HIGHWAY SAFETY

The American Indian Transportation Improvement Act of 1997 allows tribes with advanced transportation planning and construction capabilities to be certified by DOT for direct participation in DOT programs in a manner that is now allowed for qualified states. Under current law, even a qualified tribe is not allowed to be certified by DOT. This certification acceptance provision will allow tribes that are able to meet the national standards to be accepted by DOT. TAITIA makes no changes in the certification standards.

Tribes that are able to achieve certification acceptance by DOT will also be eligible for direct access to DOT highway safety funds, Section 402 of ISTEA. These activities include traffic safety, traffic law education, seatbelt law enforcement, and free infant restraints.

INDIAN TECHNICAL CENTERS

The six Indian Technical Centers are now funded at a level of $200,000 each. To improve tribal capacity to plan, design, construct, maintain, and otherwise operate their own Indian Reservation Roads Programs, TAITIA will increase each center's amount to one million dollars, adding $4.8 million for this vital function.

TRANSPORTATION ENHANCEMENT ACTIVITIES

ISTEA allows each state to use up to ten percent of its allocation for transportation enhancements such as bike trails, transfer points to buses, and lighting. Tribes are allowed to compete for these funds in each state. TAITIA sets aside one percent of the national transportation enhancement pool to be used by the Secretary of Transportation to make competitive grants to Indian tribes.

PUBLIC LANDS HIGHWAYS

TAITIA exempts states from the apportionment adjustment provisions of ISTEA for Public Lands Highways built on Indian reservations. Although these are not IRR funds, states are currently discouraged from committing their resources to Public Lands Highways in Indian Country due to the hold harmless provisions of the apportionment adjustment requirements. This exemption is intended to encourage states to make commitments of state ISTEA resources to Public Lands Highways on Indian reservations.

Mr. DOMENICI. Mr. President, I would like to indicate the distinguished former chairman of the Indian Affairs Committee, Senator MCCAIN, is very interested in the bill, and has indicated his support when it reaches his committee.

• Mr. CAMPBELL. Mr. President, as Chairman of the Committee on Indian Affairs, I am pleased to join Senator DOMENICI and Vice Chairman INOUYE in introducing the American Indian Transportation Improvement Act of 1997, to amend the Intermodal Surface Transportation Efficiency Act. [ISTEA].

More than any other communities in the United States, Indian tribes and Alaska Native villages suffer from a lack of adequate infrastructure, and the necessary tools to build and maintain that infrastructure. The United States has a special responsibility to Indian tribal governments to help them achieve economic self-sufficiency and political self-determination.

Economies today, whether State, tribal, or national, are increasingly dependent on interstate and international commerce for their livelihoods. Solid physical infrastructure is the foundation for those economies.

Federal ISTEA funding to tribal governments has lagged behind spending

for States and local governments over the years, despite acute and unmet needs in Indian country. Poor and unsafe roads and highways, crumbling bridges, and nonexistent transit and transportation systems all contribute to and result in tribal economies that are third world in nature.

In addition to facilitating the delivery of basic social services such as health, education, and nutrition to tribal members, solid physical infrastructures act as an incentive to outside investors to invest in tribal economies and to locate their businesses on tribal lands.

The legislation I am cosponsoring today recognizes the special Federal obligations, and will assist in the development and maintenance of Indian transportation infrastructures and in the process pave the way for higher levels of economic growth and job creation.

By increasing the funds available for the Indian reservation roads program, this bill will provide immediate relief to those tribes that have a backlog of road development and maintenance. By strengthening the capacity of tribes through transportation enhancement activities, the reservation bridges programs, and technical centers, this legislation will ensure that Indian tribes are not precluded from building stronger, more vibrant communities.

I urge my colleagues to join in enacting this legislation so critical to tribal governments and economies across the Nation.●

Mr. INOUYE. Mr. President, I rise today to join my esteemed colleague, Senator PETE V. DOMENICI of New Mexico, as a cosponsor of legislation that he has authored which proposes an increase in the funding for the Indian Reservation Roads Program and which would improve the quality of Indian roads by directly including Indian tribes in Federal transportation service programs.

Indian reservation roads are the lifeline of tribal economic and social wellbeing, with about 50,000 miles of roads serving Indian tribes and Alaska Native villages nationwide. Over 90 percent of these roads are comprised of State and county roads and roads constructed and maintained by the Bureau of Indian Affairs.

The Bureau of Indian Affairs' road system includes approximately 21,000 miles of roads which comprise about 42 percent of all roads serving Indian country. The overwhelming majority of these Bureau of Indian Affairs' roads—about 89 percent—are rated as being in poor condition. This is an alarming statistic which this legislation is designed to remedy.

Historically, funding for the construction and maintenance of Bureau of Indian Affairs' roads has failed to keep pace with tribal transportation needs and the result has been inferior Indian road conditions. In the 1950's, BIA funding reached a high of $10 million per fiscal year. By 1979, funding levels rose to $80 million per year. Thereafter, BIA funding significantly declined.

The Surface Transportation Assistance Act of 1982 made the Indian Reservation Roads Program eligible for support from the Highway Trust Fund at $100 million for fiscal years 1984 to 1986. Between 1987 and 1991, funding from the Highway Trust Fund decreased to $80 million. In 1992, funding rose to $159 million and from 1993 to 1997, funding for Indian roads increased to $191 million.

Although funding for Indian reservation road construction and maintenance improved, the increases were nonetheless woefully inadequate to meet tribal construction needs and to improve Indian roads so that they might be able to meet national standards. Furthermore, the current funding level of $191 million falls well short of the estimated national tribal transportation need of $300 million annually. Unless funding is increased, tribal roads will continue to fall behind national standards to the economic and social detriment of Indian tribes.

The American Indian Transportation Improvement Act of 1997 includes necessary funding increases and significant changes to the Indian Reservation Roads Program and to relevant Federal transportation programs that will provide Indian tribes with greater opportunities to meet their transportation needs. The improvements to Indian transportation include the following:

One, funding for the Indian Reservation Roads Program would be increased from $191 million annually to $250 million for fiscal year 1998, $275 million for fiscal year 1999, and $300 million for fiscal years 2000 through 2002. Funds are primarily to be used for the design and construction of roads in the BIA system.

Two, identified as high priority by tribes, the bill includes Indian reservation road maintenance as an eligible activity for funding under the Indian Reservation Roads Program. For BIA roads, Indian Reservation Roads Program funds would be used to supplement the nominal funding provided for road maintenance.

Three, to encourage donee States to fund public land highway projects that serve Indian country, the bill exempts funds expended on a public land highway constructed on an Indian reservation from the apportionment adjustment hold harmless requirement which has in the past had the effect of decreasing a State's surface transportation program allocation by the amount a State expended on a public land highway located on or running through an Indian reservation.

Four, this bill would establish a 1-percent set-aside of funds allocated for the National Scenic Byway Program for the development of an Indian scenic byway program to enhance access to scenic areas for economic development and other purposes with funding to be distributed through competitive grants.

Five, currently, tribes qualified to meet the requirements of direct certification in order to operate their own Federal highway programs are not eligible to do so. The bill overcomes this impediment by authorizing the eligibility of Indian tribes for certification by the State or tribal highway department to directly operate Federal highway programs. For example, certified tribal governments will have direct access to Federal highway safety funds and be able to manage the highway safety programs.

Six, to promote tribal highway enhancement activities on Indian roads, including bus transfer points and highway lighting, the bill authorizes the transfer of 1 percent of the funds available to States for transportation enhancement for competitive grants to Indian tribes.

Seven, in order to remedy the inefficient distribution of Indian bridge funds, the bill would establish a national Indian bridge program by consolidating the 1 percent of funds the States set aside for Indian bridges. The Secretary of Transportation would distribute the funding with priority given to bridges with the highest level of deficiency as determined by the BIA National Bridge Inspection Standards. This process efficiently allocates Indian bridge funds based on demonstrable need.

Eight, to enhance the capability of Indian tribes to improve their transportation systems and qualify for direct certification, $1 million per fiscal year is authorized for each of six Indian technical centers where tribal members receive training in areas including highway planning, construction, and maintenance.

Nine, finally, to address the inability of Indian tribes to apply directly for mass transportation funds and to meet increasing transit needs, the bill provides authority for a 1-percent set-aside of mass transportation funding for tribes with the allocation formula to be established by the Secretary of Transportation following negotiations with the tribes. In addition, the bill authorizes the conversion of up to 3 percent of Indian reservation road funds to provide mass transportation services to Indian tribes.

The American Indian Transportation Improvement Act of 1997 will significantly improve surface transportation service on or near Indian Reservations—improvements that will provide greater mobility for tribal members, increase economic opportunities for the tribe, including much-needed employment, and improve the overall quality of life.

Mr. President, I want to recognize the outstanding leadership demonstrated by Senator PETE DOMENICI in developing this important legislation. I urge my colleagues to join the chairman of the Indian Affairs Committee, the Honorable Senator BEN NIGHTHORSE CAMPBELL, Senator PETE DOMENICI, and me in acting favorably on this bill when it comes before the Senate for consideration.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about the American Indian Transportation Improvement Act of 1997. This is an act that is long overdue. It would ensure that the native American communities in our country received the necessary funding to keep up with their growing infrastructure needs, in this case, roads. This bill would also ensure that we continue the Federal responsibility and commitment to native Americans. In addition, Mr. President, the American Indian Transportation Improvement Act would go a long way toward providing native American communities the necessary means toward economic and rural development to attract more business enterprises, tourism and thereby, job creation.

As my distinguished colleague from New Mexico, Senator DOMENICI, has aptly described today, Indian tribes and Alaskan communities must maintain over 50,000 miles of roadways. Many of our Nation's bridges and roadways are in great need of repair and upgrade, and tribal roads and bridges are by no means an exception. This year as we work toward ISTEA reauthorization, we must address many complicated issues. For example, we must determine whether and to what extent distribution formulas should be adjusted, whether to provide States added flexibility in administering programs, and whether and to what extent current environmental protections should be enhanced.

But as we toil to address these issues, we must realize that tribal communities are facing and must address transportation issues just as challenging as those we address on a State and national Level. Tribes have the same needs and are just as interested as our Nation's urban dwellers in improving roads and bridges. Tribal communities are interested in establishing and maintaining mass transit systems especially to assist their elderly, disabled, and youth get to and from places for goods, services, health care, and after-school activities.

Mr. President, our investment in city, State, county, and tribal transportation systems is an investment from which we will certainly reap larger economic benefits and a much greater quality of life for communities greatly in need of help.

By Mr. GRASSLEY:

S. 438. A bill to provide for implementation of prohibitions against payment of Social Security benefits to prisoners, and for other purposes; to the Committee on Finance.

THE NO CASH FOR CONVICTS ACT

• Mr. GRASSLEY. Mr. President, today I am introducing legislation to prohibit the payment of Social Security benefits to convicted criminals who are incarcerated at the expense of hard-working taxpayers.

The fate of the Social Security program has become a major topic of debate in Washington and in the homes of the American people. In the news, on Capitol Hill, and in the conversations of people all across this country the question of how to address the pending financial problems of Social Security has caused considerable anxiety. Congress must face one of its stiffest challenges in the next couple of years to enact legislation that will rescue the Social Security program for the long term.

However, there are other flaws in the Social Security program that we must not overlook. Because Social Security provides a lifelong entitlement to cash and health care, it is often a target of fraud and abuse. In the last couple of years, we have taken action to suspend benefits paid to drug addicts and alcoholics and have increased funding so the Social Security Administration can perform continuing disability reviews which ensure that beneficiaries who may have recovered are no longer receiving benefits.

Just last year, Congress enacted legislation to help SSA identify prisoners who received benefits from the Supplemental Security Income Program. Unfortunately, Congress was unable to provide similar help to the Social Security Disability Insurance Program.

No one incarcerated for a crime should continue to collect Social Security Disability Insurance. Criminals should not be allowed to double dip and receive Federal money earmarked for the purchase of food and clothing while they are part of a prison system which provides these necessities already. The average SSDI payment in January of 1996 was $682. When an individual's shelter, food, and clothing needs are already being paid for at government expense—at least $13,000 a year in some States—paying out additional Federal funds is inexcusable.

Under current law, criminals are prohibited from collecting disability insurance benefits if they are incarcerated and if that incarceration arises from a conviction punishable by imprisonment of more than one year. However, this narrow standard applies to a limited number of criminals.

In order to fully confront this problem we must enact legislation that accomplishes two goals. First, the law needs to be expanded to close the existing loophole that allows criminals who are serving time for misdemeanors or who receive a sentence of less than one year to continue to collect benefits. Second, we must amend the law to facilitate the flow of information between Federal, State, county and local officials.

Right now, SSA is able to identify only a few of the individuals who have been imprisoned to stop their benefits. The Social Security Act already requires that any Federal, State, county or local agency send the SSA the names and social security numbers of anyone who is confined to a penal institution or correctional facility in writing.

What's needed is an incentive for State and local law enforcement authorities to report to the SSA any inmate illegally collecting DI benefits. In testimony to the House Ways and Means Oversight Committee on March 4, 1996, the General Accounting Office testified that SSA lacks timely and accurate information to stop benefit payments to prisoners.

My bill provides State and local law enforcement agencies with a financial incentive to report convicted criminals who are receiving benefits while serving time in jail. The bill awards $400 for each criminal reported to SSA within the first 30 days of confinement, and $200 if the required information is reported to SSA after the 30 day period ends. If the local authorities do not notify SSA within 90 days after confinement begins, no award will be made.

Last year, as part of welfare reform we took steps to stop the flagrant abuse of the Social Security system with respect to SSI payments. Now we must finish the job by extending the law to include the illegal collection of DI benefits.

By passing this legislation we will protect the financial soundness of Social Security disability insurance and preserve the program for the people it is meant to assist. The only way to protect the hard-earned money of the American taxpayer is to insure that every penny is being spent properly. This legislation is projected to save $35 million over the next 7 years. In this day of hundreds of billions of dollars in deficit this may not seem overwhelming, but it will ease the administrative burden on SSA and most importantly, help restore confidence in this vital program.•

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. DOMENICI, and Mr. KYL):

S. 439. A bill to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

THE FEDERAL POWER ACT AMENDMENT ACT OF 1997

• Mr. MURKOWSKI. Mr. President, along with Senators AKAKA, DOMENICI, and KYL, I am today introducing legislation to address several issues associated with hydroelectric projects.

Section 1 gives the State of Alaska jurisdiction over small hydroelectric projects 5 megawatts or smaller. Section 2 precludes the voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii. Section 3 provides an exemption from licensing for the transmission line portion of a hydroelectric project located in the State of New Mexico. Section 4 gives the FERC the authority to extend for up to 10 years the deadline for commencement of construction of hydroelectric projects.

Sections 1, 2, and 3 of this bill are virtually identical to sections 7, 8, and 9 of S. 737 as reported in the 104th Congress. By unanimous vote, S. 737 was ordered reported by the Committee on Energy and Natural Resources (Report No. 104–77). On September 27, 1996, the Senate unanimously passed S. 737 (Senate Calendar No. 100). Unfortunately, just a few days later, on October 6, the House of Representatives went out of session not having acted on the Senate-passed bill.

Sections 2 and 3 are of direct interest to Senators AKAKA and DOMENICI, and they will speak separately on their merits. I will discuss sections 1 and 4, which are of direct interest to me.

Section 1 gives the State of Alaska jurisdiction over hydroelectric projects 5 megawatts or smaller. It goes into effect when the Governor of Alaska notifies the Secretary of Energy that the State has in place a comprehensive process for regulating these facilities. The required process is modeled on the one contained in the Federal Power Act for the FERC. The authority granted to the State of Alaska would apply only to projects that are located entirely within the State. Moreover, these projects may not be located on an Indian reservation, a unit of the National Park System, a component of the Wild and Scenic Rivers System, or a segment of a river designated for study for potential addition to such system. In the case of a project that is already licensed by the FERC, the project sponsor may elect to make it subject to State authority. Projects located on Federal lands are subject to the approval of the Secretary of the Federal agency having jurisdiction, and that Secretary may include such terms and conditions as may be necessary for the protection of the public interest. The provisions specifically provide that nothing preempts the application of Federal environmental, natural, or cultural resources protection laws according to their terms.

Section 4 amends section 13 of the Federal Power Act to give the FERC authority to extend for up to 10 years the deadline for the commencement of a hydroelectric project. Under existing law, a project must commence construction within 2 years of the date of the issuance of the license. That deadline can be extended by the FERC one time for as much as 2 additional years, for a total of 4 years. If construction has not commenced at the end of the statutory time period, the license must be terminated by the FERC. Termination not only results in the licensee losing its investment of time and many tens of thousands of dollars to obtain the license, it also delays the construction of the project by requiring a new licensee to start the licensing process all over.

In the past, 4 years was adequate time to commence construction. However, with growing uncertainty in the electric power market, it is proving increasingly difficult for licensees to obtain the power purchase contract necessary to secure financing so as to permit commencement of construction. This has resulted in a number of individual requests to Congress to legislatively extend on a case-by-case basis the commencement of construction deadline. During the 104th Congress, for example, 28 bills were introduced in the House and Senate to extend the deadline for individual projects. Acting on these individual requests proved to be very time consuming for the committee and for the Congress. Had this provision been enacted, all of these requests could have been accommodated administratively by the FERC. Hence, I am introducing this bill to give the FERC the generic authority to extend the deadline for the commencement of construction for up to 10 years.

Mr. President, it is for these reasons that I am introducing this legislation along with Senators AKAKA, DOMENICI, and KYL.•

• Mr. AKAKA. Mr. President, the State of Hawaii, its delegation in Congress, and conservation organizations throughout the State are deeply concerned about Federal efforts to regulate hydroelectric power projects on State waters. The question of who should have authority for hydropower regulation—the State or the Federal Government—is very contentious.

Those who care for Hawaii's rivers and streams recognize that continued Federal intervention may have serious repercussions for our fresh water resources and the ecosystems that depend upon them. Whenever a hydroelectric power project is proposed, a number of environmental considerations must be weighed before approval is granted. Important issues must be evaluated, such as whether the proposed dam or diversion will impair the stream's essential flow characteristics, or what effect the hydropower project will have on the physical nature of the stream bed or the chemical makeup of the water. Will a dam or diversion diminish flow rates and reduce the scenic value of one of Hawaii's waterfalls? Will it harm recreational opportunities? These, and other questions must be answered.

The effect of a new dam or diversion on the State's disappearing wetlands must be weighed. Wetlands provide vital sanctuary for migratory birds, as well as habitat for endangered Hawaiian waterfowl. They serve as reservoirs for storm water, filtering water-borne pollutants before they reach the fragile coastal habitat, and provide a recharge area for groundwater.

Historic resources may be at risk on streams when hydropower projects are proposed. When Polynesians first settled our islands, Hawaiian culture was linked to streams as much as it was linked to the sea. The remnants of ancient Hawaiian settlements can be found along many State rivers. Will the Federal Government give adequate attention to stream resources that have unique natural or cultural significance when it issues a hydroelectric license or permit?

Most important of all, hydropower development must be compatible with preserving native aquatic resources. Hawaiian streams support many species that depend on undisturbed habitat. Perhaps the most remarkable of these species is the gobie, which can climb waterfalls and colonize stream sections that are inaccessible to other fish. These are some of the complex factors that must be considered during Federal hydropower decisionmaking.

Federal agencies that have responsibility for fish, wildlife, and natural resource protection have raised questions about the State of Hawaii's commitment to protecting stream resources. They assert that the Federal Energy Regulatory Commission is better equipped than the State to protect environmental values.

Nothing could be further from truth. The State of Hawaii has demonstrated its commitment to protect stream resources by instituting a new water code, adopting instream flow standards, launching a comprehensive Hawaii stream assessment, and organizing a stream protection and management task force.

Meanwhile, FERC has shown little regard for stream protection and has granted a preliminary permit to a hydropower developer on the Hanalei River. This is the same river that the Fish and Wildlife Service is fighting to preserve. The Hanalei National Wildlife Refuge is the largest refuge on the island of Kauai, and is home to four endangered water birds. Sixty percent of the State's taro crop is grown in the wetlands adjacent to the river. When it comes to protecting environmental values, FERC is off to a very poor start.

The experience with the proposed Hanalei hydropower project raises serious questions about appropriateness of the Federal efforts to regulate hydropower in Hawaii. Our rivers and streams bear no resemblance to the wide, deep, long, and relatively flat rivers of the continental United States. Hawaiian streams generally comprise groups of short riffles, runs, falls, and deep pools. There are only five streams with a length of 40 miles or more. Only two streams have a median flow rate greater than 100 cubic feet per second. By comparison, the mean discharge of the Mississippi River is nearly 40,000 times the annual flow of Hawaii's longest river, the Kiikii River.

The Federal interest in protecting the vast interconnected river systems of North America is misplaced in our isolated mid-Pacific location. When it comes to regulating hydropower in Hawaii, FERC is a fish out of water.

Chairman MURKOWSKI has agreed to include the text of my legislation to exempt Hawaii from the FERC hydropower jurisdiction in section 2 of the hydropower legislation he introduced today. Section 2 would terminate FERC's jurisdiction over hydropower projects on the fresh water of the State of Hawaii. Section 2 is identical to the legislation passed by the Senate during the 103d Congress as part of an omnibus hydropower bill, but the House and Senate could not resolve their differences on the bill. In the 104th Congress, the Senate Energy and Natural Resources Committee again approved the bill. I will continue to fight for the passage of this legislation during the 105th Congress.●

By Mr. FEINGOLD (for himself and Mr. BROWNBACK):

S. 440. A bill to deauthorize the Animas-La Plata Federal reclamation project and to direct the Secretary of the Interior to enter into negotiations to satisfy, in a manner consistent with all Federal laws, the water rights interests of the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe; to the Committee on Energy and Natural Resources.

ANIMAS-LA PLATA PROJECT LEGISLATION

● Mr. FEINGOLD. Mr. President, today I am introducing legislation to deauthorize the construction of the Animas-La Plata water project in Colorado. I am very pleased to be joined in this effort by the Senator from Kansas [Mr. BROWNBACK]. This measure is identical to a bipartisan effort in the other body introduced on February 13, 1997, by my colleague from Wisconsin [Mr. PETRI] and my colleague from Oregon [Mr. DEFAZIO].

The Animas-La Plata project is a $744 million water development project planned for southwest Colorado and northwest New Mexico that is largely taxpayer funded. Designed to supply 191,230 feet of water, it will consist of 2 major reservoirs, 7 pumping plants, and 200 miles of canals and pipes. The project will pump water over 1,000 feet uphill, consuming enough power to run a city of 60,000, to supply municipal, industrial, and irrigation interests.

The legislation I am introducing today deauthorizes the Animas-La Plata Federal reclamation project and directs the Secretary of the Interior to work with the Southern Ute and Ute Mountain Ute Tribes to find an alternative to satisfy their water rights needs. It is supported by a broad coalition of taxpayer and environmental groups that includes: Taxpayers for Common Sense, Americans for Tax Reform, Citizens Against Government Waste, Citizens for a Sound Economy, and National Taxpayers Union. This legislation was also profiled in the 1997 Green Scissors Report, and the Animas project has shown up on a number of deficit reduction target lists, including one recently proposed by the Chairman of the Budget Committee of the other body [Mr. KASICH].

I believe that Federal legislation to terminate the Animas-La Plata project is needed for four reasons. First, as a Senator who is extremely concerned about the Federal deficit and debt, this project has an extremely high price tag—a projected total cost of $744 million in fiscal year 1998. That total projected cost estimate has increased $30 million over the fiscal year 1997 estimate of $714 million. The Federal share of that cost now exceeds half a billion dollars, $503 million to be exact, which is nearly 68 percent of the total cost. I believe, especially in these times of tight budgets, that commencement of significant Federal discretionary spending should be critically evaluated.

By no measure or metric is this project cost effective, Mr. President. A July 1995 economic analysis by the Bureau of Reclamation, the only analysis that used economic procedures approved for Bureau analyses and a current discount rate, reported that the project's benefit-cost ratio is 0.36:1. In other words, Mr. President, the project will return only 36 cents for every taxpayer dollar invested. I am additionally concerned, Mr. President, because recent GAO reports have highlighted that Federal water projects, once built, do not recoup the costs of the projects from the users, who are supposed to be paying the government back for its investment. Municipal and industrial users are required under the Water Supply Act of 1958 to fully repay all the construction costs and operation and maintenance costs attributable to the supply of municipal and industrial water. Those repayment contracts are to be in place before construction begins. Currently, the Bureau has signed a repayment contract with two non-Indian project beneficiaries. Those that have been signed do not cover the construction costs of the full project, due to cost increases. It is questionable if the project will ever comply with the law and obtain full reimbursement of municipal and industrial costs from the project beneficiaries.

Second, I am introducing this legislation because I believe that the Congress should support the State of Colorado's ongoing dialog over lower cost alternatives rather than proceed to initiate construction. The Animas-La Plata project has been the focus of controversy and litigation for many years. In response to legislative activities last Congress, which I will describe in further detail, Colorado Gov. Roy Romer and Lt. Gov. Gail Schoettler convened a discussion process in October 1996 with the Bureau of Reclamation, the Southern Ute and Ute Mountain Ute Tribes, interested water districts, irrigators, and environmentalists in an attempt to resolve disputes among the parties. To assist in the success of this process, the Bureau and the other parties executed a legal "stand still" agreement establishing basic ground rules for the dialog and identifying the activities that could take place outside the process. While the eventual outcome is not known, a recommendation for a different formulation of the project is possible.

Thus far, the Department of the Interior, acting through the Bureau, is committed to finding a solution acceptable to the parties in general, and to the Colorado Ute Tribes specifically, due to the Federal Government's tribal trust responsibility. My legislation will codify that direction by specifically directing the Bureau to continue with these negotiations, rather than proceed with Animas-La Plata.

Third, this legislation has been drafted to acknowledge the importance of demonstrating support for ensuring that the Federal Government's obligations to the Colorado Ute Tribes are fulfilled. During debate over the fiscal year 1997 energy and water appropriations bill, colleagues will remember that I offered an amendment to terminate funding for Animas-La Plata. I believe that amendment was not successful last year due to concerns by colleagues that the project is necessary to fulfill Ute tribal water rights.

As I made clear to colleagues during the appropriations debate, despite the contention that the project will address the Ute claims, Animas-La Plata was not initiated as a way to address these claims. This project was authorized in 1968 to supply irrigation water to farmers growing forage crops in arid areas. Even back then, in the heyday of big water projects, this one was riddled with so many problems it couldn't get going. In 1988, nearly 20 years after it was authorized, the settlement of the Ute Indian water rights claims became an additional justification for pushing this project through.

Construction of this project has not yet begun because of a variety of factors, including concerns raised about the adequacy of the April 1996 Supplemental Environmental Impact Statement, issues surrounding cost-sharing and repayment agreements, and compliance problems with New Mexico's water quality standards.

Both the Ute Mountain Ute and the Southern Ute tribal governments formally support construction of Animas-La Plata. The water that the Utes will be provided from the project, however, is only a fraction of the project's total capacity. Of the 191,230 acre-feet of water the project will supply, two-thirds will go to nontribal interests with only 62,000 acre feet of the total to be supplied to both tribes. There is dissent within the Southern Ute Tribe about the wisdom of this project, and I am pleased that this legislation terminating the project has received the support of the Southern Ute Grassroots Organization.

I am concerned that the Animas-La Plata as currently proposed cannot meet the needs of the tribes because the initial construction phase of the project will neither provide the delivery system nor the quantity of water needed to fully honor the Federal Government's commitments. We should not spend hundreds of million of dollars and still find the tribal needs potentially unmet. Rather, I want to see that the Bureau is engaged in actively solving these problems rather than half-heartedly moving forward with construction and at the negotiating table to examine alternatives. The Ute Tribes' water rights settlement says that if the project isn't built and fully functional by the year 2000, the tribes may void the settlement and go back into negotiations or litigation. Last year, the Bureau indicated that it cannot complete the project before 2003. It is not unreasonable to expect that the Utes may seek to void their settlement, wherein the non-Indian irrigators will get their expensive project and Congress in the year 2005 or so will have to fund a new water rights settlement.

Finally, I believe that there needs to be a proactive legislative solution put forward to address the Animas-La Plata project because the political support for continued appropriations for this project is eroding. Last year, during the 104th Congress, the other body voted 221 to 200 to stop the funding for the Animas-La Plata project as it is currently designed. The chairman of the Budget Committee in the other body has put Animas-La Plata on a target list of corporate welfare cuts. I believe that during the appropriations cycle for fiscal year 1998, the other body will again vote to terminate funding for this project.

Politically, we may go back and forth for a few years with the other body terminating funding and this body restoring the money. But eventually, both Houses of Congress will resist and we will have wasted millions of dollars.

My bill seeks to put this project back on a positive track. It directs the Bureau of Reclamation to address legitimate water needs and explore all the alternatives to meeting those needs, and terminates this project that we can no longer afford. I ask unanimous consent that this measure be printed in the RECORD.

Three being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 440

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

SECTION 1. DEAUTHORIZATION OF ANIMAS-LA PLATA FEDERAL RECLAMATION PROJECT.

(a) DEAUTHORIZATION.—The Animas-La Plata Project, Colorado and New Mexico (a participating project under the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (70 Stat. 105, chapter 203; 43 U.S.C. 620 et seq.), and the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.)) is not authorized after the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—The first section of the Act of April 11, 1956 (70 Stat. 105, chapter 203; 43 U.S.C. 620), is amended in the proviso by striking "Animas-La Plata,".

(c) NEGOTIATIONS.—The Secretary of the Interior shall promptly seek to enter into negotiations with the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe to satisfy, in a manner consistent with all Federal laws, the water rights interests of those tribes that were intended to be satisfied with water supplied from the Animas-La Plata Project.•

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 441. A bill to improve health care quality and reduce health care costs by establishing a national fund for health research that would significantly expand the Nation's investment in medical research; to the Committee on Finance.

THE NATIONAL FUND FOR HEALTH RESEARCH ACT

Mr. HARKIN. Mr. President, I rise today with Senator SPECTER to introduce the National Fund for Health Research Act. This legislation is similar to legislation I introduced with Senator Hatfield during the last Congress which gained broad bipartisan support in both the House and Senate.

Our proposal would establish a national fund for health research to provide additional resources for health research over and above those provided to the National Institutes of Health [NIH] in the annual appropriations process. The fund would greatly enhance the quality of health care by investing more in finding preventive measures, cures, and cost-effective treatments for the major illnesses and conditions that strike Americans.

To finance the fund, health plans would set aside approximately 1 percent of all health premiums and transfer the funds to the Department of the Treasury. The Department of the Treasury would then transfer the money to the national fund for health research.

Each year under our proposal amounts within the national fund for health research would automatically be allocated to each of the NIH Institutes and Centers. Each Institute and Center would receive the same percentage as they received of the total NIH appropriation for that fiscal year. The set aside should generate sufficient funds to provide for a nearly 50-percent increase in funding for the NIH.

In 1994, I argued that any health care reform plan should include additional funding for health research. Health care reform has been taken off the front burner but the need to increase our Nation's commitment to health research has not diminished.

While health care spending devours nearly $1 trillion annually our medical research budget is dying of starvation. The United States devotes less than 2 percent of its total health care budget to health research. The Defense Department spends 15 percent of its budget on research. Does this make sense? The cold war is over but the war against disease and disability continues.

Increased investment in health research is key to reducing health costs in the long run. If we can find the cure for a disease like Alzheimer's the savings would be enormous. Today, federally supported funding for research on Alzheimer's disease totals $300 million yet it is estimated that nearly $100 billion is expended annually on caring for people with Alzheimer's.

Gene therapy and treatments for cystic fibrosis and Parkinson's could eliminate years of chronic care costs, while saving lives and improving patients' quality of life.

Mr. President, Senator SPECTER and I do everything we can to increase funding for NIH through the appropriations process. But, given the current budget situation and freeze in discretionary spending what we can do is limited. Without action, our investment in medical research through the NIH is likely to continue to decline in real terms.

The NIH is not able to fund even 25 percent of competing research projects or grant applications deemed worthy of funding. This is compared to rates of 30 percent or more just a decade ago. Science and cutting edge medical research is being put on hold. We may be giving up possible cures for diabetes, Alzheimer's, Parkinson's, and countless other diseases.

Our lack of investment in research may also be discouraging our young people from pursuing careers in medical research. The number of people

under the age of 36 even applying for NIH grants dropped by 54 percent between 1985 and 1993. This is due to a host of factors but I'm afraid that the lower success rates among applicants is making biomedical research less and less attractive to young people. If the perception is that funding for research is impossible to obtain, young people that may have chosen medical research 10 years ago will choose other career paths.

Mr. President, I am pleased that over 130 groups representing patients, hospitals, medical schools, researchers, and millions of Americans have already endorsed our proposal.

Mr. President, health research is an investment in our future—it is an investment in our children and grandchildren. It holds the promise of cure or treatment for millions of Americans.

By Mr. WYDEN (for himself and Mr. KERRY):

S. 442. A bill to establish a national policy against State and local government interference with interstate commerce on the Internet or interactive computer services, and to exercise Congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE INTERNET TAX FREEDOM ACT

• Mr. WYDEN. Mr. President, a few weeks ago, I met with a group of small business folks at an Internet cafe in Portland. We talked about the promise electronic commerce holds for businesses and consumers. The Internet can give a small businessperson in Astoria, OR access to the entire global marketplace. It can give consumers, especially in rural areas, entry to a supernational shopping mall.

For governments, the Internet offers a different type of promise—the chance to be a new cash cow. As Federal funds decrease, States and local governments are looking to the Internet as a new source of revenue. Some have already begun building tollbooths on the information superhighway. For sales taxes alone, there are nearly 6,500 different taxing authorities in this country. One businessman at the Internet cafe told me he is wary of getting into electronic commerce because of the prospect of as many as 30,000 different pairs of hands reaching into his pockets to collect taxes. If current trends continue, State and local levies will transform the Internet from a bright and exciting new frontier for commerce into a dark jungle of foreboding taxes.

Under today's mishmash of State and local Internet taxes, everyone is puzzled. Take a customer at his home computer who purchases an item from a virtual catalogue. With the click of his mouse, the purchase is logged, his account billed and payment made by wire transfer and the order sent. The vendor is in another State, or even another country. His bank is in a third State and the purchase is a gift being sent to a relative in another State. Where did this transaction take place? Where was there nexus for tax purposes—the vendor State? The customer's State? The bank's location? Or the State where the gift is being sent? Is the answer all of the above, some of the above, or none of the above?

The enormity of the problem is underscored by the fact that the hottest selling software today is software to help entrepreneurs and companies figure out various State tax policies.

When a consumer in Corvallis, OR uses an Internet search engine in California, is that search a taxable service? When a housewife in Houston uses Virginia-based America Online to make a virtual purchase from a furniture company in North Carolina, what gets taxed where? Is an Internet service provider a public utility, as one State has ruled? Even if a State has enacted an online tax law, collection and enforcement are often haphazard. This system rewards ignorance and punishes the boy scout businesses that play by the rules.

The purpose of the bill I am introducing today with Congressman CHRIS COX is to allow everyone to step back and take a deep breath. It says let's suspend this crazy tax quilting bee so that everyone can come together in a rational way to figure out what policy makes the most sense.

The Internet Tax Freedom Act has three parts. First, it would impose an indefinite moratorium on subnational taxes on electronic commerce. Where States and local governments have already imposed taxes on electronic commerce, their taxes would be grand fathered to the extent that they are net income taxes, fairly apportioned business license taxes or where the tax is collected in an identical way for mail or telephone orders. This will assure uniformity and fairness, while targeting inequitable technology taxes. Our intent is that the new tax moratorium apply to all Internet and interactive computer services, regardless of the technology—such as cable systems and wireless networks—being used to deliver those services. It will give us a functionally equivalent and technologically equitable tax policy. It will assure equity and fairness among all business entities and across technologies.

Second, the bill would call upon the administration to bring together State and local governments, businesses and consumers, and any others with a stake in the Internet and online commerce to develop policy recommendations on taxation of the Internet and use of the Internet to deliver products and services. The Executive would have 2 years in which to prepare policy recommendations on taxation of the Internet.

Third, the bill directs the executive branch to seek an international agreement making the Internet a duty-free zone. Just as we seek a rational policy on electronic commerce taxation here in the United States, our businesses cannot be expected to compete overseas if they faced more than 160 different foreign tariff policies covering global electronic commerce. Although about 75 percent of Web users live in North America, most electronic commerce is between companies, rather than companies and consumers. Forrester Research of Massachusetts predicts business-to-business commerce will soon be worth $67 billion a year.

Trying to find out exactly which States and local authorities are imposing taxes on electronic commerce and what types of taxes they are imposing is a daunting—if not outright impossible—task in itself. The Vice President for a good-sized Internet service provider in California said he would need a whole department to untangle the various Internet tax laws around the country, "It's in my nightmare pile," he observed. If this has stumped some of the best accounting firms in the country, how in the world can a small business that wants to sell over the Internet figure out its various tax liabilities? The difference between States in electronic commerce tax policy is mind-numbing.

Twenty States and the District of Columbia impose one or more taxes on electronic commerce. New York levies taxes on gross receipts on the "furnishing of information," but not on personal or individual information. Ohio taxes electronic transmissions and real estate data bases because they provide objective data but exempts news services because they provide analysis. Texas taxes the transmission of electronic information and software in whatever form, but does not tax software sent out of State on a disk. Alabama's Revenue Department ruled last fall that a utility tax applies to Internet service providers, forcing them to pay a 4-percent public utilities tax.

Last year in Florida a small Internet service provider asked the State's Department of Revenue whether he should add a sales tax to his customers' monthly bills. He was certain he wouldn't have to since all net surfers there already pay 10 percent or more in taxes for the telephone service they use to link to the Internet. To his surprise, the Revenue Department said his customers should have been paying a 7-percent service tax under a decade-old telecommunications law. Then, adding shock to surprise, the Department told

him his company was subject to an additional 2.5-percent tax on its gross annual receipts. The uproar from users and providers led the Governor to suspend the taxes until a panel could study the implications.

The legislation is constructed in such a way as to set up a dynamic and productive tension. It gives those that seek revenue from electronic commerce—the States and local governments—an incentive to work with the administration in developing policy recommendations on Internet taxation. Indeed, the National Conference of State Legislatures wrote me on February 21 that they have been "working with a number of other State organizations as well as the impacted private sector industries to find the common ground which will lead to the coordination and uniformity of State tax structures which the draft legislation desires." And an official with the Federal of Tax Administrators observed last summer that "States need to figure out how to tax it [the Internet] and to make it a level playing field with other services." I will also continue to work with the Multistate Tax Commission to assure their efforts move forward.

But the question remains: Will the simple imperative for good public policy outweigh the desire of cash-strapped States to tap a new source of revenue? Without a moratorium, as proposed in this legislation, I fear those State and local governments hungry for new sources of revenue have little, if any, incentive to work for a fair and equitable Internet tax policy.

I want to thank a number of groups that have helped us craft this legislation, and which have indicated their support for this bill: the American Electronics Association, the Software Publishers Association, the Association of Online Professionals, the Committee on State Taxation, the Direct Marketing Association, the Business Software Alliance, the Information Technology Association of America, the U.S. Telephone Association, the California State Board of Taxation, the Massachusetts High Tech Council, CommerceNet, the Silicon Valley Software Industry Coalition, IBM, AT&T, and other companies.

I view the legislation being introduced today as the beginning of a process, not the end. It remains a work in progress and will hopefully continue to be refined throughout the congressional hearing process.

There is a great deal to learn in these unchartered waters. All of us—Congress, State and local governments, businesses and consumers—must educate each other about how this new electronic medium works. We must all work together to help it achieve its full potential as a marketplace of ideas, products, and services.

I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

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

S. 442

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 "Internet Tax Freedom Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) As a massive global network spanning not only State but international borders, the Internet is inherently a matter of interstate and foreign commerce within the jurisdiction of the United States Congress under Article I, Section 8 of the United States Constitution.

(2) Even within the United States, the Internet does not respect State lines and operates independently of State boundaries. Addresses on the Internet are designed to be geographically indifferent. Internet transmissions are insensitive to physical distance and can have multiple geographical addresses.

(3) Because transmissions over the Internet are made through packet-switching it is impossible to determine with any degree of certainty the precise geographic route or endpoints of specific Internet transmissions and infeasible to separate intrastate from interstate, and domestic from foreign, Internet transmissions.

(4) Inconsistent and inadministrable taxes imposed on Internet activity by State and local governments threaten not only to subject consumers, businesses, and other users engaged in interstate and foreign commerce to multiply, confusing, and burdensome taxation, but also to restrict the growth and continued technological maturation of the Internet itself, and to call into question the continued viability of this dynamic medium.

(5) Because the tax laws and regulations of so many jurisdictions were established before the Internet or interactive computer services, their application to this new medium in unintended and unpredictable ways threatens every Internet user, access provider, vendor, and interactive computer service provider.

(6) The electronic marketplace of services, products, and ideas available through the Internet or interactive computer services can be especially beneficial to senior citizens, the physically challenged, citizens in rural areas, and small businesses. It also offers a variety of uses and benefits for educational institutions and charitable organizations.

(7) Consumers, businesses, and others engaging in interstate and foreign commerce through the Internet or interactive computer services could become subject to more than 30,000 separate taxing jurisdictions in the United States alone.

(8) The consistent and coherent national policy regarding taxation of Internet activity, and the concomitant uniformity, simplicity, and fairness that is needed to avoid burdening this evolving form of interstate and foreign commerce can best be achieved by the United States exercising its authority under Article I, Section 8, Clause 3 of the United States Constitution.

SEC. 3. MORATORIUM ON IMPOSITION OF TAXES ON INTERNET OR INTERACTIVE COMPUTER SERVICES.

(a) MORATORIUM.—Except as otherwise provided in this section, no State or political subdivision thereof may impose, assess, or attempt to collect a tax directly or indirectly on—

(1) the Internet or interactive computer services; or

(2) the use of the Internet or interactive computer services.

(b) PRESERVATION OF STATE AND LOCAL TAXING AUTHORITY.—Subsection (a)—

(1) does not apply to taxes imposed on or measured by net income derived from the Internet or interactive computer services;

(2) does not apply to fairly apportioned business license taxes applied to businesses having a business location in the taxing jurisdiction; and

(3) does not affect a State or political subdivision thereof of authority to impose a sales or use tax on sales or other transactions effected by the use of the Internet or interactive computer services if—

(A) the tax is the same as the tax generally imposed and collected by that State or political subdivision thereof on interstate sales or transactions effected by mail order, telephone, or other remote means within its taxing jurisdiction; and

(B) the obligation to collect the tax from sales or other transactions effected by the use of the Internet or interactive computer services is imposed on the same person or entity as in the case of sales or transactions effected by mail order, telephone, or other remote means.

SEC. 4. ADMINISTRATION POLICY RECOMMENDATIONS TO CONGRESS.

(a) CONSULTATIVE GROUP.—The Secretaries of the Treasury, Commerce, and State, in consultation with appropriate committees of the Congress, consumer and business groups, States and political subdivisions thereof, and other appropriate groups, shall—

(1) undertake an examination of United States and international taxation of the Internet and interactive computer services, as well as commerce conducted thereon; and

(2) jointly submit appropriate policy recommendations concerning United States domestic and foreign policies toward taxation of the Internet and interactive computer services, if any, to the President within 18 months after the date of enactment of this Act.

(b) PRESIDENT.—Not later than 2 years after the date of enactment of this Act, the President shall transmit to the appropriate committees of Congress policy recommendations on the taxation of sales and other transactions affected on the Internet or through interactive computer services.

(c) RECOMMENDATIONS TO BE CONSISTENT WITH TELECOMMUNICATIONS ACT OF 1996 POLICY STATEMENT.—The Secretaries and the President shall take care to ensure that any policy recommendations are fully consistent with the policy set forth in paragraphs (1) and (2) of section 230(b) of the Communications Act of 1934 (47 U.S.C. 230(b)).

SEC. 5. DECLARATION THAT THE INTERNET BE FREE OF FOREIGN TARIFFS, TRADE BARRIERS, AND OTHER RESTRICTIONS.

It is the sense of the Congress that the President should seek bilateral and multilateral agreements through the World Trade Organization, the Organization for Economic Cooperation Council, or other appropriate international fora to establish that activity on the Internet and interactive computer services is free from tariff and taxation.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) INTERNET; INTERACTIVE COMPUTER SERVICE.—The terms "Internet" and "interactive computer service" have the meaning given

such terms by paragraphs (1) and (2), respectively, of section 230(e) of the Communications Act of 1934 (47 U.S.C. 230(e)).

(2) Tax.—The term "tax" includes any tax, license, or fee that is imposed by any governmental entity, and includes the imposition of the seller of an obligation to collect and remit a tax imposed on the buyer.

THE INTERNET TAX FREEDOM ACT—SECTION-BY-SECTION ANALYSIS

Section 1: Short title: "The Internet Tax Freedom Act"

Section 2: Findings. Sets forth a series of findings, including that the Internet is inherently a matter of interstate commerce; that the Internet operates independently of State lines; that inconsistent and unadministrable taxes imposed on Internet activity by State and local governments subject consumers and businesses to multiple, confusing and burdensome taxation and are creating compliance problems for Internet access providers, vendors and interactive computer service providers; that consumers, businesses and others engaging in interstate commerce through the Internet or interactive computer services could become subject to some 30,000 separate taxing jurisdictions in the United States; and that uniformity, simplicity and fairness are needed regarding taxation of Internet activity to avoid burdening this evolving form of interstate commerce.

Section 3: Moratorium on Imposition of Taxes on Internet or Interactive Computer Services—

Subsection (a), establishes a moratorium on direct and indirect state or local taxes on the Internet or interactive computer services or the use of those services.

Subsection (b), preserves state and local authority for taxes for the following types of taxes:

(1) taxes on or measured by net income derived from these services,

(2) fairly apportioned business license taxes, and

(3) sales and use taxes on interstate electronic transactions that are consistent with taxes on mail order and telephone transactions.

Section 4: Administration Policy Recommendations to Congress.

Subsection (a), Establishes a consultative group of the Secretaries of the Treasury, Commerce and State that will work with State and local governments, consumer and business groups and others to examine U.S. and international taxation of Internet and interactive computer services and submit policy recommendations to the President within 18 months of enactment.

Subsection (b), directs the President to transmit to Congress any policy recommendations within two years of enactment.

Subsection (c), seeks to ensure that any policy recommendations are consistent with the 1996 Telecommunications Act policy statement regarding promotion of the Internet and interactive computer services.

Section 5: Declaration that the Internet Be Free of Foreign Tariffs, Trade Barriers, and Other Restrictions

Sets forth the sense of the Congress that the President should seek bilateral and multinational agreements through various international trade organizations to keep the Internet and interactive computer services free from tariffs and taxation.

Section 6: Definitions

(1) Internet and interactive computer service terms are defined as they are in the Communications Act of 1934, as amended by the 1996 Telecommunications Act.

(2) Defines tax to include any tax, license or fee imposed by any governmental entity and includes the imposition on the seller of an obligation to collect and remit a tax imposed on the buyer.●

ADDITIONAL COSPONSORS

S. 72

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 72, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gain rates for all taxpayers, and for other purposes.

S. 73

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 73, a bill to amend the Internal Revenue Code of 1986 to repeal the corporate alternative minimum tax.

S. 74

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 74, a bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes.

S. 75

At the request of Mr. KYL, the names of the Senator from Colorado [Mr. ALLARD] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 76

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 76, a bill to amend the Internal Revenue Code of 1986 to increase the expensing limitation to $250,000.

S. 102

At the request of Mr. BREAUX, the names of the Senator from Maine [Ms. COLLINS], the Senator from Kentucky [Mr. FORD], the Senator from Nevada [Mr. BRYAN], the Senator from Oklahoma [Mr. INHOFE], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 102, a bill to amend title XVIII of the Social Security Act to improve medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 181

At the request of Mr. DORGAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax.

S. 191

At the request of Mr. HELMS, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 252

At the request of Mr. GREGG, the names of the Senator from Kentucky [Mr. FORD] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 252, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital gains tax for assets held more than 2 years, to impose a surcharge on short-term capital gains, and for other purposes.

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 278

At the request of Mr. GRAMM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 357

At the request of Mr. BENNETT, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 357, a bill to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument, and for other purposes.

S. 373

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 373, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for protection of consumers in managed care plans and other health plans.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. MCCAIN], the Senator from Colorado [Mr. ALLARD], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal/private sector mandates, and for other purposes.

S. 419

At the request of Mr. BOND, the names of the Senator from Illinois [Mr. DURBIN] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

SENATE RESOLUTION 57

At the request of Mr. DORGAN, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of Senate Resolution 57, a resolution to support the commemoration of the bicentennial of the Lewis and Clark Expedition.

SENATE CONCURRENT RESOLUTION 7—RELATIVE TO COST-OF-LIVING ADJUSTMENTS

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER and Mr. AKAKA) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 7

Whereas over the years, Federal employees and retirees have regularly been forced to bear a disproportionate share in connection with deficit reduction: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that cost-of-living adjustments for Federal retirees should be paid beginning in January of each year, as current law prescribes, and should not be delayed, whether as part of a budget agreement or otherwise.

Mr. SARBANES. Mr. President, I am pleased to submit along with Senators MIKULSKI, WARNER, and AKAKA, this sense-of-the-Congress resolution. It is a simple resolution which clearly states that it is the sense of the Congress that Federal retiree COLA's should not be delayed.

After 3 years of having their cost-of-living adjustments delayed, Federal retirees finally saw equity restored this year when their COLA adjustment became effective in January instead of April. Federal retirees should continue to receive their COLA on time, in line with all other Federal cost-of-living adjustments.

According to the Congressional Budget Office, the average Federal retiree would lose an estimated $915 over the next 5 years if a three-month COLA delay is reinstated. To many of our Nation's more than 2 million Federal retirees, this can mean a significant difference in the calculation of their yearly living expenses.

Further delaying Federal retiree COLA's would, in my view, set a dangerous, unfounded precedent where cutting or altering Federal retiree and employee benefits to effect cost savings becomes an all too regular and accepted practice.

Mr. President, Federal retirees have served this Nation with the expectation that the benefits they have earned will be excluded from the pressures of achieving arbitrary budgetary targets. Disparate treatment of COLA recipients goes against longstanding congressional policy that for more than 25 years has ensured COLA equity for all retirees, and I urge my colleagues to join me in support of this important resolution.

• Ms. MIKULSKI. Mr. President, today I am joining with my colleagues, Senator SARBANES, Senator WARNER, and Senator AKAKA to submit a very important resolution. Our resolution states a simple fact—federal retirees should not be singled out for delays in their cost of living adjustments.

As my colleagues know, 1997 was the first year since 1993 that Federal retirees received a timely COLA. Their COLA's were delayed until April for the last 3 years as part of the 1993 deficit reduction plan. They were willing to accept this delay because they knew that they would have to do their fair share to help us control the budget deficit. Many of them said to me, "Senator, I'm willing to tighten my belt another notch to help this country, as long as everyone else is asked to do the same."

Now we have a situation where retirees are being asked to tighten the belt again. Except this time they are being singled out for special treatment. We have proposals to delay Federal retiree COLA's for another 4 years. I don't think that's right —it's not fair and its not equitable. I think all COLA's—Federal, military, and Social Security should be paid on time. They should be reliable and they should be accurate. We owe our seniors, our Government retirees, and our military retirees nothing less.

I am very disturbed by the recent trend of promises broken to Federal employees, and retirees. I believe that promises made should be promises kept. When Federal employees signed up for service, they agreed to defer some compensation until retirement. They knew that they would make less salary than in the private sector, but they also knew that they would have a stable benefits package of health insurance, life insurance, and retirement. If we delay their COLA's again we are telling them—sorry, we did not exactly tell you the truth when you signed up for service. We are telling them that they cannot rely on the benefits that they planned their retirements around.

I do not think this is the way we should run our Government, and it's not the way we should treat our Government retirees. I am working to make sure we honor our commitments, and I urge all my colleagues to do the same and support this resolution.•

Mr. WARNER. Mr. President, I rise today as a cosponsor of legislation expressing the sense of Congress that Federal retirement cost-of-living adjustments [COLA's] should not be delayed.

I join with my colleagues Senator SARBANES and Senator MIKULSKI of Maryland, and Senator AKAKA of Hawaii in opposing President Clinton's fiscal year 1998 budget proposal to delay Federal retiree cost-of-living adjustments [COLA's].

It was a matter of great satisfaction to me that the balanced budget proposal approved by the Congress in 1995 provided for full CPI-based COLA's for Federal retirees each January through the year 2002. That legislation was vetoed by President Bill Clinton on December 6, 1995.

The President has once again indicated his lack of support for COLA equity by submitting his fiscal year 1998 budget proposal including delayed Federal retiree COLA's. It is my intention to strenuously oppose the President's inequitable COLA policy whenever possible. I will be looking to the Federal retiree community for support in this effort as the fiscal year 1998 budget process continues.

Federal retirees must be treated equitably in terms of cost-of-living adjustments [COLA's] and income security. You may recall that in 1986, I was an original cosponsor of the COLA equity amendment, landmark legislation which guaranteed equal COLA treatment for all participants in Government retirement programs—Social Security, civil service, and military. From that point until President Clinton's Deficit Reduction Act of 1993, full CPI-based COLA's were provided for all retirees each January 1.

Regrettably, President Clinton's 1993 budget departed from the policy of COLA equity in that a series of COLA deferrals were put in place for civil service, and military retirees. As you know, Social Security recipients were not affected. What you may not know is that last year, I sponsored legislation which was enacted into law to at least retain COLA equity for the military and civil service. A damaging proposal had surfaced to further delay civil service COLA's to help fund military COLA's, an unworkable and unfair proposition. I vigorously opposed it and fought for its defeat.

It is time once again to stand and oppose this COLA inequity for Federal retirees. I urge my colleagues to support this resolution to restore equity for all retirees.

SENATE CONCURRENT RESOLUTION 8—RELATIVE TO COST-OF-LIVING ADJUSTMENTS

Mr. ROBB submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 8

Whereas over the years Federal retirees have been asked to share in efforts to reduce the deficit by delaying their annual cost-of-living adjustment while retirees under other Federal programs who also receive cost-of-living adjustments were not delayed:

Whereas it would be inequitable to continue delaying cost-of-living adjustments for Federal retirees when like delays for similarly situated retirees under other systems are not under consideration: Now, therefore, be it

Resolved by the United States Senate (the House concurring), That it is the sense of the Congress that cost-of-living adjustments for Federal retirees should be paid at the same time as other retirees receiving federal cost-of-living adjustments.

Mr. ROBB. Madam President, I submit a concurrent resolution expressing the sense of the Congress that all Federal annuitants should receive their cost-of-living adjustments at the same time.

This resolution is very similar to one submitted by my colleague from Maryland, and cosponsored by the other distinguished Senator from Maryland and my own esteemed colleague, the senior Senator from Virginia. And while I agree with them in spirit, I could not support the wording of their resolution so I am here to offer my own.

As we are all aware by now, the President's budget proposal would delay Federal retiree cost-of-living adjustments from their statutory date of January 1 to April 1 until the year 2002. This same budget proposal, however, would leave the effective date for COLA's for other Federal COLA recipients at January 1, thus singling out Federal civilian retirees as the only Federal beneficiaries with their COLA's delayed. This seems blatantly unfair and violates the principle of COLA equity that so many of us have espoused over the years. If the budget justification is there to delay one group, then why isn't it there for the others? Conversely, if there is a policy justification for not delaying certain retirees, then why are Federal retirees any different?

I could not join my colleagues in cosponsoring their resolution because I can see a point where a policy decision to treat everyone equitably could result in delaying COLA's across all of these programs. That is not what I believe we need to do this year, and I'll continue to support efforts to equalize COLA's in January. I could not, however, in good conscience cosponsor a resolution which I might contradict at a later point in time.

As an alternative, I am offering a concurrent resolution which expresses the sense of the Congress that COLA's for all of these Federal annuitants and beneficiaries should be paid at the same time. The resolution deliberately does not state a date certain, simply that the principle of equity between them should prevail.

SENATE CONCURRENT RESOLUTION 9—RELATIVE TO COUNTER-DRUG ACTIVITIES

Mrs. HUTCHISON (for herself, Mr. DOMENICI, Mr. DODD, Mr. MCCAIN, Mr. BIDEN, and Mr. LUGAR) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 9

Whereas the international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law;

Whereas approximately 12,800,000 Americans use illegal drugs, including 1,500,000 cocaine users, 600,000 heroin addicts, and 9,800,000 smokers of marijuana;

Whereas illegal drug use occurs among members of every ethnic and socioeconomic group in the United States;

Whereas 10.9 percent of all children between 12 years and 17 years of age use illegal drugs, and one child in four claims to have been offered illegal drugs in the last year;

Whereas drug-related illness, death, and crime cost the United States approximately $66,900,000,000 in 1996, including costs for lost productivity, premature death, and incarceration;

Whereas effective treatment and prevention is required to break the cycle that links illegal drugs to violent crime in the United States and to reduce the social and economic costs to the United States of illegal drug use;

Whereas such treatment and prevention depend on our ability to prevent the flow of illegal drugs through our orders through effective cooperation with other nations;

Whereas according to the Department of State, Mexico is the source of between 20 and 30 percent of the heroin and 70 percent of the marijuana shipped into the United States and is a transit point for between 50 and 70 percent of the cocaine shipped into the United States;

Whereas drug traffickers along the United States border with Mexico smuggle approximately $10,000,000,000 worth of narcotics into the United States annually, and the drug trade generates approximately $30,000,000,000 annually for the Mexican economy;

Whereas there has been a failure to take effective action against drug cartels and other significant narcotics traffickers in Mexico, including the Juarez and Tijuana drug cartels;

Whereas Mexico has failed to honor requests by the United States for extradition of Mexican nationals indicted in our courts on drug-related charges;

Whereas the number of drug seizures in Mexico in 1996 was only half the number of seizures in 1993, and the number of drug-related arrests in Mexico in 1996 was only half the number of such arrests in 1992;

Whereas there is evidence of official corruption in the counter-drug forces of Mexico, including the recent arrest of General Jesus Gutierrez Rebollo, the highest-ranking counter-drug official of the Government of Mexico;

Whereas the Government of Mexico has refused to permit United States agents to carry their weapons on the Mexican side of the United States border with Mexico;

Whereas the banking and financial sectors in Mexico lack mechanisms to prevent money laundering; and

Whereas the Department of Treasury estimates the amount of drug-related money-laundering in Mexico in 1996 at nearly $10,000,000,000: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress—

(1) to express concern about ineffective and insufficient progress by Mexico in halting the production in and transit through Mexico of illegal drugs; and

(2) to urge the President of the United States and the President of Mexico to expand and strengthen their cooperative relationship in order to make additional progress in halting the production in and transit through Mexico of illegal drugs, including meaningful progress in—

(A) the dismantlement of major drug cartels in Mexico and the arrest of their leaders;

(B) the implementation by Mexico of effective money-laundering legislation;

(C) the compliance of Mexico with outstanding extradition requests by the United States, particularly those requested for extradition of Mexican nationals indicted in our courts on drug-related charges;

(D) the interdiction of the flow of narcotics and other controlled substances across the land and sea border between the United States and Mexico;

(E) the cooperation of Mexico with United States law enforcement officials engaged in counter-drug activities, including permission for United States agents to carry weapons on the Mexico side of the United States border; and

(F) the implementation by Mexico of a wide-ranging program to identify, eliminate, and prosecute officials in Mexico, including government, police, and military officials, who are engaged in or corrupted by drug-related activities.

SENATE CONCURRENT RESOLUTION 10—RELATIVE TO MEXICO

Mr. GRASSLEY submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 10

Whereas Mexico is one of the major source countries for narcotic and psychotropic drugs and other controlled substances entering the United States;

Whereas Mexico is a major transit country for cocaine;

Whereas 70 percent to 80 percent of all foreign-grown marijuana in the United States originates in Mexico;

Whereas criminal organizations in Mexico are involved in smuggling across the United States border;

Whereas criminal organizations in Mexico are engaged in the routine corruption of Mexican officials;

Whereas Mexico has not taken adequate steps to prevent or punish bribery and other forms of corruption;

Whereas Mexican President Ernesto Zedillo has stated his commitment to "create a nation of law," combat drug trafficking, investigate assassinations, and punish official corruption at all levels;

Whereas Mexico has not taken adequate steps to arrest or extradite major drug cartel leaders;

Whereas the continued, large-scale transportation of narcotic and psychotropic drugs and other controlled substances from Mexico to the United States is detrimental to the vital national interests of the United States;

Whereas the Government of Mexico has not taken sufficient steps to control its borders against airborne and seaborne smuggling or to implement a promise by President Ernesto Zedillo to develop a radar network along Mexico's border and to take adequate steps to arrest or extradite major drug cartel leaders; and

Whereas the President determined and reported to Congress pursuant to section 490(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(b)) that Mexico had taken sufficient steps to combat international narcotics trafficking: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should not certify Mexico pursuant to section 490(b)(1) of the Foreign Assistance Act (22 U.S.C. 2291j(b)(1)) on March 1, 1998, unless the Government of Mexico demonstrates clear progress in the following matters:

(1) Taking steps to develop and deploy a southern tier of radars to monitor aircraft flying into Mexico and to deploy interception capability to close the air bridge into Mexico.

(2) Arresting or extraditing major drug trafficking kingpins and taking adequate steps to disrupt the operations of major criminal organizations operating in and through Mexico.

(3) Taking adequate steps to stop the corruption of Mexican officials at all levels of government and investigating accusations against State governors and public officials.

(4) Taking swift action to implement recent money-laundering and anti-crime legislation.

(5) Permitting United States law enforcement officials on the United States-Mexico border to cross the border with their weapons and reaching agreement to allow United States law enforcement personnel to continue into Mexico while in "hot pursuit" of suspects.

(7) Reaching an agreement to allow refueling for maritime and air interdiction assets.

(8) Reaching an agreement to permit adequate cooperation with United States law enforcement personnel for intercepting maritime smugglers.

(9) Developing and implementing measures to control and monitor maritime smuggling through major ports and container facilities.

(10) Deploying and using vetted units of specially selected and trained law enforcement personnel to disrupt drug trafficking organizations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. GRASSLEY. Mr. President, there is no dispute that a lot of drugs reach this country through Mexico. Not we, not the administration, not Mexico challenge this fact. Just as clearly, we must be concerned about this traffic in illegal drugs. We must be concerned for what this poisonous trade is doing to our country and to our kids. We must be concerned for what the drug money that results from this trade is doing to build criminal empires able to challenge and corrupt whole countries. For these reasons, the United States and Mexico have a shared interest in stopping an illegal trade that is so damaging to both our peoples and our institutions.

Mexico acknowledges its responsibility to help in combating the production and transit of illegal drugs. The production and transit of these drugs are illegal under Mexican law. Mexico is a party to a variety of international agreements to stop these practices. It also has bilateral agreements with the United States to the same effect. Thus, by solemn agreement, Mexico, along with most others countries, is committed in principle and practice to taking effective action to stop illegal drug production and transit.

The United States has a long and deeply intertwined relationship with Mexico, a relationship that is very important to both countries. Whether for good or ill, we are linked to Mexico and Mexico to us. Thus, we must be particularly thoughtful in how we treat that relationship.

The resolution I am offering today does not amend the certification process. It does not change the President's decision to certify Mexico—today. What it does do is send a clear, strong message from Congress that, while we have heard many promises, we have seen little action. And actions—appropriate actions—are paramount. While a change in the certification process may be necessary, doing so without taking the time to hold hearings or look at the possible solutions is hasty. We need to consider our next steps carefully.

There has been a lot of discussion in the last few days on what to do about Mexico. The discussion has tended to go from conditions that proposed to go too far, in my judgment, to approaches that do not go far enough. Clearly, striking the right balance on this important issue is not easy. In my view, however, we must lay down benchmarks with a clear time frame for deciding what Congress regards as the minimum we expect. After all that has been said and done in the last several days, to do less falls shy of doing anything.

My resolution affords the Congress the time to make a reasoned determination about what to do. It requires the Administration to base its decision next March 1 on a specific set of measurable benchmarks. In brief, my proposal requires progress on nine specific issues. These include progress on establishing an interdiction network of radars, progress on extradition, progress on dealing with corruption, steps to resolve carry weapons, steps to reach a maritime agreement, and steps to resolve refueling rights.

I believe that this approach and these measures give us the reasonable terms of reference for how to proceed. This approach gives us the opportunity and time to develop the cooperation on the drug issue that I believe we all want.

This resolution outlines both the concerns that have been expressed by Congress and what we expect Mexico to accomplish before March 1, 1998. Not rhetoric, but actions. We ought to proceed with care before we take steps to fundamentally alter the United States-Mexican relationship. But we must keep faith with our responsibilities to the public.

SENATE CONCURRENT RESOLUTION 11—RELATIVE TO A NUTRITION PROGRAM

Mr. GREGG (for himself, Ms. MIKULSKI, Mr. JEFFORDS, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 11

Whereas older individuals who receive proper nutrition tend to live longer, healthier lives;

Whereas older individuals who receive meals through the nutrition programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) have better nutrition than older individuals who do not participate in the programs;

Whereas through the programs 123,000,000 meals were served to approximately 2,500,000 older individuals in congregate settings, and 119,000,000 meals were served to approximately 989,000 homebound older individuals in 1995;

Whereas older individuals who participate in congregate nutrition programs carried out under the Act benefit not only from meals, but also from social interaction with their peers, which has a positive influence on their mental health;

Whereas every dollar provided for nutrition services under the Older Americans Act of 1965 is supplemented by $1.70 from State, local, tribal, and other Federal funds;

Whereas home-delivered meals provided under the Act are an important part of every community's home and community based long-term care program to assist older individuals to remain independent in their homes;

Whereas the home-delivered meals represent a lifeline to many vulnerable older individuals who are not able to shop and prepare meals for themselves;

Whereas the nutrition programs carried out under the Act successfully target the older individuals who are in greatest need and most vulnerable in the community; and

Whereas the nutrition programs have assisted millions of older individuals beginning with the enactment of Public Law 92-258, which established the first Federal nutrition program for older individuals, and continuing throughout the 25-year history of the programs: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) celebrates the 25th anniversary of the first amendment to the Older Americans Act of 1965 to establish a nutrition program for older individuals, and

(2) recognizes that nutrition programs carried out under the Older Americans Act of 1965 continuously have made an invaluable contribution to the well-being of older individuals.

SENATE RESOLUTION 63—PROCLAIMING "NATIONAL CHARACTER COUNTS WEEK"

Mr. DOMENICI (for himself, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, Mr. FRIST, Mr. CLELAND, Mr. ROBERTS, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 63

Whereas young people will be the stewards of our communities, Nation, and world in critical times, and the present and future well-being of our society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the Nation;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize the valuable role our youth play in the present and future of our Nation and to recognize that character is an important part of that future;

Whereas in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states, "Effective character education is based on core ethical values which form the foundation of democratic society.";

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, fairness, caring, and citizenship;

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen Declaration states, "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.";

Whereas the Senate encourages individuals and organizations, especially those who have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially schools and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of October 19 through October 25, 1997, as "National Character Counts Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to embrace the 6 core elements of character and to observe the week with appropriate ceremonies and activities.

Mr. FRIST. Mr. President, I rise today to join my colleagues, both Republican and Democrat—and especially Senator DOMENICI—in submitting this year's resolution to designate the week of October 19–25 as Character Counts Week.

I believe it is important that we put character back into our vocabulary. The American people are crying out for virtue and values—character does count and it's essential that we focus our efforts in extending this message.

The Character Counts movement, which emphasizes trustworthiness, respect, responsibility, fairness, caring, and citizenship, seeks to teach the core elements of good character to our Nation's young people.

One of the most important things we can ever do for our children is to help them learn and understand the value of virtue and the importance of character.

The Character Counts Coalition is gaining momentum across the country, and I am proud to be a part of that effort.

I think it is clear from the reports every night on the news, that such a movement has never been more timely. I am proud that the citizens of my home State, Tennessee, have joined the call for character renewal.

Last year, I spoke of the city of Greeneville, TN, which put together a character education program featuring 10 community virtues including self-respect, respect for others, perseverance, courtesy, fairness and justice, responsibility, honesty, kindness, self-discipline, and courage. Since then, Greeneville has extended its character education program from the city schools to the county school district, too.

Mr. President, I am proud that Hamblen County schools in Morristown, TN, have adopted the Character Counts Program with the leadership provided by their school superintendent, Ernest Walker. In addition, they have a local advisory board composed of parents and leaders involved with youth activities in their professional and volunteer capacities.

Gary Chesney, a school board member has said "It's good for schools to reinforce the job parents do at home with their kids."

I had the opportunity to attend the kickoff event for the Sullivan County schools' Character Counts Program. Juvenile Court Judge, Steve Jones, helped initiate this effort and is an outstanding example of how one person can make a difference in a community. Judge Jones calls Character Counts "the ultimate prevention program."

In a way, the Character Counts movement—I believe—is an act of renewal. By welcoming our children into a world of shared values and ideals, we invite them to continue the task of preserving the principles we hold most dear.

Mr. President, Tennesseans have joined the national effort to save our children from the moral decay we see all around us because they recognize that the only way to preserve this great democracy—this system that requires so much from each of us—and our American way of life, is to instill virtue and moral fortitude in the next generation of Americans.

This will not happen without our effort, and without the incredible leadership of movement like Character Counts. Again, I commend Senator DOMENICI, and all those who are working so hard, to make character count once again in the United States of America.

Mr. DOMENICI. Mr. President, might I first say to my good friend, Senator FRIST, from Tennessee, I compliment you on your remarks and thank you very much for what you are doing. I believe we are on to something. I believe people in your State and in my State and in every State in America are beginning to understand that the time is now—in fact, it might be past—for us to empower our teachers and parents once again to inject a very common, ordinary idea into the classroom where our children spend much of their time. Students, in an attempt to learn how to be grownup, self-sustaining citizens need to be empowered in our classrooms, in various ways, with character education, plain and simple.

Before this movement, many teachers were frightened to talk about trustworthiness, which means you should not lie, which means there is a virtue to honesty, which means that you ought to be loyal. When you make a commitment, you ought to live up to it.

Many of our teachers and principals and superintendents were frightened of the notion that we would talk with our young people about responsibility. They thought that was an infringement some way or another on somebody, somewhere, somehow who ought to be teaching this.

Respect: Our teachers were frightened with the notion that we ought to

actually use that word and get our young people to understand the word "respect" has meaning and to find ways to instill into our classrooms, and thus into our children, the idea of basic human respect, one person for another.

Or fairness, or caring, or citizenship.

Those six simple words—the six pillars—form the nucleus for what is commonly known as Character Counts that is associated with the Character Counts Coalition of America.

Today, for the fourth year, with the assistance of the original cosponsors, Senators DODD, COCHRAN, MIKULSKI, BENNETT, LIEBERMAN, KEMPTHORNE, DORGAN, FRIST, and CLELAND, and I am sure many others will join us, we are going to adopt soon in this Senate a resolution setting aside a week in our Nation when our communities, our schools, and our businesses will participate in character development programs. These six pillars of character that I have just described will come once again to the forefront and will become commonplace words for the participatory activities of the previous year and with renewed commitments in the future.

I am very proud to say that since the Aspen Declaration was adopted—an event which occurred sometime in 1990 or thereabouts under the auspices of an ethics foundation known as the Josephson Foundation, headed by an ethics professional and lawyer named Michael Josephson—an event attended by about 70 or 80 Americans from all walks of life, after 2 or 3 days of discussions they came forth with these six pillars of character and this notion of Character Counts. These six pillars are words that we should get back into our children's vocabulary and into their daily lives. Since that meeting, the program relies almost exclusively on action at the grassroots. There is a modest national effort directing this program, but the real efforts are at the grassroots to take those six words and put them into our daily lives.

I am proud to say, and perhaps brag, that the State among all the States that is doing the most in this area is the State of New Mexico. I took this notion to my home city of Albuquerque and asked Mayor Chavez to help me, and together we started a Character Counts Program for the city. Believe it or not, it has spread from that community to almost every community in New Mexico. I will soon, just for the record, state the counties, municipalities, and school districts wherein Character Counts is now a vital part of daily life.

Now, fellow Senators, if you want to do something exciting, you get Character Counts started in your States. You go on one of your recesses to visit a grade school, a grade school that has the six pillars of character not only in the vocabulary day by day in that school but in the month-by-month selection of one of those words as the word of the month, whereby all the students practice the word "responsibility."

Now, they all do it differently. Nobody has a book on this. Nobody says exactly how it ought to be done. But if you want to do something exciting, start this program and get your school boards committed, the superintendents committed, and then get the teachers committed, and you will see something very dramatic happen. The teachers are excited that for once they have been relieved of the fear of discussing good character, and you will find that with parent groups and others this is becoming a vital and important part of the daily education life.

I frequently go to these schools when they are having their monthly assembly. That is how most of them do it. They have a monthly assembly, they commend people, grant certificates, give awards. I am reminded of one where the grade school was putting on a play with reference to the monthly word which was "responsibility." Something very, very funny happened. They had chosen Little Red Riding Hood as their skit. I had a lot of difficulty understanding how that had to do with the word of the month, "responsibility." As that wonderful skit completed, they recalled how Little Red Riding Hood did not quite follow the instructions that were given to her by her parents and went astray and, as a result, all these things happened, including in the one version where the grandma got eaten up by the wolf. When they finished the play, they all stood up front, and their meaning of "responsibility" was that if Little Red Riding Hood had followed the directions given by her parents and been more responsive, and thus responsible, then nothing bad would have happened to grandma. I am not sure everybody takes the story that way, but in a sense it shows you how young people, helped by adults, can get the message across.

I was recently in a community of Clovis, NM. A grade school there has been heavily involved in Character Counts. As my wife and I walked in to visit, they had just recently composed, under the direction of their wonderful music teacher, a song with its own melody and its words about the six pillars of character, and everyone in the school would soon know it. Part of the participation in the Character Counts program is this kind of activity.

This resolution endorses character education for children. It clearly states that children need, first and foremost, strong and constructive guidance from their families. In addition, children's communities—including schools, youth organizations, religious institutions, and civic groups—play an important supportive role in fostering and promoting good character. The resolution identifies six core elements of character that transcend cultural, religious, and socioeconomic differences that are intrinsic to the well-being of individuals, communities, and society as a whole: Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship.

These six simple elements are commonly referred to as the six pillars of character. They represent the values that define us at our best—the common ground we can build upon—individual by individual, family by family, community by community. Arguably, there can be many additions to this list. These six, however, are ones that can serve as the core elements of good character.

Since introduction of the first "National Character Counts Week" resolution, we are witnessing an enormous groundswell of interest in the issue of character education. Secretary of Education Riley speaks to this issue often in his public addresses, and countless other educators have programs and training sessions to promote character development activities. More important, however, is the extraordinary support of character education at the local level. This is where character development programs are the best because they involve the children and the community at large. And, character education is not just for children, it is for everyone who cares deeply about the social and cultural pulse of this country.

As the resolution quotes from the Aspen Declaration: "The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character."

From everything I have seen in the State of New Mexico, children and adults alike are embracing the six pillars of character. They are finding ways to spread the message—from plays, to musical groups, to school lessons, to printing the messages on billboards. Let me just briefly outline a few of the community initiatives and related activities that support the character-building idea:

The Albuquerque Public School (APS) system has endorsed the incorporation of character education programs in all of its 119 schools. It estimates that between 80–90 percent of its 89,000 students have been introduced to the Character Counts program.

The Archdiocese of Santa Fe Catholic Schools system has incorporated Character Counts programs in all of its 21 schools—from preschool through seniors in high school—and has interwoven the six pillars of character in all of its classes.

The New Mexico television and radio media have jointly cooperated to promote Character Counts through news

coverage, public service announcements, and incorporating Character Counts in most of their other public affairs projects. For example, there is now an annual Character Counts Care Fair each December. All of the television stations take part, illustrating their Christmas charitable projects; they used the Character Counts theme in all of their air promotions for their holiday collection drives. Additionally, the KOB–TV/Hubbard Foundation made Character Counts one of the foundation's major grantees in 1996, with the award of $5,000 to be used by the Albuquerque Character Counts Coalition to help promote the character education initiative.

In Farmington, the San Juan County Character Counts group has translated each of the six pillars into the Navajo language and produces posters for the children.

In Gallup, the McKinley County School District incorporates Character Counts into its schools, and the local Character Counts organization is developing a business community program to help support school and civic activities.

The Las Cruces Character Counts Partnership Taskforce selected three students for special recognition for their Character Counts achievements. The elementary and secondary student winners received a day with the mayor and the Governor of New Mexico, and the high school winner received a 3-day visit to Washington, DC, including attendance at the inauguration of President Clinton.

The New Mexico State Department of Education has initiated plans to commence an overall assessment program to provide basic data to determine future needs, changes, additions, and modifications of the program throughout the State.

The Lea County Coalition for Character Counts planned an entire week of activities for last year's Character Counts Week. It included an art show of children's works at the city library depicting people in situations showing respect and responsibility. It also included a chamber of commerce-sponsored hotline that ran public service announcements for Character Counts Week.

The Character Counts student council from Gadsden High School formed committees for cleaning up the school and school grounds, developed door contests in the school and public announcements at football games on the six pillar words, and participated in the school talent show with Character Counts lessons.

The Roswell Character Counts Partnership Taskforce has initiated training programs for all youth league program coaches and volunteers to include character programs in summer youth activities.

T–VI—Technical Vocational Institute—in Albuquerque now offers two 5-week sessions on Character Counts.

I have given but just a fraction of the exciting programs and initiatives under way in the State of New Mexico to promote the six pillars of good character. Literally thousands and thousands of children and families, schools, youth organizations and businesses are involved in these endeavors. Simply put, the people of the State have said it is OK to talk about and practice the traits of trustworthiness, respect, responsibility, fairness, caring, and citizenship.

Practicing the principles of character goes beyond the schools too. In Albuquerque, and now other communities are picking up the idea, an entirely new program is being launched: Character Counts in the Workplace, sponsored by regional chambers of commerce. The stated goal of this program is to put the six pillars of character into the workplace "so we can count on one another to make principle-based decisions rather than merely expedient ones throughout the New Mexico business community." As one New Mexican said, "People may not believe what you say, but they do believe what you do."

Practicing the principles of good character is for everyone. I am immensely proud of what the people of New Mexico have done in 4 short years to awaken one another to the benefits of practicing good character traits. It is an effort that has brought all ages of people together, in all professions, to work a little harder to bring civility in our relationships with one another.

I would like to close with some words from His Excellency, Michael J. Sheehan, Archbishop of Santa Fe, in his letter endorsing the Character Counts program in the 21 Catholic schools in the Santa Fe Archdiocese:

> Our Catholic schools assist parents in their efforts to help their children understand that God commands us to be honest, just, truthful, faithful, kind, generous, and forgiving. Character Counts provides the common language for citizens of all ages and all walks of life. Every educator knows the key to an effective education is consistency and repetition—from the pulpit to the boardroom to the playground. Let us be consistent with our brothers and sisters in our Nation's community by integrating this common language into our everyday encounters with our children, our families, our colleagues.

Mr. President, National Character Counts Week represents an important time to set aside and observe the thousands of local programs and individuals who believe we can endorse and practice six pillars of good character. It is families, schools, civic and social organizations, local and State governments, businesses, and ordinary citizens who are participating in this movement. We, too, can be a part of this movement by supporting this resolution.

So, I could not be more pleased, even thrilled at what is happening in my State. I am hopeful within a couple of years we will be able to measure the positive consequences that we think are going to flow from building these six words into the everyday vocabulary of our children, incorporating them just in the ordinary teaching every day so that trustworthiness, respect, responsibility, fairness, caring and citizenship might become a way of life. If ever we needed change in that direction and help in promulgating character, it is now. In fact, it is long past due.

I am very hopeful that we are giving parents, children, teachers and the entire community a vehicle to promote better character and build character around these six very, very acceptable words that I have repeated at least once or twice—three times here on the floor. That is the essence of the Character Counts Program. Get these six pillars into the classroom, into the daily vocabulary, into the teaching—those ways that are used to teach our young people. And then use innovation and creativity to instill them.

I urge my colleagues to join us again this year in cosponsoring and adopting "National Character Counts Week." Thank you.

I know other Senators are waiting to be heard, so I will yield especially to my friend who is a cosponsor and one of the early founders of this coalition in the Senate, the distinguished Senator BENNETT from the State of Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I want to thank my friend from New Mexico not only for his statement here today but for his leadership on this issue. I remember, when he first called me several Congresses ago and said he was getting involved in this and would I be interested in helping him, I was delighted to do what I could to help him because when the Senator from New Mexico leads out, helping is always pretty easy. With him as the leader, things always move well and strongly and in the right direction.

I can report that in the State of Utah we have not been as focused on the six pillars of character as they have been in the State of New Mexico, but we have not been lax in this particular area.

1996 was Utah's centennial year, 100 years since we had achieved statehood, and the Governor of Utah, in the spirit of the Character Counts initiative, called for a discussion of values. He created the Governors Commission on Centennial Values. As a result of that creation and the discussion that occurred, we now have in Utah 12 values in common that we talk about. I will read them and get them into the RECORD so we can understand how this effort to get character into the school curriculum and into the lives of our young people is going forward all across the country.

In Utah we value families. We value a commitment to our community and country. We value integrity. We value honesty. We value respect for self and others. We value lifelong learning. We value caring service. We value work. We value personal responsibility. We value respect for the rule of law. We value justice, fairness and freedoms, and we value respect for the environment.

Those are the 12 values that came out of the Governor's Centennial Commission, and I believe they are certainly compatible with the six pillars of character that are supported by the Character Counts coalition. Perhaps now that our centennial is past and we are into 1997, we can meld these two efforts and get the Character Counts curriculum into the schools in the manner that the Senator from New Mexico has done so well in his own State.

Mr. President, I am honored to be one of the cosponsors of this effort, to join with my friend from New Mexico and to recognize, once again, his leadership and service in this because this has been, for him, not just something to make a speech about on the Senate floor and then forget; it has been something that he has pursued with vigor in his own State and kept alive on the part of the rest of us, who joined with him in the initial effort.

I hope that all Senators will recognize that this is not just motherhood and apple pie, a quick thing to talk about and then move on. "Our Nation is indeed at risk," to use the phrase that came out of the educational effort done during the Presidency of President Reagan, and headed by an educator from Utah, Terence Bell. It is at risk not only because our young people have deficiencies in their education in technical skills, it is at risk because there are deficiencies of the moral education of our young people. We have to have something like Character Counts to help us move in the direction of reducing that risk. I am honored to be a part of the effort and pledge that I will do what I can to see to it that the Senator from New Mexico and the others in this program are given the support they need.

Mr. SPECTER. Mr. President, I thank the Chair and my colleague from New Mexico. I congratulate him for this resolution focusing on character. He has been a leader since his election in 1972. Again, he has demonstrated that today with this resolution on character. I am pleased to join as a cosponsor of the resolution. It is an effort to focus national attention on values and morality, and to try to instill in our young people and our older people, as well, a sense that character does count.

This is in line with legislation that Senator SANTORUM and I have introduced on abstinence. I have found that the issue of abortion, the pro-life/pro-choice controversy, is the most divisive issue facing this country since slavery, and that one way to try to pull the country together is to focus on issues where we all agree. When you talk about premarital sex among teenagers, leading to unintended pregnancies, and therefore ultimately abortions, we can all agree that such behavior must be discouraged. That is an effort in a specific, targeted way to try to develop and promote character. So I am pleased to join with my distinguished colleague on that important subject.

• Mr. LIEBERMAN. Mr. President, today I join my friend and colleague, Senator DOMENICI in cosponsoring a resolution to designate a week in October as "National Character Counts Week."

This will mark the fourth consecutive year that we have considered such a resolution to honor the Character Counts movement. It is small gesture, but a meaningful one all the same. By recognizing this program, Congress is making an important statement about both the value of character education and the state of our values. We are saying affirmatively that our public schools can and must play a central role in shaping the character and values of our children. And we are saying that this kind of commitment, a commitment to the principles undergirding the Character Counts Program, is needed now more than ever.

The reality, Mr. President, is that the state of our values is not well. The American people are deeply concerned about the abundant evidence they see of a real moral breakdown in our society—so much so that polls taken over the last few years routinely show that the public is more worried about the country's moral decline than its economic decline.

What's driving this concern, which many of us in this Chamber share, is an understanding that our growing inability to make moral distinctions, to draw lines about right and wrong and set boundaries about what is acceptable behavior, is having real consequences. We are recognizing that this moral breakdown is contributing to and exacerbating some of our society's most profound social ills, such as the rising tide of ever more random and vicious violence committed by ever more younger killers, the disintegration of the family, the crisis of teenage illegitimacy, the coarsening of our culture, and the loss of civility in our polity and our everyday lives.

More and more these days there is a sense that our country is spiraling out of control, and at the root of that feeling is what might be called a values vacuum. The traditional transmitters of values that we have depended on for generations to build character and bind our moral safety net have lost much of their power. One of those transmitters is the family, which is under enormous economic pressure these days and is prey to divorce and other forms of breakdown. Another transmitter is the community and the loose connection of local civic institutions we refer to as civil society, which has weakened to the point that an entire movement has sprung up to renew it.

Then there are our public schools. For generations the public school system was the backbone of our democracy, where children were not just taught what is good grammar but what it means to be a good citizen, and where children of all backgrounds were versed in a common set of core values. But in recent years public schools have increasingly lost that mission, and too often shied away from questions of values and the formation of character. In the eyes of many families, some schools might as well had signs out front declaring them value-neutral zones.

What is perhaps most disturbing about this trend is that the values vacuum the schools have helped create is being filled more and more these days by the electronic media and the frequently destructive messages it is bombarding our children with. The collective force of television, movies, music, and video games is so influential that many parents I talk to feel as if they are in a competition with the culture to raise their children and give them strong values. The character traits they are trying to instill in their children are being openly contradicted by the bulk of the messages kids are receiving about the acceptability and the inconsequentiality of casual sex, the contempt for all forms of authority, and the appropriateness of settling a dispute by putting a bullet through the other person's temple. The result is the prevalence of what one leading expert on child development calls the culture of disrespect.

The media's inability to make moral distinctions and draw lines about right and wrong makes it all the more important for us to strengthen our traditional values transmitters. And that is why the Character Counts movement deserves all the support we can provide. Rebuilding our families and our communities will be a long, painstaking process. But reviving the role of schools in helping our children learn about the fundamentals of character is a challenge we can meet easily and quickly.

In fact, the Character Counts program has already done the hard part, identifying the core values and principles that we can all agree that we want our schools to instill and reinforce in our children. The question of whose values? that is often asked has been answered, with a consensus behind our values—trustworthiness, respect, responsibility, fairness, caring for others, and citizenship.

I am heartened to know that the Character Counts program is rapidly

spreading through communities across the country, and I am particularly proud that my State of Connecticut has made a long-term commitment to bring character education into every school district in the State. With the aid of a $250,000 grant from the U.S. Department of Education last year, the State took the first major step toward that goal by selecting four communities for funding to introduce the Character Counts Program on a districtwide basis.

Some Connecticut schools have already embraced this program on their own, and I can report to my colleagues that it is bearing fruit. Let me offer one compelling example. Last year a nine-year-old from the town of Torrington named Joshua Dy found an envelope on the ground that contained three $100 bills. Joshua said he initially thought of keeping the money for himself, but he then thought of what he learned in Character Counts at the Southwest School and from his father about honesty and integrity, and decided the right thing would be to turn the money over to the police. Joshua was rewarded for his honesty when the police returned the money to him after no one claimed it and when President Clinton saluted his good character with a letter of congratulations.

Mr. President, I would encourage my colleagues to find their own ways to reward and recognize the good deeds that are germinating from the seeds of Character Counts. A good place to start is with this resolution, which will help raise public awareness of this valuable values program and make Character Counts really count. Let me close by praising Senator DOMENICI for his leadership on this issue, and by asking that my remarks be placed in the appropriate place in the RECORD to accompany the Character Counts resolution.●

Mr. DODD. Mr. President, I am pleased to join with the distinguished Senator from New Mexico and a bipartisan group of my colleagues in cosponsoring this Senate resolution designating October 19–25 as "National Character Counts Week."

This morning, like every morning before it and every morning to come, young Americans are headed off to learn their three "R's"—reading, writing, and arithmetic—in our Nation's schools. But as we all know, the school day involves more than just the transmission of facts or the relaying of concepts. It's also about character. In the best classrooms in America our children are given the opportunity to learn and practice basic character traits such as sharing, cooperation, and respect.

The Character Counts initiative calls on all Americans to embrace the development of six attributes—trustworthiness, respect, responsibility, fairness, caring, citizenship—as a fundamental aspect of our children's education and as a critically important means of strengthening our Nation. The lessons our young people learn as children are the ones that will stay with them the rest of their lives. As Eleanor Roosevelt once said: "Character building begins in our infancy, and continues until death."

We live in a time when teenage pregnancy and juvenile crime are spiraling out of control. A recent poll suggests that two-thirds of Americans believe most people can't be trusted, half say most people would cheat others if they could and in the end are only looking out for themselves. These statistics and the seeming erosion in the basic norms of civility, even among our Nation's children, are ample evidence of the need for programs that promote character development.

No one would argue that Character Counts is a panacea for these complex problems. First and foremost, we need better education, stronger families, and healthy doses of individual responsibility.

Clearly the primary obligation for the building of our children's values and belief systems lies with our Nation's families. There is only so much government can and should do. But, with parents being forced to spend more and more time out of the house, our Nation's schools can and should do everything they can to work with parents in helping to build character among America's children.

There is nothing inappropriate or heavyhanded about teaching character in our schools. These programs don't impose morality or any one group's world view. These programs teach honesty, courage, respect, responsibility, fairness, caring, citizenship, and loyalty, attributes that I believe all Americans agree upon.

These principles transcend religion, race, philosophy, and even political affiliation. For those Americans who share the goal of energizing our democracy and strengthening our Nation's character these initiatives are simply common sense.

What's more, these programs garner tangible benefits. In Connecticut, the Southwest Elementary School in Torrington implemented a character education program in September of last year and has witnessed positive effects as a result of its efforts. Attendance is up, students are more respectful toward their teachers, and school administrators are convinced that Character Counts is responsible. The school engages parents in the effort, who along with educators and the students themselves, love the program.

Additionally, this year in Connecticut, the Leadership Committee of Character Counts will undertake a comprehensive training program to qualify 35 instructors to educate students about the importance of strength of character. These instructors will bring the ideals stressed by Character Counts directly to the students of Connecticut, reaching 100,000 students by year's end. While character education may not be a magical solution to all of America's problems, it represents a positive effort to make a real difference in our children's lives. Character development programs for our children strengthen our lives, our communities, and our Nation as a whole.

I commend my friend and colleague from New Mexico for all of his work in this area. And I invite all my colleagues from both sides of the aisle to join us in supporting character education as a vital means of molding better individuals, strengthening families, and creating a responsible American citizenry.

Mr. KEMPTHORNE. Mr. President, I rise today to express my strong support for the National Character Counts Week resolution submitted by my esteemed colleague, Senator DOMENICI. I have cosponsored similar resolutions for the past 3 years, and am honored to have the opportunity to do so again this year.

At a time when we are exposed to a constant stream of violence, profanity, and immorality—both through the media and in every day life—the issue of character is of vital importance. Those of us in this Chamber spend a great deal of time trying to develop ways to improve the Nation. I can think of few things we could do to better achieve this goal than to emphasize the importance of character to younger generations.

Those of us in positions of leadership, especially in the Government, have a special duty when it comes to character. Whether we realize it or not, we are role models and we have a duty to demonstrate those same attributes of character—trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship—which National Character Counts Week highlights. Unfortunately, far too many Americans have come to believe, wrongly in most cases, that these qualities no longer exist in the Government. I urge all of my colleagues to begin today to make that extra effort to show the people we serve that the faith they demonstrated when they voted for us has not been misplaced. In the words of President George Washington, "Let us raise a standard to which the wise and honest can repair."

Mr. President, I recently chaired an Armed Services Personnel Subcommittee hearing in which the issue of character was prominent. During the hearing I was deeply disturbed to hear that the lack of character, values, and discipline is making it harder and harder for the Armed Forces to recruit the high quality people we need to serve in our military. Testimony supplied at the hearing indicated that an

ever-increasing number of potential recruits are unacceptable, in terms of ethics, education, and values, for the armed services. I am not talking about difficult kids who simply lack discipline, the military has always done a fine job handling those recruits. I am talking about young people who have no respect for authority, no respect for their peers, no respect for our society, and often, no respect for themselves. As a result, they lack basic values such as compassion, honesty, and integrity. Our military commanders cannot be expected to instill those kind of values in individuals who have lacked them throughout their entire lives. That process must begin at birth and in the home.

Mr. President, with this resolution, we are taking a step forward in trying to teach younger generations about the importance of character. I am pleased to note that schools, churches, and civic organizations around the Nation are also seizing the initiative on this important issue. But our efforts, whether on the national or local level, must not end here. Actually, to be more precise, our efforts must not begin here. While there are certainly things we can do as a government, or as a community, to teach character to young people, these lessons must begin at home. We cannot hope to improve the overall character of the Nation unless the fundamental values described in National Character Counts Week are instilled in the home. No amount of moral instruction from outside the home can replace the guidance of a loving and supportive family.

Recognizing a national week to stress the importance of character is but a small step in addressing the crisis of ethics the Nation faces. At the same time, it is an important step which I believe all of us should support. I would like to thank Senator DOMENICI for his continued leadership on National Character Counts Week, and urge my colleagues to cosponsor the resolution.

NOTICE OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, March 20, 1997, at 9:30 a.m. to hold an oversight hearing on the operations and budget of the Congressional Research Service and the Library of Congress.

For further information concerning this hearing, please contact Ed Edens of the Rules Committee staff at 224–6678.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, March 13, 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 ARMED SERVICES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 p.m. on Thursday, March 13, 1997, 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 ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 13, for purposes of conducting a Full Committee Business Meeting which is scheduled to begin at 9:30 a.m. The purpose of this Business Meeting is to consider S. 104, to amend the Nuclear Waste Policy Act of 1982.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, March 13, for purposes of conducting a Subcommittee on National Parks, Historic Preservation, and Recreation hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to address the future of the National Park System and to identify and discuss needs, requirements and innovative programs that will ensure the Park Service will continue to meet its many responsibilities well into the next century.

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

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, March 13, 1997, beginning at 9:30 a.m. in room 215 Dirksen.

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

COMMITTEE ON FINANCE

Mr. MCCONNELL. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, March 13, 1997, beginning at 2 p.m. in room SD–215.

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

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. The Committee on the Judiciary requests unanimous consent to hold an executive business meeting on Thursday, March 13, 1997, at 10 a.m., in room 226 of the Senate Dirksen Office Building.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent on behalf of the Government Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Thursday, March 13, at 9:30 a.m. for a hearing on "National Missile Defense and Prospects of United States—Russia ABM Treaty Accommodation".

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Thursday, March 13, 1997, at 10 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 13, 1997 at 2:30 p.m. to hold a closed hearing on the nomination of Anthony Lake to be Director of Central Intelligence.

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

JOINT COMMITTEE ON PRINTING

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Thursday, March 13, 1997, beginning at 2 p.m. until business is completed, to hold an organizational meeting of the Joint Committee on Printing and an oversight hearing on the Government Printing Office.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Thursday, March 13, at 9:20 a.m., hearing room SD–406, on the Intermodal Surface Transportation Efficiency Act [ISTEA] and program eligibility.

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

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on International Operations

of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 13, 1997, at 10:30 a.m. to hold a hearing.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine be authorized to meet on March 13, 1997, at 2 p.m. on the future of intercity passenger rail service.

The PRESIDING OFFICER. Without objection, it so ordered.

ADDITIONAL STATEMENTS

COMMITMENT TO INVEST IN LOW-INCOME COMMUNITIES

• Mr. SARBANES. Mr. President, as a nation we have a deep commitment to a decent home and suitable living environment for every American family. Housing is the cornerstone for healthy communities, a vibrant economy, and a competitive nation. Although we have significantly improved housing conditions in the last 60 years, we still have a long way to go. The latest figures in HUD's Report to Congress on the worst case housing needs estimate that 5.3 million very low-income renter households pay more than half of their income in rent or live in poor-quality housing. They receive no help. Many of those people are elderly or people with disabilities.

Today, four of the leading non-profit affordable housing producers—The Enterprise Foundation, LISC—the Local Initiatives Support Corp.— Habitat for Humanity International, and the National Neighborworks Network—are committing to a $13 billion investment in low-income communities across the country over the next 4 years. Each have built successful partnerships, leveraging both public and private resources. These partnerships have been critical in supporting local nonprofits to not only build affordable housing but also provide services and encourage economic development to revitalize these neighborhoods. The success of these organizations reverberates in low- and moderate-income communities across the country as they address our widespread affordable housing needs. Their work is supported by Federal programs such as HOME, the Community Development Block Grant, and the Low-Income Housing Tax Credit.

The Enterprise Foundation, based in Columbia, MD, is a true success story in the affordable housing industry. Founded by Jim Rouse in 1982, Enterprise has raised and committed more than $1.8 billion in grants, loans, and equity to finance the development of 61,000 affordable homes. They have a number of initiatives including the Enterprise Social Investment Corp. [EISC] which works with 176 major American corporations to help them find new ways to invest in affordable housing. Much of this activity has been made possible by the low-income housing tax credit. In addition, Enterprise, along with Fannie Mae, has created the Cornerstone Housing Corp., a nonprofit that buys and preserves large blocks of multifamily rental housing for low-income families. Enterprise also runs an intensive training program to assist nonprofit organizations in increasing their technical and management abilities.

Habitat for Humanity International, since 1976, has provided approximately 55,000 homes through 1,336 local affiliates across the country. Using volunteer labor and tax-deductible donations, Habitat builds new homes and rehabilitates existing homes. An average three-bedroom Habitat home costs approximately $38,300, making homeownership for many low-income families a reality.

The Local Initiatives Support Corporation, established in 1979, supports 1,400 community development corporations throughout the country. This partnership has created over 64,000 homes and 9.6 million square feet of commercial and industrial space.

Neighborworks is a network of local resident-led partnerships supported by the Neighborhood Reinvestment Corporation, a public nonprofit chartered by Congress in 1978. The Neighborworks Network has produced 38,831 units of affordable housing since its inception and in the last 5 years has leveraged $1.5 billion in investment within communities.

In Maryland, I have seen these partnerships work. The Enterprise Foundation, along with its subsidiaries, have developed more than 3,700 units of affordable housing and have committed more than $12.3 million in loans and $90.3 million in equity. In Sandtown-Winchester, Enterprise's Neighborhood Transformation Program has rebuilt more than 700 abandoned homes through a comprehensive community revitalization effort that works in partnership with local residents and the city of Baltimore. Neighborworks has three neighborhood housing services affiliates in Maryland—in Baltimore, Salisbury, and Cumberland. Between 1994 and 1996 alone these three Neighborworks affiliates produced over 600 units of affordable housing and leveraged over $24 million in investments within these Maryland communities. Habitat for Humanity has 16 affiliates in Maryland which have built 89 new homes and rehabilitated another 227 homes.

Today these four organizations are challenging themselves and challenging us to continue our successful partnerships through the Community Development Block Grant, HOME, and the Low-Income Housing Tax Credit. These are programs I have supported and programs which have been critical in the production of affordable housing. The HOME Investment Partnership, for example, is an initiative I championed. HOME provides flexible grants to States and units of general government to implement local housing strategies designed to increase homeownership for low-income people. By requiring a 25 percent match, HOME encourages the public-private partnerships that have proven so successful in the production of affordable housing.

Mr. President, I commend the work of these organizations and applaud Enterprise, LISC, Habitat, and Neighborworks for their commitment to invest $13 billion in our low-income communities. I fully support our continued role in this effective and successful partnership through Federal programs like HOME, the Low-Income Housing Tax Credit, and the Community Development Block Grant and urge my colleagues to do the same. This is an excellent step in the right direction, and I am pleased to have the opportunity to highlight the work of these organizations and the Federal programs that support them.•

A PROMISING DAY FOR AFFORDABLE HOUSING AND OUR NATION'S COMMUNITIES

• Mr. KERRY. Mr. President, today four of this Nation's most remarkable nonprofit organizations are announcing the largest private sector investment in our Nation's affordable housing of all time. The Local Initiatives Support Corporation, Habitat for Humanity, the Enterprise Foundation and the National NeighborWorks Network have joined together and pledged to create 13 billion dollars' worth of housing over the next 4 years. This investment in our Nation's most economically challenged areas is testament to the dedication and commitment of these organizations to our inner cities and impoverished rural areas. Theirs is a visionary and comprehensive plan to leverage renewal—this unprecedented investment not only will create nearly 200,000 affordable homes but also rebuild entire communities once left to waste.

As the ranking Democrat on the Housing Subcommittee, I am often privy to some of the most distressing cases of deprivation experienced by some of our fellow citizens. Joblessness, homelessness, lack of medical care, crumbling schools, rising cases of AIDS and other infectious diseases, and crime-riddled streets—those are too often the touchstones in the mosaic of urban America. However, today, the news is quite different as this pledge will stimulate tens of billions of dollars in additional private investment

which in turn will create tens of thousands of jobs and new businesses in nearly 2,500 communities across the Nation.

And, Mr. President, some of those communities are located in the Commonwealth of Massachusetts. This investment will further strengthen the efforts of the Urban Edge Community Development Corp. in Jamaica Plain and the Codman Square Community Development Corp., to name just two of the many renewal success stories in Massachusetts. Mr. President, my home State enjoys a well-deserved reputation as the incubator of the Nation's most sophisticated, mature and comprehensive approaches to development in which housing is the cornerstone but the provision of goods and services and jobs forms the foundation. For many years, local community-based development groups and affordable housing advocates have worked with corporations and philanthropies like Bank Boston, Polaroid, the Boston Foundation, and the Hyams Foundation to generate and dedicate millions of dollars to urban renewal.

Mr. President, I salute the commitment embodied in this pledge and I recognize that the challenge to match this dedication is ours. In these tough budgetary times, we must not allow important programs which stimulate economic and community renewal to wither in the sometimes blinding devotional light of the year 2002. I have stood in this Chamber on many occasions and discussed the importance of YouthBuild, CDBG's, the Low Income Housing Tax Credit, the Housing Preservation Program, and the Community Reinvestment Act. And today I stand resolute to bolster the Federal role in community-based development. Clearly, our national democracy is strengthened through this type of public-private partnership and I will redouble my efforts to assist community and local organizations which are making a vital and needed difference in towns and cities throughout our Nation.

This is a day of good news, hope, and promise, Mr. President. Let us respond to the challenge with commensurate dedication to our Nation's communities.•

THE MEDICARE CANCER CLINICAL TRIAL ACT

• Mr. ABRAHAM. Mr. President, I rise today to express my support for the Medicare Cancer Clinical Trial Act of 1997. This bill will provide important assistance to the national battle against cancer.

In so many ways, this disease brutally impacts the lives of millions of Americans and their families. In my State of Michigan, for example, over 50,000 residents were diagnosed with cancer last year alone. Half of all those diagnosed with cancer are Medicare beneficiaries, who also account for 60 percent of all cancer deaths.

One of the most effective weapons available in this war on cancer is research. Each year, scientists and medical clinicians provide valuable insights about the causes of various cancers as well as new therapies to treat them. The legislation I endorse today will provide cancer patients with greater access to clinical trials. One of the most important benefits of these particular trials is determining the effects of treatments on persons over the age of 65. Should these experimental therapies prove successful, this legislation will offer Federal agencies information to help them determine whether or not these treatments should be expanded to include all Medicare beneficiaries.

In my opinion, Michigan and the rest of the Nation can wait no longer to determine the applicability of these potentially groundbreaking treatments. I believe that America's elderly population should be given every means available to wage a war on cancer in which they can be the victors. In addition, this Nation should have the opportunity to utilize those treatments that are cost-effective and successful in treating the millions of Americans affected by cancer every year.

For these reasons, I am very proud to cosponsor this legislation and urge my colleagues to do the same.•

TRIBUTE TO CRUZ OLAGUE

• Mr. REID. Mr. President, I rise today to pay tribute to one of Nevada's leaders and activists, Cruz Olague. On March 15, 1997, the Los Amigos de Cruz Olague will honor former Mayor Cruz Olague—a fine Arizonan and Nevadan—at their first testimonial dinner. I have known Cruz for many years, and he is truly deserving of this honor.

Born February 26, 1934, in Winslow, AZ, Cruz later moved to Henderson, NV after serving 4 years in the U.S. Navy. Afterward, he worked as an office manager in a supermarket while completing his accounting studies at the University of Nevada-Las Vegas.

In 1971, Cruz was persuaded to run for the Henderson City Council. After receiving 53 percent of the popular vote in the primary, a general election was deemed unnecessary and Cruz was declared the winner. This was the first and only time such an event has occurred in the history of Nevada local politics. Moreover, Cruz won this seat on the City Council with a campaign budget of a mere $3,000. Following this tremendous feat, Mr. Olague went on to become a popular mayor of Henderson, and served in this capacity until 1975.

Cruz is a man with deep religious convictions and a remarkably calm demeanor. Even when driving home a contentious point, he always maintains a gentleman's dignity and an even temperament. With his kindness, Cruz easily won people over. Consequently, it came as no surprise when he was selected Mayor of the Year in 1974.

This prominent member of the Hispanic community has long believed that our racial and ethnic diversity is our Nation's greatest strength. Cruz Olague has spent his life tirelessly fighting on behalf of minorities, the elderly, and the poor. He has used his abilities for those who often lack a voice in our society. The work of this outstanding citizen has left a lasting impact on the lives of many Nevadans.

Across southern Nevada, Cruz Olague will always be known as an individual of great integrity and conviction with a passion for good government. For 27 years, it has been a privilege to call Cruz Olague a friend. It is my pleasure to speak today in tribute to Cruz, and congratulate him on this special honor.•

SECRETARY PEÑA'S NOMINATION

• Mr. McCONNELL. Mr. President, I want to take a moment to express my concern with the Department of Energy's handling of the appliance energy efficiency standards regulations. My concerns regarding this matter are well known. In the last Congress, I authored an amendment to impose a 1-year moratorium on new DOE appliance standards rulemaking activities. That action became necessary because it was clear that DOE's energy efficiency standards program was placing jobs and investment in the manufacturing industry at risk, not just in Kentucky, but in other States around the Nation.

DOE's response to the moratorium was an interpretive rule that was designed to institutionalize a variety of reforms. While I commend DOE for identifying and correcting their own shortcomings, DOE's first test is before us now in the form of new energy efficiency standards for refrigerators. In my estimation, DOE deserves a failing grade.

I have raised the refrigerator standards issue with Secretary Peña during his confirmation hearing before the Senate Energy Committee, but I have not received a satisfactory answer to my questions. While I realize Secretary Peña did not create this controversy, Congress will hold Secretary Peña responsible for the outcome and the consequences of this rulemaking.

Mr. President, I am disturbed by the fact that DOE has changed its position outlined in the August 1996, notice of proposed rulemaking, which established a 2003 standard as its preferred option. This option was supported by manufacturers. DOE has since changed its position and now supports implementing the new standards for refrigerators in the year 2000. As a result of this flip-flop, manufacturers will be required to make costly investments

twice—once to comply with the DOE energy standards in 2000, and again when regulations mandate the elimination of HCFC insulation as required in the year 2003.

Mr. President, it is important to note that these burdensome and duplicative regulations are not necessary. Once it was determined that DOE was not going to abide by its preferred option, manufacturers offered a good-faith compromise that would set a more stringent level of energy savings than proposed by DOE to be implemented in 2003. This proposal would save more energy while minimizing the reengineering and regulatory burden, which will add unnecessary costs to manufacturers and consumers.

What is more disturbing is that DOE has ignored its own contractor's analysis in setting these standards. I am informed that the analysis by Lawrence Berkeley Laboratories confirms that the energy savings attributable to the 2003 standard would exceed the benefits of the 2000 standards. Unfortunately, DOE has chosen to ignore this analysis and not include it in establishing these standards.

Mr. President, this is not the only procedural defect in DOE's proposed rule. The Department has failed to comply with the requirements of law regarding the Department of Justice's role in this rulemaking. DOE has failed to obtain an updated competitive impact determination from the Department of Justice that takes into account new evidence of the potential impact of the proposed rule. I believe such analysis is essential to maintaining a competitive marketplace.

Mr. President, considering the latest analysis by DOE's own contractor, it has become apparent to me that this battle is no longer about securing the greatest energy savings. Rather, it seems this is about punishing manufacturers more than a legitimate or responsible basis for regulation. The only regulation that makes sense is the one that takes effect in 2003.

This controversy raises fundamental questions about whether DOE will faithfully administer the appliance standards program as currently authorized. I will continue to follow this matter very closely and keep my legislative option open.

I urge Secretary Peña to assume responsibility for assuring that the law is properly applied and the correct decision reached.•

CONFIRMATION OF FEDERICO PEÑA TO BE SECRETARY OF ENERGY

• Mr. GORTON. Mr. President, yesterday the Senate voted to confirm Federico Peña to be Secretary of Energy. As a member of the Senate Committee on Energy and Natural Resources, I have met with Secretary Peña and discussed issues of importance to Washington State, the Northwest, and the Nation. I understand that some Senators had reservations about Secretary Peña because he does not have a great deal of experience on energy related issues. I do not hold this same reservation. I do not necessarily view Secretary Peña's lack of expertise on energy issues as a liability, but rather as an opportunity to educate the new Secretary on issues important to the people of Washington State and the region.

Two issues immediately come to mind—Hanford and electricity deregulation.

I look forward to working with Secretary Peña on the many challenges facing the Hanford Nuclear Reservation in the southeastern part of my State. While there are many difficult issues facing Hanford, there are also many exciting opportunities.

One of these opportunities is the Fast Flux Test Facility [FFTF]. FFTF is a valuable asset for our national security interests and a potential cure for diseases and other medical conditions. Scientists believe FFTF can begin producing tritium—an essential part of our nuclear deterrent—within 5 years. Moreover, nearly 70 of our Nation's leading medical researchers have validated claims that FFTF is essential to the production of medical isotopes which could one day be a valuable weapon in the fight against cancer.

FFTF is by no means the only important issue that Secretary Peña will face at Hanford in his new position. In addition, I look forward to working with him on maintaining an adequate budget to meet the site's cleanup mission.

It's no secret that Hanford has been one of the most contaminated sites owned by the Federal Government. Despite the enormity of the cleanup, I believe we are making real progress due in large part to the extraordinary efforts and talents of the people who work at the site and make up the surrounding Hanford communities.

The DOE, in coordination with Congress, is also playing an important role prioritizing, streamlining, and increasing efficiency at Hanford, I look foward to continuing my already strong working relationship with Secretary Peña in his new role to preserve continuity in funding at Hanford and other DOE sites.

On the subject of electricity deregulation, it is critical that Secretary Peña listen and work closely with the Northwest congressional delegation on electricity issues unique to the Northwest. The Northwest has its own peculiar set of challenges—namely the ability of the Bonneville Power Administration to market its power while paying nearly $500 million in annual fish and wildlife costs. Secretary Peña and I have discussed these issues and he has committed to work with the Northwest Members of the Senate Energy Committee on these difficult Northwest issues. I intend to take Secretary Peña up on his offer, and hope that together with my Northwest colleagues that we can work on these issues critical to Northwestratepayersandthe environment.•

UNANIMOUS CONSENT AGREEMENT—SENATE JOINT RESOLUTION 22

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 24, Senate Joint Resolution 22, at 10 a.m., on Friday, March 14, and no amendments or motions be in order during the pendency of the joint resolution on Friday.

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

Mr. LOTT. I ask unanimous consent that the Senate resume debate on that joint resolution at 1 p.m., on Monday, March 17, and that amendments may be offered beginning at 3 p.m., on Monday.

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

Mr. LOTT. Mr. President, I further ask that immediately following the vote on Senate Joint Resolution 18, which is the constitutional amendment, being debated on Tuesday—and that occurs at 2:45—the Senate resume Calendar No. 24.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, this agreement would allow the Senate to begin debate on this very important joint resolution regarding the appointment of an independent counsel at 10 a.m., on Friday. It is my understanding that the Democratic leader is discussing what amendments would be offered to this resolution. Perhaps he is meeting on that at this time. When the Senate resumes its consideration, then, on Monday, we would begin to take up the amendments, if any. In addition, it is my hope that, prior to the close of business on Friday, I will be able to inform the Senate as to not only the number of amendments we can expect, again, if any, on the other side of the aisle, but also I will be able to set a consent time for final passage, potentially as early as Wednesday of next week. It is our hope that we can get a vote on the independent counsel issue by Wednesday of next week. Then we will be able, on Wednesday afternoon or Thursday, to deal with the Mexico certification issue, assuming we have that worked out in a way we would want to bring it to the floor at that time.

Again, I am still discussing that with the Democratic leader, and there is communication from both sides of the aisle with the administration. So we don't know yet if that will happen, or what form it will be in. I look forward to further discussions with the minority leader on this issue. I hope it will not be necessary to file a cloture motion on this resolution in order to bring it to conclusion by mid-week. I haven't had an indication that that will be the case. I am thankful for the cooperation we have had in getting this agreement worked out.

In light of this agreement, and the agreement reached earlier calling for a vote on the constitutional amendment for campaign expenditures at 2:45 Tuesday, I am pleased to announce there will be no votes during Friday's or Monday's session of the Senate. The next vote will occur 2:45 Tuesday, March 18.

ORDERS FOR FRIDAY, MARCH 14, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Friday, March 14. I further ask consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate then proceed immediately to the consideration of Senate Joint Resolution 22, the independent counsel resolution.

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

Mr. LOTT. Mr. President, again, for the information of all Senators, the Senate will begin consideration of Senate Joint Resolution 22 on Friday, and further, no amendments would be in order during consideration of the resolution on Friday. I think it is important that we begin to express our feelings as strong as we can—hopefully in a bipartisan way—that there is a need for independent counsel. I will note that a letter has gone forward now from the majority members of the Judiciary Committee indicating the need for this independent counsel and their indication that the necessary requirements have been met under the law, so that the process should begin, and will begin as a result of this letter, of looking into the appointment of independent counsel.

It is my hope that we will continue debate on the resolution on Monday. And amendments then would be in order during Monday's session.

I will continue discussions with the minority leader, and hope that we will be able to reach an agreement on this very important resolution so we can complete consideration next week by Wednesday, I hope.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Friday, March 14, 1997, at 10 a.m.

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

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May our words, O God, speak from our hearts and cause understanding for all, may our songs praise Your blessings to us and our Nation, and may our deeds be done in service to those we are called to serve. Whether we speak or sing or act, we pray that we will do the words of justice and mercy, trusting in Your good grace. In the busy moments of the day when so many voices need to be heard, may we remember those words of peace and hope that enlighten our minds and give comfort to our very souls. In Your name we pray. 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 gentlewoman from California [Ms. ROYBAL-ALLARD] come forward and lead the House in the Pledge of Allegiance.

Ms. ROYBAL-ALLARD led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 410. An act to extend the effective date of the Investment Advisers Supervision Coordination Act.

The message also announced that pursuant to Public Law 83–420, as amended by Public Law 99–371, the Chair, on behalf of the Vice President, appoints the Senator from Arizona [Mr. MCCAIN] to the Board of Trustees of Gallaudet University.

The message also announced that pursuant to section 2761 to title 22, United States Code, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, appoints the Senator from West Virginia [Mr. BYRD] as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the One Hundred Fifth Congress.

The message also announced that in accordance with Public Law 81–754, as amended by Public Law 93–536 and Public Law 100–365, the Chair, on behalf of the Vice President, appoints the Senator from Vermont [Mr. JEFFORDS] to the National Historical Publications and Records Commission.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will recognize ten 1-minutes on each side.

BIPARTISANSHIP

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

Mr. GINGRICH. Mr. Speaker, I simply wanted to rise to report to my colleagues and to our citizens that we had a very useful weekend retreat in Hershey on a bipartisan basis to talk about, I think, one of the most difficult and complex things that people do: How to engage in passionate and difficult differences, how to bring to this room 435 people who represent the entire country, and how to do so in a way in which disagreement does not become disagreeable and in which the fact that people may have different dreams and different visions and sometimes different ideologies does not become so separating us and so divisive that it becomes difficult or impossible for us to do the people's business.

This House has a long and a proud history of handling great conflicts in a very civil and orderly manner. Some of the greatest debates in this country's history have taken place in this building between people of great compassion who felt deeply what they were saying, but who recognized the legitimacy of the other person feeling equally deeply what they were saying.

In addition to just the sense of handling debate, the more bipartisan our spirit can be, the more we can work together without the division of faction, as George Washington described it, the more good ideas we will have because on many topics, I would argue on most topics, the ideas are individual. They are not Democrat or Republican, liberal or conservative. They are just better, smarter, more effective ways to get the job done.

So I hope that coming out of the experience we had in Hershey, that we begin to set this House back on a track of working together, of getting things done, or recognizing we may have deep differences at times but there are other times when we have many, many things that bring us together and many common interests, and that if we work at it, together we can do a better job for all the American people.

MORE ON BIPARTISANSHIP

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

Mr. GEPHARDT. Mr. Speaker, I rise to second the thought that the Speaker just made on the floor about the bipartisan retreat that happened this weekend in Hershey. It was a historic event, the only time that I know that Members from both sides of the aisle and their families have had a chance to take a 2-day period to understand how we could better work together to solve the problems that we are all sworn to try to solve for the American people.

I think it succeeded, if for no other reason that human relationships were established that had not been established before. There has been tremendous turnover in the House. We have many, many new Members who do not know one another, and certainly older Members who do not know younger Members who have come in the last few years. I think those relationships were begun.

David McCullough, the noted historian, gave a speech on the first afternoon that we arrived in Hershey that I will never forget, and I urge all Members to get a copy of the speech and read it. He reminded us of how difficult it was in the early history of the Congress to work together, how many times altercations broke out between Members, how difficult it was to find consensus, and how negative people were about the future of the Congress and the country.

We have come a long way; we have a long way to go. Hershey is a beginning. From the Democratic side, I pledge our best efforts to carry the spirit of that meeting forward with tangible results in trying to work together better in a variety of ways. I thank all the Members who came, and I urge the House to entertain the idea of having a succeeding event for Members who could not come so that everyone can begin to show progress in this very important regard.

I thank the Speaker for allowing me to speak, and I look forward to being

able to work on the projects that were begun in Hershey.

THE MID-EAST SITUATION

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

Mrs. KELLY. Mr. Speaker, I take the floor this morning with a heavy heart over reports that violence has again claimed innocent lives in Israel. In the shadow of this tragedy, it concerns me deeply that President Clinton has reportedly agreed to United States participation in Yasser Arafat's meeting in Gaza this weekend.

Although Israeli representatives will be excluded from this meeting, Chairman Arafat has invited other diplomats worldwide to criticize recent developments in Israeli-Palestinian relations. This meeting will obviously provide a platform for one-sided presentation of very complicated issues that are the subject of ongoing negotiations between Israel and the Palestinians.

Rather than encouraging counterproductive rhetoric, Mr. President, you should be protecting the traditional United States role of Mideast peace broker. The United States participation in the Gaza meeting will jeopardize that role.

Mr. President, now is the time to stand firm on principle. I urge you not to send a United States representative to the Gaza meeting this weekend.

CHILD AND TEEN SUICIDE

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

Ms. ROYBAL-ALLARD. Mr. Speaker, child and teen suicide is a national tragedy in our country. The national suicide rate among 10- to 14-year-olds has increased by 120 percent since 1980. One in 12 high school students attempted suicide in 1995, and each year more than 270,000 teenagers attempt to end their lives. More than a desire to die, these children say their attempt was a cry for help.

This tragedy impacts all Americans. In affluent Palos Verdes a 15-year-old girl took her life by jumping off a cliff because she felt hopeless and anguished. In east Los Angeles a 15-year-old boy, devastated over his parents' separation, hung himself.

Child and teen suicide is a painful and critical tragedy which cannot be ignored. Members of Congress and indeed all Americans must work together to save our children. It is literally a matter of life and death.

ADMINISTRATION PROPOSES TOLLS ON INTERSTATES

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, if we needed proof that the President is really a tax-and-spend liberal just look at this headline in the Washington Times: Clinton Proposes Tolls on Interstates.

The Clinton administration has proposed that the Federal Government do away with a 40-year restriction on States charging tolls on Federal highways. The White House claims this is a modest proposal, but it appears that the bridge to the 21st century has a toll booth on it.

Mr. Speaker, the American people do not need another tax. Over half of the family income goes to taxes at all levels, and to suggest that American families need to pay more taxes for the highways that they have already paid for is too much. The President says he wants to balance the budget, but he has submitted a budget that does not balance. He says he wants tax relief, but he just announced a new tax increase.

Mr. Speaker, the President should go back to the drawing board and start with a real balanced budget, one without a tax increase on hardworking Americans.

FREEDOM FOR VIOLENT CRIMINALS IN FLORIDA

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

Mr. TRAFICANT. Mr. Speaker, against the wishes of Florida officials, the Supreme Court has allowed 500 violent criminals in Florida to go free. When they restored time off to relieve overcrowding, the court said promises were made.

Now, check this out:

Mitchell Sexton stabbed his father to death and he was released. Norm Eastman beat a 2-year-old to death. He was released. John Yearby beat a homeless man to death with a baseball bat. He was released.

Now, if that is not enough to overturn your convictions and add insult to injury, ladies and gentlemen, listen to the news: All victims will be notified of these violent offender releases.

Beam me up, Mr. Speaker. In my opinion, America has murder, rape and violence in record numbers because some of our judges are so dumb they could throw themselves at the ground and miss. Maybe, just maybe, if judges start supporting the rights of innocent victims, we would not have so much murder.

ISRAEL AND THE UNITED NATIONS

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

Ms. ROS-LEHTINEN. Mr. Speaker, as we discuss our relationship with the United Nations this session, I believe one of our priorities should be to seek an end to the isolation within the United Nations of our Democratic ally Israel. Participation in the Security Council as well as all committees of the United Nations is predicated on a country's participation in a regional group. Due to the objections raised by a number of rejectionist States, Israel has been denied membership in its natural geographic group. Israel is therefore shut out of the entire committee system where the real day-to-day work of the United Nations is conducted.

One solution is to move beyond mere geography and look to the shared values of the democratic nations of western Europe. This group already spans 3 continents. Together with Congressman STEVE ROTHMAN and other colleagues, we have sent a letter to the ambassadors of the western European nations asking them to end Israel's unjust isolation by providing a legal home for their fellow democracy, the State of Israel.

REPUBLICAN BUDGET MERRY-GO-ROUND

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

Mr. HILLIARD. Mr. Speaker, the Republicans in this House are continuing to delay our Nation's budget. Their leader now says it will not be ready until May, over 3 months past the legal deadline.

It is the radical Republicans in Congress who are always saying that Congress must adhere to the rules which govern everyone, until the rules pertain to them. Then, like spoiled little kids, they make their own rules to suit themselves or they will not play the game. I hope that they realize that this Republican merry-go-round must soon end. The American people do not want Republicans to play games with their lives like Republicans did when they closed down this government.

Mr. Speaker, it is high time that your party act like grownups and follow the rules. The budget submitted by the President is a balanced budget. Where is the Republican budget?

BIPARTISANSHIP AND THE BUDGET

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

Mr. ROGAN. Mr. Speaker, last year I had the privilege of campaigning for the U.S. Congress as a Republican from California, and in my district I made no bones in going to groups where I spoke to both Democrats and Republicans and telling them that I intended to come to Congress and work in a bipartisan fashion with the President to balance the budget.

A month ago I had the honor of sitting in this Chamber for the first time and seeing a President of the United States deliver in person a State of the Union message. In that message he told us and he told the country that he would submit and we would balance the budget. I believed the President then and I still believe that he intends to work toward that goal. But, Mr. Speaker, as we know, the budget that the President submitted to this Congress does not balance, and that fact has been made clear by the Congressional Budget Office, which is bipartisan.

Mr. Speaker, yesterday we passed a resolution calling on the President to again submit a budget to this Congress that is balanced and, Mr. Speaker, as a Republican I pledge to this House and to the country that when the President does take that action, I will work with him and work with my colleagues across the aisle to ensure that we fulfill that obligation to the American people.

□ 1015

ANNOUNCEMENT OF FORMATION OF CONGRESSIONAL CHILDREN'S CAUCUS

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this morning to say to the American people that we do care, and I am very proud to announce the formation of the Congressional Children's Caucus, comprised of Democrats and Republicans who are concerned about children, and I think one of our early charges is to ensure that our children all over America have health care.

Mr. Speaker, 1 in 7 children are uninsured. We find that 9 out of 10 children without insurance have working parents every single day.

As a local elected official, I offered to our local community the importance of preventive health care to work with our families to ensure that our children were immunized and that our children saw the kind of health care that will give them a better quality of life.

Now, according to the report issued by the Census Bureau, one-third of American children do not have private health insurance, and yesterday the Children's Defense Fund said unless action is taken now 12.6 million children will be uninsured by the year 2000.

We must have a child health care insurance, and we must ensure that we care. Let America know that we care.

BECAUSE WE ARE BEING FLOODED BY COCAINE FROM MEXICO WE MUST TAKE STRONG STEPS

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

Mr. SOUDER. Mr. Speaker, we have an important vote coming up today on decertification of Mexico, and this is not a battle over whether we are friends or not friends. Like it or not in Mexico and like it or not in America, we are going to have to work together like close friends have to work together, and part of working together is trying to address joint problems.

There is a feeling sometimes that we are trying, as Big Brother, to force our will on Mexico without reducing our own demand. We are working aggressively to reduce our demand. In America we have drug dogs in our schools, we are building more prisons then we ever dreamed we needed to, we have upped our treatment and our prevention budgets by 50 percent. But the reason we are doing this is an example front-page headline in Ft. Wayne last week: "I–69 Crash Linked To Cocaine And Pot."

A youngster on cocaine and marijuana flipped his car, landed on a pickup driven by another young person, which then landed on a car driven by another person, which forced it into another vehicle and veered into the median, which then hit a pile up into a sixth vehicle.

Because we are being flooded with cocaine coming in from Mexico we have to take strong steps.

CHILDREN'S HEALTH CARE SHOULD TOP OUR LEGISLATIVE AGENDA

(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, yesterday the Children's Defense Fund released its annual state of America's children. The news is heartbreaking; 1 out of every 7 American children are living today without health insurance; 1 out of every 7 kids. It is a national disgrace. The vast majority of these kids live in families where one or both of their parents work. Their folks work hard and they play by the rules, but they are caught in the middle, not poor enough to qualify for Medicaid, but unable to afford private health insurance for their families.

It is time for the Republican leadership to focus on this problem. There are 10 million reasons why we must do this: For the 10 million children in this country who are living without health insurance. But we only need one, the fact that the American people are counting on us to make this world a better place for their families.

We cannot have healthy families without healthy kids. We need to address this crisis, we need to move this issue on to the top of the legislative agenda.

REPUBLICAN AGENDA DOES NOT ADDRESS THE NATION'S UNINSURED CHILDREN

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

Mr. PALLONE. Mr. Speaker, following up on my colleague from Connecticut [Ms. DELAURO], I want to reiterate again this report that came out from the Children's Defense Fund that was in today's Washington Post. Once again there is another article in another major newspaper on the number of children in this country who do not have health insurance.

According to the General Accounting Office, this is an all time high. Not only one out of seven children, as was mentioned, do not have health insurance, but if we do not make this a top priority, we are going to have even more serious problems. The Children's Defense Fund report says that unless action is taken now 12.6 million children will be uninsured by the year 2000.

This news is only for the Republicans. Since last spring Democrats have been developing legislative plans to provide health insurance to the Nation's 10 million uninsured children, but to date there is not a single Republican plan to address this situation. Nor does it look like the GOP has any intention of giving this issue the attention it deserves. The House Republican agenda announced last week made no mention of a plan to insure the Nation's uninsured children.

ONE OUT OF SEVEN CHILDREN IN UNITED STATES DO NOT HAVE HEALTH INSURANCE

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

Mr. MCDERMOTT. Mr. Speaker, 2 years ago the President of the United States said he wanted to give all Americans health care that could never be taken away, affordable health care that could never be taken away.

Now Members of the then minority and now majority take great pride in saying they stopped the President from advancing that particular change in our public policy. The result has been that more and more people are without health insurance in this country.

Now the article in today's Washington Post, page 3, says that one out

of seven children in this country do not have insurance. Even more damming than that figure is that 9 out of 10 of those children live in a family where one adult works. These are people who are doing what the American system says we should do: We should work, we should get a job, we should try and take care of our families, but they do not have jobs where they get health care benefits.

Now we have waited for 2 years for the Republicans to offer any proposal, and there is none, and there is no budget that deals with it now.

WE MUST DO MORE TO PROTECT CHILDREN IN OUR SOCIETY

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

Mr. GEJDENSON. Mr. Speaker, never in the history of the world have we had a country with resources abandon its own children. I say to my colleagues, "It is one thing to say that you are poor, that you don't have the money, that you don't have the resources to get the job done. Well, we have the resources, and in this Congress we're making the choice not to put them where they are needed."

Frankly, the cost is far more. Many of these children, once crippled by their illnesses, end up in emergency rooms where the cost far exceeds anything that coverage would cost.

This Congress embarrasses itself to talk about bipartisanship and family values and not have the audacity to sit back and take the action. We sit back, we take no action when it comes to the most helpless in our society.

These children are without care. We are a country with the resources. There is no other country today in the world with the resources we have that does not protect its own children.

APPROPRIATE BEHAVIOR CONCERNING COMMENTS ABOUT FEDERAL EXPRESS

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

Mr. FORD. Mr. Speaker, I rise this morning deeply concerned and deeply disturbed about the comments of a well-known Republican leader who approached the largest employer in my district, Federal Express, and informed them that it would be duly noted "if the Federal Express PAC continues to give to the Democrats at the Republican takeover of Congress."

Furthermore, Mr. Speaker, this Republican leader said that business PACs such as Federal Express would "squirm considerably" if they continue to give to Democrats.

Mr. Speaker, the employees of Federal Express contributed to their PAC with the expectations that they will not be pressured to promote the interests of one particular party.

Mr. Speaker, this type of actions and conduct is what leads to the grave cynicism and distrust that pervades the American public.

On behalf of the 30,000 employees of Federal Express, the hundreds of thousands of constituents in my district who benefit from the presence of Federal Express, I am asking the appropriate committees in both bodies, as well as the Justice Department, to answer the question: Is this appropriate behavior of one of our well-known Republican leaders?

DISAPPROVAL OF DETERMINATION OF PRESIDENT REGARDING MEXICO

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 95 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 95

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 58) disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and on any amendments thereto to final passage without intervening motion or demand for division of the question except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; (2) the amendment recommended by the Committee on International Relations now printed in the joint resolution, which shall be considered as read, shall be in order without intervention of any point of order, and shall not be separately debatable; (3) the further amendment specified in the report of the Committee on Rules accompanying this resolution, if offered by a Member designated in the report, which shall be considered as read, shall be in order without intervention of any point of order, and shall separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

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

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I ask unanimous consent that, in the consideration of House Joint Resolution 58 pursuant to House Resolution 95, the amendment printed in House Report 105–20 be considered as modified by (1) striking "the impact of such process on financial markets" from the text designated as section 6(C); and (2) striking "on currency markets, international financial markets and merchandise trade flow" from the text designated as section 6(g)(1)(B) and inserting in lieu thereof "in enhancing international counter narcotics cooperation".

The SPEAKER pro tempore [Mr. FOLEY]. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. GINGRICH], the distinguished Speaker of the House.

Mr. GINGRICH. Mr. Speaker, I wanted to take the floor to begin this debate today on the drug war and the specific question of certifying Mexico's role in the drug war to make several points to all of my colleagues which I hope will be noted throughout the debate, and I hope on our side of the aisle that the managers both of the debate on the rule and the debate on the actual bill will help communicate. This is an effort on our part to help the people of Mexico to help the people of Colombia and to help the American people.

All of us are faced with a terrible challenge of international drug lords who are ruthless and who use the profits of American money from sales to Americans in order to sustain a level of violence that is tragic. No American can look at the thousands of Colombians who have died, no American can look at the Mexican prosecutors, the Mexican police who have died risking their lives to try to free their countries from the scourge of drug dealers and then talk in a self-righteous manner about these countries.

We have a challenge in America of ending the drug trade protecting our children and cutting off the flow of money to drug lords wherever they are. We have a challenge as good neighbors to recognize that we need to reach out to help the people of Mexico and to help the people of Colombia, and yes, there are concerns about decertification, and yes, if you read the law and you answer honestly the questions written in the law, we find ourselves at the point, as the attorney generals of California and Arizona reported, that they felt decertification was appropriate. But we will be offering an amendment later to give the Clinton administration an additional 90 days to find ways to work with the Mexican Government to avoid any such decertification because we believe the key as good neighbors is to work together and to work to honor the memory of those in Colombia and Mexico who have lost their life fighting the drug dealers and to recognize that only by a true team effort in which the American Government and the American people also

take on an all-out challenge of defeating the drug dealers here and stopping the drug purchases here and eliminating the flow of American money to other countries.

So I hope all of our colleagues will approach this debate in a positive effort to create a spirit across the Americas of defeating the drug dealers as allies together for civilization.

□ 1030

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

This is a straightforward rule that allows us to bring a resolution with strong bipartisan backing to the floor for timely consideration, as the Speaker has just indicated. The rule allows 2 hours of debate, equally divided between the chairman and ranking member of the Committee on International Relations. It makes in order as the base text House Joint Resolution 58 as amended by the Committee on International Relations and reported by a strong 27 to 5 bipartisan vote.

In addition, it provides for the consideration of an amendment by the gentleman from Illinois [Mr. HASTERT] debatable for 20 minutes, equally divided between the proponent and an opponent. All points of order against the committee amendment and the Hastert amendment are waived. Finally, the rule allows for one motion to recommit, with or without instructions.

Mr. Speaker, I think it is with a certain degree of reluctance that the House takes up this resolution. I believe collectively this body has been a strong supporter of the democratization and stabilization process in Mexico, but it is simply impossible to overlook the evidence we are confronting today on the matter of full cooperation in the war on drugs. That is the test under the certification process.

Mexico has been identified as the source or transfer point for a full 70 percent or thereabouts of the elicit drugs that flow into the United States every year. That is an extraordinary amount. As we seek closer cooperation with Mexico on trade and other areas, we do our closest Latin American neighbors and ourselves no favor if we close our eyes to the endemic corruption that is confounding our efforts in Mexico.

Frankly, many of us were perplexed to see Mexico receive full certification by President Clinton, when countries like Colombia, where the National Police have fought a courageous battle against its drug cartels, were fully decertified. There seems to be a bit of a double standard there.

I think it is true, as we have seen in the certification process this year, that the process is imperfect, some might even say counterproductive. But for today it is the law we have to work with. And if we don't like the certification process, I would refer your attention to provisions in the Hastert amendment to reconsider that process and provide for a high-level counternarcotics commission.

But what are we looking for in Mexico? We are looking for reliable drug enforcement officials to work with us, willingly, effectively and cooperatively.

Many applauded when Mexico mobilized its military in the war on drugs, including myself, making the recent revelations unfortunately about General Gutierrez all the more troubling to us. It seems we were sharing sensitive information about drug cartels with a military man who was involved in fact with those cartels.

We also need evidence that once captured, notorious criminals like Humberto Garcia will be charged, tried and sentenced, not simply allowed to walk out of custody.

Our goal is not to take a step back from the many positive aspects of our relationship with Mexico, and they are many, and we are proud of them. I think the Committee on International Relations resolution does strike the right tone. It is tough, but it is fair, and the Hastert amendment is an additional opportunity for positive cooperation between our two countries.

It is my hope that once the initial reaction has passed, the Mexican Government will respond with a concerted effort to address the specific vital issues outlined in the Hastert amendment, where the United States and Mexico can do a better job of fighting drug traffic together.

Mr. Speaker, notice that I included the United States in the "can do better" category, because we all know the problem is not entirely one of Mexico's making. There are demand issues to deal with in the United States and some lingering questions about the commitment and efficiency of our own administration to the fight against drugs. We are working on that. Having said all of that, I urge my colleagues to join me in supporting the rule and in passing House Joint Resolution 58.

A little candor on the situation in Mexico will advance our cause a lot further than glossing over the rough spots. That is what friends are for.

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

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

Mr. Speaker, I rise in opposition to a bad rule for a questionable bill and a truly terrible substitute.

Mr. Speaker, this joint resolution is a slap in the face of our Nation's neighbor to the south, and the substitute, which was brought to the Committee on Rules, is a slap in the face of the President of the United States.

It is unrealistic to expect that the Government of a sovereign nation would be willing to cooperate with the United States if Congress passes legislation such as this. It is ludicrous to think that the President would sign anything which directly condemns him, as does the substitute made in order here.

The fact that this resolution has been brought to the floor in this manner, without opportunity to amend it with a more reasonable approach to a problem that everyone agrees is of critical national importance, demonstrates that the majority in this House is not interested in narcotics control. Rather, the majority is demonstrating its first priority is to bash the President and his administration, and then to bash the Government of one of our Nation's closest neighbors.

Mr. Speaker, no would can deny that drugs are the scourge of our society. Mr. Speaker, no one can deny that the influx of drugs from Mexico is a serious problem that affects every level of our society.

While the Mexican Government and President Zedillo have taken important steps toward implementing a meaningful drug control program, many, many serious deficiencies exist, and evidence of corruption is alarming.

None of us can deny that more must be done, much more. The Government of Mexico has not done everything to fully cooperate with our law enforcement agencies, and, despite 52 requests for drug-related extraditions, has not extradited a single Mexican national. This is serious business. But how can we expect another sovereign nation to work with us, to cooperate in our efforts to stem the tide of the influx of this poison into our country, when we move ahead with legislation like House Joint Resolution 58?

We need to step back, Mr. Speaker, and examine the implications of this legislation carefully and rationally. The lives of American children depend upon our actions.

Yesterday the gentleman from New Mexico [Mr. SCHIFF], a Member of the other party, came to the Committee on Rules and made a compelling case for a sense of the Congress resolution which he proposed as a substitute to the committee bill and the substitute offered by the gentleman from Illinois [Mr. HASTERT].

The Schiff substitute recognizes the direct threat that drugs represent to the United States and that the Government of Mexico has failed to undertake measures which would significantly curb the drug trade and corruption in that country. The language is strong and right on target.

But the Schiff resolution calls on our Government to continue to work with the Mexican Government to dismantle drug cartels and arrest and prosecute their leaders, to achieve compliance with our extradition requests, to increase interdiction, to step up efforts to enhance law enforcement efforts on both sides of the border, and, finally, to

identify and eliminate corruption at every level of the Government of Mexico.

The Schiff resolution would have, had this House been permitted to consider it, sent a strong message to the Government of Mexico but would not have sent along with it a direct slap in the face. I offered an amendment to the rule to include the Schiff resolution in the amendments to be considered today, but my amendment was defeated on a straight party-line vote, with all the Republican Members voting against the substitute offered by their own fellow Republican [Mr. SCHIFF].

Mr. Speaker, the ranking member of the Committee on International Relations told the Committee on Rules yesterday afternoon that the current situation with Mexico and the certification process mandated by section 490 of the Foreign Assistance Act of 1961 shows that the law does not work. The President was faced with an extremely difficult choice when he was presented with the choice of certifying or decertifying Mexico. There is little disagreement that this law does not allow the President adequate flexibility to deal both with the drug problem and with the totality of U.S. national interests. The law should be changed.

But in the meantime, there is little reason to believe that the Republican majority should use this outdated law as an opportunity to specifically condemn the President of the United States by bringing forward a substitute resolution which contains language which specifically states that the administration's policies of the past 4 years amount to, "the failed antidrug policy."

So, Mr. Speaker, I intend to oppose ordering the previous question on this resolution in order to try to amend the rule to allow the House to consider the sense of Congress resolution proposed by the gentleman from New Mexico [Mr. SCHIFF]. His proposal is reasonable and sends a strong message and encourages greater cooperation between the United States and Mexico. If we are serious about stemming the flow of narcotics into our country, reason and not insults should prevail.

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

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, here on the floor and back in your offices, you know, there is a war going on in this country. Unfortunately, it is a one-sided war. The only people that are fighting are the drug lords, the people that are killing our young children. And we, including our allies, are doing little to fight that war.

I do not have to tell my colleagues I have spoken out many times on this floor about the illegal drug use in this country, criticizing the Mexican Government, the Colombian Government, and yes, criticizing the American Government, and yes, criticizing this Congress as well for not fighting that war.

In my view, if we are going to get results in our foreign affairs, we simply must be willing to use the stick once in a while. We cannot just hang that carrot out there and threaten and keep letting them eat the carrots. That is what we do all too often with our foreign policy.

In this case, unless we are prepared to suspend our aid to Mexico, they will know there will never be a penalty for their lack of cooperation in this war.

Has there been cooperation? Not very much.

Consider the comment from Tom Constantine, head of our Drug Enforcement Agency, one of the most credible law enforcement officers in America. I was proud to work with him in the New York State government for many, many years.

He said, "There is not one single law enforcement institution in Mexico with whom the DEA has an entirely trusting relationship."

Can you imagine that? That, my friends, is a damning indictment. And that is why I feel Mexico should be decertified.

Let me read some statistics. Seventy-five percent of all the violent crime in America today is committed against our women and children and it is drug-related, 75 percent of all violent crime in America today.

Did we all know that? Does that not mean anything to us?

And let me tell my colleagues something else that is so startling. The Rand Corp. says that 75 percent of all the illegal drug purchases in America today are made by whom? They are made by upper-middle class Americans. I guess my colleagues and I could be put in that category. But recreational drug users who use a little cocaine, sniff a little cocaine or smoke a little marijuana over the weekend, and they come into the innercities and they buy these illegal drugs. That is what creates the territories, and that is what creates the murder.

Did my colleagues know that marijuana use in American 12- and 13-year-olds is up 127 percent over the last 4 years? Did we know among 14- and 15-year-olds that marijuana use is up 200 percent? And it goes higher and higher as you get up.

We are destroying a whole new generation of Americans, financially and physically. And that is why it is part of our fault, because we are not fighting the war inside our boundaries.

But listen to this, 50 to 70 percent of the cocaine entering the United States of America today transits through Mexico. Seventy percent? And 20 to 30 percent of heroin crosses the borders from Mexico. Eighty percent of grown marijuana comes in from Mexico.

Mr. Speaker, we need to fight a battle here, and that is why I would have liked to have seen a much stronger bill than the one we are considering here today. But this House is a body of compromise. And if we were to send any kind of message expressing our dissatisfaction to Mexico, it was necessary to reach a compromise that took care of the concerns, legitimate concerns, like the gentleman sitting over here from Texas that represents border States. We have to take those considerations into consideration, because they believe that a straight decertification would be destabilizing in Mexico.

While this bill grants a waiver of sanctions to the President and while the Hastert amendment made in order by the rule delays decertification for 90 days, it still does send a strong message of our dissatisfaction with Mexico's level of cooperation in the drug war. That is why I am going to do what Ronald Reagan taught me to do, you cannot always have it your own way, you have to compromise. To me, this is a reasonable compromise.

But, Mr. Speaker, after we do this, let us get on with fighting that war to save our children, please.

□ 1045

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Speaker, I appreciate the time to speak on a very, very emotional issue, and a very important issue to us. I want to say to my colleagues in the House that I deeply appreciate the comments made this morning both by the Speaker and the Democratic leader in the context of the Hershey retreat that half of us attended over the weekend. I think it is important that we listen to what the Speaker said immediately preceding these arguments on the rule.

I stand this morning against the rule because I think at times those of us that understand, those of us that have the experience of the impact of decisions made in Congress and how they impact border communities, not border countries, but border communities on both sides of the international boundary are often disregarded and not taken into account.

We have heard this morning, and probably will hear some more, some rhetorical statements such as there is a war going on, that this issue is tough, but fair, that 75 percent of crime committed in this country is related to drugs, and that drug use is up 100 and something percent. We all know this; I know this.

Yet, over the course of the last week or so, I have been talking to my colleagues on both sides of the aisle to try

to educate them about the implications of something we are about to do that is going to have long-term and profound impact on the relationship that this country has with our neighbor to the south, namely, Mexico.

I think certification of Mexico is critical. I think it is critical not as an issue of checking off on a report card, but, I think it is critical from the context of, we cannot expect cooperation, we cannot expect teamwork if we do not provide our fellow members of the team an opportunity to work with us.

I can tell my colleagues from personal experience, experience predicated on 26\1/2\ years of working this Nation's border to enforce immigration and narcotic laws, that the issue is tough, the issue is serious. What we are about to do here in voting to decertify Mexico and voting on the alternative amendment is serious business.

This morning we are being watched and monitored throughout Latin America. This morning we are being monitored because people south of our border know that we do not have our own house in order, yet we are taking a position that we are making an attempt to tell people that they have to have their house in order.

I think it is critically important that we understand that a vote for this rule is a vote that ultimately will come back to haunt us in many different ways, including a profound way where our neighbor to the south may choose a path and a road that ultimately comes back to haunt not just us, not those of us in this Congress today, but ultimately future relationships with future generations of this country. I think we deserve better; I think our children deserve better.

I think we need to step back and we need to have a cooling-off period. From that perspective, I appreciate having had an opportunity to be heard by the Speaker, by the leader, and by Members of both sides of the aisle in terms of what I offer in terms of my experience on that border.

I would urge my colleagues to vote against this rule because it is the wrong thing to do at the wrong time and gives us the wrong kinds of consequences.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to my distinguished colleague, the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

I am sorry that my friends on the other side of the aisle do not seem to grasp that one of the essences of democracy is permanent dissatisfaction. I am among those who believe that the resolution that came out of the Committee on International Relations, decertifying the Mexican Government for its blatant and obvious actions, is not fulfilling the responsibilities of all governments in fighting drug trafficking.

I would have supported that resolution if I had been in the Committee on International Relations, and would have preferred that it be the final product today in this House. But as a consequence of a negotiation, a bipartisan negotiation, a very intense negotiation over the last couple of days, there is an amendment that is made in order by this rule that I fully support, an amendment by the gentleman from Illinois [Mr. HASTERT], that while not satisfying many of us, I think at least moves forward in a way that both sides of the aisle and all positions should appreciate this morning.

The gentleman from Illinois [Mr. HASTERT] says that it postpones decertification of the Mexican Government for 90 days, and gives an opportunity to the Mexican Government to show good faith in very concrete ways in the field against the fight against narco trafficking within these 90 days, and avoid decertification if those steps are taken. I think that is a reasonable measure, a reasonable measure that both sides of the aisle should support. People from the border States as well as from the rest of the country should support and express gratitude to the gentleman from Illinois [Mr. HASTERT] and the Speaker and all others who have so diligently worked for that compromise on both sides of the aisle.

However, I think that even a more important aspect of the Hastert amendment is that this obviously hypocritical and fatally flawed certification process is put under the microscope, and a commission will be created to look at this process, a process that while it says that the Colombian Government, and obviously there is a very serious allegation of the President of Colombia having taken money directly from drug traffickers during his campaign, that is a very serious allegation; while Colombia is decertified, though Colombia has perhaps given the largest quota of blood against the narcotraffickers, the soldiers, the policemen of Colombia, they have given the largest quota of blood against the drug traffickers programs in the entire hemisphere, yet they are decertified.

At the same time, the Mexican Government, infiltrated to the teeth by narcotraffickers, infiltrated to the extent that hours after our President certified Mexico, a major drug trafficker was let out and apparently given a Mercedes to leave, despite that, Mexico was certified and Colombia is decertified.

And wait a minute. The most corrupt government in the hemisphere, even more corrupt than the PRI government, the government of gangsters, by gangsters and for gangsters, the government of the dictator Castro, no, our Government said no, they should not be on the list of people that have to be certified. They are cooperating, Castro is cooperating.

That is what the administration says, despite the fact that I have on video our local drug-fighting authorities in south Florida saying that over 50 percent of the cocaine that comes in through the Caribbean comes by and through Cuba, and yet the Clinton administration says no, they should not be on the list.

This certification process is flawed, it is hypocritical, it is discriminatory, it has to be put under the microscope. The amendment of the gentleman from Illinois [Mr. HASTERT] does that.

Let us look at this process, let us see if there is a better way to cut back on drug trafficking, to reduce consumption and avoid the politicization of this process which is obviously occurring, and I think that my friends on the other side of the aisle would agree. So let us support the Hastert amendment, let us be bipartisan, let us be serious, and let us avoid petty politics.

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

Mr. Speaker, a President of the other party, Mr. Nixon, once observed, watch what I do, not what I say.

The folks on the other side are following that advice, of course. They are claiming to be bipartisan, claiming sweetness and light, and then they bring forward the Hastert amendment on which Democrats were not consulted. They brought it to the Committee on Rules, imposed on a straight party line vote, and they used the Hastert amendment to attack the President and his administration. Let me read from the Hastert amendment which they are presenting as this wonderful compromise.

On page 4:

> United States Government strategy has been weak in responding to statutory deadlines, has been characterized by an absence of statutorily mandated measurable goals, lack of effective coordination and program accountability, and often untargeted and insufficient funding, from the smallest agencies involved in the drug war up to and including the White House Drug Policy Office.

They are not talking about another country, they are talking about our President in our own country.

They further say:

> United States Government policy has emphasized additional funding for unproven drug treatment techniques at the expense of accountable drug prevention programs that effectively teach a right-wrong distinction.

And then they go on to say:

> For the past four years, United States Government strategy has failed to use the media to communicate a consistent, intense anti-drug message to young people.

The folks on the other side, in praising this compromise, I guess they are compromising between their right wing and their far right wing, the amendment offered by the gentleman from Illinois [Mr. HASTERT], neglect to tell us that what they are doing is condemning the President of the United

States, condemning the activities of our own Government in trying to counteract this drug trade.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for his kindness.

Mr. Speaker, I rise with the same kind of outrage that has been expressed by my colleagues, but I also understand the frustration and the pleas that has been made by the gentleman from Texas [Mr. REYES]. So I rise in opposition to the rule because I believe there is more that could have been done.

It is crucial that we acknowledge that this is not, this question of drug usage and drug devastation, it is not a Democratic problem or a Republican problem, it is an American problem. I think it is important for us to rise on this floor and come together to associate ourselves with a resolution that is an American resolution.

The Federal Government now spends currently $15 billion per year in the war on drugs. But, interestingly enough, as it is under President Clinton, it has not been substantially or was not substantially different under President Bush. We focused a lot on border control, interdiction, law enforcement, punishment, and prevention. We do work some with education, treatment, and rehabilitation.

Individuals in my community suffer extensively. Black men comprise 12 percent of the total population; 13 percent of drug users, 35 percent of arrests and 55 percent of convictions.

I want a real solution. I want to acknowledge that there are problems with Mexico, but yet we can find data that says that the Mexican officials seized 30 percent more marijuana in 1995, which in turn was up 40 percent over 1994. Cocaine seizures went from 22.2 tons to 23.8 tons, and heroin seizures increased 78 percent from 1995.

So I think we need to recognize that work has been done. We have sufficiently cooperated with many Mexican officials so that the extradition process has been expanded.

I want to see us come together around solutions, to emphasize treatment, to emphasize the importance of bringing down the desire for drugs in our community. I do not want to see us not recognize the problems in Colombia or Mexico, but I do realize that we must do more about international smuggling, we must do more about money laundering, and in that instance I am disappointed that the Schiff amendment substitute was not considered to be brought to the floor of the House. I appreciate that there were those who supported this in the Committee on Rules.

□ 1100

This had viable solutions by offering it as a sense of Congress:

First, the suggestion to dismantle major drug cartels and arrest and prosecute leaders of such cartels; that we would continue to work to implement effective legislation for Mexico to prohibit money laundering.

We would also like to achieve compliance with Mexico with outstanding extradition requests, and that effort has been enhanced; we need more of that. That we would work to increase the interdiction of narcotics and other controlled substances, and we would do more on prevention and treatment, I might add.

It again does this Congress no good and it does us great ill, if you will, in international relations and working with countries to improve this cooperative effort in fighting drugs if we castigate an administration that has shown itself well with the drug czar, that we are concerned about decreasing the amount of drugs that have come into this country, and to have an amendment on the floor that has been offered now that gives some and then takes some away by castigating the hard work of DEA agents, border control agents, and the various other Federal employees that have worked so hard with local government, with the President, and treatment programs, it does not show itself well, and does not get the job done in terms of helping Mexico do what it is supposed to do.

I am frustrated by this process. I want action, but I want us to recognize that it is an American problem and we must treat it as such, to make sure we can fight this drug problem and help the American citizens get rid of it.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, today, we are potentially faced with a vote to decertify Mexico for not cooperating with the United States to adequately fight the war on drugs. This is yet another of the truly frustrating votes in which a Member of Congress is forced to choose between two alternatives, both of which mandate not only an unconstitutional use of American taxpayer's dollars but pursue an ineffective policy action.

President Clinton recently certified Mexico as a good drug warrior. However, absent some procedural maneuvering to remove a waiver that allows the President to release Mexican foreign assistance notwithstanding decertification, the only choice we as Members of Congress will be left with is: First, certify Mexico and further encourage an obviously corrupt political regime to continue its corruption-based, prohibition-era-style activities with a check from the United States taxpayers in the amount of $25 million; or, second, decertify Mexico and pressure that same regime to increase its corruption-based, prohibition-era-style activities with a check from the United States taxpayers in the amount of $25 million.

Voting against certification does little more than pressure Mexico to pretend it's cracking down on drug producers. Voting for certification condones the President's position that Mexico is doing everything possible and the corruption remains both ignored and subsidized. This vote has become meaningless; the process of Mexican certification has become a kind of political dog and pony show. Unfortunately for the American taxpayer, foreign aid will continue to flow to Mexico regardless of the vote and regardless of whether this money accomplishes anything positive or productive.

Today's war on drugs consists of inherently defective tactics and, as such, a new approach to the drug problem is desperately warranted. If we are going to be honest with ourselves, we would have to decertify our border guards, prison wardens, and school principals; after all, we cannot even keep drugs out of our own country, prisons, or schools.

We never seem to learn anything from our failures. Two years ago Texas banned smoking in all prisons. The price of a 99-cent pack of cigarettes suddenly soared to $25 within the prison system, yet smoking continues while corruption thrives. Just last year, 40 prison employees faced felony charges for dealing in cigarettes.

I cannot possibly vote to certify Mexico as a drug warrior obediently taking orders from the United States Government. How can I in good conscience vote for a resolution to decertify Mexico whether it has teeth in it or not since our whole approach to the drug problem is flawed and doomed to fail. Most Members recognize this and thus, the frustration with this resolution.

This resolution, whether it passes or fails, embraces and subsidizes the same flaws prohibition-era approach and does little more than increase potential corruption and crime. The sooner we realize and acknowledge this, the better.

I urge a no vote on the rule.

Mr. GOSS. Mr. Speaker, I yield 3\1/2\ minutes to the distinguished gentleman from New York [Mr. GILMAN] the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Resolution 95, the rule for consideration of House Joint Resolution 58.

First, I would like to thank the gentleman from Florida [Mr. GOSS] for his skillful work on this proposed rule, and the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, for his support of our resolution.

House Joint Resolution 58, introduced by the gentleman from Florida [Mr. SHAW], disapproves the President's recent certification that Mexico had cooperated fully with the United States' antidrug efforts last year. This resolution of disapproval was reported favorably by the Committee on International Relations by a bipartisan vote of 27 to 5. This measure is supported by our ranking member, the gentleman from Indiana [Mr. HAMILTON] as well as the leadership of both parties.

Mr. Speaker, the latest data indicates that 60 percent of the illegal drugs entering our Nation passed through Mexico. That figure may be

higher. It is a conservative estimate. If we do not work together to confront this problem, thousands of Mexican and American citizens, particularly our young people, will pay a terrible price. That is why we expect that our friends in Mexico would give their very best efforts, along with our Nation, to confront this terrible threat.

Regrettably, I have reached the conclusion that Mexico's government up until now has not shown the kind of full commitment that is needed.

We acknowledge that Mexico has indeed been open to new antidrug initiatives. For that we commend them. But that cooperation was completely undermined because Mexico's antidrug chief was actually on the payroll of that country's most powerful cartel. He is now in prison.

We also recognize that several massive drug syndicates continue to operate with impunity in Mexico.

Mr. Speaker, our DEA administrator, Tom Constantine, told Congress just a few days before the President's certification that there is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship.

In short, this administration gives Mexico a failing grade for its antidrug cooperation last year. But it would allow the President to maintain aid programs that are important to us, including some forms of counternarcotics aid that might otherwise be prohibited to a decertified country.

I believe that is a responsible approach to this thorny issue.

Mr. Speaker, House Resolution 95 provides for a full and fair debate on this issue. It is time we establish a relationship that is trusting and meaningful. We must end the divisiveness that surround drugs, and the best way to do this is to lance this boil and develop real, substantive counterdrug cooperation.

Mr. Speaker, I would like to call our colleagues' attention to a New York Times editorial of March 12 of this month entitled "Mexico Without Illusions," in coming out for decertification, stating: "Unless President Zedillo attacks these problems boldly by initiating a thorough housecleaning of corporate officials, Congress should override Mexico certification."

I urge our Members to support the rule on House Joint Resolution 58 and to support final passage of the measure.

Mr. Speaker, I include for the RECORD the editorial I mentioned.

The material referred to is as follows:

[From the New York Times, Mar. 12, 1997]

MEXICO WITHOUT ILLUSIONS

Congress and the Clinton Administration appear headed for a collision over Mexico. Just weeks before President Clinton is scheduled to visit Mexico, Congress is moving to override the Administration's disingenuous certification that its Government is fully cooperating in the fight against illegal drugs. A successful override would invite a diplomatic confrontation with Mexico. But the crisis would be worth enduring if it led Washington to a more realistic appreciation of Mexico's problems and of President Ernesto Zedillo's failure to address them with sufficient resolve.

The Administration invited a Congressional rebuff when it pretended all was well with Mexican drug enforcement. It acted immediately after a series of embarrassing incidents made plain that pervasive corruption in Mexico's police, military and ruling party has blunted drug enforcement and led Mexican officials to withhold vital information from American authorities.

Only days before the certification decision came word that Mexico's recently appointed drug enforcement chief had been arrested for corruption, and that news of his downfall had been kept secret for nearly two weeks.

Largely because of this breakdown of enforcement and cooperation, well over half the cocaine entering the United States now passes through Mexico. Mexico has become the principal conduit for South American cocaine as well as a supplier of homegrown marijuana and heroin.

Mexico already resents the idea of a Washington report card on its law enforcement efforts. The insult would be far greater if Mexico received a failing grade, even if the Administration, as it surely would, waived the economic penalties that decertification could bring. The annual drug certification review is a useful process. But as long as it is required by law, Washington does best to tell the American people, and itself, the truth.

In Mexico's case, that truth is cause for considerable concern. The drug enforcement problems are symptomatic of a deeper crisis in Mexican political life.

The old regime, represented by the Institutional Revolutionary Party, or PRI, has used patronage networks and, on occasion, electoral fraud to monopolize Mexico's presidency and dominate its politics for nearly seven decades. It is now in deep disarray, unable to reform itself and unwilling to give way to a more democratic and accountable system. President Zedillo is a weak but decent leader, apparently too beholden to the PRI establishment to reform it.

He has failed, for example, to move aggressively to clean up the notoriously drug-corrupted Federal Judicial Police. Mr. Zedillo has instead relied on regular army generals who are themselves proving vulnerable to bribery and other abuses. New reports link army drug fighters to a series of mysterious kidnapping incidents. Mr. Zedillo has failed to challenge federal and state politicians whose failure to halt drug trafficking in their areas of jurisdiction suggests either active complicity or incompetence.

With a long common boarder and a wide array of common interests the United States has compelling reasons to maintain constructive relations with Mexico. But such relations can only be based on an honest assessment of Mexican conditions, including the obvious problems now afflicting its drug enforcement programs.

Unless President Zedillo attacks these problems boldly by initiating a thorough housecleaning of corrupt officials, Congress should override Mexico's certification.

Mr. GOSS. Mr. Speaker, I yield 2 minutes and 30 seconds to our colleague and friend, the distinguished gentleman from California [Mr. DREIER], vice chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Sanibel, FL, for yielding me this time.

I would like to say to the House that sometimes we have a tendency around here to do what makes us feel good, rather than what is actually the right thing to do. Clearly, the politically expedient best thing to do is to bash the living hell out of Mexico.

I have plenty of grist for criticism of what we have seen from Mexico, but we have to ask this question, Mr. Speaker: What does it get us? What does decertification get us? What does listing a whole load of items that would exacerbate the anti-gringo sentiment from Mexico get us in this war which, frankly, we are in large part responsible for?

If Members will look at a country that is trying to emerge and bring about economic reforms and political reforms, as Mexico is, and it is a long and difficult struggle, and it has not been as successful as we would like, but if we look at the problems that exist there and then look at the magnet of $30 billion which we in this country are providing, it obviously has to impose quite a strain on Mexico.

There is a sense that every government official in Mexico is corrupt. We know that is not the case. There have been 25 assassinations which have taken place in Mexico. Loads of judges, police officers, and a wide range of other people are strongly committed in Mexico to dealing with this scourge of drugs. But obviously the $30 billion which we are providing as consumers here in the United States has clearly played a role in creating that corruption.

I will support the manager's amendment compromise, but I have trouble with it. Why? Because as we look at that litany of criticisms that we are going to be imposing, which we are going to be leveling at the Mexican Government, it seems to me it will make it tougher for them to try and deal with many of these items.

Why? Because of the political problems that exist in Mexico, as I said earlier, that anti-gringo sentiment. So I will say that reluctantly I will join in support of this compromise, and hope that we can do so in a bipartisan way and deal with this very, very serious problem.

Mr. FROST. Mr. Speaker, I yield 4 additional minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Speaker, I appreciate the gentleman yielding the additional time to me.

Mr. Speaker, I would call attention to a Dear Colleague letter that I sent out to my colleagues yesterday. It is a followup to another letter that I had sent last week, and before I read a portion of this, I would like for my colleagues in the House to know that when I first heard about the question of certification of Mexico for this year,

I was in El Paso. I sent a letter to the President urging him to certify Mexico. I did so because the impact that decertification would have on border communities on both sides of the international border would be devastating.

We have a border that is interdependent economically. We have a border where we have made significant progress since the passage of NAFTA, and I know that NAFTA for some of my colleagues on both sides of the aisle is still an issue of controversy. But the progress that we have made is significant.

One of the things that I want the record to reflect that has not been mentioned here is that Mexico has not been sitting on its hands. Mexico has lost a presidential candidate to their effort on the war on drugs. Mexico has lost a bishop to the war on drugs. Mexico has lost a number of clergy that stand up and address drug trafficking and the scourge of the impact of drugs on the society in Mexico, and they have paid with their lives, they have paid with their lives.

Mexico has in the past lost lives of its policemen and soldiers fighting in remote regions of that country against very well-financed and well-armed drug traffickers. So the price Mexico has paid has been significant.

I think when we get caught up in the rhetoric and in the language even of the certification process, where we say we have to have proof that they have fully cooperated, well fully can mean different things to different people. One of the issues here has to be clearly defined and attainable goals in the context of what we expect on this war on drugs, clearly defined objectives, even of what we expect of ourselves.

We should not be on the floor taking this opportunity to again take it out on Mexico in terms of the frustration that we all feel about the impact of drugs in our communities. I think we can reach consensus on this floor on both sides of the aisle that all of us are opposed to narcotics, all of us are opposed to seeing what is going on, even in the neighborhoods around this great institution.

I think we have to understand that from the perspective of the Mexican Government, from the perspective of the Mexican people, decertification, even decertification with a waiver, even with the amendment that we will be voting on and are considering this morning, in all probability, even with all of those things being fully understood by Mexico and Mexican citizens, it is still an affront to them, and an affront to the price they have paid in helping us to try to deal with what can best be termed, from my experience, as an issue of national security for this country. But we forget in the process that it is also a threat on the national stability and the national security of Mexico.

I would urge my colleagues to step back and rethink their position on this. I thank the gentleman for the time.

Mr. GOSS. Mr. Speaker, I am happy to yield 1 minute and 15 seconds to the distinguished gentleman from Ohio [Mr. OXLEY], well known in the areas of commerce.

Mr. OXLEY. Mr. Speaker, I served 10 years on the Select Committee on Narcotics Abuse and Control, and having dealt with this issue for a number of years, I truly come to the floor today with mixed emotions. One of the things I learned, I think, long ago when I came to this body was to listen to the folks who are closest to the problem.

When I listen to my colleagues from Texas, from Arizona, from southern California, and they explain to me the difficulties of the decertification process, and what it is going to mean to our relations with our neighbors to the South, I think it behooves us to listen to those arguments.

This is not a partisan issue. While I agree with all of the failed antidrug policy indictments in this resolution with this administration, that is really beside the point. The point is how do we solve the problem of drugs coming in through our borders from Mexico.

I am not certain that the approach we take today, whether it is the Hastert approach or the approach from the committee, really gets that job done. If I had a problem in the Great Lakes region, I would hope that other Members from other parts of the country would listen to my particular problem and pay me some heed, because I might know what I am talking about.

I think we ought to really take a look at the arguments being made by our friends on the southern border, and take that into account before we cast this important vote.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

□ 1115

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished gentleman from Texas for yielding me the time.

I rise with some degree of uneasiness because I believe I have established a reputation in this body as one of the strongest antidrug crusaders that there is. With the distinguished chairman of the Committee on Rules [Mr. SOLOMON], we have been successful in having a rule put in that sometime in this Congress there needs to be a drug testing plan put in for Members of Congress. At one time I had a full-time antidrug coordinator on my staff in Texas.

I have consistently voted for the most tough and effective measures to fight the war on drugs so that it would appear that I would stand in support of the rule and in support of the resolution to decertify Mexico. I am not going to do that. I spent 2 days in Mexico this past weekend. I am convinced that, while they have problems in their antidrug efforts, President Zedillo and his Government are making a good-faith effort to be a good-faith partner with the United States in the war against drugs.

If we go ahead today, report this rule, report the resolution and pass either the Gilman resolution that came out of committee or the Hastert substitute, what we are doing is an exercise in self-flagellation. Neither of those has true sanctions. One waives the sanctions, the other delays it for 90 days.

So we have a symbolic effort where we are pointing fingers at Mexico with no teeth behind the finger pointing which is going to infuriate not the Mexican Government but the Mexican people. When the gentleman from Florida [Mr. STEARNS] and the gentleman from Virginia [Mr. BOUCHER] and myself were in Mexico over the weekend, all the Mexican papers had front-page headlines that Mexico viewed this as a very serious issue of national sovereignty. Quite frankly, they could not understand how we could be thinking about decertifying their Government without decertifying our Government.

For example, there are 20,000 Mexican troops in the field eradicating marijuana crops. How many law enforcement officials are in the United States eradicating marijuana crops? My information is the answer in the United States is zero. Last year the Mexican Government extradited or expelled 16 people to this country that were wanted on either murder charges or drug charges or charges of that nature. How many did we expel to Mexico? My understanding is the answer is zero.

I could go on and on, and in the debate later in the afternoon I will go into some detail. But the pure point of the matter is, if we continue with this exercise, we are going to make the House of Representatives irrelevant in a true dialog with Mexico and the administration on the war against drugs. We need to be involved. We have got expertise in this House that needs to be involved, but a symbolic vote that is a 1-day political victory is not the answer. I hope we would vote against the rule and, if that passes, vote against the resolution.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule, and I was an original cosponsor of the bill. I support the bill. I do not mean to demean or condemn the President, I am just a pragmatist and I keep a look at the scoreboard. As high as 50 to 70 percent of all narcotics comes through and from Mexico, and, if there is a war on drugs going on in America, I am Stonewall Jackson. I liken certifying Mexico as a cooperative partner in our war against drugs

as giving a special tax exemption to Al Capone during Prohibition to sell booze.

Nothing personal against Mexico. It is not working. American cities are busting at the seams with narcotics.

Let me say this to the Congress. Other than a nuclear threat, that is the greatest national security threat our Nation faces and every citizens feels it in every city across this country. In fact, I do not think the bill goes far enough. I recommend to the majority party that they bring to the floor the Traficant bill that does not mandate but allows for the deployment of military troops falling out of chairs without armrests all over the world, put them on our border, not to make arrests but simply to detain and keep both illegal immigrants and narcotics out. Mr. Speaker, if we are going to have a war on drugs, we cannot do it with the Peace Corps. It is time to start fighting. I support the rule. I support the bill.

I thank the gentleman for yielding me the time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I am going to vote against the rule, and I am going to vote against the Hastert amendment. Let me tell my colleagues why.

In the 1980's, I helped draft the certification laws as a staffer in the other body. If we read the Hastert amendment, it requires a studying, the decertification process. I come before my colleagues to say that we do not need to study the decertification process. We need to toughen the decertification process and the penalties against countries that traffic in drugs. The 1986 Antidrug Abuse Act established four very clear criteria, tests of cooperation. Let me read them.

It requires steps that would prevent smuggling. And how can anyone in their consciousness certify Mexico when Mexico has 70 percent of the cocaine coming into the United States, when they do not even produce one gram of cocaine that is not naturally produced there? So it is all being smuggled. So by that criteria, do they judge cooperation? Punish money laundering? They have not prosecuted one person under their money laundering law.

Achieve maximum reductions in drug production? Achieve maximum reductions? Eighty percent of the marijuana is coming out of Mexico; 30 percent of the heroin flooding our streets and our neighborhoods and our schools. Are they cooperating with the letter of the law? No.

Do they facilitate the prosecution of traffickers, as the law says to the maximum extent possible? This is what Tom Constantine, the head of DEA, told our subcommittee just before certification.

There is not one single law enforcement institution in Mexico with whom DEA has a trusting relationship.

Mr. GOSS. Mr. Speaker, I yield 1\1/2\ minutes to the distinguished gentleman from Florida [Mr. SHAW], my colleague who is in fact the original proposer of the resolution.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time.

I ask to speak immediately after one of the cosponsors of the resolution that is going to be before the House today, my friend, the gentleman from Florida [Mr. MICA].

I rise in support of this particular rule. Plain and simple, regardless of where you come down on the Hastert amendment, if you want to vote on the decertification process you must pass this rule. Otherwise, it is not going to happen. It is a question of do you just want to have a sense of the Congress, business as usual in our war against drugs, then vote against the rule. It is that simple.

Now, the fact that we vote for the rule does not mean that we have to vote for the Hastert amendment. I have some very, very serious problems with the Hastert amendment and in all probability will vote against it. However, this is a good rule. I think there are plenty of good things in the Hastert amendment, but there are some things that I would have dropped out.

I think to put the criticism of the administration, even though I think it is deserved, but I think to put that into the bill and then ask the Democrats to vote for it is going to be pretty much of a tough call.

I think also the question of setting up a commission should be done by a separate bill, and I think it should have moved separately through the House. But please, if Members feel that Mexico has not fully cooperated, the bill says, the certification process says, that the President certifies that Mexico has cooperated, fully cooperated, with us, they cannot possibly vote for certification. Therefore, approve the rule and vote for the bill.

Mr. GOSS. Mr. Speaker, I yield 1\1/2\ minutes to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, as one of the original cosponsors of the resolution calling for the decertification of Mexico, I rise today in support, not wholehearted support of this rule but in support of it nonetheless because it is important, Mr. Speaker, to at least take one small step for the people of this country and let the Government of Mexico know that its days of getting a free ride and having us worry more about Mexico's self-esteem and our children and drugs on our streets has, indeed, come.

We have witnessed some rather strange things during even this preliminary debate on the rule, Mr. Speaker. We have heard Members call for a cooling-off period. A cooling-off period? We have had a cooling-off period for several years in this country which has given us an unprecedented level of teen drug usage.

We have also witnessed a cooling-off period in this country over the last few years that has skyrocketed the amount of drugs coming into this country, and not from 134 counties thousands of miles away but from Mexico itself, which stands before us today trying to convince the American people and this Congress that it is doing everything that it can to stop that flow. Nothing could be further from the truth.

We have also heard Members take to the well of this great body and try to make us feel guilty about standing up and saying the time has come to say that Mexico is not doing everything it can. Rather than a cooling-off period, Mr. Speaker, we need to turn up the heat, and the only way that we can do that is to stand up and say, Mexico must be decertified.

There may be circumstances prevailing here that allow for a waiver, but it must be decertified because, Mr. Speaker, that is the truth. That reflects reality, and it is time to get real in the fight, in the war against drugs which this administration has not seen fit to do.

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

There is a serious matter here that is being discussed, of course. And we are saying that this rule is unfair. We are not suggesting that there is not a serious drug problem, that we have serious reasons to question the degree to which we have gotten cooperation, none of that is under question here.

The question is what is the most reasonable policy to make sure that Mexico will in fact continue to cooperate with the United States and continue to do the things necessary to decrease the flow of drugs into our country.

This is not a fair rule that the majority reported out of the committee. They rejected the amendment offered by one of their own Members, a sense of Congress amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

I include the Schiff amendment for the RECORD at this point:

AMENDMENT OFFERED AS A SUBSTITUTE TO THE COMMITTEE AMENDMENT TO H.J. RES. 58

OFFERED BY MR. SCHIFF OF NEW MEXICO

In lieu of the matter proposed to be inserted insert the following:

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) The international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law.

(2) 12,800,000 Americans use illegal drugs representing all ethnic and socioeconomic groups, including 1,500,000 cocaine users, 600,000 addicted to heroin, and 9,800,000 smokers of marijuana.

(3) 10.9 percent of all young Americans between 12 and 17 years of age use illegal drugs, and 1 in 4 children say they have been offered drugs in the last year.

(4) Drug-related illness, death, and crime cost the Nation approximately $66,900,000,000 in 1996, including costs for lost productivity, premature death, and incarceration.

(5) The effort to reduce the social and economic costs imposed by drugs on United States society is contingent on the ability to stop drugs at the Nation's borders and to forge effective cooperative relationships with other nations.

(6) According to the Department of State, Mexico is the source of 20–30 percent of heroin, up to 70 percent of the foreign grown marijuana, and a transit point for 50–70 percent of the cocaine shipped to the United States.

(7) Drug traffickers along the United States-Mexico border smuggle about $10,000,000,000 worth of narcotics into the United States annually, and the drug trade generates $30,000,000,000 for the Mexican economy.

(8) There has been a failure to take effective action against drug cartels and other significant narcotics traffickers in Mexico, and the Department of State reports that there has been insufficient effort to confront the Juarez and Tijuana drug cartels.

(9) The Government of Mexico has to date failed to honor a single United States extradition request for Mexican nationals indicted in our courts on charges of narcotics trafficking.

(10) The number of drug seizures in Mexico in 1996 was only half the number of seizures in 1993, and the number of drug-related arrests in Mexico in 1996 was only half the number of such arrests in 1992.

(11) There is evidence of official corruption in counter-drug efforts in Mexico, including the recent arrest of General Jesus Gutierrez, the Government of Mexico's highest ranking counter-drug official.

(12) There has been insufficient coordination between United States and Mexican drug enforcement agencies, including Mexico's refusal to allow United States agents to carry weapons on the Mexican side of the United States-Mexico border.

(13) The banking and financial sectors in Mexico lack mechanisms necessary to prevent money laundering, estimated at nearly $10,000,000,000 in 1996 by the Department of the Treasury.

(14) The Department of State reports that Mexico has become a majority money laundering center and the preferred international placement point for United States dollars.

SEC. 2. SENSE OF THE CONGRESS REGARDING EFFORTS BY MEXICO TO STOP THE PRODUCTION AND TRANSIT OF ILLICIT NARCOTICS.

It is the sense of the Congress that—

(1) the Government of Mexico has made ineffective and insufficient progress to stop the production and transit of illicit narcotics or drugs or other controlled substances; and

(2) the President should work with the Government of Mexico—

(A) to dismantle major drug cartels and to arrest and prosecute the leaders of such drug cartels;

(B) to implement effective legislation in Mexico to prohibit money laundering;

(C) to achieve compliance by Mexico with outstanding extradition requests by the United States, particularly compliance with requests for the extradition of Mexican nationals indicted in the United States on charges of narcotics trafficking;

(D) to increase the interdiction of narcotics and other controlled substances coming across the United States-Mexico border;

(E) to increase cooperation between the Government of Mexico and United States law enforcement officials by allowing such officials to resume carrying weapons on the Mexican side of the United States-Mexico border; and

(F) to establish and carry out a program designed to identify and eliminate public corruption, and to prosecute officials who are involved in such corruption, at every level of the Government of Mexico, including the Mexican police and military.

SENSE OF THE CONGRESS RESOLUTION ON MEXICO CERTIFICATION

Whereas, the international drug trade poses a direct threat to the United States and to international efforts to promote democracy, economic stability, human rights, and the rule of law; and,

Whereas, 12.8 million Americans use illegal drugs representing all ethnic and socioeconomic groups including, 1.5 million cocaine users, 600,000 addicted to heroin, and 9.8 million smokers of marijuana; and,

Whereas, 10.9 percent of all young Americans between twelve and seventeen years of age use illegal drugs; and, one in four children say they have been offered drugs in the last year,

Whereas, drug-related illness, death, and crime cost the nation approximately $66.9 billion in 1996 including costs for lost productivity, premature death, and incarceration; and,

Whereas, the effort to reduce the social and economic costs imposed by drugs on U.S. society is contingent on the ability to stop drugs at the nation's borders and to forge effective cooperative relationships with other nations, and,

Whereas, according to the U.S. State Department, Mexico is the source of 20–30% of heroin, up to 70% of the foreign grown marijuana, and transit point for 50–70% of the cocaine shipped to the United States; and,

Whereas, drug traffickers along the U.S.-Mexico border smuggle about $10 billion worth of narcotics into the United States annually; and the drug trade generates $30 billion for the Mexican economy,

Whereas, there has been a failure to take effective action against drug cartels and other significant narcotics traffickers in Mexico, and the U.S. State Department reports that there has been insufficient effort to confront the Juarez and Tijuana Drug Cartels; and,

Whereas, the number of drug seizures in Mexico in 1996 was only half the number of seizures in 1993, and the number of drug-related arrests in Mexico in 1996 was only half the number of such arrests in 1992; and,

Whereas, there is evidence of official corruption in counter-drug efforts in Mexico; including the recent arrest of General Jesus Gutierrez, the Government of Mexico's highest-ranking, counter-drug official; and,

Whereas, there has been insufficient coordination between U.S. and Mexican drug enforcement agencies, including Mexico's refusal to allow U.S. agents to carry weapons on the Mexico side of the United States border with Mexico; and

Whereas, the banking and financial sectors in Mexico lack mechanisms necessary to prevent money laundering, estimated at nearly $10 billion in 1996 by the U.S. Department of the * * *.

Mr. FROST. Mr. Speaker, the committee did not give us a reasonable series of choices. What they presented was the bill out of the committee, out of the Committee on International Relations, and then their own substitute, a Republican crafted substitute in which they took great pains to criticize the President of the United States.

There are Members on their own side of the aisle, on their side of the aisle who do not agree with this position. We should have had a range of choices. There should have been a sense of Congress alternative offer. That is clearly what is going to be done in the other body. That is clearly what is being presented by the Senator from my State, a member of their own party, Senator HUTCHISON. That is what the Senate perhaps will vote on soon. Yet they deny us the right to vote on that option in the House of Representatives.

I would urge that the House vote no on this rule, send this back to the Committee on Rules so that a fair rule may be crafted on this most controversial and most delicate matter of relationships between us and our neighbor to the south, Mexico.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we all know that the war on drugs is not a partisan matter. It is going to take the full cooperation of all of us in this country and all our friends and allies around the world that are involved. And that, of course, includes Mexico.

The issue today is the question of certification and the facts are very simple. As ranking member of the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON] said yesterday, there is just simply no possible way that you can come to a rational conclusion that we can possibly certify Mexico as being fully cooperative in the efforts that we are taking together on the war on drugs.

□ 1130

I think that is very strong. I respect the gentleman from Indiana [Mr. HAMILTON], I always have, and I am glad to find myself in agreement with him on this conclusion.

I think that under Chairman GILMAN'S leadership that HIRC has brought forward a very good resolution. I think the Hastert amendment adds to it in a positive way by giving us some specific matters that we wish to set out in areas that we will measure in terms of cooperation from the Mexican Government as well as it brings into question, can we do better than the certification process that we are using now? I believe the answer is yes, we certainly can do better than the process we have now, and I think the key word here is together with Mexico we can make a huge dent in the war on drugs. That is why I strongly urge passage of this rule and passage of the resolution and the Hastert amendment as well.

I would point out that the Schiff amendment is a sense of Congress and does not address the specific issues that we are talking about in the Hastert amendment nor does it get to the question of overcoming the President's certification situation that he has left us with today.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the resolution.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 209, not voting 10, as follows:

[Roll No. 45]

YEAS—213

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
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Gibbons
Gilchrest
Gillmor
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Goodlatte
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Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
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Hilleary
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Hoekstra
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Hostettler
Houghton
Hulshof
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Hyde
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Istook
Jenkins
Jones
Kasich
Kelly
Kim
King (NY)
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek
Metcalf
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
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Peterson (PA)
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Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
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Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
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Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
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Manton
Markey
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McCarthy (MO)
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McDermott
McGovern
McHale
McNulty
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Menendez
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Millender-McDonald
Miller (CA)
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Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Shadegg
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Clayton
Cooksey
Cox
Delahunt
Etheridge
Hutchinson
Kaptur
Kingston
McIntyre
Price (NC)

□ 1153

Messrs. CUMMINGS, WISE, DELLUMS, SAM JOHNSON of Texas, UPTON, and BONILLA changed their vote from "yea" to "nay."

Messrs. SHAYS, CHRISTENSEN, and LEACH changed their vote from "nay" to "yea."

Mr. SKEEN changed his vote from "present" to "yea."

Mrs. JOHNSON of Connecticut and Mr. PAUL changed their vote from "present" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HUTCHINSON. Mr. Speaker, official business off the Hill kept me detained during the vote on House Resolution 95, the rule accompanying House Joint Resolution 58. Had I been present for this vote—rollcall No. 45—I would have voted aye.

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 95, I call up the joint resolution (H.J. Res. 58) disapproving the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 95, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 1 hour.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

□ 1200

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BECERRA] be permitted to control 30 minutes of my debate time, and that he be permitted to yield that time at his discretion.

Mr. GILMAN. Mr. Speaker, the minority is pleased to yield 5 minutes to the gentleman from California [Mr. BECERRA], and I ask unanimous consent that the gentleman be permitted to yield that time at his discretion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois [Mr. HAMILTON] and the gentleman from New York [Mr. GILMAN]?

There was no objection.

The SPEAKER pro tempore [Mr. FOLEY]. The gentleman from California [Mr. BECERRA] will control 35 minutes.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 58.

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

There was no objection.

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

Mr. Speaker, this resolution, House Joint Resolution 58, expresses congressional disapproval of the President's February 28, 1997, certification to Congress that Mexico has fully cooperated with our Nation's antinarcotics efforts during the past year. I am pleased to be joined by the gentleman from Florida [Mr. SHAW] in support of our substitute to his original bill, which did not contain any waiver of imposition of sanctions.

Mr. Speaker, the issue before today is nothing less than a matter of vital U.S. national interest, dealing directly with the well-being of our Nation's children and their future. It is not about the value of the peso nor the health of the Mexican economy nor the status of diplomatic relations between our two nations. These critical issues, while extremely important, must not override the importance of fighting drugs in our bilateral relations.

The importance of Mexico's cooperation with our antidrug efforts cannot be overstated, Mr. Speaker. In the past 4 years, drug use among American teenagers has nearly doubled. It has been estimated that 60 percent of our Nation's illegal drugs entering our country come from Mexico. The societal costs for the impact of these illicit drugs and the drug-related crime, incarceration, health care, among other costs, is staggering, in the billions of dollars.

The President unwisely certified that Mexico has fully cooperated with our antinarcotics efforts, but the facts show the opposite.

Last month, the Mexican equivalent of our DEA administrator, General Gutierrez, was arrested for conspiring with Mexico's largest drug cartel. Only 4 hours after President Clinton certified Mexico's cooperation, the police allowed a top money launderer to walk out of custody as a free man. Mexico withheld that revelation from our officials with whom they were supposed to be fully cooperating.

Drug cartels have penetrated the highest level of Mexico's antinarcotics law enforcement agencies. Our own DEA Administrator, Mr. Constantine admits, "There is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship." Mr. Speaker, such a relationship is absolutely essential.

Tom Constantine of DEA, according to newspaper accounts, also states that the damage from this most recent Mexican law enforcement scandal to our war on drugs appears to be worse than that done by the United States spy, Aldrich Ames.

The New York Times editorial of March 12 on this issue of drug-related corruption said, "Unless Mexican President Zedilla attacks these problems boldly by initiating a thorough housecleaning of corrupt officials, Congress should override Mexico's certification." That is the New York Times March 12 editorial.

The administration's statement that the prompt arrest of General Gutierrez, the head of their DEA, demonstrates Mexico's full cooperation on drugs is sadly analogous to a young man who attempts murder on his parents and throws himself on the mercy of the courts, since he is now an orphan.

The resolution before us is simple. It gives Mexico's drug cooperation a failing grade instead of the President's passing grade. Not only are we changing Mexico's grade on drugs, we are also sending a message to this administration that its international narcotics control strategy is sadly lacking.

In addition, based upon our experience last year when Colombian decertification unintentionally cut off key antidrug support, this resolution gives the President the authority to continue United States assistance to Mexico, particularly military assistance, which is likely our last best hope down there if he certifies it is in our vital national interests.

We have already provided 20 excess Vietnam-era Huey helicopters to the Mexican military to fight drugs along our common border and 53 more will soon follow. To suspend FMS assistance and IMET training for the Mexican military now would be counterproductive and render this excess military equipment useless, and that is why we reiterated the waiver.

The strong 27 to 5 vote in our Committee on International Relations vote on March 6 in support of this resolution was evidence of the strong bipartisan sentiment against the President's ill-advised determination of Mexico's real performance in fighting drugs.

Mr. Speaker, I submit to my colleagues that the President made the wrong decision, and this resolution will help us set the record straight, while preserving appropriate assistance and stability in our relations with the Government of Mexico.

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

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to a good friend, the distinguished gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, I rise in strong opposition to this ill-conceived piece of legislation and in strong support of the position of the President of the United States.

Mr. Chairman, it is important that we keep this issue in perspective. The drug problem is an American problem. It is our problem. It is a demand-driven issue. If there were no demand for drugs in the United States, the drug lords in Mexico and elsewhere would not be able to sell their products.

Now, it is very easy to vote against Mexico. It is very easy to decertify. But our question should be what can we do to most effectively help the fight against illegal drugs?

Passing this ill-conceived legislation will make the Mexican Government less likely to cooperate with us, and it will make the Mexican people justifiably outraged.

There are far too many courageous Mexican policemen, soldiers, judges, journalists, government officials who have lost their lives in the fight against the drug lords. It is an insult to them to attempt to decertify this Government, which has given us better cooperation than we have ever had from Mexico.

Mr. Chairman, we all understand that the cases of corruption in Mexico are appalling. We understand that there are high-level people who have been paid off, and not all of them are as yet imprisoned. But do we decertify the New York City Police Department when there is corruption? Do we decertify the FBI or the CIA when there is corruption and even the sale of our national secrets?

Mr. Chairman, this legislation today has much more to do with political posturing than with helping fight the drug war. There are no negative political consequences for Members in this House from insulting the Government of Mexico.

Last November, the American people made it clear that they want a bipartisan approach to solving the drug problem. This resolution and its amendment is an insult to the President. The President clearly understands that Mexico's record is far from perfect, but it is better than it has been, and it is critical that this Mexican Government work with us in fighting against illegal drugs.

Mr. Chairman, I urge all of my colleagues to oppose this resolution.

Mr. HAMILTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I support the committee-reported version of House Joint Resolution 58. Let me briefly explain what that language does. It disapproves the President's decision to certify that results in the decertification of Mexico. It permits the President, however, to waive the sanctions associated with decertification if he determines it is in the vital national interests of the United States to do so.

Mr. Speaker, we are confronted here with the application of a law which this Chamber passed. That law requires Mexico, in order to be certified, to have fully cooperated with the United States or to have taken adequate steps to deal with the narcotics problem.

I simply do not believe that Mexico's record over the past year meets the law's high standard for full certification.

I am quick to acknowledge that the president here faced a tough decision. He could certify Mexico as having fully cooperated, and that is what he did; he could decertify Mexico, and of course that raises a lot of difficult foreign policy problems for the United States and Mexico; or he could have decertified but exercised the vital national interest waiver that the law provides.

The President made the judgment that he would certify Mexico. By so doing, he found that Mexico had fully cooperated with the United States in the fight against drugs.

I disagree with that judgment. I believe that this decertification-certification statute should be repealed. It forces the President to make a legal assessment without providing adequate options for the policy dilemma that he faced. It forces him to make a narrow judgment about each country at issue. But, my friends in this Chamber, we do not have the privilege of ignoring the law. We may not like the law, and I do not like the law, but we should not evade the law. And the law provides today, the law which most of us in this Chamber voted for, the law provides that Mexico must fully cooperate. Not partially cooperate, not cooperate more today than it did 2 years ago or 4 years ago. The law provides that they must fully cooperate, and I do not think any person can find full cooperation by the Mexican Government in the fight against drugs. Some cooperation, yes. Maybe it is better than a year or 2 years ago, but not full cooperation.

Mr. Speaker, we cannot play fast and loose with the requirements of the law, because we are the body that makes the law.

Now, let me say if you look back over the past 6 or 7 years, what we have done again and again and again is to find that the Mexicans have cooperated, that they have had great success in combating drugs. Every President has found that now for 7 or 8 years.

We have been deceiving ourselves. We would better serve the national interest, in my view, if we spoke the truth about that cooperation. Some good things, some bad things, but not full cooperation. We should speak the truth, the good and the bad, and we should apply the law. We should not evade the law.

Everybody in this Chamber knows the Mexican record. It does have some good features. The administration believes at the very highest levels of the Mexican Government we are getting good cooperation today. You go down each of the major measures of cooperation, corruption, extradition, the task force, the number of arrests, cooperation on overflight rights and marine agreements and all of the rest, and you cannot find cooperation.

□ 1215

So I believe the best choice here, and the choices are not easy, is to say that the Mexicans should be decertified. But because this relationship with Mexico is so important, because we understand that the national interest of the United States is to stop the flow of drugs into this country, because we understand that we are not going to be able to do that successfully without the cooperation of Mexico, the better thing to do here is to decertify Mexico because they have not fully cooperated, because that is what the statute demands of us, and then to say, because of the importance of this relationship and all of its aspects, we waive, under the national security waiver, and that is the position I think this body should adopt.

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

Mr. Speaker, I want to commend the gentleman from Indiana [Mr. HAMILTON], our ranking minority member, for his very strong support of our resolution.

Mr. Speaker, I want to take this moment to respond to the gentleman from California [Mr. LANTOS] that said if we did not have demand here at home, we would not have the problem. Amazingly, we used to hear that the U.S. demand is a problem when we discussed this issue with other nations. Not anymore, as these other nations' drug use soars and we see their democratic institutions corrupted and threatened from within and destroyed by the drug barons.

It is even sadder to hear it right here at home. Sure, we must do something about demand, and we are. But an unlimited supply of ever purer, cheaper, and more addictive drugs also creates demand. So we must fight this problem on both the supply and demand side. But we must recognize that the purer and additional supplies coming into our country creates demand, and that is why we are so concerned about the lack of cooperation south of our border.

I would like to note also that the Governor of California, Mr. Wilson, in an article in the Washington Times on March 13 stated, "Let us stipulate to the existence of a tragically large market for illegal drugs and to our own obligation to reduce demand for them by every available means, but the drug trade is one business in which the abundant supply creates demand." That is the Washington Times today by Governor Wilson of California.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of the committee, for yielding to me, and also for his leadership in this area.

I would just say to my colleagues that now is the time to tell the truth. We have a law which is on the books that orders us to make a judgment, and it is time to make that judgment, and I think that the anecdotal evidence and the statistical evidence that tells us that a large part of the drug trade in Mexico and the drug trade through Mexico to America's children is large segments of the government in Mexico. The government is heavily involved in the drug trade.

Now, if we tell that truth, and that is a truth that is manifested in hundreds of case files, in hundreds of cases that are in the possession of the U.S. attorneys and are on the front pages, if you tell that truth, we cannot in good conscience certify that Mexico has been cooperative in the war against drugs.

About 10 years ago, Kiki Camerena, our drug enforcement agent, was murdered in Guadalajara, and Carroll Quintero, who was later jailed for that murder, coasted down the runway before he took off and toasted our DEA agents with a bottle of champagne as they tried to stop him at the Guadalajara airport, and we said, never again.

We entered a new series of talks with Mexico and thought we would have a new bright dawn, a new era. We thought that that era would rejuvenate, when NAFTA was passed, over the objections of some of us, but that was supposed to boost cooperation with respect to the war against drugs, and that did not work.

Last year, Jefferson Barr was murdered in Texas, and we tried to extradite the killer of Mr. Barr, and Mexico did not give us any more cooperation in extraditing that killer than they did with the killers of Enrique Camerena 10 years earlier.

So I would just say to my colleagues, we have a duty, and it is a simple duty, it is an easy duty to discharge, it is a duty to tell the truth. If we erect that fiction that somehow they have cooperated with us when we know they have not, we disserve the people of the United States, we disserve the hard-working people in Mexico and the people who have died in Mexico, the good prosecutors who were assassinated trying to turn this war around, and most of all, we disserve our children.

There is no interest more important than our children and their well-being, and there is no way you can make an argument that somehow making this certification helps them.

Please support the bill.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, I thank the ranking member for allowing me this time.

Mr. Speaker, I rise in strong support of the committee's bipartisan bill to decertify Mexico with the waiver. The fact of the matter is that 75 percent of the cocaine that comes into the United States comes from Mexico. Approximately 25 percent of the heroin that

comes into this country comes from Mexico.

Now, my point today is not to lambast the Mexican people. They are certainly fine people. Not to lambast the Mexican police. Many have given their lives for this cause. But the fact of the matter is that the Mexican Government has not complied with our law with respect to full cooperation. That is American law. We only certify if there is full cooperation. There is not full cooperation.

The fact of the matter is that the Mexican drug czar is in league with drug cartels. The fact of the matter is that he lived in a luxury apartment supplied by a major drug dealer. The fact of the matter is that our DEA could not track him because Mexican officials were tracking them. The fact of the matter is there are 150 extradition requests still pending in Mexico where we have requested that they send drug traffickers back to this country for prosecution.

I have to say that I am very concerned when I hear people say, well, this is totally a demand problem. It is not a demand problem, but it is easy to wag your finger at poor kids in the ghettos. It is much harder to take on official corruption, and that is the dual standard that I take offense at.

We should not smooth over this incident. We should say that Mexico has not cooperated fully. But rather, people would like to have harsher penalties on teenagers and mandatory sentences for teenagers. Well, there is a place for that. But there is also a place to stand up and say to the Mexican Government that we expect better performance, we expect a higher standard.

We should not continue to allow business as usual. We will never convince kids in poor communities that we are serious about fighting the war against drugs when all they see is us shaking hands with governments that do business with drug dealers.

Mr. Speaker, I think we can do better; I think the committee has proposed a fair policy, which is to decertify with the waiver.

Mr. GILMAN. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Texas [Mr. BRADY], a member of our committee.

Mr. BRADY. Mr. Speaker, today's vote is a difficult one. As a Texan, we share the largest border with Mexico of any State in the country. Mexico is a valued friend and a neighbor of Texas and of the United States. Clearly America and Mexico have an equal stake in stopping the sale and use of illegal drugs in our countries.

My goal is to support legislation of the United States that will effectively and significantly cut off both the supply and the demand for illegal drugs. I recognize the strong commitment of President Zedillo and the stand taken by individual prosecutors, of judges and law enforcement officials in Mexico to challenge the powerful drug cartels. It is a stand which is often life threatening, and more than 20 times in the past year has resulted in torture, in death, and in assassination for our heroic fighters in the international war on drugs.

But what is even more tragic is that the leadership of President Zedillo and the sacrifice of these individuals has been undone by an all too pervasive corruption within the Mexican Government, within its police force, and within the judiciary. It has been undone by an estimated $6 billion worth of bribes from the drug cartels, $6 billion which General Barry McCaffrey says has severely impaired Mexico's law enforcement system and, in his words, are ruining cooperative United States-Mexico antidrug operations.

In hearings before our committee America's Drug Enforcement Agency confirms that despite repeated efforts, no Mexican law enforcement agency exists today that the United States can trust, no law enforcement agency with which the cooperative antidrug operations can occur without either compromising the operation itself or the agents, honest agents on both sides of the border, in America and in Mexico.

Now, think about this a minute. Think about how the lack of a single law enforcement agency undermines literally every antidrug initiative our two countries undertake. Imagine the likelihood in America. If the FBI, the Drug Enforcement Agency, every State police, every law enforcement agency could not be trusted, no matter the will of Congress, the will of the President, the chance for success in fighting drugs in our country would be hopeless.

I respect Mexico too much to overlook this fatal flaw, and without the immediate creation of a law enforcement agency we can trust, that both countries can trust, our successes will be isolated, our gains temporary, and our cooperation cosmetic at best.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, for years Mexico has served as a gateway to the United States for drug traffickers. In fact, just 3 weeks ago, Mexico's drug czar was arrested on charges that he took bribes from cocaine dealers. This was just after he received highly sensitive information from U.S. officials detailing our antinarcotic strategy.

Thus, if decertification is what happens to those who have hurt our efforts in the drug war, we must not only decertify Mexico and Colombia, we must also decertify our other unreliable partner in the drug war, the CIA.

Last year the San Jose Mercury News reported that the CIA has had a major role in the flow of illegal narcotics from Mexico and other Latin American countries into the United States. Former financiers of the Nicaraguan Contras, testifying under oath, admitted that the CIA was an active participant in the drug trade and then used the profits to fund covert military operations.

The administration's decision to certify Mexico, decertify Colombia, and sidestep the CIA has made a joke of the entire certification process. I call on the administration and Congress to report to the American people what role the CIA has played in moving drugs in our country.

While drug dealers are preying on America's youth in the inner cities, millions of dollars are being laundered in American banks. Our prisons are brimming over, young people are dying in the streets, and the message that the administration sends is that a buck of trade is worth more than the tears of our mothers, the deaths of our brothers, and the shattered lives of too many American people.

□ 1230

Some of us have just, quite frankly, had enough.

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise today to oppose House Joint Resolution 58, as well as the amendment to be offered by the distinguished gentleman from Illinois [Mr. HASTERT], because I believe the resolution and the amendment send the wrong message to Mexico at a very critical time.

Even with a waiver of the sanctions, the damage will have already been done. Clearly the President had and we have a difficult and unpleasant decision to make. Mexico has serious problems, which no one doubts. The arrest of General Gutierrez-Rebollo, the former commissioner of the National Counternarcotics Institute; the release of Humberto Garcia Abrego, a reputed money launderer; and the general pervasiveness of corruption in Mexico all indicate the depth of the problem.

At the same time, we must recognize the circumstances that President Zedillo and the Mexican Government face. Mexico is striving to defeat the narcotraffickers at a time of wrenching social and political change. It would be naive to assume that any Mexican leader could produce the kind of change we want in a short time and without enormous effort. So the point of this process ought to be the measurement of the progress Mexico has made, not just a regurgitation of the problems that Mexico has.

A few months ago Mexico had a corrupt drug czar and nobody knew. Two weeks ago, at a crucial point in the certification process, President Zedillo announced that they had arrested their drug czar for bribery and corruption. Had their President not taken this

step, we would likely have certified Mexico without much fuss. Now that he has, he is rewarded for his courage with the threat of decertification.

The message here is, do not expose corrupt officials and do not cooperate with the United States. Decertification would have terrible consequences for our relationship with Mexico and for the future of our reform efforts. Already the Mexican Congress has reacted badly to the decertification vote in our Committee on International Relations. With midterm elections coming in July, does anyone think that Mexican politicians who advocate closer ties with the United States will not pay a price? How would a Mexican Congress that we cause to be hostile to the United States help us in the fight against drugs?

And lastly, decertifying Mexico would tell the financial markets that there is greater investment risk, which would lead to higher borrowing costs, higher inflation, lower growth, undermining the economic recovery that benefits us as well as Mexico.

I believe that the better message to send would be to certify Mexico and continue to work with President Zedillo to reduce the flow of drugs into the United States. It is just common sense.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise today to talk about House Joint Resolution 58. While I will not support it on final passage, I do intend to vote for the Hastert amendment to it.

Let me begin by saying that I have grave concerns about the whole decertification process and whether we should be acting to decertify any country. But I do think that the Hastert amendment represents a real compromise. It is a good-faith effort to try to make the process work better. It stays decertification for 90 days, and it gives the United States and Mexican Governments and diplomatic people time to work on resolving some of the common problems we have.

I am not very optimistic about reaching agreement on those, given the glare of this amendment—of this bill—by putting people under the gun. But I do think it is a much better solution than full and immediate decertification.

Mr. Speaker, I think everyone in this Congress and everyone in this country wants the same thing. We want the eradication of the poison of narcotics and the scourge of them in our society. And I think everybody agrees we are losing this battle. In the last 4 years we have seen drug use double. We have seen that happen after a 12-year decline in drug use by adolescents. Over the past 3 years, 227 agent positions have been eliminated by the administration from the Drug Enforcement Agency. That is 227 fewer agents at a time when drug use among our youth is increasing.

I represent a district in Arizona along the border. Because we share this common border with Mexico, we see it; we are right on the front lines of this drug war. I can tell the Members from experience, we need more DEA agents, not less. We have to get the support we need on the front lines, and we need it today.

Yes, there is a problem of cooperation with Mexico. We saw that the Mexican drug czar, Gutierrez-Rebollo, was arrested recently. It shows the deep roots of corruption in Mexico. We want to see more progress in this area. But I do not think decertification is the solution. In fact, it is a big part of the problem. Rather than enhancing international cooperation with our neighbors, the process has a boomerang effect. It results in a further deterioration in our international relations.

Like it or not, deterioration of our bilateral relations spills over into cooperation or lack of cooperation in a number of other areas, including drug control. I think the Hastert amendment, while representing a compromise, is likely to prove this out when we come to negotiations on these specific issues.

The conditions placed on Mexico puts them in an almost impossible political situation. If progress is made in the six specified areas, it will be seen in Mexico as kowtowing to the will of the United States. Such a perception puts all reform-minded politicians in Mexico in a box. Even if they want to meet the conditions, it will be politically impossible for them to do so, and remember they have elections in just 90 days there.

Mexico is a proud country. Some might even say it is a nationalistic country. There is a saying in Mexico: Every time the United States sneezes, Mexico gets the flu. There is no question that today's vote is going to have an impact on Mexico and our cooperative efforts to stop narcotics trafficking. Let me tell the Members, I think it is going to have an adverse impact. That is why, in the end, I will vote against the bill on final passage.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, Members are looking at a desperate woman, a woman who is worried and distressed by what I see going on in our country. I have been elected to do something about this problem. I have tried my very best. It has pretty much gone on ears who do not realize what is happening in the inner cities of this community, the community of this world of ours.

I applaud the efforts that have been made by the Clinton administration, the drug czar. I applaud what Mexico has done. But I say to the Members, it is not enough. It is just not enough. The cooperation, the safeguards and all, have not been enough. Mexico has not fully cooperated. They have cooperated, but not fully.

Therefore, I beg this Congress to vote "yes" on decertifying Mexico so the message will be taken that until they straighten up and fly right, we are going to stop the flow of drugs coming into our communities. My constituents say to me, CARRIE MEEK, why can't you do something to stop the drugs coming into inner cities, into the housing projects, killing our senior citizens, killing our children? Why? Why can't you do something? We know, they say to me, that this can be stopped. Whatever the Government wants to stop, they have the resources to stop.

So as much as I would like to help Mexico and all other countries, now we have to save our children, Mr. Speaker. It is just that desperate. We have got to take desperate action. We can no longer say, let us equivocate and try to help. I do not want to help anymore. I want some action. I want to see that the crimes committed in my community by addicts who are selling drugs that were dropped off, and remember, drugs are not brought into the black community by the store, they are brought there by people who are making a living out of this. There is a trade. There is trafficking.

Let us take some drastic action, Mr. Speaker, and see if we can call on this country to stop the flow of drugs by decertifying Mexico or any other country that is assisting this traffic.

Mr. BECERRA. Mr. Speaker, I am pleased to yield yield 3 minutes to the gentleman from Michigan, Mr. BART STUPAK.

Mr. STUPAK. Mr. Speaker, when I came down here I was going to speak about extradition and the concerns I have, but as I have listened to the debate, what has gone on here, being a former law enforcement officer for 12 years, I want to tell the Members a little what I see here.

What I see here today is everybody pointing fingers. Everyone is saying this person is corrupt, that person is no good, this policy is wrong. Mr. Speaker, if we take a look at it from a law enforcement point of view, they are probably very cynical about what is going on here. They are probably very frustrated about what they see in the U.S. Congress.

We cannot be changing policy every 2 years and expect to win a drug war. It is going to take more than 2 years; it is going to take more than 5 years. It is going to take more than 6 or 7 years. From a law enforcement point of view, we cannot be fighting a war on drugs or crime in the United States if we are changing policy.

We are going to have an amendment later today, the Hastert amendment,

which basically condemns the administration. In 1993 the administration put forth a crime bill. I did not agree with all of it, but it passed. It became the law of the land. So what happened in 1995? We tried to repeal it. What is going to happen in 1997? We are going to try to repeal it again. What happens in 2000? We will have a new President and they come with a new drug policy, a new drug war, a new get tough on crime.

Mr. Speaker, if we are serious about fighting drugs, whether it is here in the United States or abroad, we must have a sustained policy. By sustained I mean more than 2 years, more than the next election. I know it is not politically expedient, but I ask Members to look at the long-term effect of what we are doing here. It is going to take more than 2 years.

Mr. Speaker, I would hope that as we vote today, I would hope we would all recognize there is no magic bullet in the war against drugs. If there was, we would have recognized it by now and we would not have a drug problem here in the United States. I would hope that we take a look at what is going on, that we set a course, a policy, and stick to it more than the next election, longer than the next Presidential term, but look at it over the long haul and put our resources and our investments in education, in economic opportunities for everyone, and in working with our partners abroad to fight the drug war.

Mr. Speaker, I do not think Mexico has been there, but let us take a bigger view. Let us take a broader view of this whole thing. Again, from the law enforcement point of view, we are not helping any of us by changing policy every 2 years. The poor ATF agent, the CIA, DEA, ATF, the Customs, the Secret Service, they do not know if they are on foot or horseback, because we keep changing policy. We share some responsibility here.

Before we all point fingers, I hope we would just at least look at what we are doing. I implore the Members to put forth a long-term policy, more than one election's worth.

Mr. Speaker, as we debate whether to disapprove the certification of Mexico as fully cooperating in antinarcotics efforts I feel compelled to voice my concerns on a related matter, the extradition of criminals to the United States from Mexico.

Although I am pleased by recent State Department reports suggesting improvements have been made regarding Mexico's compliance to extradition agreements, I am still extremely concerned with the low number of extraditions being fully carried out. There are currently 110 pending extraditions that the United States Government has requested from Mexico. Fifty-two of these requests are related to drug trafficking.

I am most concerned with Mexico's lack of willingness to extradite Mexican nationals. The Mexican Constitution prohibits extradition of Mexican nationals except under "extraordinary circumstances." Mr. Speaker, no Mexican national has ever been extradited to the United States.

In September of last year, Mexico's President Zedillo delivered his State-of-the-Nation address. In this address, he emphasized the need for a "new culture of respect" for law and law enforcement officials in order to fight crime. We need more than just words to foster an atmosphere of respect. By continuing to allow these criminals freedom from extradition, Mexico is actually endorsing criminal activity. Until the Mexican Government fully follows through with their promises to extradite criminals, a culture of respect will not be possible.

I am truly hopeful that recently held talks between U.S. drug czar Barry McCaffrey and President Zedillo which did address this problem, will result in drastic improvements in the area of extradition. I am aware that President Zedillo's administration has made tremendous strides. Before President Zedillo's administration we never saw any extradition from Mexico, but in 1995 we saw 5, and in 1996 we saw 13.

If we vote to decertify, there is no reason to believe Mexico will continue on their path of progress, or that we will ever see an extradition of a Mexican national. Although the Mexican Government is far from where it should be, we cannot ignore, and should acknowledge the progress they have made. It is because of this progress that I will vote against House Joint Resolution 58.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Speaker, I rise in strong support of the bipartisan resolution, and I commend our distinguished chairman, the gentleman from New York [Mr. GILMAN] for his strong leadership in this area.

As my colleagues know, our Nation's chief drug enforcement officer on February 25 said, "There is not one single law enforcement institution in Mexico with whom the DEA has an entirely trusting relationship." Yet on February 28, just 3 days later, President Clinton determined that Mexico has cooperated fully with the United States in the war against drugs.

Finding that determination incredible, I asked a DEA official at a hearing last week if in fact his drug-fighting agency could cooperate in fighting against drugs in this country when there has not been full cooperation, and when we cannot fully trust and depend upon that particular country and the agencies there. He said absolutely not.

We have a serious drug problem in this country, and as the gentleman from California [Mr. LANTOS] in committee and I and many others recognize, we in this country certainly share some of the blame. There is a demand from this country, and we have to fight against that demand coming from this country. But we must also understand that the demand within our own borders is so much easier to satisfy because of the tremendous amount of narcotics flowing across the borders from Mexico.

The State Department, the very agency that is defending President Clinton's decision to certify here on Capitol Hill, reports to us that approximately 80 percent of the marijuana entering this country comes through Mexico, 70 percent of the cocaine, 30 percent of the heroin. We have learned Mexico now dominates the methamphetamine market. Yet in recent days President Clinton has stepped up his efforts to uphold his determination that Mexico is fully cooperating in the war against drugs.

That, I believe, sends a very bad message to the American people, Mr. Speaker, and it sends a bad message to Mexico as well. Mr. Speaker, some of those who oppose this resolution maintain that decertification of Mexico will lead to destabilization of Mexico. I disagree. In fact, I agree with the New York Times, a paper I do not always agree with. They say that decertification is certainly something we have to consider.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. RANGEL], the ranking member of the Committee on Ways and Means.

□ 1245

Mr. RANGEL. Mr. Speaker, it is ironic that 25 years ago we had the same debate, and Mexico was cooperating then. We have had any number of declarations of war, and yet it seems as though we send the DEA, we send so many people over there, not with the bullets and the resources even to attempt to negotiate a truce as the situation worsens.

How ironic, the gentleman from New York [Mr. GILMAN] over there and me over here having drafted the bill on which we are working today; and I think everyone is saying, it just does not work. For those that join with the gentleman from Indiana [Mr. HAMILTON] and some on the other side to say, let us get out of the business of certification, let me join. It was a good-faith effort. I thought war meant war. But I do not throw sand in people's faces unless I am prepared to bury them.

There is no sense running around insulting people and threatening people if you do not intend to do anything. With all the wars that we have had, one office has never been on our side in the war, and that is Secretary of State, no matter whether it was a Democrat or Republican administration.

I am on the Committee on Ways and Means. I have negotiated with them on the North American Free Trade Agreement. Do my colleagues think we might be able to talk about drugs when we are talking about this historic treaty? No, the State Department says,

that is apples and oranges. The Trade Representative said: You cannot insult the Mexicans in talking about drugs when you are talking about legitimate trade.

So now we have sanctions here. I tell my colleagues who is going to get the sanctions: Cuba, Iran, Syria, Afghanistan, any country that does not matter to us as it relates to trade or diplomatic relationships. So what have we done? We have just embarrassed ourselves. Now we are just dealing with the sensitivities of the offending nations. I do not think a Nation as great as ours should be shaking their finger at the people on the other side of the border where they know, if we have the decertification or not, nothing, nothing is going to change.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from California for yielding me this time.

I rise in opposition to House Joint Resolution 58 and in support of Mexico's certification as an ally in our war on drugs. We should not see the Government of Mexico as our enemy on the war on drugs but as our most important ally. This is a pivotal issue governing our relations with one another. If we take steps to counter the President's decision to recertify Mexico, we will reverse the progress that we have made, even limited progress.

The Mexican Government has made significant steps in their own internal efforts to curb trafficking of illegal drugs. President Zedillo's administration has been engaged in a campaign to reform the judicial system and crack down on government corruption. Some of our colleagues have cited the occurrences of corruption amongst high-level Mexican officials charged with drug trafficking crimes and other such activities as the basis for decertification.

However, the record demonstrates that the Mexican Government has the political will to purge such characters from its system and that the preponderance of the officials risk their lives and work hard to cooperate on the war on drugs. We need to show our confidence and support of our allies and our friends in Mexico's resolve to counter this internal problem, and we do not do that by slapping Mexico around.

The drug problem runs deeper than the certification and decertification of countries as our allies in the war against drugs. As long as there are large numbers of drug consumers in our country, the dealers will have great incentives to seek other routes to bring the drugs in. If they do not bring it through Mexico, and I know this from representing an island thousands of miles from Mexico, they certainly will bring it in from other countries. We need to remember that, as long as we have this social scourge in our midst, we will continue to have problems regardless of what happens in Mexico.

We must continue our joint efforts and expand on the progress we have already made and not be caught up in a short-sighted, bad neighbor policy with one of our friends and closest neighbors.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, this is a historic vote. In fact, this is the first time in the history of the House of Representatives that we have voted to decertify a nation. It is our duty under the Constitution to protect our citizens against all enemies foreign and domestic, but I submit to my colleagues that our Nation, our way of life, and our children's future are in fact under attack by the scourge of drugs that are entering our lands.

If Mexico were to lob missiles across our border, they could not do as much damage as they have done in expediting the flow of drugs into our Nation. I know Mexico is our friend and neighbor, but friends are not accomplices in the painful deaths of our children. Neighbors do not turn away when crime is committed in their backyard. This is the headline from my paper. It has been said by those who support certification of Mexico that we may endanger United States trade and business. To that argument one must ask, can we ignore the slaughter on our streets for the sake of a few dollars on Wall Street? Tens of thousands of Americans have lost their lives as Mexico has reached the status of a narco capital of the world.

What has Mexico done to deserve certification? You heard the statistics. The cocaine, 70 percent of all the cocaine. I submit to my colleagues that a few years ago there was hardly a blip of cocaine coming through. They do not even produce 1 ounce of cocaine in Mexico, and it is coming in, 70 percent, destroying us. Heroin, marijuana, tons of metamphetamines. So my colleagues, I ask, just take a few minutes, look at the facts. It is our responsibility and duty under the laws of this Nation, under the Constitution to pass this certification and decertify Mexico.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. Barrett].

Mr. BARRETT of Wisconsin. Mr. Speaker, I rise in strong support of the measure that came out of the committee that decertifies Mexico and gives a vital national security interest. The issue today is not whether we like Mexico or whether we like the Mexican Government. The issue today is whether Mexico has fully cooperated with us in trying to stop the inflow of drugs into this country.

I do not see how there is a person in this room who can say they have fully cooperated when the fact is 70 percent of the cocaine in this country today has come through Mexico. I am sensitive to the concerns of offending Mexico. But it is also a reality that, if we were going to offend them, if we were going to cause economic damage to them, we would not give them a vital national security interest.

All we are doing today is stating the obvious. The obvious is Mexico has not fully cooperated with us. But I am also sensitive to the young men and women in the district I represent in the inner city of Milwaukee who come to me and say: This Government is not serious about the war on drugs; because if this Government were serious about the war on drugs, they would be doing more to stop the drugs from coming into this country. There are many people in my district who think that the Government is part and parcel of this entire scheme. And we have to be sensitive to them and we have to do what we can to send the message that we do not want those drugs in inner cities. We also have to look at this issue in relation to the jobs that have left this country.

When I look at the people in my district, I see many jobs that have now gone to Mexico. What do we get in return? Cocaine on our streets. It is time that the companies that have moved their jobs to Mexico start putting more pressure on the Mexican Government as well. Yes, there is corruption in the Mexican police force. Part of the corruption is due to the fact that they are not paid enough. But you have corporations that have moved down to Mexico to reap huge profits, and they are not paying to increase the professional nature of the Mexican police force.

That is how we are going to end the corruption in the police force in Mexico. But to stand here today and say that there has been full cooperation simply belies reality. We have to recognize what is going on, and we have to send the message that we want full cooperation.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me the time.

While I agree with some of what my colleague from Wisconsin just spoke about, I have to say this is an emotional resolution. This is from the heart and not from the head. That is what the problem is that we are dealing with today.

There is no question we are all frustrated with Mexico. We are frustrated that they have not made the progress that we want them to make. But if we look at Mexico in this last century, they are a changed country. They have made progress. They are moving from a

one-party dictatorship to a multiparty democracy. For those of us who have lived along the border, those of us who have traveled and studied in Mexico, the change has been tremendous.

This resolution does not move us forward. It moves us backward. Yes, we do not want more drugs on our streets, we want the Mexicans to do more, but we want to engage the Mexicans to do more. We do not want to push them back into that corner, and that is what this resolution would do. It would do it in a number of ways. First, we would be thumbing our nose at them. Second, we would be undercutting them in the financial markets throughout the world. We want to maintain confidence in the Mexican economy and stabilize the peso so it does not continue to devalue against the dollar so it does not create more exports into the United States but creates more exports back into Mexico.

We want to build up their economy so they have a strong middle class, so they can pay the police officers, pay the military officers, fight off the drug dealers, just like we need to do here in our own country. This resolution takes us in the wrong direction for doing it. Why should we undercut the Zedillo government when it is the really true reform government that is in there trying to make these changes? That does not make any sense whatsoever.

Now, I appreciate that we want to try and do things. I appreciate that we want to try and move them, but we are not going to do it with this resolution. It is in the wrong direction. It is wrong headed. It will not solve the problems with Mexico. It will not belie the fact that we will tomorrow, after we pass this, continue to share a 2000-mile border. They will continue to be our third largest trading partner. They will continue to trade with every State here.

Let us not make this mistake today because of emotions. Let us do what is right.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the distinguished chairman for yielding me the time.

Mr. Speaker, the only thing perhaps more troubling than this administration's lack of a true drug strategy is the inconsistency of its policies with which it seeks to carry out a nonstrategy.

We are certifying or this administration is seeking to certify Mexico saying they are an A No. 1 full-fledged cooperating partner in the war against drugs, and we are decertifying Colombia which although it has its problems, I think over the course of the last year during which it has been forced to work under the disability of decertification, has made progress.

That is one reason, to bring a little bit more consistency back, that I have introduced a bill, with a number of other very distinguished proponents of consistency in our foreign policies and in our drug policies, that would continue the decertification against Colombia but grant a very important waiver.

Let us talk very briefly about what the debate today concerning Mexico is about and what it is not about. It is not about building up Mexico's self-esteem. It is not about NAFTA. It is not about loans to prop up Mexico's economy. It is not about interfering in a sovereign state.

What we are talking about here is placing limitations on what we are giving to Mexico. That is not interfering in anybody's sovereignty. There is no way, Mr. Speaker, that when one looks at Mexico's sorry, sorry record in the war against drugs that one can reach any conclusion other than the fact that they are not a full-fledged A No. 1, fully cooperating partner in the war against drugs. And to claim that is to lose whatever shred of credibility this administration might have or might have able to salvage in the war against drugs.

Mexico does not deserve the imprimatur of a certified country in the war against drugs, and we are not going to do anything whatsoever to get it to get its own House in order by certifying it and say that what you are doing is just fine with us, keep on giving us more of the same.

Those who say, what would decertification get us, are asking the wrong question. We must ask, what has certification gotten us. Nothing.

At least it is time to stand up and do something, Mr. Speaker. I urge support for the resolution.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. JEFFERSON].

Mr. JEFFERSON. Mr. Speaker, I rise today to oppose the administration's certification of Mexico as a country cooperating in the war on drugs and to support the bipartisan committee version of House Joint Resolution 58.

Mr. Speaker, my State, Louisiana, is being overrun by drug traffic from Mexico. And my city, New Orleans, is fighting the reputation as the murder capital of our Nation, largely because drugs entering Louisiana from Mexico are driving a spiraling crime rate. Drug merchants battling over drug money and drug turf are killing each other on the streets of our city and across America, often catching innocent citizens, even our children, in the crossfire.

Mr. Speaker, I recognize that because Mexico has been a traditional political and economic ally, it is difficult to now declare that it is not an ally with us in our war against drugs. But the issue here is not politics or the economy. The issue is, how do we find a way to close the floodgates out of Mexico through which the vast majority of marijuana and cocaine and a large percentage of the heroin flow into our country.

□ 1300

I am not sure how effective our present certification policy is to address this question. I do not know if its inflexible requirement of a pass/fail grade, an A or an F is preferable to a multitiered grading system. And I am far from certain that it makes sense for us to have a certification policy that cuts off antidrug support to countries with the poorest drug fighting records, ensuring that they will do even less, and that punishes the innocent citizens of the decertified countries through the imposition of sanctions that cut off international monetary assistance to their countries while leaving drug kingpins in these countries unaffected and free to continue their illegal drug enterprises.

I do not know, therefore, Mr. Speaker, if we would not be better off to scrap the entire approach of the decertification process and replace it with a law better designed to achieve a more targeted campaign against drug importation.

But this I do know. So long as we have our present policy of listing decertified countries, Mexico deserves its place on that list.

Mr. Speaker, I look forward to the day when our country has a better and more effective policy to achieve cooperation with Mexico and other countries in stemming the flow of smuggled drugs.

Common sense and compliance with current law demand that we now vote to overturn the certification of Mexico, and I urge the Congress to do so.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, President Clinton was right in certifying to Congress Mexican cooperation on narcotics matters with the United States. Critics of the President's decision are mistaken in arguing that there has been little progress on narcotics cooperation. In recommending decertification, they exhibit a limited understanding of the fundamental changes that are occurring in Mexico and the enormous stakes for the United States of continued cooperation with one of this country's most important partners.

At this delicate time in Mexican history, a decision on the part of the United States to decertify Mexico could seriously jeopardize Mexico's efforts to strengthen the rule of law and the collaboration that we have in the war against the drug lords. It would also dampen the Mexico-United States relationship, from trade, to immigration, even to border environmental concerns.

The financial markets would react poorly to a rumble in bilateral relations, undermining the painstaking efforts that Mexico has made to stabilize its currency and to strengthen its economy. It is the Mexican people who would end up paying the economic price for decertification, not drug traffickers.

And as one who has family in Mexico who fights every day to stop this drug trafficking, it is an affront that this Congress would think that the Mexican people are not working hard to stop drug trafficking. By certifying Mexico, the United States can continue the progress achieved thus far, mindful of the fact that drug trafficking is as much an American problem as it is a Mexican problem.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. BUNNING].

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

Mr. Speaker, I rise in strong support of House Joint Resolution 58.

The President's decision to certify Mexico's nonexistent antidrug efforts is just one more step in his ongoing retreat from the war on drugs. And this Congress should not allow it to stand.

First he cut funding for our own Nation's antidrug programs and emasculated the drug czar's office and now he is saying to Latin America, the status quo is just fine with us.

But take a look at the status quo. It's putrid. Fifty to seventy percent of the cocaine entering the United States comes through Mexico. Twenty to thirty percent of the heroin coming into our country is supplied by Mexico. Eighty percent of the foreign-grown marijuana entering our country comes from Mexico.

With statistics like this staring us in the face, we cannot and should not pretend that the Government of Mexico is making any kind of good-faith effort to stem the tide of corruption and money laundering and drug activity that currently exists in that nation.

I urge my colleagues to support the Hastert amendment to delay certification for 90 days unless the President obtains real assurances that the Government of Mexico intends to cooperate in our antidrug efforts.

Certifying Mexico now would send the wrong message to our friends in Latin America and around the world. If we are serious about fighting drugs, we have to show Mexico we are serious now.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. I thank the chairman for yielding me this time. I especially appreciate his integrity because he knows I am going to come up here to speak against the resolution.

Mr. Speaker, there is no difference here in my view of the facts than those who are speaking in favor of this decertification resolution. The issue is, what is the approach to get the better cooperation of the Government of Mexico with the United States in reducing the drug trade which affects both of our countries?

I propose that the best approach is a sense of Congress that would embody many of the statements we have heard here today. I tried to make that in order with the Rules Committee. They chose not to make it in order. If decertification ultimately is not approved, I will still again propose a sense of Congress resolution.

Why do we vote for decertification? Well, first we have been told it is required that we vote for decertification under the law, because Mexico is not fully complying with cooperation in the antidrug trade. But the definition of being fully cooperative seems to be that every official at every level has to be doing his or her utmost, in this case in Mexico, to fight the drug trade.

If that is the standard, Mr. Speaker, there is no country that could probably be certified under that kind of guideline. In fact, if one looks at the Hastert amendment, which states numerous criticisms of the Clinton administration toward fighting the drug trade, one could argue that our own Government could be not fully certified under this exact same criteria if it were being examined from the outside.

The fact of the matter is I believe that we should look at the top of the government, at the top officials. I have heard both Chairman GILMAN and ranking member HAMILTON say that they believe that President Zedillo and his top people in government are committed to fighting the drug trade.

I believe that there are governments in this world where there is no such commitment, and for those governments I do support decertification. But we have to look at the impact of having the President and the top government officials of Mexico on our side.

Several speakers have already mentioned the fact that the recently appointed drug czar in Mexico was removed from that position because he might have ties to the drug trade in that country. How was that gentleman identified as possibly being involved in the drug trade? It was not by our government's intelligence. In fact, my recollection is that General McCaffrey, our own drug czar, was lavish in his praise for the Mexican drug czar, General Gutierrez Rebollo.

It was the Mexican Government that identified this person's connection to the drug trade in Mexico. It was the Mexican Government that removed him publicly from office, knowing that they would take a severe international hit for that kind of action, that it would be a severe international embarrassment for them. They did it, anyway. I believe that we should be working to cooperate with Mexico and not to just trade insults with them.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank the gentleman from New York [Mr. GILMAN], the chairman of the committee.

I rise in support of the committee resolution and do not wish to question whether or not this is the perfect vehicle. It is the only vehicle that we have. And though the certification-decertification process may not please any one of us completely, at least it provides us with a way of ending the denial by both Governments, the United States and Mexico, of what is going on with our respective countries.

In fact, I think we should hold a session of Congress at the border. As a member of the Committee on Agriculture, I have traveled along that border and have had our own border agents tell us, "Well, Congresswoman, you know if you really want to move drugs, you don't do it through this checkpoint. You just drive an over-the-road vehicle a mile away where there aren't any inspectors. And, by the way, hear that airplane up there? We know where that's headed."

Our own Government knows that the border is a sieve. We know of the corruption throughout Mexico related to the drug trade. And today this is the only vehicle that we have to express our displeasure at this administration's actions and prior administrations' actions that continue denial.

I ask myself, why the denial, what are we afraid of as a country? We know we only inspect maybe 1 of every 100 to 200 trucks and vehicles that now come over the border. We have a $40 billion trade deficit over the last 2 years with Mexico and it is growing. We cannot possibly inspect all of the vehicles that come over that border, and the drug traders know it. They are even picking which vegetable crates to put the stuff in and whether they put it in steel drums or auto rims. It is that cleverly done.

The GAO tells us that Mexico is the primary transit route for cocaine coming in from Colombia. So we decertify Colombia and the administration sort of closes its eyes with Mexico. What sense does that make?

Mr. Speaker, I support the resolution, but I hope that we would move in more expeditious ways, beginning with a session at the border. I would urge the chairman's consideration of that alternative.

Mr. Speaker, I include the following newspaper article for the RECORD:

[From the San Diego Union-Tribune, Aug. 4, 1996]

THE DRUG TRADE CLIMBS ABOARD SHIPMENTS OF GOODS FROM MEXICO

(By Peter Andreas)

Mexico has long been enmeshed in the drug trade, but its involvement has been transformed in the last decade. Primarily, Mexico has emerged as the primary shipping point for Colombian cocaine into the United States.

The State Department estimates that the percentage of the cocaine bound for the U.S. market entering through Mexico was negligible during the mid-1980s but increased to as much as 70 percent by 1995. Mexico also supplies up to 30 percent of the heroin consumed in the United States and up to 80 percent of the imported marijuana, according to a March 1996 State Department report.

Mexico earns more than $7 billion a year from the illegal drug trade, Drug Enforcement Administration estimates. Some Mexican estimates place the figure much higher. The prosecutor general's office estimates that drug traffickers operating in Mexico accumulated revenues of approximately $30 billion in 1994.

Mexico's growing role in the drug trade has significantly increased the power and wealth of Mexico's trafficking organizations and that has, in turn, exacerbated well-entrenched political corruption.

Corrupt officials sell an essential service to drug traffickers: the nonenforcement of the law. Not surprisingly, as Mexico's role in the illicit drug trade has grown, so too has the buying off of law enforcement—not only within Mexico, but on the U.S. side as well.

Not coincidentally, Mexico's expanding role in the drug trade parallels the opening of the Mexican economy and the deepening of U.S.-Mexican economic integration.

Colombian cocaine traffickers began turning to Mexico as a major entry point to the U.S. market in the early 1980s after the United States cracked down on cocaine shipping through the Caribbean. By now a strategic alliance exists between Colombian and Mexican traffickers. The Colombians process the cocaine and ship it to Mexico, the Mexicans smuggle it into the United States.

Mexican imports of legal goods from Colombia increased from $17 million in 1980 to $121 million in 1985. At the same time, Mexican imports from the rest of Latin America decreased from $768 million to $630 million.

Legal exports from Mexico to the United States doubled between 1986 and 1993. Hiding drug shipments within the growing volume of goods exported from Mexico to the United States has become an increasingly favored method of smuggling cocaine.

These trends thrive under the North American Free Trade Agreement.

A report written by an intelligence officer at the U.S. embassy in Mexico City claims that cocaine traffickers established factories, warehouses and trucking companies as fronts in Mexico in anticipation of the cross-border commerce boom under NAFTA.

"If NAFTA provides opportunity for legitimate businesses, it may clearly provide opportunities for illegitimate businessmen," Assistant U.S. Attorney Glenn MacTaggart has said.

Trucking provides the most concrete illustration of this trend. According to one senior customs official, to inspect every truck coming across the border would create a traffic jam as far as Mexico City. So only a small percentage of trucks are fully inspected.

Under the NAFTA agreement, trucking into the United States from Mexico is increasing rapidly. In 1994, 2.8 million trucks crossed over from Mexico. In 1993, on the eve of NAFTA, the number was 1.9 million. The U.S. Southwest Border Capital Improvement Program will upgrade the road network so that it will be able to handle more than double today's traffic level—as many as 8.4 million trucks annually.

Mexican truckers will soon be allowed to operate throughout the border states of Arizona, California, New Mexico and Texas. They will eventually be able to travel anywhere in the United States and Canada.

Trucks can carry illegal goods as easily as legal goods. One truck that was stopped near San Diego carried 8 tons of cocaine stuffed into cans of jalapeno peppers. Law enforcement officials believe that the cocaine belonged to a businessman who owns one of the biggest trucking companies in Mexico.

As part of an effort to hide drugs within trans-border shipments of legal goods, some Mexican traffickers have reportedly hired trade consultants to determine which products move most quickly through border inspection under NAFTA guidelines. "They have very specific issues," notes Craig Chretien, the special agent in charge of the DEA's San Diego office. "Does a perishable get through quicker than a load of steel? What kind of cargoes go through faster than others?"

Concerns about drug control were not discussed during the negotiations over NAFTA. "This was in the 'too hot to handle' category," says Gary Hufbauer, an economist at the Institute for International Economics in Washington, D.C. Reportedly, U.S. customs and drug enforcement personnel openly call NAFTA the "North American Drug Trade Agreement."

Meanwhile, the privatization of state-owned enterprises and the deregulation of the Mexican banking system facilitate the laundering of drug profits.

And the cutting of government subsidies in Mexico's rural areas are increasing the incentive for peasant farmers to produce illegal crops such as marijuana.

An internal DEA report—obtained by the National Security Archive through the Freedom of Information Act—concludes that "increased illicit drug production will probably be a direct result of the discontinuation of subsistence crop subsidies." Drug production is expanding in Mexico's more remote rural regions.

Efforts to cut the foreign drug supply into the United States have a long history of failure. And the likelihood of success diminishes further as market liberalization and economic integration propel ever more extensive cross-border exchange.

Evaluations of free market reform are largely divorced and insulated from evaluations of drug market prohibition. Thus, congressional committees and government agencies endlessly debate how to attack the drug supply and gain greater cooperation from Mexico and other Latin America countries.

Meanwhile, those concerned with the implementation of market-based reforms carefully monitor an assortment of economic indicators. The reports they publish rarely even mention the drug trade, let alone discuss its ties to the formal economy.

It is as if drug trafficking were not an economic matter at all. But while such institutionalized denial may be politically convenient, it perpetuates both a fundamental misreading of the problem and unworkable strategies for dealing with it.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, the level of drug corruption in Mexico is indeed a real and serious problem. I sympathize with many of our colleagues who are frustrated with America's own drug addiction and are in search of quick solutions. However, Mr. Speaker, humiliating Mexico with the threat of decertification is not the answer. Neither is cutting off Mexico's bilateral aid and access to multilateral bank loans, which decertification mandates, while thrusting Mexico in the company of Iran, Burma and Afghanistan.

Mr. Speaker, I believe that Mexican President Zedillo has acted in good faith in stating narcotics trafficking is the greatest threat to Mexico's own national security. Certainly his administration has taken steps to combat the tremendous drug trade.

Mr. Speaker, in February, Mexico's appointed drug czar, General Rebollo, was arrested for ties to drug lords. While many of our Members were outraged and saw this as a sign of pervasive corruption in the Mexican Government, I see it differently. I believe President Zedillo should be commended for his courage in revealing this embarrassing and damaging incident at a highly sensitive time, and his administration's commitment to pursue corruption at the highest levels should be recognized and commended.

Mr. Speaker, in examining the situation in Mexico, it raises doubts in my mind about the entire drug certification process conducted by our own country. I find it hypocritical that we sit here and condescendingly judge other sovereign nations on their anti-drug efforts while America constitutes one of the largest consumer narcotics markets in the world.

Mr. Speaker, I ask, how many Americans, not foreigners, how many American drug lords have we prosecuted lately? How would it sit with us if other countries suddenly based their relations with our Nation on foreign assessments of how rigorously and successfully we are combating drug consumption in America? Is it any wonder that this month the Mexican Congress voted unanimously to condemn the United States certification process as being insulting to their national dignity?

Mr. Speaker, decertifying Mexico will only deny the real accomplishments of President Zedillo, discourage Mexican cooperation in the future for joint narcotics interdiction, and alienate the good people of Mexico.

Mr. GILMAN. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Florida [Mr. MCCOLLUM], chairman of the Judiciary Subcommittee on Crime and an acknowledged longtime fighter and expert on the drug war.

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

Mr. Speaker, I think that everybody here understands that today in our history the United States has a supply of drugs that is cheaper, more potent and more available than any time in our history. One of the primary reasons why that is so is because the Government of Mexico has not been fully cooperating with the United States in the war on drugs. It is by no means the

only reason why we have this problem. I think up front we need to say that President Zedillo has been cooperating, he personally has been, and some of the top people in his administration have been cooperating. They have been encouraging money laundering laws to be established, they have been doing things recently to vet the situation there for their law enforcement community to get rid of the corruption that is rampant. But the truth of the matter is that Mexico is not fully cooperating, which is what the certification laws require. They have clearly not been fully cooperating when we look at the question of the fact that our Drug Enforcement Administration officers that interface the most in law enforcement on the drug issue have been unable to accept the word or trust anybody in law enforcement in Mexico for some time, and when they did put their faith recently in one individual, they got burned. It is not fully cooperating when that condition exists. And so the resolution is very appropriate today. We need to pass it. I believe the Hastert amendment is also appropriate, not only because the certification process is flawed in my judgment and we need the commission that is in there, but also because it lays forth some of the other facts that I think are very critical to us today in this war on drugs.

The fact of the matter is that we cannot win the war on drugs unless we have a balanced program. The particular program that we are looking for is to say two things: First, in the interdiction area with regard to Mexico, there is going to be a 90-day period in this Hastert amendment which if the administration, our administration, gets Mexico to cooperate more on, then the decertification trigger will not even happen.

□ 1315

One of those things is to get more law enforcement agents of the United States inside Mexico. If they will show progress toward doing that, that will be one of the things that will help, and that these DEA agents, if they are inside Mexico, can carry arms for their safe protection, and there are more radar sites to be handled, and so on. If certain things happen, then there would not even be a decertification of the Hastert amendment occurring and the debate will not even be there.

The other thing is the Hastert amendment shows and spells out the fact that we have not been doing enough in the United States in a balanced approach to win this war on drugs. Too much emphasis, and I think we should have some on rehabilitation, and not enough emphasis on education, and most of all not enough emphasis on the interdiction program, on the resources we need to supply; our own Government has not been doing enough, and it is spelled out in the Hastert amendment.

So I urge the adoption of the amendment and the adoption of this decertification resolution.

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, as my colleagues know, as a former law enforcement official I am deeply concerned about the certification and the effect that it will have because we do have cooperation on both sides, and I wonder how many of us has taken time to travel to the border and to talk to judges from both sides of the border, to talk to police on both sides of the border, because believe me, now we have a tier, a level, of cooperation that begins here all the way down. We are looking at the top. Well, what about the cooperation between State, county and cities? If we decertify Mexico, we destroy this foundation that has taken time to build.

I know this. I used to be a sheriff in south Texas. There exists a tremendous working relationship between officers who care, officers who have given of their life, whose families have been threatened. But they have been dedicated to making both countries a better place for their children and my children to reside.

It is not easy; it is hard. But the dedication continues to be there, their loyalty to make our areas better. Do we want to destroy this foundation that has taken time to build? We cannot afford to do that.

As my colleagues know, last year Mexico captured and extradited to the States, Humberto Garcia Abrego, a world-renown lord, the head of the Gulf cartel. Garcia Abrego was recently sentenced to life in prison. That was an act of enormous national political courage on Mexico's part.

As my colleagues know, both sides of the border are poor. We have enormous problems on both sides of the border. I was in law enforcement for 15 years before I came to this House. There is a lot of things that go on that we do not see. A lot of information is traded back and forth between local, State, county officials on both sides, and I implore to my friends: Let us take time before we do anything that we will regret for a long time. There is a lot at stake.

Mexico is a country that has pride, sure. Bad apples? We got them on our side, and we continue to lose friends, and I am talking about this great country, because we seem to want to appear worldwide as a knight in shining armor. Everybody is wrong; we are the only ones that are correct and right.

Let us not make this mistake. Let us not decertify Mexico.

Mr. GILMAN. Mr. Speaker, I yield 2\1/2\ minutes to the gentleman from Indiana [Mr. BURTON], the distinguished chairman of the Committee on Government Reform and Oversight and a senior member of our Committee on International Relations, a gentleman who has stood shoulder to shoulder in this war against drugs, especially with helping our allies, the Colombian National Police.

Mr. BURTON of Indiana. Mr. Speaker, let me just say that there is enough blame to go around. Obviously we do have a consumption problem here in the United States, but a major part of the responsibility for the drug problem in America rests in Mexico, and for people to deny that and say that it is all our problem is in my opinion a ludicrous argument. Let me just give you some facts:

Seven hours after the President's certification of Mexico was made public Mexico's attorney general issued a statement that its own senior officials had allowed Humberto Garcia Abrego, a reputed money launderer and brother of convicted drug kingpin Juan Garcia Abrego, to walk free from police custody. They waited until the certification took place, and then they released this known drug dealer.

Thomas Constantine, the administrator of the U.S. DEA said on February 25, "Historically, corruption has been a central problem in DEA's relationship with counterparts. In short, there is not," now get this, "In short, there is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship," not one in all of Mexico.

According to the DEA, 70 percent of the cocaine entering the United States comes across the Mexican-American border, and that is up from 50 percent just about 3 or 4 years ago, a huge increase. Despite an apparent increased level of production in transit, Mexico's cocaine seizures in 1996 are less than half of what they were 5 years ago. There has been an increase, but the seizures are down by more than 50 percent, 23.8 metric tons in 1996 compared to 50.3 metric tons in 1991.

The bottom line is they are not cooperating. Should we reward that kind of activity? It makes no sense to me. The Mexican Government takes credit for firing 1,200 officials for corruption, but not one of those people has been prosecuted, not 1 out of 1,200. U.S. extradition documents cite evidence in a single case that the attorney general and 90 percent, get that, 90 percent of the police, prosecutors and judges in Tijuana and the State of Baja California are on the payroll of a major drug cartel, 90 percent of them. That is amazing.

Although the United States Department of Justice has submitted provisional warrants for the arrest of Mexican drug kingpins, only one, Juan Garcia Abrego, a dual national, has been sent to the United States to face justice.

And finally, drug-related arrests in Mexico are down dramatically, dramatically down in the last 4 years; 11,283 in 1996 compared to almost 28,000 just a few years ago.

Mr. Speaker, we need to send the strongest possible message to Mexico right now. Let them start helping us. America is fighting a losing battle against drugs, and we need their help.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Speaker, I rise in support of the Gilman-Hamilton bipartisan committee proposal and in opposition to the Hastert amendment.

Mr. Speaker, on March 8 the Mexican police and the State of Chiapas illegally detained two Jesuit priests and two Mayan Indians. The two priests, Fathers Rosas and Hernandez, had been beaten, tortured and continued to be imprisoned on the outrageously false charges of participating in the deaths of two policemen. The priests were actually at a religious conference at the time the deaths occurred.

Mr. Speaker, I wish to enter into the RECORD at this time the announcement of this abuse by the Society of Jesus in Mexico and a summary of the news articles. We can no longer turn a blind eye to such human rights abuses in Mexico, and again I urge a no vote on the Hastert amendment in order to get to a yes vote on the Gilman-Hamilton proposal.

Yesterday, the 8th of March, the Government of Chiapas illegally detained two priests of the Society of Jesus, Gonzalo Rosas Morales and Jeronimo Alberto Hernandez Lopez, as well as Francisco Gonzalez Gutierrez and Ramon Parcero Martinez whom it attempted to like to a supposed ambush in which two members of the State Public Security Police were supposed killed.

The Society of Jesus in Mexico utterly rejects the version of the events that has been given out by the State Government of Chiapas. It similarly rejects that these detained persons had any responsibility in the illicit acts of which they are accused. The State Government of Chiapas has falsified reality and in so doing has given serious provocation against the rule of law and order, against the peace and against human rights.

Fathers Rosas and Hernandez have distinguished themselves in their work of several years of pastoral accompaniment in solidarity with the Indian peoples of the northern part of Chiapas State. In like manner, they have participated in processes of organization and initiative that the indigenous communities have been furthering in their search for a greater justice, welfare and fraternity between peoples. We affirm categorically then they had no involvement in the acts for which they have been wantonly accused.

For its part, the Coordinator of Social Organizations, Xi'Nich',—and not "Arriera Nocturna" which the State Government mentions—is a legal group made up of indigenous people who are struggling peacefully to satisfy their most basic needs. The false accusation against Xi'Nich' and against its detained members represent an aggressive message against those who keep within the legal framework to find a solution to their demands.

In the difficult context of violence that is being experienced in the State of Chiapas, this provocation is extremely irresponsible.

We ask for the immediate and unconditional release of all the detained persons. We ask for the truthful clarification of the events and the cessation of all police harassment. We repeat that, despite the defamations of this type, the work of the Jesuits will be maintained, faithful to our mission in the service of the faith and the promotion of justice.

Reuters News Service reported today that two Jesuits had been arrested, beaten and charged "with leading a deadly ambush against police" in the Mexico state of Chiapas.

Arrested were Frs. Gonzalo Rosas and Jeronimo Hemandez. The arrests took place on Saturday afternoon at Palenque, a tourist city 150 km. east of the state capital Tuxtla Gutierrez.

Two Mayan Indian leaders were also arrested—Francisco Gonzalez and Ramon Parcero. The four were charged with "taking part on Friday in an ambush of state police who hours earlier forcibly removed peasants from farms they had illegally occupied. In the ambush two policemen were killed and five others injured."

Diocesan officials in San Cristobal de las Casas contradicted the police version, however, saying the two priests were in that city "at the time of the ambush after having taken part in a religious conference."

Reuters reported that dozens of plainclothes and uniformed police violently yanked the pair from their car. The police showed no arrest warrant and have since added false weapons possession charges against one of the priests.

According to Reuters, after the police removed the peasants on Friday from two local collective farms they had occupied since 1994, members of a local Indian rights group called Xi-Nich blocked a local highway to protest the police operation and demand the release of their arrested comrades. Police claim they peacefully broke up the protest and were later ambushed by the priests and the two Xi-Nich leaders.

Xi-Nich, however, said in a statement on Sunday that police, backed by helicopters, began firing at the highway protesters, who fired back.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a distinguished member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in strong support of House Joint Resolution 58. As one of the 10 original cosponsors of this bill, I want to commend the distinguished gentleman from Florida for his leadership in sending this important message that the status quo on the war on drugs is not good enough.

The deadly tide of illegal narcotics, much of which flows to the United States through our southern border, should be a top national health and security priority. What other external threat has such a direct impact on our communities, our streets, and our children every day?

The President's decision on February 28 that Mexico had fully cooperated with the United States in the battle against illegal narcotics sends the wrong message at the wrong time. Mexico sadly has simply failed to make the progress in joining us in the war on drugs that we had every right to expect.

Our message today is that this is totally unacceptable. Much of the violence on our streets of our cities is related to the torrent of illegal narcotics flooding into our country. This is a matter of life and death for many of our citizens.

As the gentleman from Georgia earlier noted, the President felt it was important to send a message to Colombia again this year by decertifying them and withholding assistance. If this was a good drug policy, then I believe it is critical to make clear to Mexico that our assistance to them is conditioned on strong bilateral cooperation and domestic action. To do otherwise is to hold out a double standard, which is not in the long-term best interests of the citizens of Mexico or the citizens of the United States.

In my view this resolution finds the appropriate balance between an honest assessment of Mexico's performance in drug interdiction efforts and continued support for those in Mexico committed to arresting, prosecuting, and convicting drug traffickers.

Mr. Speaker, I urge all of my colleagues to join in support of this important resolution.

Mr. Speaker, I rise in strong support for House Joint Resolution 58, Disapproving the Certification of the President Regarding Foreign Assistance to Mexico. As one of 10 original cosponsors of this bill, I want to commend the distinguished gentleman from Florida for his leadership in sending this important message that the status quo in the war on drugs is not good enough.

The deadly tide of illegal narcotics, much of which flows to the United States through our southern border, should be a top national and security priority. What other external threat has such a direct impact on our communities, streets, and children each day? The President's decision on February 28, that Mexico had fully cooperated with the United States in the battle against illegal narcotics sends the wrong message at the wrong time. Mexico, sadly, has simply failed to make the progress in joining us in the war on drugs that we had every right to expect.

Our message today is that this is unacceptable. Much of the violence blighting the streets of our cities is related to the torrent of illegal narcotics flooding our country. This is a matter of life and death for many of our citizens. As the gentleman from Georgia noted, the President felt it was important to send a message to Colombia again this year by decertifying them and withholding assistance. If this is good drug policy, then I believe it is critical to make clear to Mexico that our assistance is conditioned on strong bilateral cooperation and their vigorous domestic action. To do otherwise is to hold out a double standard which

is not in the long-term best interests of the citizens of Mexico or the citizens of the United States.

This resolution finds the appropriate balance between an honest assessment of Mexico's performance in drug interdiction efforts and continued support for those in Mexico committed to arresting, prosecuting, and convicting drug traffickers. Thomas Constantine, Administrator of the U.S. Drug Enforcement Administration, told a congressional committee on February 25:

Historically corruption has been a central problem in DEA's relationship with Mexican counterparts. In short, there is not one single law enforcement institution in Mexico with whom DEA has an entirely trusting relationship.

We should not make a mockery of the annual certification process by turning a blind eye to the shortcomings of Mexican efforts.

Mexico's criminal cartels are now our No. 1 threat when it comes to drugs; 70 percent of the cocaine that enters the United States comes from the southwest border and we even see this poison in my district on the U.S. northern border. Increasingly we are seeing larger levels of methamphetamine, marijuana, and heroin moving across our border. Last year, Mexico's drug cartels shipped approximately 300 tons of cocaine, 150 tons of methamphetamine and 15 tons of heroin to the United States. Moreover, the Mexican Government has refused to let the 20 new DEA agents Congress appropriated money for to enter Mexico, and barred U.S. law enforcement agents from carrying weapons. This is inexcusable and vitiates any argument about full cooperation and partnership.

Omniously, illegal drug use has been on the rise in recent years among our young people in America. It is clear that the wrong response to this tragic increase is to be satisfied with where we are. While as some have argued here we need to work harder in our communities to limit the demand for narcotics which kill dreams and kids, we should not be telling our children that the status quo is adequate, when it is not. We should not be telling Mexico and the predatory drug cartels which operate in Mexico, that our Nation is apathetic to outcomes. We are no longer satisfied with an annual public relations gesture; the time has come to condition assistance on results not promises. This resolution does just that and has my wholehearted support.

I urge my colleagues to support this resolution, oppose the Clinton administration's ill conceived policy of expediency, and send a message that Congress won't tolerate the Mexican drug trade any longer.

Mr. BECERRA. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. REYES], a distinguished new Member and a good friend.

Mr. REYES. Mr. Speaker, I appreciate this opportunity to come again for the third time, I think, today to urge my colleagues to stop and think about the ramifications and the serious consequences of what we are doing in this great institution today. I say that with a tremendous amount of trepidation because, having firsthand experience, having the background that I share in common with my colleague from Florida [Mr. SHAW], my colleague from Texas [Mr. ORTIZ], it is difficult to sit here and watch what is going on here in terms of the statements that are going on the RECORD that will be scrutinized not only by our constituents in respect to our districts, but also will be scrutinized very carefully by the people of Mexico, by the Government of Mexico and the people of Latin America.

I think there have been a number of points that have been made here. I think there have been way too many statistics that have been thrown around. I think we have obfuscated the real issue and the real context of what we ought to be doing in this body representing the people of this great Nation.

I know that all of us share a frustration about what the scourge of drugs has done to our neighborhoods, what it has done to our children, what it is doing to our institutions, but no one understands these issues better than the Government of Mexico, better than the citizens of Mexico. Certainly nobody has paid a higher price than the Government of Mexico, nobody has paid a price and continues to pay the price and will continue to pay the price if we stand here and allow the amendment or the resolution to go forward to decertify Mexico.

I am proud to tell this body that I was probably the first to urge the President to certify Mexico. I think to not certify Mexico would be very counterproductive. Not only does it send the wrong message to the Mexican Government, but it sends clearly the wrong message to the Mexican people, a people that collectively have paid a very high price.

□ 1330

I ask my colleagues in this Congress to listen to the implications, to listen to the consequences. For anyone to think that a decertification move on Mexico would not have serious political consequences and would not destabilize the country and would not lead to economic destabilization, is to me incredible. But then in the context of the argument, in the context of what we have discussed, in the context of what I have heard in this Chamber today, that, for me at least, would not be surprising.

Mr. Speaker, I just hope that sanity and reason prevail. I hope that we understand the implications of what we are about to do if we do not stand with the President and agree to certify Mexico.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to strongly emphasize that all of us in this Chamber take the responsibility to listen to this debate, to come to some resolution. We are missing the mark, and I think to a large extent overpoliticizing this statement about certifying or decertifying.

We have got to get together, decent, honest Americans, must get together with decent, honest Mexicans. It is as simple as that.

There are drug profiteers in Mexico; there are drug profiteers in the United States. It is an external problem; it is an internal problem.

Let us be clear on just a couple of points. The United States is responsible for 60 to 70 percent of the world's consumption of drugs. It is a lucrative, lucrative business.

The Mexican Government is spending billions of dollars trying to fight this. They are confronted with tens of billions of dollars on the other side which we, the American consumers of drugs, are supplying to Mexico.

As has been documented, Mexico's problems arise because the shift in the drugs from the Caribbean up from Colombia through Mexico has taken place in dramatic proportions in the last few years. Amazingly, we are now discussing at a point when Mexico is moving into an arena where they can begin, however small, in a very small way, to begin to resist the drug cartels. We are talking about decertifying Mexico as though it was somehow Mexico's problem, Mexico's problem, to save us from ourselves.

We have all these laws which say just say no. Now, we say it with our laws, but we do not seem to say it with our noses. We always seem to be pointing the finger at the wrong people.

Mr. Speaker, it is always politically convenient to blame somebody else. It is time that we demand from Mexico what we must demand from ourselves.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I thank the ranking member of the committee for yielding me time.

I rise in strong opposition to House Joint Resolution 58 in its totality and to all amendments. This effort to disprove the decertification of Mexico as a fully cooperating partner in the fight against drugs is misguided. If Congress adopts this resolution, the United States is sending the wrong message to the government and the people of Mexico.

We should be strengthening our ties to Mexico and helping the Mexican Government in its fight against drugs rather than punishing them with punitive measures that will hurt, not help, the fight against drug trafficking.

By any reasonable standard, the efforts and policies that President Zedillo has instituted over the last several years to combat the scourge of drugs in his country have been a success. Marijuana, cocaine, and heroine

seizures are all up by 40 percent since 1994. Drug-related arrests are up significantly. The extradition process has been strengthened. Major anticrime legislation dealing with money laundering and organized crime in Mexico have been passed and adopted into law.

I know many Members see the arrest of General Rebollo on ties to the Mexican drug cartels as an indication of systematic, systemwide failure on the part of the Mexican Government. If nothing else, the swift arrest of General Rebollo is a strong indication of President Zedillo's commitment to punish corruption and to ensure that no one else is seen as above the law.

The United States Government must continue to keep the pressure on and work with those elements of the Mexican Government that are on the side of change. But decertifying Mexico and cutting off the minimal assistance we do provide would be a major mistake.

We have made great strides with Mexico in the last several years, and we should not undermine that success with this vote. Decertifying Mexico will only hurt the Mexican economy, fuel nationalistic resentment, and set back United States-Mexican relations.

We have to be aware of the fact that it is the insatiable craving for drugs in this country that does as much to undermine Colombia and Mexico and others who have developed these huge narco-drug trafficking involvements. These folks are suffering far more than many Americans who we represent here on the House floor.

We have got to get our House in order. We have got to reduce our demand through every possible means, not just in terms of corrections and law enforcement, but in terms of helping people in this country through education and treatment.

Mr. Speaker, when we take those steps, then perhaps we will be in a better position to take an attitude of somewhat self-righteous criticism toward our friends to the south.

So I urge a no vote at this time on H.R. 58 and on the Hastert amendment.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS], a member of the Committee on the Judiciary.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, when I first came to the Congress during the Presidency of Ronald Reagan, that President faced a situation in which he needed to have our Congress commit an additional $10 billion to the International Monetary Fund.

You might say what does that have to do with the issue at hand? But it laid the background for this Member on how I finally cast my vote on the pending measure.

The President saw that many of us were reluctant to commit additional American dollars for an International Monetary Fund where we could not see immediate benefits or additions to the national security. But the President then, Ronald Reagan, at a meeting we had in the Oval Office, termed it and turned the question into one of foreign policy. He felt that support for the additional $10 billion was to support the President in a foreign policy initiative.

That was enough for many of us. We turned around and did support the infusion of new American dollars into the International Monetary Fund.

Faced with that same configuration here, at first my inclination was to support the President, because I termed it first in my own heart as a foreign policy question, should we not support the President in a foreign policy initiative? But that would mean I would have to overlook the statute, which is the organ at issue here. And in doing so, I would be, in trying to support the President, flaunting the congressional act which is at the core of this entire issue.

So, reluctantly here, I differentiated from a foreign policy question, and I simply term it as one of implementation of current law as we, the Members of Congress, fashioned it, and as we are bound to enforce it.

Mr. Speaker, with that background, I support the resolution at hand.

Mr. BECERRA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas, [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, we are here today engaged in a debate about whether the government of Mexico has fully complied in their efforts to cooperate with the United States of America in the war against drugs.

We seem to be putting a lot of emphasis on the word "fully." I want to ask the Members of this body, have we fully cooperated with ourselves? How many Members of this body have a drug testing program in their office? One, two. I have got mandatory, and the gentleman from Florida [Mr. SHAW] has one. That is 2 out of 435.

How many Members of this body have a full-time antidrug coordinator on their congressional staffs in their district and how many Members of this body have done everything possible in terms of education and outreach in their congressional districts?

I think we should first look at ourselves before we look south of the border. But let us look south of the border, and look at what happened just in the last year.

Is Mexico trying to do its part? In 1996, they eradicated 56,000 acres of marijuana production. How many did we eradicate in this country? In 1996, they eradicated 36,000 acres of poppy production. In 1996, they seized 24,000 kilograms of cocaine, they seized 363 kilograms of heroin, and they seized 1,006 of marijuana.

Let us look at extradition. There seems to be quite a bit of concern in the Congress about extradition. Before 1995, the Government of Mexico had never extradited anyone, nada, zero. In 1995, they extradited 5 non-Mexicans. In 1996, last year, 16, of which 2 were Mexican nationals. In the 2 months of this year, January and February, they have extradited six people.

We have pending 135 active requests for extradition, of which we classify 14 as priority. Eight of those are drug related, three are murder related, and two are violent crimes-related. Eleven of them are Mexican nationals, one is a United States citizen, and one is a Cuban. I feel very confident that throughout the legislative process this year, many of those people will be extradited once they have been apprehended in Mexico.

Let us look internally. In 1996, Mexico arrested within their borders 28 major drug kingpins. They made over 11,000 total arrests. Within their own law enforcement agencies they arrested, detained, or dismissed 1,200 of their 4,500 national antidrug force.

They have passed and changed their Constitution to have the first organized crime statutes on their books. That was not passed until October 1996. They changed their Constitution and changed their penal code to make money laundering illegal. That was done in the latter part of this year, begun in May 1996. They have decided they cannot totally cleanse their antidrug law enforcement agencies as they are, so they are starting from scratch to rebuild in totality. Overall, they spent $1.7 billion, which is double as a percent of their Federal budget what we spent on antidrug efforts.

Are they doing enough? No, they are not. Should we decertify them because they are not doing anything? No, we should not. Please vote against these resolutions.

The SPEAKER pro tempore. The Chair would advise Members that the gentleman from Florida [Mr. SHAW] has 18\1/2\ minutes remaining, the gentleman from Indiana [Mr. HAMILTON] has 7\1/4\ minutes remaining, and the gentleman from California [Mr. BECERRA] has 8\1/2\ minutes remaining.

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

Mr. Speaker, I would point out to the gentleman who just left the well that not one of those extraditions has been a Mexican national on a drug offense. That is the problem that we are facing.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, I rise in support of House Joint Resolution 58, a resolution to reverse the President's February 28 certification of Mexico as a nation fully cooperating with the United States in its war on drugs. The facts, unfortunately, show otherwise.

Mexico is the entry point of most of the drugs that are sold in the United

States. It is the transfer point of 70 percent of the cocaine and up to 80 percent of the marijuana brought into this country and sold on the streets of the United States.

However, this is not and should not be just a debate about Mexico and its failed war on drugs. Rather, unfortunately, this debate is underscoring the lack of leadership from our own administration in the war on drugs.

One of the President's first actions was to slash the budget of the drug czar. Then his Attorney General suggested we reduce mandatory minimum sentences for drug traffickers. But the icing on the cake if you will remember back was when one of the top leaders of his administration suggested legalizing marijuana.

□ 1345

It is ironic, I believe, that the President was claiming success in the war on drugs during his press conference certifying Mexico at the exact same time that the Partnership for a Drug-Free America was releasing a study showing that the domestic war on drugs is a total and utter failure.

Mr. Speaker, what are the results of this failed leadership? Well, let me tell my colleagues. The war on drugs was successful in the 1980's, and drug use went down steadily for 11 years prior to 1992. Since 1992, drug use by teenagers has risen 105 percent. The Partnership study released last week showed that in 1 year drug use doubled amongst teenagers, from 1995 to 1996, doubled amongst teenagers. We have now found, according to the Partnership, that 1 in 4 children nationwide was offered drugs in 1996.

Most of these drugs end up in the hands of children in our communities, in our home towns. But let me emphasize, this is not a debate on statistics, this is a debate on real lives, the lives of the children in our country today.

I believe very strongly that the sponsors of House Joint Resolution 58 are right on track. We need to make very clear to the Government of Mexico we are serious, but it must not stop there. If the administration in this country is not willing to take the leadership in fighting the war on drugs, this Congress will have to step up to the plate and exercise our leadership to make sure that the war on drugs is real and that the future of our children is saved for the generations to come.

Before I yield back I would note that the attorneys general of both Arizona and California, Attorney General Grant Woods and Attorney General Dan Lungren, have sent a letter to the President, of which we have obtained copies, underscoring their support for the effort to decertify Mexico and to take this very strong and clear stand today.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise today in support of the committee's resolution and against the Hastert amendment. I have to say that I come to this floor reluctantly. I regret that I and many other Members find themselves in the unfortunate position of having to support the decertification and waiver for Mexico as an ally in the drug war.

Over the last several weeks, Democrats and Republicans working together authored legislation that would decertify, but waive sanctions. I commend the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] for their hard work.

The bill also includes language requiring that the administration begin to consult and work with Congress in addressing the problem facing both of our countries with regard to drugs.

There are many who oppose this effort and I deeply respect their opinions. But I believe that under the law, we have to respond, and the response that I think has to be given is decertification, but waiver. I hope that in the days ahead we get a chance to consider changing the underlying law. I am uncomfortable with certifying or decertifying Colombia or Mexico or other countries, or our own efforts with regard to the war against drugs.

Unfortunately, the Republican leadership yesterday chose to allow an amendment to be offered that gratuitously attacks the President's actions to address the problem of drugs in this country. To me, this is simply an effort to gain partisan advantage from the fear that we all share about the impact of drugs in our country.

The war on drugs should not be a political football. Parents across America deserve to know that their leaders are working together to solve these problems. They want to be able to send their kids to school and to play with their friends free from the fear that drugs will be offered.

The question before us today is whether or not Mexico has fully cooperated to fight the war on drugs. This is not a question of motive. It is a question of fact. I deeply respect those who are valiantly fighting against the drug lords and cartels in Mexico. Many valiant police officers and prosecutors and government officials in Mexico are giving their lives and fighting on a daily basis to stop this problem. They must be honored in all that we do.

Mostly, we cannot validate the status quo. None of us can be satisfied with what we are doing, what America is doing, what Mexico is doing, what Colombia is doing, what we are all doing to fight this problem of drugs. It is an evil influence that is stalking our people. What we are doing is not working. Blame is everywhere.

I hope that if nothing else comes out of this debate and this action today, that in the days ahead we can find new ways and more effective ways of fighting this problem of drugs. If all we do today is place blame, we have failed again. If what comes out of today is renewed vigor and enthusiasm to fight this problem in Mexico and to fight it in the United States, then this will have been a day well spent.

I appreciate the efforts of the gentleman from California [Mr. BECERRA], my friend, and the other members of our caucus who have worked on this. I congratulate the ranking member, I congratulate the chairman, and I hope that we will come out of this today with a renewed sense of purpose to work together to solve the problem and to change the facts of today.

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

Mr. Speaker, I want to thank the minority leader [Mr. GEPHARDT], for his strong arguments in support of this legislation, and hopefully, by working together on both sides of the aisle, and on both sides of the border, we will find a better way to fight this war on drugs.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, it is important in the decertification process that we not only look toward the future but, indeed, that whole process has to look somewhat toward the past as well, not only on what Mexico has been doing but acknowledging in the Hastert amendment some things that we did not do. We cut back our interdiction funding, we cut back our source country funding, so we acknowledge that we have made some mistakes in our country, too.

But the evidence and the facts are staring us straight in the face. If indeed we are going to have a decertification process, if the drugs coming into our country increase, if up to 90 percent of the police forces in Tijuana and Baja California, are corrupt, so corrupt that we have pulled our DEA back; if we have questions about the top leadership of the country, I mean one of the things even that the administration passed out said that the defense department and the national police in Mexico cooperated more together last year. Yes, they moved a guy who was on the payroll of the cartel from the defense department over to the drug czar, and they cooperated in giving the information to the drug dealers.

I personally believe that President Zedillo and his top staff are committed to changing their Nation. He understands the terrorist threat of the narcotraffickers there. But we have to make this decision today based on the facts that are in front of us, and the facts that are in front of us say a 90-day delay is helpful, they have more time to do that; we are not putting the

sanctions in effect with the decertification in the Hastert amendment. I support that in the sense of giving them additional time.

When I met with President Zedillo, along with the gentleman from Illinois [Mr. HASTERT] and Senator COVERDELL, he expressed his concern about his son being approached by drug dealers in Mexico and what was happening to his country. I am concerned about my sons being approached at school as well. I am concerned about my daughter in college.

We cannot, in Fort Wayne, IN, or anywhere else in this country, we cannot get enough drug dogs, we cannot get enough prisons, we cannot do enough in prevention programs and treatment programs if the supply keeps pouring in the way it is. We have to work in partnership with our friends in the south. We need maritime agreements, we need DEA agreements, we need extradition agreements, and then they do not have to fear decertification.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the distinguished ranking member of his kindness, and I would like to thank the Committee on International Relations for its hard work, and certainly the chairman.

Mr. Speaker, I rose on the floor earlier to express my opposition to the rule because I believe there is much more opportunity for us to discuss what is really at issue, and that is the devastation of drugs in our community. I just had an opportunity to talk to a constituent, a banker in our community, and he spoke the truth: Find the money and you will find the drugs.

So I rise today to make this an issue about drugs and the abuse that is going on in our Nation. I want to see us discuss real laws dealing with money laundering. I want to see us have real legislation that helps to eradicate drugs in our community. The inner cities see young African-American men convicted 55 percent on drugs charges, most of them under 25 years old. I would like to see legislation that truly helps to eliminate the crossing over of drugs over the border into our inner cities and communities, eradicating the transfer of drugs that come from the border into my city and community. I would like to see the eradication of the viciousness and the travesty that it impacts on the lives of citizens.

I will vote for a drug czar proposal by General McCaffrey to be able to fight on two fronts, and that is to be able to fight the illegal utilization of moneys that help to create opportunities for drugs in our community, and to fight for hard-core, no-nonsense prevention and treatment with money that directly gets to the victims of drug abuse and not to the bureaucrats.

I will not vote, however, for drug bashing, and I will recognize that it is extremely important that this debate be turned around to make it a debate on how we can end the ravages of drugs in America. I hope we will turn to that.

With that in mind, maybe we will help solve the problem and begin real legislation that faces what I am concerned about, which is the loss of lives in our Nation.

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I think it is no secret that this Member came from the southern parts of San Diego County to this institution, in no little way to try to sensitize this institution in Washington, DC, to the extent and the massiveness of the problems along our frontier and the problems that we encounter, those of us that live along the border.

I find myself in a very, very interesting position here today, because I have to say quite frankly that I think that we are seeing this week Washington and Congress finally starting to talk about and realize the magnitude of the problem that lies across our border to the south, and along our border and the entire area that we call the Frontera.

I have to say to my colleagues that I find it hard to believe that this institution did not realize, and does not realize today, the magnitude of the quest and the challenge the people of the Republic of Mexico have faced for many years and face today in trying to liberate their country from the tyranny of drug traffickers. Their national sovereignty is being threatened not by a force from outside, but from within. I think for us to underestimate the magnitude of that impact and that challenge is really demeaning to both of us.

Mr. Speaker, let me point out, Mexico has done things to fight drug trafficking that we in the United States have not been brave enough to do. Mexico has not found it easier to put only half as many agents at the border as has been authorized by Congress. So I will say that about the administration. But I will also say this about the majority in Congress. Mexico has put troops at the border, not because they want armed troops at the border, but because they realize the problem is so big that they cannot find excuses not to do everything humanly possible.

So I would ask the administration, put the resources to cooperate with Mexico along the frontier, but I would also ask the majority, look at the bipartisan Traficant-Hunter bill and tell me, have we done everything, everything possible to be certified as being one who is willing to take on this battle and be able to judge Mexico?

Mr. Speaker, I ask that we do not judge those who are doing more than we have ever dreamed. Let us cooperate with them and move forward.

□ 1400

Mr. GILMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this resolution is certainly not intended to bash Mexico or to insult the Mexican people. Millions of Mexicans are in the cross hairs of the drug cartels, just as a number of our people are in the same situation. We stand together with those honest Mexican officials in facing the fact that their government is simply not doing enough to help us front the scourge of drugs on both sides of the border.

Mr. Speaker, I would like to point out that we have been doing something in our own Nation about drug use. When we fought the scourge on the supply as well as on the demand side simultaneously, we reduced monthly cocaine use by nearly 80 percent between 1985 and 1992. We reduced monthly cocaine users from 5.8 million in 1985 down to 1.3 in 1992, so the old argument that nothing works is not true, and that we must reduce demand is pure nonsense. It has to be fought on every level.

In a recent letter by the Mexican Ambassador, Silva Herzog, said to me in concluding his letter, "It is important to stress three basic points: First, Mexico and the United States have carried on with an intense agenda of cooperation against drug trafficking. It has been, despite political and external interests, an uninterrupted work at all levels of government. Second, to truly fight drug lords and drugs present on both sides of the border, we have to work effectively on both sides; third, regardless of any circumstances," he states that Mexico will continue to fight against drug trafficking.

We want to enhance that cooperation. What we are seeking is a more effective policy on both sides of the border.

Mr. Speaker, let me also take this opportunity to thank our courageous DEA agents who, day in and day out, fight the battle for future generations. We have lost a number of them in the drug battle.

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

Mr. BECERRA. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, even on its own terms I think the variants of this resolution are kind of silly.

As I understand it, what they say is we will decertify Mexico but we will immediately then waive the decertification so it will have no tangible effect. This is a new policy. It is called substituting insult for injury. We will not deny anything substantive to Mexico, we will just call them some names.

People seem to think somehow that this will help. I do not understand how they think it will. It may help some people politically. It clearly will not help promote cooperation with Mexico.

What it says is, we will decertify you and immediately thereafter make sure the decertification has no effect except to hurt your feelings and make you angry. We spent all last week congratulating, this is our first step on the way to legislate, and as of now I would say that my colleagues seem to be better congratulators rather than legislators because I do not understand what this does, except make it worse.

Second, it is fundamentally flawed. The notion, and my friends have forgotten, particularly on the other side, what they, I thought, knew about a free market. The notion that in a free society, where tens of millions of people come and go on a regular basis monthly, where goods come and go, the notion that you can physically keep something in great demand out as your main strategy is seriously flawed.

The resolution that came from the Republican leadership denounces drug treatment, untested drug treatment, and says we should rely instead on physical interdiction. That has it absolutely backward. The notion that this country points the fingers of blame and objects to others because they meet an unfortunate high demand in this country absolves us of responsibility, plays political games. It does nothing to really advance the problem.

What we ought to do is to allow the President to go forward, change our legislation, and focus our resources on the kind of efforts within our own country, which is the only place we can deal with this problem.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Florida [Mr. SHAW], the main sponsor of this provision.

Mr. SHAW. Mr. Speaker, I want to congratulate the chairman and the gentleman from Indiana [Mr. LEE HAMILTON], and I want to congratulate both the Democratic ranking member and the chairman for working so hard to bring this legislation forward and in doing it in such a bipartisan manner. I hope the spirit of that bipartisanship continues through the amendment process and that we get a good, unified vote out of here. I will have more to say about the amendment when my turn comes to do so.

Mr. Speaker, much has been said about the certification process itself on the House floor. Let us turn our attention just a moment to whether or not this is really interfering within the internal affairs of Mexico. The question has been made, why would we insult them, why would we embarrass them? Let us look at some of the things we use to judge our foreign policy toward other countries and what we look at in determining what our foreign policy is to be.

Every year we go through a debate on the human rights in China, and the human rights and the way people treat their own citizens is always a consideration in our own foreign policy. We even look at the economic system that other countries have. We look at how they vote in the United Nations. We look at what their trade laws are, whether they protect our copyrights, their banking laws. We look at all of these things. We even look at the way they treat dolphins in deciding what our foreign policy and trade law is going to be with other countries.

Surely we can also judge them as to how they treat our kids, how they treat our drug laws, how they assist us in a problem that is tearing the fabric out of America today.

We have long worried about hostile countries throughout the world and the weapons of giant destruction they have. We go in and take out and bomb plants that have the ability to create and build weapons of great destruction. Surely we can enforce our own laws.

We are talking about has Mexico fully cooperated. Fully cooperated. The answer under any measure, as the gentleman said in his opening statement, is of course not; they have not fully cooperated. In fact, it could be argued whether they have hardly cooperated.

Let me run down a few items that I think must be placed on the table and must be considered by this body when we go to our vote today on decertification. Well over 50 percent of the illegal drugs coming into the country today come in through Mexico. They supply 20 to 30 percent of the heroin in the United States. Eighty percent of the foreign-grown marijuana comes in from Mexico, and they supply it.

The corruption in Mexico and their law enforcement is monumental. A nation with between $10 and $30 billion in an annual drug trade, this is Mexico we are talking about. Almost half a billion dollars a year is spent in bribes, and they have failed to extradite one single Mexican national on a drug offense.

Mr. Speaker, surely we should not tiptoe around and worry about offending them. I want every Member of this body this afternoon, when they come down to vote, to think about looking in the eyes of their children, their grandchildren, the innercity kids, the kids whose future is being destroyed, look at those who are struggling to get out of welfare today. Over 1 million of them are going to need drug rehabilitation before we can even find jobs for them. Think of all the people who are flunking drug tests and cannot be hired today because of policies that corporations have. Then look and see where these drugs are coming from.

For a moment, dream with me about a drug-free America. Should this not be the No. 1 issue on our foreign policy today? The gentleman from New York [Mr. RANGEL] talked about it a few moments ago. There was a question of where does it stand on the priority list of our State Department. I am not talking about just the Clinton administration, I am talking about previous administrations, too.

It should be No. 1. It should be No. 1. There should not be one single issue that should rise above the question of the drug problem here in the United States. That is where we are going to lose our country. That is where we are going to lose our future if we do not get serious about it.

This is a small step. The gentleman from Massachusetts [Mr. FRANK] said this is only an insult. Let us begin with an insult. But we have to bring about the reality of what is going on, what is going on in the world today. We have a certification process. Let us use it. Let us go forward. Let us continue this bipartisan effort that we have to pass this most important piece of legislation.

Mr. HAMILTON. Mr. Speaker, I yield the balance of my time on general debate to the distinguished gentleman from Wisconsin [Mr. OBEY]

The SPEAKER pro tempore [Mr. CHAMBLISS]. The gentleman from Wisconsin [Mr. OBEY] is recognized for 1\1/4\ minutes.

Mr. OBEY. Mr. Speaker, I do not agree with the administration policy on Mexico. I certainly do not agree with their policy on NAFTA. But I am going to support the committee proposition because I think this entire process is ridiculous.

Under the certification process, what happens is that the Congress requires the President to certify that the world is perfect and the conduct of other people in the world is perfect. Then when he has to do that to further the interests of American foreign policy, the Congress as an institution then poses for political holy pictures because he has to do it when we put him in a box and virtually require him to do it in the first place.

It seems to me the question is not whether Mexico has cooperated. Of course they have not, certainly not to the degree we would like to see them cooperate. But the question is whether or not we will take an action which will make it more difficult to obtain the goal we want with respect to drug control, because we give additional arguments to those in the struggle against drugs who are not our friends.

That is the issue. The issue is simply what action can be taken by the Congress today which will produce the best results for our kids and for our country. I submit that that action is to stick with the committee, not to get into other political arguments. So I would strongly urge that we support the committee's position.

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

Let me begin by first thanking the chairman of the Committee on International Relations and also the ranking member for having yielded me time for this debate.

Mr. Speaker, let me also take a moment to give appreciation to all those who have risen today and spoken against the political Goliath that is decertification. Let me begin by saying that our goal, I hope our goal here, is to keep the drugs off of the streets and out of the homes of America. Decertifying Mexico, however, dampens our cooperation with Mexico, and I fear will do just the opposite of keeping those drugs out of those homes and off of those streets.

Let me call Members' attention to some statistics and some studies. Almost 13 million Americans today use illicit drugs, and they spend, by most estimates, somewhere between $50 billion to perhaps as much as $150 billion to satisfy that desire.

According to a 1994 Rand Corp. study, if we want to reduce the consumption of drugs, we are going to have to spend a ton of money, but for every $1 million we spend on trying to reduce the demand on our side, drug rehabilitation, trying to keep kids off of drugs to begin with, to do the same amount of work we do with keeping the demand down, we have to spend $23 million to try to stop or help do the eradication in some of the foreign countries that are producing the drugs in the first place; $1 million to try to curtail the demand, $23 million to try to do the eradication.

If Members think that is bad, how much do they think it costs to eradicate, as opposed to trying to reduce the demand? For every $1 million you spend to reduce the demand domestically, you have to spend $11 million to try to interdict those same drugs that otherwise would be used.

Certainly it is more cost-effective for us to try to reduce the demand, make sure they never hit the streets, those drugs never hit the streets, and that we do the best job we can to rehabilitate those who are using drugs.

Third, a former DEA official has been quoted to say that the average drug organization can afford to lose between 70 to 80 percent of its product and still be profitable. With that type of losses being sustainable, it is going to take a lot to stop someone from producing and shipping drugs into this country. When you can lose fully 70 to 80 percent of your product and still come out ahead, you know there is going to be a big supply.

□ 1415

Well, what helps make that supply so efficient? There are estimates that somewhere between $10 billion, or 60 percent, of the annual proceeds that drug cartels receive is placed by them into corruption financing, buying off elected officials, buying off law enforcement, buying off business people to help them launder the money, $6 billion available to drug cartels just to buy people off. Is it any wonder that on both sides of our border and not just the United States-Mexican border but the United States-Canadian border, we find that there are so many people willing to help allow these drugs to flow into our borders.

Mr. Speaker, I think the problem is one that goes beyond the issue of who is right, who is wrong, who is helped, who is not helped. Let me talk for a moment about the issue of cooperation. I know many folks have cited already some of the work that has been done by the Mexican Government and of course our own Government to try to stop the flow of drugs. But I should note for the record that, since President Zedillo took office in 1995, the Attorney General from Mexico has dismissed more than 1,250 Federal law enforcement officers and technical personnel for corruption or incompetence and placed those individuals' names on a national register to ensure that they would not be rehired by any other agency.

Further, Mexico has eradicated per year more hectares that have marijuana than any other country in the hemisphere. Those are all statistics that point out that cooperation is necessary, not attacks. If we go the route of cooperation, what we will find is that we will be able to do a better job of interdicting the drugs that come into our country.

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

As I prepare to conclude our arguments, I would like to note some thoughts expressed by an experienced drug fighter, DEA Deputy Administrator Stephen Green, who recently stated that the Mexican nationalism is no excuse for its failure to stop drugs and went on to say, I always question the argument that United States law enforcement is infringing on Mexican nationalism and that they do not need United States help. He went on to say, if that is the case, they should do what they say they are capable of doing.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

I would like to begin by expressing my appreciation to the committee of jurisdiction, the gentleman from New York, chairman of the committee, and our distinguished colleague from Indiana [Mr. HAMILTON], who recently disappointed us all with his announcement that he may soon retire from this body.

Mr. Speaker, I understand how difficult it was for the committee to deal with this issue. There are a great many facets of this action that deserve consideration, and there are many troubling things, not the least of which is the point made just a few minutes ago by the gentleman from Wisconsin that perhaps the whole process of certification is a process we might want to reexamine.

But we really have to address things where we are. As we do that, we have to have a really sharp focus about what is it really about. We are concerned about the political stability of Mexico, and we are concerned about the economic prosperity of Mexico. And I think I can say that this Congress, this body has on many, many occasions expressed their concern on both those points with concrete actions. We want for the people of Mexico everything we want for the people of the United States in political stability and economic well-being.

So the possibility that an action that we take on this floor might impair either of these two goals for the people of Mexico is a possibility that weighs heavily on our hearts as we bring a resolution to the floor. But that, Mr. Speaker, is not what this resolution is about. This resolution is about whether or not this Congress will put its stamp of approval on a certification of an effort by the Government of Mexico to control the flow of drugs through their nation and into our Nation.

We are concerned with our focus here about the adequacy of our own Government's effort to control drug usage in this country, and there have been many statements in this debate about the inadequacy of that effort. I do not have to recite chapter and verse. So the essential question is, is this Congress going to demonstrate a resolve to save not only our children but the children of Mexico as well from what can only be described as the horrors of drug usage and drug trafficking, the attendance crime, the attendance violence, the personal and critical danger that each child faces if they are lured into this trap of drug usage or drug trafficking? Can we demonstrate a resolve to the children of this Nation and the children of our friends and neighbors south of the border by doing anything less than saying with this resolution that this Congress believes too much about the importance of these children, cares too much about the outcome in their lives, demands too much in the effort that would be made by any government in the interest of protecting these children to allow a certification by a government that has failed in its own responsibilities on behalf of another government that, too, has not fulfilled all its responsibilities for those very same precious children in both countries?

That is what it is about, Mr. Speaker. That is what it is about. It is not about this Congress' duty to this Government. It is not about this Congress'

duty to the Mexican Government. It is not about this Congress' duty to things that are real and yet somewhat abstract in the lives of real people in their ordinary business of life called political stability and economic growth. It is about the safety, security, happiness of the children of both countries, and the sacred moral obligation of all governments, all places to protect the children from harm, violence, moral decay, and personal tragedy.

We must stand in support of both the Hastert amendment and the resolution brought by this committee because the children are precious, and the children is why we address this issue; in doing so, do so in all respect and a wish of Godspeed for the prosperity of the Mexican people and a tranquil stability in the politics of our friends to the south as well as a resolve to fulfill our responsibility in this Congress and this government for all these children.

Mr. GILMAN. Mr. Speaker, I thank the distinguished majority leader for his supporting arguments of our proposal, and I yield back the balance of my time.

Mr. PASCRELL. Mr. Speaker, I supported House Joint Resolution 58 today to decertify Mexico as fully cooperating in the war on drugs. There are few threats to the health and welfare of our country more dangerous than the flood of illegal drugs which is inundating our borders. President Clinton was correct when he decertified Colombia as a fully cooperating partner in the international war on drugs, but his certification of Mexico's efforts is completely unjustified.

My constituents and all Americans face a very grave danger from illegal drugs from Mexico. Let's examine just a few of the facts. In each of the last 4 years Mexico has been certified as fully cooperating in the war on drugs. But, in 1993, 50 percent of all the cocaine entering the United States came from Mexico. During this period of fully cooperating, the amount of cocaine entering the United States from Mexico increased by 40 percent. Today, Mexico is the source of 70 percent of all of the cocaine entering the United States. I do not understand how any thinking person can characterize this as fully cooperating.

There are many examples of the corruption within Mexico's law enforcement agencies, but the two most recent examples, which occurred in the days just before the State Department certified Mexico's cooperation, are nothing short of outrageous. Gen. Jesus Gutierrez Rebollo, the top official in Mexico's counternarcotics program was arrested last month because of his close association with one of that country's most notorious drug lords. How can this happen? The man who was commanding Mexico's war on drugs is an associate of a drug lord? Unbelievable.

Or, take the example of Humberto Garcia Abrego, the brother of the head of the Gulf Cartel. He was arrested on a money-laundering charge, released by a local court because it was an illegal arrest, taken into custody again on another court order, and then he simply walked out of the National Institute for Combating Drugs. The explanation from the Mexican Government was that Abrego "left * * * before the investigation was completed. These are examples of Mexican behavior during a period of heightened sensitivity toward the impending certification deadline.

This level of cooperation is unacceptable and must not be tolerated. Certification of Mexico at this time will only send the message that the United States is more than willing to give a wink and nod to Mexico's corruption and inadequate law enforcement. If our war on drugs is going to succeed, we must vigorously enforce our policies and hold Mexico accountable for its clear lack of cooperation in our efforts.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak on the final passage of House Joint Resolution 58, the decertification of Mexico. This is not a Democratic problem or a Republican problem, this is indeed an American problem. I do not think we need a resolution passed by the House castigating the administration's drug policy. My colleagues, this problem should be solved in a more constructive manner. I propose that we pass a sense of Congress resolution that does not attack the President of the United States but that is critical of Mexico. In the case of Mexico, it is generally estimated that the illegal drug trade generates $30 billion per year and the U.S. Treasury estimates that Mexican financial institutions launder in the neighborhood of $10 billion per year. It is true that at least four-fifths of all the illicit drugs consumed in the United States are of foreign origin, including all the cocaine and heroin. It is also true that most of the cocaine is produced and transported through Mexico. However, the real problem is not what is going on in Mexico, but what is going on with the drug trade in America, and in my own 18th Congressional District of Houston. In 1994, 47 percent of all drug arrestees nationwide were in the city of Houston. We must combat the drug problem at home and we must impress upon our Mexican neighbors that if they want to continue a good working relationship with the United States, then they must improve their enforcement of the drug trafficking into the United States. However, decertification in this case might not be the best answer. Mr. Speaker, I am calling for a sense of the Congress resolution that would compel Mexico to cooperate with the United States when it comes to extradition of major drug traffickers, cutting down on organized crime, and arresting and convicting Mexican drug lords. There are other and more constructive ways the Congress can act in this matter, but decertification right now might not be the way to go. Cutting the source of money through tougher money laundering laws, however should be one of our major considerations.

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in support of the administration's decision to certify Mexico. If we are serious abut combating money laundering and drug trafficking, we must help Mexico and keep them as our ally. They should not be expected to fight this war alone.

Money laundering and narcotic trafficking are a global epidemic—not just Mexico's. The Mexican Government—itself—recognizes these activities as the principal security risk to that nation. It is up to us to help Mexico constructively, instead of slamming the door on a strong and close friend.

My colleagues, if we do not support the administration, we will be sending the wrong message to the Government of Mexico. We should make it clear to our neighbor that we truly intend to fight this war together. I urge all of you to support the administration's Mexico certification decision and to oppose this resolution.

Mr. BONILLA. Mr. Speaker, the legislation to decertify Mexico, reflects the failed practice of legislating foreign policy. My friends, history has clearly demonstrated that doesn't work. This Congress has no authority over foreign nations and our efforts to legislate another country's actions will either be ignored or fan the flames of anti-Americanism.

The fact is that the normal diplomatic process provides the tried and true means to voice our concerns. Traditional actions such as withdrawing our Ambassador, limiting or stopping cooperation, opposing loan requests and a variety of other measures that impact the day-to-day relations between nations are by far the most effective means of forcing other nations to consider our concerns.

What we really should be voting on today is scraping the entire failed certification process. Policies, like decertification, which are waived once they are implemented only serve to increase contempt, while lessening respect, for American power. Decertification has not stopped the flow a single dollar's worth of drugs from Colombia and decertification of Mexico will prove no more effective. I represent well over 600 miles of our border with Mexico. I know first hand that our current domestic policies are not working. Too many of my constituents are living in fear of the drug smugglers. This must stop.

Our Government needs to take substantive action to get more cooperation from Mexico. Further statements, such as decertification, promise only to deliver further failures in the war on drugs while possibly threatening the stability of the Mexican economy leading to increasing illegal immigration. My colleagues, please join me in rolling up your sleeves and do the hard work of stopping the flow of drugs rather than continuing the business-as-usual decertification approach of empty promises.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of House Joint Resolution 58, and the Hastert amendment. The President failed to exercise good judgement when, on February 28, he certified Mexico as a fully cooperating ally in the war against drugs. Some 30 percent of the heroin, 70 percent of the marijuana, and 60 percent of the cocaine imported into the United States originates in or is shipped through Mexico.

That fact alone demonstrates that the brave men and women of Mexico and Latin America who are our allies in the war against drugs face tremendous odds. They face corruption in their governments. The evil influence of drug kingpins threatens their lives, livelihoods, and families day after day. We should recognize the very real and personal sacrifices they make to fight an enemy who, by every measure, is stronger, richer, and more brutal than they are. All of us salute those allies south of the border who fight individual wars against illegal drugs not because the financial and professional rewards are great, but because they

believe it is right. Though they are not Americans, they are fighting on behalf of our children, our families, and our country. We owe them a debt of gratitude.

These allies in the war against drugs simply do not get the support they need from north of the border.

The enormous global enterprise that is the illegal drug trade simply would not exist if there was not an available and willing American market to purchase its deadly product. If there was no domestic demand for illegal drugs, if illegal drug abuse was seen by all of us socially unacceptable, these international drug kingpins and their ill-gotten wealth would vanish.

Unfortunately, there is a domestic market for illegal drugs. It is our young people.

Among 12- to 17-year-olds, since 1992:

Marijuana use has doubled. More importantly for our children, today's marijuana is far more potent than the drug abused in the 1960's.

LSD use has climbed to record highs.

And the number of young people who have used any illegal drug has risen an appalling 78 percent.

Furthermore, while teen drug abuse has climbed the past 4 years, leadership in Washington has been pulling in different directions. A parent whose child has lost a life to drugs does not care which politicians bicker for partisan advantage. They want to know what has been done, and what needs to be done.

What kind of leadership has President Clinton exercised in the war against drugs?

In 1992, an MTV interviewer asked Bill Clinton whether he would "inhale" given the chance to "do it over again." Of course, we're talking about inhaling a marijuana joint. Bill Clinton's reply: "Sure, if I could. I tried before."

President Clinton slashed the drug czar's office 83 percent.

When President Clinton had a Democratic Congress, they cut Safe and Drug Free Schools, by $111 million in fiscal year 1994, and by an additional $21 million in 1995. Meanwhile, lack of oversight at the Department of Education gave over the program to waste and fraud. Safe and Drug Free Schools money was spent in Michigan on giant plastic teeth and toothbrushes, on the idea that kids who brush don't abuse drugs. In Fairfax County, it was spent on a $176,000 staff retreat, on Funds for Lumber for a step aerobics class, and on a field trip to Deep Run Lodge.

The President's negotiating team, seeking to expand antidrug activities in Mexico just days before the President's 1997 certification was due, came away from those negotiations emptyhanded—and then recommended recertification of Mexico as an ally in the war on drugs.

The President's National Security Council placed the war on drugs as its 29th priority out of 29—dead last on its list of national security priorities.

Faced with these facts, Lee Brown, the President's drug policy director, wrote in 1995 about a "troubling" decline in drug prosecutions. And a senior Democratic Congressman, CHARLIE RANGEL, who is very active on the drug issue, said "I have never, never, never seen a President who cares less about this issue."

Despite the ambiguous message from the White House, Congress has taken decisive action in the war against drugs.

We have provided level funding for the Safe and Drug Free Schools Program, while fighting fraud and abuse. No cuts.

We increased the drug czar's office, the DEA budget, Coast Guard antidrug operations, the State Department's international narcotics control program, the Southwest Border States Anti-drug Information System, and several other programs like military drug interdiction over the President's request.

We are taking action against crystal meth, which is a major problem in California and the Southwest, and against trafficking of so-called roofies, otherwise known as the date-rape drug.

Without a doubt, more must be done. The Border Patrol and the Customs Service should be provided additional resources, beyond the essentially status-quo levels in the President's budget, to fight illegal drugs at the border and at our ports of entry to combat the supply of illegal drugs. And domestic demand for illegal drugs can be reduced through more stringent law enforcement, random drug testing campaigns, and a relentless campaign of public education. No one will help our children better than those closest to them—their parents, pastors, neighbors, teachers, local police, and community leaders. When we all publicly agree that drugs kill, and that their use will not be tolerated, and repeat that message with clarity over and over and over again, only then will we make headway in the war on drugs.

We cannot win the war on drugs with the Keystone Kops. The unsung heroes who are fighting drugs every day, in Mexico and across Latin America, and in homes and schools across the United States, demand a vote of confidence in their work. Let us take up their battle and fight to win.

I am attaching two articles that Members may find of interest. The first outlines the Clinton administration's complete failure to properly advance the war on drugs in Latin America. The second is an op-ed I wrote last fall, making a call to arms against illegal drug abuse.

[From the San Diego Union-Tribune, Mar. 12, 1997]

U.S. FAILED TO GET MEXICO TO RESHAPE WAR ON DRUGS

(By Marcus Stern)

WASHINGTON—Eight days before President Clinton's Feb. 28 decision to give Mexico's anti-drug program his seal of approval, U.S. Attorney General Janet Reno issued a tongue-lashing to Mexico Foreign Minister Jose Angel Gurria.

The icy rebuke delivered in her stately conference room and Gurria's angry reaction to it set a confrontational tone for the next eight days as U.S. officials tried—and ultimately failed—to wring meaningful concessions from Mexico to reshape the fight against drugs.

Mexico's refusal to grant immediate concessions could influence a House vote expected this week to try to overturn Clinton's controversial decision to label Mexico a cooperative partner in the war on drugs.

Throughout the week leading up to Clinton's decision, Reno and other U.S. officials aggressively pushed Mexico on numerous nettlesome issues, such as a broader extradition policy and permission for U.S. antidrug agents to carry guns in Mexico.

But, even though they came away emptyhanded at the end of the week, senior Clinton administration officials nonetheless walked into the Cabinet Room of the White House on Feb. 28 and urged the president to certify Mexico. Those who were troubled by continuing signs of corruption in Mexico, including Reno, nonetheless concluded that certification was the only realistic political option.

"Some people thought it was the right thing to do," said one of those in attendance, "and some people thought it was the only choice."

But many members of Congress are rejecting the administration's view that yanking Mexico's certification could jeopardize its economic recovery, undermine President Ernesto Zedillo's political standing and lead to less cooperation.

With sentiment running heavily against the president, the House is expected to vote this week on whether to overturn Clinton's decision, and the full Senate is expected to consider similar legislation as soon as next week.

Clinton administration officials insist that no effort was made to pressure Mexico into concessions in exchange for certification. However, the discussions have been shrouded in secrecy and confusion. Conflicting and ambiguous statements have been issued by both sides about what transpired between the two countries during the days leading up to the president's decision.

Unofficial accounts of the flurry of diplomatic exchanges suggest that concerted efforts were made to win concessions from Mexico during that period. However, the tone of the exchanges became marked by confrontation rather than conciliation, and by the end of the week there were no signals coming from Mexican officials that they were ready to consider clear concessions.

The U.S. push for them began when Foreign Minister Gurria landed in Washington on Feb. 20 for two days of talks with administration officials.

It was his first visit since U.S. officials had been stunned by news that Gen. Jesus Gutierrez Rebollo, the newly installed coordinator of Mexico's anti-drug program, had been arrested after allegations that he had maintained a long association with one of Mexico's most power drug cartel leaders.

After making a stop at the State Department, Gurria headed to the Justice Department for a 45-minute meeting with Reno, who would play the role of the bad cop during the U.S. negotiations with Gurria that week.

"It was not a pleasant meeting," said a senior Mexican official. "The attorney general was very tough. She said they were very upset about the whole incident of Gutierrez Rebollo. She said it turned the whole question of certification upside down."

Reno raised a range of issues on which quick progress was needed.

"We clearly understood them as requirements the U.S. administration felt it needed either to certify or to justify a decision to certify," the Mexican official said. "We knew there was a lot of infighting within the administration and without some of these issues being resolved it was going to be very difficult for them to certify us."

The next morning, Gurria met Clinton's drug czar, Gen. Barry McCaffrey.

"The tone was the same," said a White House official. "Gen. McCaffrey expressed

how extremely distraught he was with what happened with Gutierrez Rebollo. He told Gurria we face a problem with Congress and that progress in some areas would be extremely helpful."

Gurria flew back to Mexico City and during the days ahead he publicly warned the Clinton administration that anything less than full certification would "make us doubt whether cooperating with the United States would bring anything other than a lot of grief."

The tough rhetoric was partly a precaution to avoid public impressions in Mexico that he was yielding to demands from Washington, but it was also a genuine statement of his pique with the pressure from U.S. officials, said officials close to Gurria.

"I don't think he was happy with the way things were being played out," said a senior Mexican official. "All of his statements in Mexico City are a clear indication of that."

At one point during the week, Gurria reportedly called Reno and gave her an unusually blunt piece of his mind over the pressure being applied.

The night before Clinton was to announce his decision on whether he would certify Mexico, there were still no signs from Mexican officials that they intended to act on the points raised by Reno, McCaffrey and others. Officials in Mexico City remained in the dark about whether Mexico would be certified the next day.

Shortly after noon Feb. 28, a group of senior officials filed into the White House Cabinet Room, where they soon were joined by the president. Among those in the room were Reno, McCaffrey, Treasury Secretary Robert Rubin and Secretary of State Madeleine Albright. She would make the official recommendation to the president.

Despite the failure to conclude any concrete agreements with Mexico during the previous eight days, the president accepted Albright's recommendation that he certify.

[From the San Diego Union-Tribune, Sept. 24, 1996]

A CALL TO ARMS AGAINST YOUTH DRUG ABUSE

(By Randy "Duke" Cunningham)

America's young people are in danger.

Alarming new statistics show drug use skyrocketing among teen-agers. Drugs have invaded our classrooms, our homes and our communities. They have destroyed promising young lives, torn families apart and crushed hope. We can continue to go down this destructive path, or we can act now to save our children's future.

Illustrating the depth of this crisis are reports from the Department of Health and Human Services that show overall drug use among 12- to 17-year-olds has increased an appalling 78 percent from 1992 to 1995. Among 14- and 15-year-olds, marijuana use has jumped 200 percent. Use of LSD and other hallucinogens has nearly tripled among young people during the same time.

In 1994, emergency-room reports of cocaine-related episodes were at their highest level over. And emergency room reports for methamphetamine ("meth"), a powerful and deadly drug widely popular among teens in San Diego and the western United States, are up a whopping 308 percent.

These are not mere statistics. Behind every number is a young person whose life has taken a dangerous turn. We must take this crisis seriously. We must strengthen America's families by having a real war on drugs at our borders, in our communities, schools and homes. We can win this war, but only with a serious commitment from everyone—parents, teachers, clergy, local police, entertainers, the media, Congress and the president of the United States.

We cannot, however, win this war with the current cavalier attitude toward illicit drug use. It has sent a powerful and dangerous message to America's children that drugs are OK. We don't need parents or society saying drugs are just a passing fancy that we all go through. We don't need the entertainment industry to falsely romanticize drugs in movies or TV shows. And we don't need President Clinton to maintain the attitude of candidate Clinton, who told teens on MTV that he would inhale if he had the chance to do it again.

What we need from our policy leaders and law enforcement is a real war on drugs. We must get tough on drug dealers, fully fund the war on drugs, and stop drugs at the border. We must reverse the Clinton record: 80 percent cuts in the Office of National Drug Control Policy staff, fewer drug-enforcement agents, reduced drug-interdiction efforts, declining drug prosecutions, reduced mandatory-minimum sentences for drug trafficking and "soft on crime" liberal judges.

Congress has already begun to revitalize the drug war by pumping $7.1 billion into anti-drug programs. We are going right to the source, focusing our efforts on countries where drugs originate. And to help halt the flow of drugs into America, our immigration-reform bill doubles our Border Patrol over the next five years. We also passed a law that stops activist federal judges from ordering the early release of violent criminals and drug traffickers. Those who would peddle destruction on our children must pay dearly.

To give states the resources and flexibility to crack down to juvenile drug use and violent crime, I introduced the Juvenile Crime Prevention Act. It established mandatory-minimum prison sentences for juveniles who use firearms during drug-trafficking offenses.

And the bill gives states the tools they need to hold youth accountable for their actions before they become serious, violent criminals. We recognize that if we turn troubled young persons around, we give them another chance at the American Dream.

Crucial to winning the war on drugs and education and community campaigns. So on Thursday, my House Subcommittee on Early Childhood, Youth and Families will team up with Government Reform Oversight to send a strong message to Americans: Drugs kill. We will hear from health and community experts on what can be done to reverse the drug crisis. And we will also examine ways to marshal community leadership and resources to start local anti-drug coalitions.

Finally, I believe we must revive in word and deed the simple phrase, "Just Say No," coined by Nancy Reagan in the 1980s. While cynical elites once joked about its effectiveness, I believe it played a significant role in reducing drug use.

Many successful community-based initiatives were modeled on this campaign. It helped establish the mind-set among America's teens that zero tolerance for drugs was "cool," an attitude that is in jeopardy today.

While Washington sets a standard and provides resources to fight the drug war, no one can help our children better than those closest to them—parents, teachers, local law enforcement and community leaders. We cannot fail our children by dismissing drug use with a wink and a nod, ignoring it, or slashing funds to fight it. We must meet the challenge head-on. We must let our children know that drugs kill, and their use will not be tolerated. Only then will we be victorious.

The SPEAKER pro tempore (Mr. CHAMBLISS). All time for debate has expired.

Pursuant to House Resolution 95, the joint resolution is considered read for amendment.

The text of House Joint Resolution 58 is as follows:

H.J. RES. 58

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to subsection (d) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), the Congress disapproves the determination of the President with respect to Mexico for fiscal year 1997 that is contained in the certification (transmittal No. 97–18) submitted to the Congress by the President under subsection (b) of that section on February 28, 1997.

The Clerk will designate the committee amendment printed in the joint resolution.

The text of the committee amendment in the nature of a substitute is as follows:

Strike out all after the enacting clause and insert:

H.J. RES. 58*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. DISAPPROVAL OF DETERMINATION OF PRESIDENT REGARDING MEXICO.

Pursuant to subsection (d) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), Congress disapproves the determination of the President with respect to Mexico for fiscal year 1997 that is contained in the certification (transmittal No. 97–18) submitted to Congress by the President under subsection (b) of that section on February 28, 1997.

SEC 2. WAIVER OF REQUIREMENT TO WITHHOLD ASSISTANCE FOR MEXICO.

(a) WAIVER.—Notwithstanding subsections (e) and (f) of section 490 of the Foreign Assistance Act of 1961, the requirement to withhold United States assistance and to vote against multilateral development bank assistance contained in such subsection (e) shall not apply with respect to Mexico until March 1, 1998, if at any time after the date of the enactment of this joint resolution, the President submits to Congress a determination and certification described in subsection (b) of this section.

(b) DETERMINATION AND CERTIFICATION.—A determination and certification described in this subsection is a determination and certification consistent with section 490(b)(1)(B) of the Foreign Assistance Act of 1961 that the vital national interests of the United States require that the assistance withheld pursuant to section 490(e)(1) of such Act be provided for Mexico and that the United States not vote against multilateral development bank assistance for Mexico pursuant to section 490(e)(2) of such Act.

SEC. 3. RULE OF CONSTRUCTION.

For purposes of section 490(d) of the Foreign Assistance Act of 1961, this joint resolution shall be deemed to have been enacted within 30 calendar days after February 28, 1997.

SEC. 4. CONSULTATIONS WITH THE CONGRESS.

(a) CONSULTATIONS.—The President shall consult with the Congress on the status of

counter-narcotics cooperation between the United States and each major illicit drug producing country or major drug-transit country.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of the consultations under subsection (a) shall be to facilitate improved discussion and understanding between the Congress and the President on United States counter-narcotics goals and objectives with regard to the countries described in subsection (a), including the strategy for achieving such goals and objectives.

(2) REGULAR AND SPECIAL CONSULTATIONS.—In order to carry out paragraph (1), the President (or senior officials designated by the President who are responsible for international narcotics programs and policies) shall meet with Members of Congress—

(A) on a quarterly basis for discussions and consultations; and

(B) whenever time-sensitive issues arise.

The SPEAKER pro tempore. It is now in order to consider the further amendment specified in House Report 105–20, as modified by the order of the House of today.

AMENDMENT, AS MODIFIED, OFFERED BY MR. HASTERT

Mr. HASTERT. Mr. Speaker, I offer an amendment, as modified.

The SPEAKER pro tempore. The Clerk will designate the amendment, as modified.

The text of amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. HASTERT:

Page 2, after line 7, insert the following:

SECTION 1. CONGRESSIONAL FINDINGS; DECLARATION OF POLICY.

(a) GENERAL FINDINGS.—The Congress finds the following:

(1) International drug traffickers, aided by individuals in the United States and across the Western Hemisphere who sell and distribute deadly drugs, pose the largest threat to Americans since the end of the Cold War.

(2) The United States is faced with a supply of drugs that is cheaper, more potent, and more available than at any time in our history.

(3) The drug cartels are becoming wealthier, bolder, and closer to the United States, and their corruption of officials is beginning to reach inside the United States.

(4)(A) No single action is a sufficient response to the threat posed to our society by illegal drugs.

(B) The goal of the United States is to save our children by eliminating the illegal drug trade.

(C) The United States Government must set forth a comprehensive strategy that dedicates the resources necessary to decisively win the war on drugs.

(b) THREAT DRUGS POSE TO OUR CHILDREN.—The Congress further finds the following:

(1)(A) Casual teenage drug use trends have suffered a marked reversal over the past 5 years. Casual teenage drug use has dramatically increased for virtually every childhood age group and for virtually every illicit drug, including heroin, crack, cocaine hydrochloride, lysergic acid diethylamide (LSD), non-LSD hallucinogens, methamphetamine, inhalants, stimulants, and marijuana (often laced with phencyclidine (PCP) and cocaine).

(B) Specifically, illicit drug use among 8th and 10th graders has doubled in the last 5 years. 8 percent of 6th graders, 23 percent of 7th graders, and 33 percent of 8th graders have tried marijuana. Since 1993, the number of 8th graders using marijuana has increased 146 percent and overall teen drug use is up 50 percent.

(2) Rising casual teenage drug use is closely correlated with rising juvenile violent crime, as reported by the Department of Justice.

(3) If rising teenage drug use and the close correlation with violent juvenile crime continue to rise on their current path, the United States will experience a doubling of violent crime by 2010, according to the Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

(4) The nature of casual teenage drug use is changing, such that annual or infrequent teenage experimentation with illegal drugs is being replaced by regular, monthly, or addictive teenage drug use.

(5) Nationwide, drug-related emergencies are at an all-time high, having risen for 5 straight years by increments of between 10 and 30 percentage points per year for each drug measured.

(6) The nationwide street price for most illicit drugs is lower than at any time in recent years, and the potency of those same drugs, particularly heroin, crack and marijuana, is higher.

(c) THE FAILED ANTIDRUG POLICY.—The Congress further finds the following:

(1) United States Government strategy has dramatically shifted precious antidrug resources away from United States priorities set in the 1980's—away from the prior emphasis on drug prevention for children, drug interdiction, and international source country programs.

(2) United States Government strategy has been weak in responding to statutory deadlines, has been characterized by an absence of statutorily mandated measurable goals, lack of effective coordination and program accountability, and often untargeted and insufficient funding, from the smallest agencies involved in the drug war up to and including the White House Drug Policy Office.

(3) It has been reported that United States Government policy reduced the national security priority placed on international drug trafficking from the top tier (number 3) to the bottom tier (number 29).

(4) United States Government policy has emphasized additional funding for unproven drug treatment techniques at the expense of accountable drug prevention programs that effectively teach a right-wrong distinction.

(5) The United States Government has failed to assess the outcomes of $3,000,000,000 spent per year in drug rehabilitation and has failed to shift resources from ineffective programs to programs that save lives.

(6) United States Government policy has not offered sufficient flexibility to local and State law enforcement agencies to combat drug abuse through measures such as additional block grant funding.

(7) United States Government strategy has not properly emphasized the important, increased role that can legitimately be played by the National Guard, the United States military, and United States intelligence agencies in confronting the rising drug trafficking threat.

(8) United States Government strategy underemphasizes community and parental actions and the need to engage children at an early age in prevention activities.

(9) For the past four years, United States Government strategy has failed to use the media to communicate a consistent, intense antidrug message to young people.

(d) DECLARATION OF POLICY.—The Congress declares that—

(1) a thorough review of the United States counternarcotics strategy is urgently needed; and

(2) the establishment of a commission on international narcotics control in accordance with section 6 will assist in such review.

Page 2, line 8, strike "**section 1**" and insert "**sec. 2**".

Page 2, line 10, strike "Pursuant to" and insert "(a) IN GENERAL.—Pursuant to".

Page 2, line 11, insert before "Congress" the following: "effective 90 days after the date of the enactment of this joint resolution".

Page 2, after line 16, insert the following:

(b) EXCEPTION.—Subsection (a) shall not take effect if, within 90 days after the date of the enactment of this joint resolution, the President determines and reports in writing to the Congress that the President has obtained reliable assurances of substantial progress toward—

(1) obtaining authorization from the Government of Mexico to allow additional agents of the Drug Enforcement Administration, or other United States law enforcement agents (as of February 28, 1997), for critical narcotics control operations in Mexico, including authorization of appropriate privileges and immunities for such agents;

(2) obtaining authorization from the Government of Mexico to allow United States law enforcement agents in Mexico to carry firearms for self-defense in areas where required to cooperate with the Government of Mexico on narcotics control efforts;

(3) obtaining assurances of substantial progress by, and commitments from, the Government of Mexico that the Government will take concrete measures to find and eliminate law enforcement corruption in Mexico and will cooperate fully with United States law enforcement personnel on narcotics control matters;

(4) obtaining assurances of substantial progress by, and commitments from, the Government of Mexico that the Government will extradite Mexican nationals wanted by the United States Government for drug trafficking and other drug-related offenses;

(5) obtaining assurances from the Government of Mexico that the Government is making substantial progress in securing aircraft overflight and refueling rights that are necessary for full cooperation with the United States on narcotics control efforts, including adequate aircraft radar coverage to monitor and detect all aircraft entering and transiting through Mexico that are suspected of involvement in drug trafficking; and

(6) obtaining assurances from the Government of Mexico that the Government is making substantial progress toward a permanent maritime agreement with the United States to allow vessels of the United States Coast Guard and other appropriate vessels to halt and hold drug traffickers pursued into Mexican waters.

Page 2, line 17, strike "**sec. 2**" and insert "**sec. 3**".

Page 3, line 12, strike "**sec. 3**" and insert "**sec. 4**".

Page 3, line 17, strike "**sec. 4**" and insert "**sec. 5**".

Page 4, after line 12, add the following:

SEC. 6. HIGH LEVEL COMMISSION ON INTERNATIONAL NARCOTICS CONTROL.

(a) FINDINGS.—The Congress finds the following:

(1) The consumption of narcotics in the United States is a serious problem that is

ravaging the United States, especially America's youth.

(2) Despite the dedicated and persistent efforts of the United States and other nations, international narcotics trafficking and consumption remains a serious problem.

(3) The total eradication of international narcotics trafficking requires a long-term strategy that necessitates close international cooperation.

(4) The annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is flawed because—

(A) the process addresses only whether or not the source country is cooperating with United States narcotics control efforts and does not take into account all underlying factors;

(B) the process reviews narcotics control efforts only on an annual basis; and

(C) the process fails to account for the divergent economic, political, and social circumstances of countries under review which can influence the decision by the United States to decertify a foreign nation, thereby leading to unpredictability, non-transparency, and lack of international credibility in the process.

(5) The problem of international narcotics trafficking is not being effectively addressed by the annual certification process under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(b) ESTABLISHMENT.—There is established a commission to be known as the High Level Commission on International Narcotics Control (hereinafter referred to as the "Commission").

(c) DUTIES.—The Commission shall conduct a review of the annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) to determine the effectiveness of such process in curtailing international drug trafficking, and the effectiveness of such process in reducing drug use and consumption within the United States.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall consist of 14 members, as follows:

(A) The Secretary of State or the Secretary's designee.

(B) The Secretary of the Treasury or the Secretary's designee.

(C) The Attorney General or the Attorney General's designee.

(D) The Director of the Office of National Drug Control Policy or the Director's designee.

(E) The Governors of the States of Arizona, California, New Mexico, and Texas, or their designees.

(F) The following Members of Congress appointed not later than 30 days after the date of the enactment of this joint resolution as follows:

(i)(I) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(II) 1 member of the House of Representatives appointed by the minority leader of the House of Representatives.

(ii)(I) 2 Members of the Senate appointed by the majority leader of the Senate.

(II) 1 member of the Senate appointed by the minority leader of the Senate.

(2) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members.

(5) BASIC PAY.—Each member shall serve without pay. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(7) MEETINGS.—The Commission shall meet at the call of the chairperson.

(e) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—

(1) DIRECTOR.—The Commission shall have a director who shall be appointed by the chairperson subject to rules prescribed by the Commission.

(2) STAFF.—Subject to rules prescribed by the Commission, the chairperson may appoint and fix the pay of such additional personnel as the chairperson considers appropriate.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The director and staff of the Commission may be appointed without regard to title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the requirements of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.

(4) EXPERTS AND CONSULTANTS.—The chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.

(5) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties.

(f) POWERS.—

(1) OBTAINING OFFICIAL DATA.—The chairperson may secure directly from any Federal agency information necessary to enable the Commission to carry out its duties. Upon request of the chairperson, the head of the agency shall furnish such information to the Commission to the extent such information is not prohibited from disclosure by law.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(3) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the chairperson, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties.

(4) CONTRACT AUTHORITY.—The chairperson may contract with and compensate government and private agencies or persons for the purpose of conducting research, surveys, and other services necessary to enable the Commission to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—Not later than 6 months after the date of the enactment of this joint resolution, the Commission shall prepare and submit to the President and the Congress an interim report on the following:

(A) The overall effectiveness of the annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C 2291j) in curtailing international drug trafficking.

(B) The impact of such annual certification process in enhancing international counter-narcotics cooperation.

(C) The transparency and predictability of such annual certification process in curtailing international drug trafficking.

(D) Recommendations for actions that are necessary—

(i) to eliminate international narcotics trafficking;

(ii) to improve cooperation among countries in efforts to curtail international narcotics trafficking, including necessary steps to identify all areas in which inter-American cooperation can be initiated and institutionalized; and

(iii) to improve the transparency and predictability of the annual certification process relating to international narcotics control under section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j).

(E) Any additional measures to win the war on drugs.

(2) FINAL REPORT.—Not later than 1 year after the date of the enactment of this joint resolution, the Commission shall prepare and submit to the President and the Congress a final report that, at a minimum, contains the following:

(A) Information that meets the requirements of the information described in the initial report under paragraph (1) and that has been updated since the date of the submission of the interim report, as appropriate.

(B) Any other related information that the Commission considers to be appropriate.

(h) TERMINATION.—The Commission shall terminate 6 months after the date on which the Commission submits its final report under subsection (g)(2).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

The SPEAKER pro tempore. Pursuant to House Resolution 95, the gentleman from Illinois [Mr. HASTERT] and a Member opposed, each will control 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HASTERT].

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

I want to thank the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN] and certainly the ranking member, the gentleman from Indiana [Mr. HAMILTON] for the fine work that they have done on this issue.

Let me say that my amendment, first of all, does not change the decertification of Mexico. What we do is to stay that decertification for 90 days. What we are trying to say is there has got to be a commonsense approach with our Government, who is not without fault, certainly, in the drug program, we have the demand problems and, certainly, with the Government of Mexico who I do not think anybody can argue that they have fully cooperated over the years and deserve certification.

What we are saying is that our President and our State Department reach out to the people of Mexico and the President of Mexico to get, over a 90-day period, assurances of substantial progress in several areas, several areas such as our law enforcement agents being able to work in Mexico and being able to defend themselves, assurances that Mexico does not become a safe haven for dangerous drug felons who commit crimes. We need to be able to, both countries, get the extradition agreements that we need to have.

We need to get vital antidrug radars in place in the south of Mexico. That needs to happen. We need to get permanent maritime agreements to stop drug traffickers who are skirting our law enforcement agencies and duck into Mexican waters. Twenty out of twenty six countries in the Caribbean have that agreement.

And we need to get concrete progress on rooting out corruption, not only on our side of the border but also on the Mexican side of the border. That needs to happen.

Who benefits from this? Is it the Mexican Government? No. Is it our Government? No. But let me tell Members about my district.

I have the cities of Aurora and Elgin, IL. Aurora, IL, where my brother teaches in junior high, has had one of his Mexican American children, Hispanic children killed this year by narcotics traffickers, shot down in the streets next to his home. Why? Because the drugs come across our borders. It is not just American kids who get killed. It is kids that are of a Hispanic origin, American and Mexican origins. We need to work together to solve the problem.

People have said that this whole issue of certification is flawed. We need to have a commission to take a look at it and find a commonsense way to treat it. This amendment is a commonsense way that our Government can work together, that we stay the decertification for 90 days, that we find a way to solve the problem.

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

The SPEAKER pro tempore [Mr. LAHOOD]. Is the gentleman from Indiana [Mr. HAMILTON] opposed to the amendment?

Mr. HAMILTON. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HAMILTON] is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, let me say that what we are faced with here is a diversion from Hershey. We have great discussions about bipartisanship and rather than dealing with the responsibilities that are before us, we take up the campaign rhetoric over the debate on how to proceed internally in this country on the issue of fighting drugs. A legitimate issue, we ought to take it up.

You are in the majority. Bring a bill to the floor that provides a new drug policy. But the challenge before the Congress, as it came from the Committee on International Relations, is a challenge that has to deal with the issue of whether or not we feel that our Mexican neighbor has met the requirements in laws established in this Congress to deal with fighting of drugs and fighting the shipment of drugs and the operations in the drug industry.

When we look at the bottom of page 3, page 4 and page 5, we are not dealing with Mexican certification. We are taking the Dole campaign language or some variation on it. We are going after the Clinton administration. You may want to go after the Clinton administration and maybe you ought to be after the Clinton administration on drug policy. Maybe you have differences.

□ 1430

That is not what we ought to be doing here today. What we ought to do here today is fulfill our responsibilities. There are some people here that say the Mexicans have tried, they maybe have not made it, but it would be very damaging to reject the Mexicans altogether.

Some of us on the Committee on International Relations understand the pressure the President was under to help a President of Mexico he was working with, and he certified them. Some other people, myself included, joined with the gentleman from New York [Mr. GILMAN] to say, "Maybe they tried but they haven't met the law and we don't think they've met certification, they haven't really fulfilled their responsibility, but we think it is in the vital national interest to continue to work with the Mexicans."

That is not what this amendment is about. This amendment is about bashing the administration. That is a great sideshow. But we ought to make a decision here. If we are going to have speeches about bipartisanship, about sticking to the substance, then we ought to do it. There are legitimate positions to argue here. Some people argue, "Certify them, they're trying, they've lost lots of police officers, they're making an effort and this would hurt the Mexican Government if we don't do it."

Some feel, "Yes, you've made an effort, you haven't met the law, we ought to use our vital national interests of both countries to certify." That is not what this amendment is about.

Mr. Speaker, I ask my friends on both sides of the aisle to reject this amendment if we want to do the work we were sent here to do. If we want to play politics and rerun the Presidential campaign, then vote for this amendment. If we want to deal with the national policies on how we fight drugs here in more than political rhetoric, bring the bill forward, bring the budget forward. If we want to deal with the responsibilities we have, then let us deal with this issue in the way it was meant to be dealt with.

Mr. HASTERT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, I am very pleased to rise in support of the amendment of the gentleman from Illinois [Mr. HASTERT]. He has worked long and hard in the fight against illicit narcotics from abroad.

Staying the effect of decertification for 90 days until we see evidence presented by the President of increased Mexican cooperation in fighting drugs is a sound idea.

Extraditions of Mexican nationals on real drug charges so that they can stand trial here in the United States, maritime boarding agreements, and the effective assignment of more DEA agents to Mexico; these are significant efforts forward. They can seriously help fight the war on drugs along our long Mexican border to the South.

For far too long, the administration has been satisfied with business as usual in this serious drug situation with Mexico, and glossed over it with high-level official photo ops, while these items languished unresolved.

No more. Congress wants to see real, concrete action by the administration to bring about real change in stemming the flow of nearly 50 to 60 percent of the illicit drugs coming to our Nation across Mexico, and later destroying our kids.

For those critics who might say nothing works, and the United States demand is the major factor in the crisis of drugs, let me remind them of a little recent history.

Not long ago, this nation was able to reduce monthly cocaine use by nearly 80 percent during a sustained period from 1985 to 1992. We went from 5.8 million monthly cocaine users down to just 1.3 million cocaine users, each month. Few Federal programs can point to such success.

Nancy Reagan's "Just Say No" policy, combined with tough eradication, interdiction, and strong law enforcement on the supply side, along with education, treatment, and rehabilitation on the demand side, worked.

The administration needs to get back to basics.

Accordingly, I urge my colleagues to support the Hastert amendment to House Joint Resolution 58.

Let's send a message both to this administration and to the Mexican Government that the American people have spoken, enough is enough. Let our children and our future generations not have to endure the scourge of illicit drugs from abroad.

Mr. HASTERT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. PORTMAN] who is well noted for his work on both supply and demand reduction in this country.

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

Mr. Speaker, I am rising today because I am in strong support of this approach, the Hastert amendment. I think it is a balanced and reasonable approach. As the gentleman said, I have been involved in this issue, actually not on the supply side, on the demand side. I have focused more on prevention, on education, on trying to help in our communities to change kids' attitudes so they do not do drugs, trying to make a real difference in reversing what is a very tragic trend around our country of younger and younger kids using drugs more and more.

One thing I like about this amendment is I do not think it does point the finger at Mexico. Let me read something in the amendment. It clearly states in the findings, "No single action is a sufficient response to the threat posed to our society by illegal drugs." It goes on. It talks about the need to emphasize in our drug control policy prevention, education, community action, parents, getting our parents to talk to their kids about the dangers of drug abuse, why it is wrong. If we do that, we are really going to make a difference. I do not think anything is more important.

But this fight also needs to be fought at every level. How can we say we are really serious about fighting the drug war if, in the face of all the evidence we have, we simply certify Mexico? It just does not make any sense.

It does not need to be partisan, it should be bipartisan, but how can we in our communities push this, do everything we can in Congress? And I was just testifying on the bill we have got before a subcommittee on the community side of this thing. We need to do more, all of us, both sides of the aisle. And Congress needs to do more.

But how can we with any legitimacy be out there pushing this drug war and then say Mexico deserves certification? They cannot get a clean bill of health. It just does not make sense.

Instead we need to do something reasonable. I think this is reasonable. We do not decertify Mexico. Instead we give the President 90 days. We say the President can work with Mexico for 90 days on 6 what I think are very tangible, very concrete and legitimate concerns. If the President works with Mexico during this 90-day period, certification can result. The effort to reduce drugs in this country, the future of our kids, is too important for us not to do all we can to get Mexico to do the right thing.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise both Members that the gentleman from Indiana [Mr. HAMILTON] has the right to close on this amendment.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. SHAW].

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

Mr. Speaker, in the years that I have been in Congress, I cannot think of one time that I have disagreed with the gentleman from New York [Mr. GILMAN] or the gentleman from Illinois [Mr. HASTERT] on a question having to do with the war on drugs. Both of these gentlemen have been in the forefront of every worthwhile project. And I must say, in looking at the amendment that has been filed and that is before the House at this time, that the 6 points are very well thought out and should be in this bill.

However, going on to the second provision in the bill, we find what for many of our Democrat friends will be a poison pill. It is unnecessary. It does not add to the meaning of the bill and it should not be part of this particular bill. I regret that it is in there, and therefore I must reluctantly oppose this particular amendment.

I think it is time for us to build an alliance on what we agree upon and not try to, when we find that we are coming together on an issue and working on such an important issue, with Democrats and Republicans working together and building an alliance, we should not trample on that alliance by putting something into an amendment that is going to be a difficult poison pill for our friends on the Democrat side to swallow. Therefore, I disagree with this particular provision within the amendment.

I think it is vitally important, and I would speak now to my Republican side, it is vitally important that we come out of this particular session and this vote with a huge majority. We need to send a message down to the Senate that we are serious about what we are talking about on decertification.

We need as many on the Democrat side as we can possible get. It is a difficult vote for them voting to override the certification that the Democrat President has placed upon Mexico. Let us not make it tougher. Let us work together.

These 6 points, I am confident that they add so much to the bill that they will end up in the bill that will finally come back after the conference, because it is a good amendment until you get to the poison pill. But we do not have the ability here to separate the amendment. We do not have the ability under the rule to separate out that particular portion. But we do have the ability in conference to put back the good, sound thinking of the gentleman from Illinois [Mr. HASTERT] on the part of the amendment that really makes sense and has substance to it.

Therefore, I would ask that the Republicans look at this as a chance to build bridges to the other side and to build on this alliance. Drug policy has never been and should not be a partisan issue. We will have plenty of times to talk about the record of Mr. Clinton as far as the drug issue. As a Republican, I cannot say that anything I disagree with is in the bill, but this is no place for it. It should not be in this amendment. Therefore, I ask all the members to vote "no" on this amendment.

Mr. HASTERT. Mr. Speaker, I ask the Chair how much time do I have left?

The SPEAKER pro tempore. The gentleman from Illinois has 5 minutes remaining.

Mr. HASTERT. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, the reason that we are here, of course, is that last month Mexican President Zedillo had a tough decision to make and he made it. The arrest of General Gutierrez at the same time makes it impossible for us today to say that Mexico has met the standard in our statute that would permit us to certify them as fully cooperating in the war on drugs. That is because, according to our own administrator of the Drug Enforcement Administration, General Gutierrez's damage, the damage that he did to ongoing operations in the United States and in Mexico, was so serious that it ranks with the damage caused to our international intelligence operations by admitted spy Aldrich Ames. The conditions in the law have not been met, and we cannot certify. And yet the President has already done so.

There is some talk on the floor of the need for bipartisanship, but every Democrat and every Republican on the committee that sent this bill to the floor, even though there was unanimity, found himself or herself in direct opposition to the Clinton administration because the President and the administration have already certified Mexico even though all of us agree that is wrong.

If, therefore, the committee bill is passed, we have this inexorable result. Not only will the Senate not take it up, and we know that our colleagues in the other body have told us that nothing will come of this if we pass it unamended, but the President will ignore it, and the committee itself put a waiver in it which if somehow this were to become law, the President would exercise. So after a lot of sound and fury and possibly injury to our bilateral relations with Mexico, we would have accomplished precisely nothing. But with this considered amendment, we have an opportunity to do significantly more than nothing. We have an opportunity to take the decertification process, itself a blunt instrument, and make it a more delicate one, one that will encourage both the United States and Mexico to redouble their efforts in

the war on drugs. Our goal should be not simply to decertify Mexico as a partner in the war on drugs but in fact to fully certify them, to bring them to the point where they are in compliance and to bring the United States efforts up to par where we will not have to admit honestly to ourselves that drug use among adults has gone up every year in this country since 1992, the first sustained increase since the 1970s; where we will have to no longer admit to ourselves that marijuana use among teens is doubling.

We and Mexico both have steps that we must take. By decertifying, as this amendment will do, because it leaves the committee bill intact in that respect, and staying that for 90 days during which time the administration of President Clinton and the administration of President Zedillo can work and take positive, constructive steps to satisfy our concerns that cause us now to say we cannot certify, we will have done far more, both in fighting the war on drugs and for improving our relations with Mexico.

Our goal should not be in the end even to have Mexico as a fully certified partner in the drug war, but to have Mexico as a full partner in all matters, civil, societal, cultural, defense, and national security. They should be our close ally. Many people in Mexico intend for that indeed to be our relationship.

The arrest of General Gutierrez and the exposure of all the damage he caused is the reason we are here today. Let us make sure that this is an opportunity for us to move forward and not a permanent setback.

Mr. HAMILTON. Mr. Speaker, I think we have the right to close. We have only one other speaker here. I believe they have time remaining.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HASTERT] has 1 minute remaining and the gentleman from Indiana [Mr. HAMILTON] has 1 minute remaining.

Mr. HASTERT. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I thank my colleague from Illinois for allowing me this opportunity to close the debate.

Mr. Speaker, I was down in Mexico last weekend when the headlines appeared in the newspaper and President Zedillo said that the sovereignty of Mexico was at stake. What became apparent to me is that this country (Mexico) would react very unfavorably to a motion to decertify. I think the motion that the gentleman from Illinois [Mr. HASTERT] has outlined is an able compromise that we should all get behind, particularly on this side of the aisle. For those Members who are considering that this is not a compromise, it is a compromise, because we could get something that could be much more damaging to economic progress in Mexico and to their feeling that their integrity is being questioned. There is no doubt we could improve our relationships, improve our drug programs between the two countries. We need to improve our drug program here too. So I pose this question to all my colleagues. How does the money get from the people who use drugs here in the United States back to the Mexican drug cartels? Does the United States not have a level of responsibility here? These are huge sums of money, billions of dollars.

Mr. Speaker, I honestly think the best solution is to vote for the Hastert amendment.

Mr. HAMILTON. Mr. Speaker, I yield myself the balance of my time.

First let me say a word of appreciation to the gentleman from New York [Mr. GILMAN], the chairman of the House International Relations Committee. He has cooperated with me and with the minority throughout this process and I am deeply grateful to him. I think the work product of the committee is still the best option before us, and he deserves a lot of credit for that. Second, although I am not able to support the amendment of the gentleman from Illinois [Mr. HASTERT], I recognize that he has tried very hard to build a consensus on a critical issue, he has done it in a very nice manner, and I want to let him know that I appreciate his willingness to talk with me and try to develop a consensus.

□ 1445

I am not able, however, to support the Hastert amendment. Before I mention specifically the reasons, I think it is important to recognize in this debate that there really are a lot of areas of agreement. Debate tends to emphasize the areas of disagreement.

We all want to stop drugs flowing into this country. We all know we need the cooperation of the Mexican Government in order to stop the flow. We all know we are wrestling here with a difficult law in many respects. We are applying a present law here more than we are drafting a new law, and that law puts us in some difficult positions.

There are two reasons I think why I cannot support the Hastert amendment. One of them is that I really think it is highly partisan and will not permit us to adopt a bipartisan posture which I think is most important here. In many ways the amendment is a vehicle for criticizing the President's drug policy.

I do not need to quote a lot of things here, but it talks about the U.S. Government strategy being weak, it talks about our policy reducing the national security policies, it talks about supporting unproven drug treatment techniques, and in general has a pretty strong attack against the President. I think it ensures that the President would not be able to sign it, and that means the amendment that we are debating and discussing and will vote on in just a few minutes will not be enacted into law.

I say to my colleagues, "If you adopt the Hastert amendment, you abandon the opportunity we have had under the bill reported by Chairman GILMAN for a clear bipartisan message to the world about the seriousness with which the Members of Congress on both sides of the aisle consider narcotics."

Now, second, I want to say on the substance of the Hastert amendment that I think it puts President Zedillo in a real box. The U.S. national interest here is clear. We want to stop the flow of drugs through Mexico to the United States, we have got to have the cooperation of Mexico, but what this does is to require the President to report to the Congress in 90 days that he has obtained reliable assurances and substantial progress toward 6 critical areas of United States-Mexican cooperation on counternarcotics.

I want to remind my colleagues that 90 days from now we have national elections in Mexico. The United States congressional decertification debate has generated a nationalist fury in Mexico, and we can be sure that no one in Mexico, and especially not the President, will be able to advance these critical initiatives without being accused of conspiring with the United States to infringe on Mexican sovereignty. What we do here is we put President Zedillo, I think, in a box by detailing the demands for Mexico in this amendment, and he simply cannot be seen, especially in these next 90 days, as capitulating to a long list of American demands. And during that 90-day period we put him in the spotlight, and anything that he does to cooperate with the United States will be revoked and criticized by opposition politicians and by nationalists within his own party. And so I think we threaten the prospect of cooperation.

Let me urge if we defeat Hastert, then we will vote immediately on the committee product, and I urge that course.

The SPEAKER pro tempore (Mr. LAHOOD). All time having expired, pursuant to House Resolution 95 the previous question is ordered on the joint resolution and on the pending amendments.

The question is on the amendment, as modified, offered by the gentleman from Illinois [Mr. HASTERT] to the committee amendment in the nature of a substitute.

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

Mr. HAMILTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 205, answered "present" 9, not voting 7, as follows:

[Roll No. 46]

YEAS—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
McKinney
Metcalf
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Chenoweth
Clay
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roukema
Rush
Sabo
Sanders
Sandlin
Sawyer
Scarborough
Schiff
Schumer
Scott
Serrano
Shaw
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Turner
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—9

Becerra
Filner
Gutierrez
Lofgren
Ortiz
Roybal-Allard
Sanchez
Torres
Velázquez

NOT VOTING—7

Clayton
Etheridge
Kingston
McHugh
McIntyre
Price (NC)
Watts (OK)

□ 1507

Messrs. KIND, CLEMENT, and MORAN of Virginia changed their vote from "yea" to "nay."

Messrs. SHUSTER, GILLMOR, PARKER, BILBRAY, and DAN SCHAEFER of Colorado changed their vote from "nay" to "yea."

Ms. ROYBAL-ALLARD changed her vote from "nay" to "present."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, on rollcall No. 46, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the committee amendment in the nature of a substitute, as amended.

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

RECORDED VOTE

Mr. GILMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 229, noes 195, not voting 9, as follows:

[Roll No. 47]

AYES—229

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McInnis
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Schiff
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)

Brown (OH)
Cannon
Capps
Cardin
Carson
Clay
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntosh
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pascrell
Paul
Pelosi
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thornberry
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—9

Clayton
Dellums
Etheridge
Harman
Kingston
McHugh
McIntyre
Payne
Price (NC)

□ 1525

Mrs. MEEK of Florida changed her vote from "aye" to "no."

Mr. KUCINICH changed his vote from "no" to "aye."

So the committee amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

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

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

MOTION TO RECOMMIT

Mr. HAMILTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. HAMILTON. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HAMILTON moves to recommit the joint resolution, House Joint Resolution 58, to the Committee on International Relations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the joint resolution.

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

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 175, not voting 7, as follows:

[Roll No. 48]

AYES—251

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boyd
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
King (NY)
Klug
Knollenberg
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Markey
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—175

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boucher
Brady
Brown (CA)
Brown (OH)
Cannon
Capps
Cardin
Carson
Clay
Clyburn
Coburn
Coyne
Cummings
Davis (IL)
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Engel
Eshoo
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gillmor
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schiff
Schumer
Scott
Serrano
Shadegg
Shays
Sherman
Skaggs
Snyder
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thornberry
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Clayton
Conyers
Etheridge
Kingston
McHugh
McIntyre
Price (NC)

□ 1546

Mr. DICKS, and Mr. STRICKLAND changed their vote from "aye" to "no."

So the joint resolution was passed.

The result of vote was announced as above recorded.

A motion to reconsider was laid on the table.

PAPERWORK ELIMINATION ACT OF 1997

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 88 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 88

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 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. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution provides for consideration of H.R. 852, the Paperwork Elimination Act of 1997, under an open rule. The rule provides for 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Small Business.

Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments, if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit with or without instructions.

I am pleased that this bill will be considered under an open rule which was unanimously approved by the Committee on Rules. While the chairman of the Committee on Small Business testified to the Committee on Rules that he did not expect any amendments, this rule will provide the entire House with sufficient time to offer amendments.

The Paperwork Elimination Act will decrease the burden of Federal paperwork by requiring all Federal agencies to give small businesses, educational and nonprofit organizations, State and local governments the option of filing required information by means of electronic submission, such as e-mail, fax, and other means. This new ability will enable all of these organizations to save time and money, help ease the paperwork and regulatory burden on them and other taxpayers, and improve the efficiency and accuracy of Federal information collection.

My colleagues may remember that we unanimously passed identical legislation in the 104th Congress. Unfortunately, it was never considered by the other body.

I am glad we are again going to have the opportunity to free small businesses and other organizations from the shackles of oppressive, excessive Federal regulations. As a small business owner myself, I can say that too much time is spent filling out forms in order to comply with endless Federal regulation. Decreasing this burden will be very beneficial to all small business owners, as they will now be able spend their time and money on productive activities that will lead to the expansion of their business.

Finally, the Paperwork Elimination Act is a much-needed continuation of the popular Paperwork Reduction Act of 1995, which the President signed into law on May 22, 1995. I was very supportive of the Paperwork Reduction Act, which reduced the information collection burdens on the public and ensured a more efficient and productive administration of information resources.

The legislation we will consider today builds upon that progress and paperwork reduction.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague from North Carolina [Mrs. MYRICK] for yielding me the time.

This is an open rule. It will allow for full and fair debate on H.R. 852. It is a bill to reduce the burden of Federal paperwork requirements for small businesses, educational and nonprofit institutions, Federal contractors, State and local governments and others. The bill is virtually identical to the one, H.R. 2715, that was passed unanimously by the House last year. This measure is a continuation of Congress's effort to reduce the demands made on our citizens as a result of Federal regulation.

As my colleague from North Carolina has described, this rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. Under this rule, amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments. No hearings were conducted on this bill during the 105th Congress. However, eliminating this step is appropriate because of the extensive legislative history of H.R. 2715 from the 104th Congress, and the agreement was worked out between the chairman and the ranking minority member of the Committee on Small Business.

Mr. Speaker, I urge adoption of this open rule and the bill.

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

Mrs. MYRICK. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE of Ohio. Mr. Speaker, I thank my colleague from North Carolina [Mrs. MYRICK], a valuable new member of our Committee on Rules, for yielding me this time. I rise in full support of this rule and this bill. As my colleague has described, this is a very open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time as long as it is consistent with the normal rules of the House.

Bills reported from the Committee on Small Business have traditionally been considered under open rules and this is no exception. The Paperwork Elimination Act is a timely, straightforward effort to bring the Federal Government further into the information age while at the same time reducing the public cost of meeting government's information needs. Unfortunately, but not surprisingly, the Federal Government is lagging behind the rest of the Nation in using new technology.

As the report on H.R. 852 points out, many individuals today can send and receive mail, take care of their personal finances or even read a newspaper, all from a personal computer. Those same individuals should be able to conduct much of their business with the Federal Government electronically as well.

That is what this legislation sets out to do. H.R. 852 will help minimize the

burden of Federal paperwork demands on small businesses and other entities by requiring executive branch agencies to provide for optional use of electronic technology to meet the information needs of the Federal Government.

The winners will not only be America's small businesses but also educational and nonprofit institutions, Federal contractors, State, and local governments and others who face a disproportionate share of the burden of complying with the myriad of Federal regulations.

Mr. Speaker, I knew the regulatory burden on small business was heavy to begin with, but I was amazed to learn that the amount of time and effort spent in meeting the Government's paperwork demands has a dollar value roughly equivalent to 9 percent of the Nation's gross domestic product. Congress must lighten this load. By enabling the Federal Government to take advantage of the information age, this legislation will enable small business owners across America to utilize smart technology available today to reduce those costs and to eliminate barriers to job creation and economic productivity. That means less time spent filing forms and more time innovating, expanding, and providing goods and services to our economy.

□ 1600

Mr. Speaker, I congratulate the gentleman from Missouri [Mr. TALENT], the chairman of the committee, for bringing this important legislation forward and for crafting a commonsense solution to what has become a serious regulatory headache for many of our small businesses.

I urge adoption of this very fair and reasonable rule and this commonsense legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. I thank my colleague for yielding the time.

Mr. Speaker, let me begin by complimenting the committee, the gentlewoman from North Carolina [Mrs. MYRICK] and my Republican colleagues for bringing out this open rule and for bringing out this important piece of legislation which would reduce the paperwork that our constituents are burdened with in today's society.

I come to the floor this afternoon in support of the substance of this bill, but I want to raise another issue. The issue I want to raise is the question of campaign finance reform. We set our priorities in this institution by press conference, by meetings, by bipartisan meetings, and what is painfully missing from our set of priorities is a scheduled time in which this institution, all of us participating, under an open rule, similar to what we will be debating this bill under, can discuss an issue that is burning within the country. That issue is how do we solve this crisis that we have with campaign finance reform?

I do not believe, Mr. Speaker, that there is much disagreement on either side of the aisle that the way we finance our political campaigns in this country is broken. We all know that. The American people are increasingly becoming aware that it is broken. Each and every election demonstrates that it is broken.

In 1996 an estimated $2.7 billion, with a B, was spent on political campaigns. Now with recent court rulings, we know that the rules are wide open. We can spend what we want the way we want to spend it, virtually. We have got to do something to limit the influence of money in our campaigns. We need to fix the system. We need to limit the amount of money. We need to stop the negative advertising. We need to get on with voting again.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, my good friend has been a Member of this body for 20 years, longer than I have. He knows that rule XIV requires us to speak to the subject matter before us. His statement does not.

I am not going to interfere if the gentleman is going to finish his statement in his allotted time, but if I see other people doing this, we are going to have to abide by the rules of the House. I would say that out of respect to the gentleman as the minority whip that he certainly could continue, but I would hope that he would use his influence to make sure that we do abide by the rest of the rules.

I do thank the gentleman for yielding.

Mr. BONIOR. The gentleman is welcome.

Mr. Speaker, I am talking this afternoon about the priorities. While paperwork reduction is a priority, and it is a good one, it may not be Earth-shattering but it is important. As I listened carefully to what the gentlewoman from Ohio [Ms. PRYCE] had to say, it consumes 9 percent, as I understand from her remarks, of the GNP in the country. That is a very big burden on this country. But it is also a burden on this country to be spending $2.7 billion on a system that we know is broke, that is eroding the confidence of the American people that this institution works, and I think that ought to be a priority as well.

Let me just say to my friends and colleagues this afternoon, on the opening day of this Congress we on this side of the aisle offered a proposal that would bring campaign finance reform to the floor within the first 100 days of this Congress. That obviously does not look like it is going to happen.

A few weeks ago, we had a bipartisan discussion to agree on a common agenda for this Congress. We did it over in the Senate. We did it with the President, Republicans, and Democrats, and this issue was not raised again.

Last week the gentleman from California [Mr. MILLER] began a series of procedural votes to protest the failure to schedule a debate on campaign finance reform. Today, in conclusion, I might add to my friend from New York, we are going to be offering on the previous question a motion that will say basically we have to debate this issue in an open and full way by May 31, before the Memorial Day recess, so we can meet the goal of trying to finish this by the Fourth of July.

We need a full and a fair debate on this proposal, as we are having and will have on the Paperwork Reduction Act. Every day that passes, the country becomes more and more disgusted with our failure to act. We need to get our people involved in the political process once again.

I want, Mr. Speaker, the election day in this country to mean something. I want every citizen of this country to feel an urgency and a seriousness about voting. And, most important, I want our schoolchildren studying the Declaration of Independence or the Constitution today to feel the same excitement that the authors felt more than 200 years ago.

So I urge my colleagues, vote today. It is not about a particular bill or a solution. I am not calling for any particular solution to this. What I am calling for is we set a time in which we can debate this. This is about setting up a process to debate the campaign finance reform bill, and I urge my colleagues, vote no on the previous question so that we can debate real campaign finance reform on the House floor before Memorial Day.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding time.

Mr. Speaker, I too agree with the gentleman from Michigan [Mr. BONIOR], the minority whip, who was just in the well, that this is about our priorities and this rule is about our priorities and the previous question will be about our priorities. One hundred and eleven Members of this Congress at the beginning of this year or even before the first of this year, on a bipartisan basis, wrote to the Speaker of the House and asked that we have campaign finance reform in the first 100 days of this session of Congress. We are awaiting an answer from the Speaker on that issue. The silence is deafening.

At the same time, we see the minority leader in the Senate, [Mr. DASCHLE], has made campaign finance reform the top issue in their agenda and has asked the majority leader to

do the same. The gentleman from Missouri [Mr. GEPHARDT], minority leader in this House, has asked that we consider this within the first 100 days. President Clinton has called for action by July 4. Yet we hear nothing from the Republican leadership about campaign finance reform. Again, the silence is not only deafening, it is paralyzing us and an ability to deal with a system that the American public has come to disrespect, to understand is corrosive, to understand is corrupting, and yet we see nothing from the Republican side of the aisle to deal with campaign finance reform.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). Will the gentleman yield for an inquiry?

Mr. MILLER of California. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, in order for us to determine whether debate being engaged in by the minority as an attempt to defeat the previous question is relevant to the pending rule and the legislation it makes in order, it is necessary for us to have a copy of the minority's proposed amendment to the rule, and I would just ask if the Chair has been provided with the amendment and, if so, could the Chair provide us with a copy? The minority has not provided our side with it.

Mr. MILLER of California. Mr. Speaker, if I may continue——

The SPEAKER pro tempore. The gentleman will suspend.

Mr. SOLOMON. Mr. Speaker, is there a copy at the desk?

The SPEAKER pro tempore. The Chair is not aware of an amendment.

The gentleman from California [Mr. MILLER] may proceed.

PARLIAMENTARY INQUIRY

Mr. GEJDENSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman from California yield for the parliamentary inquiry?

Mr. MILLER of California. I yield to the gentleman from Connecticut.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEJDENSON. Is it not in order to simply oppose the rule?

Mr. SOLOMON. Sure. Absolutely.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] may proceed.

Mr. MILLER of California. Mr. Speaker, I think if the gentleman wants to discuss paperwork reduction, we can think of all of those corporations and all of those small businesses that are getting hit with subpoenas and interrogatories about whether or not they are a small business, whether or not they exist, whether or not the person that gave the money and their name is really a real person, whether the business is real or not.

Mr. Speaker, the point is this: The top priority of this Congress ought to be to get its house in order, and the cancer that is spreading throughout this institution and is spreading throughout our Government is the lack of decent, open, and fair ways to finance our campaigns. The current system is broken, it is corrupting of this institution, it is corrosive of our democratic institutions.

The American people deserve something better, and we deserve an answer from the Republicans as to a date certain when they will bring campaign finance reform to the floor of the House of Representatives so this House can work its will. There is no question but there is a majority of people on this floor to reform the existing system. We should not be denied an opportunity to do that, and we ought to rearrange the priorities of this Congress. We have been here now 3 months and we have rarely been in session. Yet somehow we cannot find time to deal with this most urgent matter in terms of the preserve of the best of our democratic institutions, the integrity of this House and the freedom of the American people to have a fair election and a fair outcome.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. I thank the gentleman for yielding time.

Mr. Speaker, if the spirit of bipartisanship that we have heard much about over the course of the last few days is to be any more meaningful than "I'll smile at you if you'll smile at me," then I think that a place to start with true bipartisanship is to allow the people, Republican and Democrat alike, who want to do something about the increasingly corrupting influence of money and politics at all levels of our Federal elections, to give them an opportunity to come forward and craft a bipartisan solution to this tremendous problem.

Thoughts of bipartisanship and of campaign finance reform are hardly new to this institution. Indeed, in 1995 in New Hampshire, in the summer, in front of a senior citizens' group, we had many smiles from President Clinton and Speaker GINGRICH looking at each other, shaking hands, being very bipartisan and collegial and friendly over the concept of campaign finance reform. And what happened after that? Absolutely nothing. It took from that summer until the next summer before we got something in this House called reform week, which ended up being a reform hour, which denied to us an opportunity to consider the bipartisan Clean Congress Act, a measure that by its very name had broad bipartisan support and was designed to do something about the influence of money in our campaigns.

I believe the American people want us to address this problem. And so this afternoon, in the course of this particular bill, it is appropriate to talk about two things: priorities and paper.

When it comes to paper, I would maintain that the type of paperwork reduction that the American people are most concerned about at this time, when they are hearing about the Lincoln bedroom, when they are hearing about Republicans down at Palm Beach meeting with people that gave $100,000 in soft money to the Republican Party, the kind of paper that we ought to be concerned about reducing is the kind that says pay to the order of, pay to the order of whichever candidate or political committee or whatever is involved. We ought to be concerned about reducing that.

The only reason that we did not get a chance to address that issue in the last Congress and were cut off from a bipartisan opportunity to consider this national scandal, the only reason is because instead of paperwork reduction, our Speaker has been very candid in saying that he favors paperwork expansion. He does not think there is enough paper in the political process. He thinks we need more paper, we need more checks, we need to spend even more special interest money than is being expended at the current time in our political system.

I believe we need to be concerned about real paperwork reduction, and that is to reduce the influence of special interest money in our campaigns.

□ 1615

Hundreds of millions of dollars of so-called soft money that gets outside of the course of the current campaign financing laws, as deficient as they are, are being expended by both parties. There is no one perfect solution to this problem, there is no one perfect Democratic or Republican solution. Rather, we ought to have the opportunity on the floor of this House to come together and offer our different ideas, to not be restricted to an hour, as we were 2 years ago, and denied the opportunity to consider the only bipartisan proposal that was advanced at that time. We ought to be able to come together, reason together, and work out a solution to this most critical paperwork problem.

As my colleagues know, it is not for want of time that we have not considered this issue. We spent a week here last week whereby all we did was commend the Nicaraguans and Guatemalans, and I know that was a hard load for some, but I believe we can take on the harder jobs.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, there is nothing I would rather stand up here and talk about than what happened with the Lincoln bedroom, and what happened with economic espionage in this administration, what happened with the breaches of national security in this country by the administration. This is not the time to be discussing that, but I would be glad to take the well and discuss all of this at the appropriate time.

My parliamentary inquiry is this, Mr. Speaker: Under House Rule XIV, which requires that a Member must confine himself to the question under debate, is it relevant to the debate on either this rule or the bill it makes in order to engage in a discussion on the merits of campaign finance law?

Would the Speaker please rule on that?

The SPEAKER pro tempore. The Chair would be happy to refer all Members to page 529 of the Rules of the House, which says that debate on a special order providing for the consideration of a bill may range, and "range" is the appropriate word here, to the merits of a measure to be considered under that special order, but may not range to the merits of a bill, but should not range to the merits of a measure not to be considered.

Mr. SOLOMON. Mr. Speaker, what you have just said is that we must confine our statements to the merits of the legislation before us, and I would just ask the Chair to please enforce the rules of the House.

I have been informed by my good friend over here, and he is a good friend and trying to be congenial, but he now tells me he has a number of speakers that are going to pursue this issue that is not germane to the issue before us, and we just cannot have that. We have to abide by the rules of the House, and I would ask the Speaker to enforce the rules of the House from here on out.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in opposition to the previous question, and let me tell my colleagues why.

As we rise today to take up another burning issue on the GOP agenda, the Paperwork Reduction Act, I ask my Republican colleagues to allow us to debate a more meaningful reduction of paper. Let us talk about how we reduce the amount of paper money that exists in political campaigns today.

Our system of financing political campaigns is broken, and it is time for us to fix it. We may not all agree on the best way to fix the problem, but surely we can all agree on one thing, that there is too much paper money in political campaigns, it costs too much money to run for public office, we spend too much time raising money for our campaigns, and at the end of the day it takes our time away from the more important duties we are engaged in.

I know it, my colleagues know it. Most importantly, the American people know it.

Republicans in the House and Senate have asked for several million dollars to investigate campaign financing in the last election. Those investigations are important, and they should move forward, and they should not be used as an excuse to delay action on campaign finance reform.

All the Democrats are asking is this: Give us an open, unrestricted debate on campaign finance reform by May 31, by Memorial Day. We can get money out of politics and pass meaningful campaign finance reform, but first we need an open and a fair debate. Only one person can schedule a vote on campaign finance reform, and that is the Speaker of this House.

Mr. Speaker, it is time to stop wasting time. Let us schedule a vote on campaign finance reform. Congress surely could stand a little paperwork reduction, but let us reduce the amount of money in politics.

Vote "no" on the previous question.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Speaker, I support the Paperwork Reduction Act, but I think it could be made better, and I think we can make it better and really reduce paperwork if we pass true, honest to goodness campaign finance reform. The American people want it, certainly my constituents want it, the President has asked for it. Why has the Republican leadership not made campaign finance reform a number one priority?

The Paperwork Reduction Act before us today is all fine and nice, and as I said, I do support it, but is this really our number one priority? Is this the number one priority of this Nation?

Mr. Speaker, I ask the majority leadership to bring campaign finance reform to the floor of this House by Memorial Day. Time is being lost, and the public disgust and skepticism is rising. We must act now on real campaign finance reform. I urge my colleagues to oppose the previous question, and I urge the Republican leadership to please make campaign finance reform a number one priority.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise on the debate on the rule on paperwork reduction. This is a debate that determines the procedures of the House, and this is the only way in which we can deal with the law that will come after this debate, the law on paperwork reduction. The only way we can get a debate on a new law is to schedule that debate on the floor, and I rise to the issue that this rule does not go far enough because it has not scheduled the real paperwork reduction in America, which is the reduction in the amount of money that flows into campaigns.

Mr. Speaker, we ought to be debating the law on campaign reform. It was asked for by the President, it was promised by the Speaker, and it is certainly in demand by Members who are here today on both sides of the aisle.

We have bills before Congress. The work has been done on writing that law. There are many versions of it. But that law cannot reach the floor until the Committee on Rules sets the date, and the date ought to be before this country's next national birthday on July 4.

If we did, indeed, deal with this rule, we would be talking about real reduction, we would be talking about reduction in the time it takes to raise money, time that could be better spent in managing this Nation's affairs. We would be spending less time, certainly less paperwork, because there would be less checks written to campaigns. There would be less money flowing into Washington. There would be less time fund-raising. There would be more time spent governing.

So, Mr. Speaker, I ask my colleagues to oppose this rule because this rule does not go far enough, because this rule fails to bring what this Nation demands, and that is the real law of reform to this floor, which is campaign law reform.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of us worked very hard to bring to the American public the acknowledgment that we understood how hard they worked. The Paperwork Reduction Act simply says that we recognize that the business of America is to create jobs and not to be entangled with hostile paperwork and regulations, but yet we also recognize our responsibility in the U.S. Congress.

I think it is disappointing that this rule has not had or given us the opportunity to confront the real question that the American people are asking us: Can we clean up our own House? Can we reduce the entanglement and regulations of a misdirected campaign finance structure that really does not allow those who come here to work to work without the shackles of confusion and the shackles of debate on how we raise money to make sure that the voices of all Americans are heard?

I truly believe in the integrity of the Members of this House, that they come

here, most of all, to represent their constituents and represent America, but until we get out in front and deal with the question of how we finance these elections, how we reemphasize the importance of making sure the average person has access to this U.S. Congress, I happen to be a supporter of the Farr bill. But what I think most of all is important in terms of campaign finance reform is that this House shows it means business and that it gets down to the business of both raising the question of campaign finance reform, debating the question of finance reform, and not hiding the ball.

It is crucial that we, as Members of this House, acknowledge to the American people that we are not tied up by the interests of others other than the interests of them that bring us to this body.

Mr. Speaker, it is so very important that this rule include campaign finance reform.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I was taken earlier by Speaker GINGRICH and by Minority Leader GEPHARDT when they came to the floor and they talked about the need for comity in this body. But we are really being hard pressed here today. I know that this is Thursday, there is no session tomorrow, and Members do want to go home, but I feel moved to bring a point of order against the Members that are standing up talking about issues that are not germane to this issue, and certainly that would be upheld by the Chair because they are not germane. That of course would be subject to an appeal, if the minority saw fit to do. That would drag Members over here. That would prolong the measures again. It would probably cause all kinds of problems.

So I am not going to press a point of order today. I am going to let my colleagues use up the balance of their time, but we just have to say out of courtesy to Members on both sides that we have to stick to the rules of the House. Rule 14 says that we must speak to the germaneness of the issues before us.

So I just wanted Members to do that, and I hope Members have a nice weekend.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I want to express my appreciation to the gentleman from New York [Mr. SOLOMON] for his gentleness today. We are in the minority. We do not have a lot of control over the process here.

This is really a fight over control. When we were in control in 1975–76, we passed campaign finance reform. When I led the effort, we passed it twice, once vetoed by President Bush, and under our rules I am not allowed to name the Senator from Kentucky, but I can reference the gentleman from the other body in the majority party who has filibustered campaign reform to death in the past and threatens to do it again. I commend the committee for bringing this Paperwork Reduction Act before us. It is something we ought to do. But as we weigh our responsibilities as Members of Congress, one of the things happening is all our credibility is diminished by the present situation.

As my colleagues know, I think we ought to do something simple now. We ought to put a limit of $100, we ought to tax advertising so we have the resources to make a public match so every American can feel empowered to be part of this process.

Now I know that if we brought that bill and four or five others—I do not know that mine would win, but in that debate I know we would help build confidence in this system, we would at the end of the day take a step forward, and that is what this debate is really all about.

There are lots of vehicles that we will try to use, as the minority. Those guys have the majority; I recognize that. They make the rules; they make the decision as to what bills come to the floor and what bills do not come to the floor.

Mr. SCARBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Speaker, the gentleman from Connecticut is talking about how he is in the minority now. I am relatively new to the institution.

Mr. GEJDENSON. But the gentleman from Florida is doing real well for a new guy.

Mr. SCARBOROUGH. The gentleman is, too, and I like his hair in the spirit of Hershey and comity.

Mr. GEJDENSON. I thank the gentleman.

Mr. SCARBOROUGH. But, as my colleagues know, if the gentleman could give me a little historical perspective as a relatively new Member here, I believe that they were all in the majority in 1993 and 1994, and I also believe that they had somebody in the White House who was also a Democrat. Could the gentleman tell me if they all passed campaign finance in 1993 or 1994 or if the gentleman's selective memory prevents him from doing this?

□ 1630

Mr. GEJDENSON. Mr. Speaker, reclaiming my time, I would just say to the gentleman's question, we passed campaign finance reform and President George Bush vetoed it. We passed it through this House. It got to the Senate, and I can only reference the gentleman in the other body in the Republican Party from Kentucky who filibustered it to death, and in the opening days of this Congress he threatened to filibuster any new campaign reform bill to death.

We passed it, it got vetoed by President Bush. We passed it through the House, it was filibustered to death in the Senate.

What we are saying is, let us join together and pass a limit on spending. Let us limit the amount of money. Let us rebuild confidence in this system so we can work to reduce paperwork, so we can reduce the amount of time we spend raising money, and put our attention back on the people's business to take care of children, to make sure they have health care, to make sure the people losing their benefits have jobs and not street corners to hang out on.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. LAHOOD). The Chair would advise Members to avoid making references to Members of the other body.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, how much time is left on either side, and was the clock running when the gentleman used up all his time?

The SPEAKER pro tempore. The Chair would advise the gentleman from New York the Chair is keeping very good time.

The gentleman from Ohio [Mr. HALL] has 4\1/2\ minutes remaining, and the gentlewoman from North Carolina [Mrs. MYRICK] has 23 minutes remaining.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentlewoman for yielding me time, and I certainly hope I have the same timekeeper on my two minutes as the previous speaker had on his one.

Mr. Speaker, I would just like to say to the previous speaker that the question that was asked was what happened while the Democrats had control in 1993 and 1994 and when they had control in the White House in 1993 and 1994.

The previous speaker almost moved me to tears in his very self-righteous indignation, and then blamed George Bush for killing it.

I may be a dumb country lawyer, I may have graduated from the University of Alabama, but my recollection was that George Bush was not President in 1993 or in 1994, that that was in fact William Jefferson Clinton.

I see some people shaking their heads, so maybe, maybe I am incorrect in this. But they can be self-righteous all they want. They had control over this Chamber over the two-year period in 1993 and 1994, they had the President of the United States, and they did not

want to do anything on campaign finance reform.

Now they come to this well in self-righteous indignation trying to distract people. . . . And if they want to be self-righteous, if they want to get on the well of the floor and debate this, we will gladly do it for as long as you want to do it, because you do not have the moral high ground. And when you had a chance to change things, you did not do it, and you cannot rewrite history, as much as you would like to try.

So beat your chest in self-righteous indignation, but pray for the children tonight, pray for America and whatever you want to do, but the fact of the matter is, that you are being hypocrites.

Mr. HEFNER. Mr. Speaker, I ask that the gentleman's words be taken down when he said that the White House had sold influence to Communist China and other things. There is no proof of that, and that is absolutely ridiculous, to come into this body and accuse the President of the United States of selling influence to a Communist nation.

I ask that the gentleman's words be taken down.

The SPEAKER pro tempore. The gentleman from Florida will suspend.

The Clerk will report the words objected to.

□ 1636

The SPEAKER pro tempore (Mr. LAHOOD). Does the gentleman from Florida [Mr. SCARBOROUGH] seek recognition?

Mr. SCARBOROUGH. Yes, Mr. Speaker, I do.

Mr. Speaker, I ask unanimous consent to withdraw my words about specifically mentioning the President . . . since while Newsweek has written an article about that those have not been proven yet, so I will specifically withdraw the statement regarding the President . . . .

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

There was no objection.

Mr. HEFNER. Mr. Speaker, I thank the gentleman for making the correction, and that saves us a trip back to Hershey.

The SPEAKER pro tempore. The time of the gentleman from Florida [Mr. SCARBOROUGH] has expired.

The gentleman from Ohio [Mr. HALL] is recognized. The gentleman from Ohio has 4\1/2\ minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the text of the amendment I intend to offer, if the previous question is defeated, be printed in the RECORD immediately preceding the vote.

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

There was no objection.

The amendment referred to is as follows:

At the end of the resolution, add the following new section:

"Section 2. No later than May 31, 1997, the House shall consider comprehensive campaign finance reform legislation under an open amendment process."

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Let me conclude my remarks by reminding my colleagues that defeating the previous question is an exercise in futility, because the minority wants to offer an amendment that will be ruled out of order as nongermane to this rule. So the vote is without substance.

The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

Mr. Speaker, at this point in the RECORD, I ask unanimous consent to insert an explanation of the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The explanation follows:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 187, not voting 26, as follows:

[Roll No. 49]

YEAS—219

Aderholt	Gekas	Nussle
Archer	Gibbons	Oxley
Armey	Gilchrest	Packard
Bachus	Gillmor	Pappas
Ballenger	Gilman	Parker
Barr	Goodlatte	Paul
Barrett (NE)	Goodling	Paxon
Bartlett	Goss	Pease
Bass	Graham	Peterson (PA)
Bateman	Granger	Petri
Bereuter	Greenwood	Pickering
Bilbray	Gutknecht	Pitts
Bilirakis	Hall (TX)	Pombo
Bliley	Hansen	Porter
Blumenauer	Hastert	Portman
Blunt	Hastings (WA)	Pryce (OH)
Boehlert	Hayworth	Quinn
Boehner	Hefley	Radanovich
Bonilla	Herger	Ramstad
Bono	Hill	Regula
Boucher	Hilleary	Riggs
Brady	Hobson	Riley
Bryant	Hoekstra	Rogan
Bunning	Horn	Rogers
Burr	Hostettler	Rohrabacher
Burton	Houghton	Ros-Lehtinen
Buyer	Hulshof	Royce
Callahan	Hunter	Ryun
Calvert	Hutchinson	Salmon
Camp	Hyde	Sanford
Campbell	Inglis	Saxton
Canady	Istook	Scarborough
Cannon	Jenkins	Schaffer, Bob
Castle	Johnson (CT)	Schiff
Chabot	Johnson, Sam	Sensenbrenner
Chambliss	Jones	Sessions
Chenoweth	Kasich	Shadegg
Christensen	Kelly	Shaw
Coble	Kim	Shays
Coburn	King (NY)	Shimkus
Collins	Klug	Shuster
Combest	Knollenberg	Skeen
Cook	Kolbe	Smith (MI)
Cooksey	LaHood	Smith (NJ)
Cox	Largent	Smith (OR)
Crane	Latham	Smith, Linda
Crapo	LaTourette	Snowbarger
Cubin	Lazio	Solomon
Cunningham	Lewis (CA)	Souder
Davis (VA)	Lewis (KY)	Spence
Deal	Linder	Stearns
DeLay	Livingston	Stump
Diaz-Balart	LoBiondo	Sununu
Dickey	Lucas	Talent
Doolittle	Manzullo	Tauzin
Dreier	McCollum	Taylor (NC)
Duncan	McCrery	Thomas
Dunn	McDade	Thornberry
Ehlers	McInnis	Thune
Ehrlich	McIntosh	Tiahrt
Emerson	McKeon	Upton
English	Metcalf	Walsh
Ensign	Mica	Wamp
Everett	Miller (FL)	Watkins
Ewing	Molinari	Watts (OK)
Fawell	Moran (KS)	Weldon (FL)
Foley	Morella	Weldon (PA)
Forbes	Myrick	Weller
Fowler	Nethercutt	White
Fox	Neumann	Whitfield
Franks (NJ)	Ney	Wicker
Frelinghuysen	Northup	Wolf
Ganske	Norwood	Young (AK)

NAYS—187

Abercrombie	Andrews	Barcia
Ackerman	Baesler	Barrett (WI)
Allen	Baldacci	Becerra

Bentsen
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—26

Baker
Barton
Berman
Carson
Clay
Clayton
Costello
Dicks
Etheridge
Foglietta
Gallegly
Gutierrez
John
Kingston
Leach
Manton
McCarthy (MO)
McHugh
McIntyre
Meehan
Ortiz
Price (NC)
Roukema
Schaefer, Dan
Smith (TX)
Young (FL)

□ 1659

Messrs. MATSUI, PASTOR, and SPRATT changed their vote from "yea" to "nay."

Mr. FOLEY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, on rollcalls No. 48 and 49 I was unavoidably detained in transit. Had I been present, I would have voted "no" on rollcall No. 48 and "no" on rollcall No. 49.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 88 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 852.

The Chair designates the gentleman from Nebraska [Mr. BARRETT] as Chairman of the Committee of the Whole, and requests the gentleman from Wisconsin [Mr. SENSENBRENNER] to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 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 with Mr. SENSENBRENNER (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Missouri [Mr. TALENT] will be recognized for 30 minutes, and the gentlewoman from New York [Mrs. McCARTHY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I ask unanimous consent that debate on this bill be limited to 20 minutes, 10 minutes on each side, which I understand the gentlewoman has no objection to.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Missouri [Mr. TALENT] will be recognized for 10 minutes, and the gentlewoman from New York [Mrs. McCARTHY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

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

Mr. Chairman, This is a noncontroversial but very significant bill, Mr. Chairman. It is a supplement to the Paperwork Reduction Act of 1996. We call it the Paperwork Elimination Act. What the bill does, in fine, is require that regulatory agencies give the people that they regulate, not just small businesses but everybody, the option to store and supply the information they have to supply by electronic means: modems, computers, faxes, where that is appropriate. This is done within the framework of the Paperwork Reduction Act, which we passed unanimously last year.

This bill itself passed the House last year unanimously, moved over to the Senate, was discharged from committee, but never reached the Senate floor. It came out of the Committee on Small Business unanimously. It is supported by the ranking member, the gentleman from New York [Mr. LAFALCE], and myself. It is a good bill and a good step forward in trying to provide some additional options to people who are trying to supply information to the government in an efficient way at as little cost as possible.

Mr. Chairman, I rise today to encourage quick passage of H.R. 852, entitled the "Paperwork Elimination Act of 1997."

Paperwork demands of the Federal Government place a tremendous burden upon all Americans. Some estimates place the total burden at more than 6 billion hours a year. To place this staggering number in perspective, 6 billion hours of labor is equivalent to 3 million employees working full-time to satisfy the often repetitive and duplicative requests of various Federal agencies. This is a expense which small business can ill afford.

According to a 1995 study by Thomas Hopkins of the Rochester Institute of Technology, small businesses with less than 20 employees pay an average of $5,106 per employee annually in regulatory costs. This is in strong contrast to the average of $3,404 in regulatory costs per employer which businesses with more than 500 employees pay. Much of this regulatory cost stems from paperwork—paperwork which this legislation intends to eliminate.

The Paperwork Elimination Act builds upon the Paperwork Reduction Act of 1995 to further minimize the burden of Federal paperwork demands upon small businesses and others. H.R. 852 would accomplish this by advancing the use of alternative information technologies including electronic maintenance, submission, and disclosure of information. Essentially, this would mean that anyone with access to a personal computer or even a phone would be able to meet the Federal Government's information requests in an easier and less timely fashion.

It is important to note that the Paperwork Elimination Act requires Federal agencies to provide for only the optical use of alternative technologies in complying with informational demands. This legislation should not in any way be construed as a mandate on individuals. Those without the ability or desire to comply with Federal regulatory demands electronically would not be required to do so against their will.

H.R. 852 is identical to legislation passed by the House in the 104th Congress. In the last Congress, after a thorough hearing by the Small Business Subcommittee on Government Programs, our committee adopted this measure by voice vote and the House went on to pass it unanimously. Unfortunately, even though this measure was discharged by the Senate Committee on Governmental Affairs, the Senate was not able to take final action before the close of the 104th Congress. After consulting with Mr. LAFALCE, our ranking member, we decided that we could move this

legislation through committee without the need for an additional hearing. The committee held a mark-up on this legislation last Thursday, March 6. We reported this measure out unanimously by voice vote without amendment, and filed our report later that day.

In conclusion, let me commend many out there for moving into the information age with such great speed and enthusiasm. I have observed businesses of all sizes eagerly accepting and embracing all forms of new technology. No office seems complete these days without a computer and fax machine. Products are being advertised, orders being taken, bills being paid, all by electronic means. Why should the Federal Government be any different?

I urge my colleagues to vote yes on H.R. 852, the Paperwork Elimination Act.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair notes that control and duration of time for general debate was set by order of the House, meaning essentially 30 minutes per side. While the previous request in the Committee of the Whole is not controlling, under the circumstances, however, the Chair notes that each side may yield back any time that they may desire.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 852, the Paperwork Elimination Act of 1997, which the Committee on Small Business reported out unanimously last week. I commend the chairman and the ranking member for bringing this bipartisan legislation to the floor.

In approving this legislation, the Committee on Small Business, which has long been a forum for and a voice of the small business community, took another step forward, responding to one of the principal ongoing concerns of small business owners: the paperwork burdens imposed on them by the Federal Government.

Mr. Chairman, the ambitious title of the legislation notwithstanding, I do not foresee a day in my lifetime when we will eliminate paperwork. Nor do I foresee the day when we will altogether eliminate regulations. What we can do, however, and what this bill does, is take advantage of existing technology capabilities and ease the regulatory burden on small businesses by reducing the amount of paper they must fill out, mail, and file.

This legislation itself imposes no burden. It has no mandates. It allows those small business owners, educators, State and local governments and others the option of communicating with the Federal Government via computer.

Mr. Chairman, I see much progress and no problems accompanying this bill, and therefore I urge all of my distinguished colleagues to support it.

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

Mr. TALENT. Mr. Chairman, I am pleased to yield 1 minute to my friend, the gentleman from New Jersey [Mr. LOBIONDO.]

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of this legislation. I would like to point out that according to the Small Business Administration, small business owners spend at least 1 billion, that is right, 1 billion hours a year in filling out government forms, at an annual cost of $100 billion.

As someone who has spent more than 25 years in a small business, I can testify to the accuracy of this statistic. I spent more than my fair share of time filling out form after form after form. The paperwork required by the Government was seemingly endless. The Paperwork Elimination Act will alleviate the paper burden by giving small business owners and employees the option to submit information by electronic means.

Over the last several years, we have seen historic changes in the field of telecommunications. This bill will bring the Government into the information age. Many small businesses already take advantage of various technologies used for communication. This initiative would give businesses the option to use this technology to submit information to the Government. If it does not have the capability or the desire to exchange information electronically, if a business does not want to do that, they will not be penalized under this bill.

I hope the days of filling out forms in triplicates will be behind us. Passing this bill will be a giant step closer to that end.

In the last Congress, this legislation passed the House of Representatives with unanimous support but it never saw action on the Senate floor. In this session I hope we can put this bill on the President's desk, and I urge all of my colleagues to strongly support the legislation.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE], the distinguished ranking member of the committee.

Mr. LAFALCE. Mr. Chairman, I want to praise the gentleman from Missouri [Mr. TALENT], the new chairman of the Committee on Small Business, and all the members of the Committee on Small Business, especially the freshman members on both sides, for the great work they have done so far.

I call upon everyone to support this bill.

Mr. Chairman, I rise in support and as a cosponsor of the Paperwork Elimination Act of 1997, introduced by my good friend and the chairman of the Small Business Committee, Congressman JIM TALENT.

Last year the Congress passed and the President signed the Paperwork Reduction Act, which mandates fixed percentage cuts in paperwork burdens over the next few years. The Paperwork Elimination Act builds on that law by encouraging the electronic submission and disclosure of regulations and submission of information for regulatory compliance.

This legislation is easy to extol as all affected parties are a winner. It urges the Federal Government to disseminate and receive information by computer where appropriate. As this involves putting already existing technology to better use, the Government will incur little, if any, additional administrative or financial cost to comply with the provisions of this legislation.

Small businesses, nonprofits, and State and local governments stand to gain because they may, if they choose, comply with Federal requirements for information by furnishing it electronically rather than on paper. If this serves to reduce paperwork storage and compliance time, then the burden of the small business owner and others becomes a bit lighter.

In the last several years on the Hill we have seen in our own offices an amazing increase in our reliance on computers and other forms of information transmission and storage. We have seen our ability to communicate become faster and more efficient. It is time we take the next logical step and prod Federal agencies to open the door to electronic communication with the businesses, States and towns of America. The Paperwork Elimination Act is the next logical step.

Mr. Chairman, I urge all my colleagues to support this legislation.

Mr. TALENT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Chairman, in my office and in offices throughout our country, e-mail has become an alternative and efficient way for people in one office and different offices to transfer information. Within minutes of sending a message, memo, or document, a recipient in the next office, or someone who is five States away, receives information. It is quick, easy, and it saves paper.

The technological advances of our Nation have changed the face of doing business, whether it is using e-mail, having a WEB site, or even teleconferencing businesses are taking advantages of these technological advances in order to speed up the transfer of information.

By passing the Paperwork Elimination Act, the Federal Government can use these new advances in technology to reduce the burden on many small businesses. The Government can receive, disseminate, and respond to inquiries, input information, and save thousands of pieces of paper by implementing these new advances. The 104th Congress took a giant step forward in reducing the burdensome paperwork that consumes many businesses by passing the Paperwork Reduction Act. The 105th Congress has an opportunity to build on that and pass the Paperwork Elimination Act.

□ 1715

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time. I commend her efforts in bringing this legislation to the floor.

The Paperwork Elimination Act is an excellent piece of legislation. I believe it will enjoy overwhelming bipartisan support. The importance of small businesses in New Jersey cannot be emphasized enough. They are the backbone of the State's economy. Of the 187,000 full-time business firms in New Jersey, 98 percent are small businesses, which are independent businesses with fewer than 500 workers. The aim of this act is to minimize the burden of Federal paperwork on small businesses through the use of electronic information technology.

To use an extreme example, some small businesses are required to file forms with up to 50 different Federal, State and local agencies. This is impossible. These bureaucratic demands can strangle a small business. This bill ameliorates this burden by requiring all Federal agencies to provide the option of electronic submission of information to all those who must comply with Federal regulations. I believe it will accomplish the goal that is set out in the summary of the bill.

Small businesses play too significant of a role in our economy. We need job creation. We need productivity, and we need expansion. I strongly urge my colleagues to support H.R. 852.

Mr. TALENT. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Mr. Chairman, with that provision let me make just two points in the interest of time. First of all, I am very much supportive of any efforts on the part of agencies to allow electronic submission to take advantage of both efficiency and economy that is allowed by electronic submissions.

The second point I would like to make, however, is we must make sure that the legislative history is clear on this, that this is the option of the small business and governments that this is meant to provide some relief for and it is not at the option of the agency.

Mr. Chairman, I rise in support of the Paperwork Elimination Act of 1997. This legislation provides an option to small businesses and others, who have the capacity to comply with regulations by computer and other means, to take advantage of electronic technology. This is an effort to make it easier and less costly to do business with the Government, and I would encourage Government agencies to improve their effectiveness in utilizing information technology. I would like to point out that OMB is required to oversee and promote the use of electronic information technology.

However, we should make it very clear that the use of electronic technology is optional on the part of those required to comply with Government paperwork mandates. I support this legislation that will enable small businesses to cut down the billion or so hours they spend each year filling out Government forms, and, hopefully, lower their costs of $100 billion.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I thank the gentlewoman from New York for yielding me the time.

I would first of all like to compliment our ranking member, from New York [Mr. LAFALCE] and our chairman, the gentleman from Missouri [Mr. TALENT]. If there is anything that we have been talking about over the last couple months, it is bipartisanship. This bill is probably the best example of what anybody could call bipartisan legislation. It is here today. It may be small. But it is indeed the first effort that we have seen in this Congress of a bipartisan piece of legislation, so I compliment them both.

As a former small business owner, Mr. Chairman, I, like many of our colleagues, was besieged with Federal paperwork, working nights and weekends, taking time away from my family and my clients to be able to fill in those forms. This act will help change that.

More importantly, one of the things that we have heard in this Congress time and time again is that we must teach our children about computers and being more literate in that electronic field. This now forces us to also recognize the Federal Government must be literate in that area. It forces them to be on the state of the art in terms of technology. It forces us to finally get into the 21st century. It is a great piece of legislation. It may be small, but it moves us in the right direction, not only for businesses but for a bipartisan Congress. I hope Members will all support it.

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

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I first of all would like to commend and congratulate Chairman TALENT AND THE GENTLEMAN FROM NEW YORK [MR. LAFALCE], the ranking member, for the exemplary leadership that they provided in bringing this legislation to the floor.

I want to concur and agree with the words that have already been spoken by most of my colleagues and would simply echo their sentiments. But I would like to add that I hope that in the implementation of this act that even those businesses that we call micro businesses, the ma and pa shops, the cleaners, the beauty shops, the barber shops, those that do not even have computers, I would hope that the legislation would be implemented in such a way that there would be a facility someplace that they could go and receive assistance so that they, too, could benefit from this legislation.

I think it is an excellent display of bipartisanship, and I hope that we can display in the near future the same kind of bipartisanship, the same kind of concern for campaign finance reform so that the people of this country can have the same assurances that small businesses will have, that they will get the most from their government.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield back the balance of my time.

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

I want to thank all the speakers for their kind words about the bill and about the process. I do need to thank some other people, Mr. Chairman, very briefly. The Committee on Small Business shares jurisdiction over issues involving paperwork reduction with the Committee on Government Reform and Oversight. I want to thank the gentleman from Indiana [Mr. BURTON], the chairman, and his staff for agreeing to waive their primary jurisdiction over the legislation. I also want to thank the gentleman from Indiana [Mr. MCINTOSH], a member of the Committee on Small Business who in his role as chairman of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the Committee on Government Reform and Oversight, has along with his staff also assisted greatly in helping us move this measure forward in a speedy fashion.

I would also like to thank our ranking member, the gentleman from New York [Mr. LAFALCE], for his help in moving the bill through the committee at information age speed. It could not have been done without him. I would also like to thank the Committee on Small Business staff who worked on the legislation: Jeff Polich, Emily Murphy, Laurie Rains, and Harry Katrichis for the majority, and Patricia Hennessey and Tom Powers for the minority.

With that, I urge my colleagues to vote yes on this important bill, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 852, the Paperwork Reduction Act. This bill is an important step into the technological age.

H.R. 852 will allow businesses to choose to submit required information to the Government by electronic filing. It will benefit businesses by allowing them to use the most efficient means available to communicate with the Government.

H.R. 852 brings both business and government into the modern age where information is transferred quickly and efficiently through the electronic medium. In so doing, it has the important effect of conserving resources—both human and material—and eliminating waste.

In the 104th Congress, we recognized the merits of H.R. 852 and voted unanimously in favor of similar legislation. Our colleagues in the Senate, however, did not act. I hope that in this new session, the House and Senate will stand together in support of this important legislation. However, as we work to reduce paperwork—a real discussion on campaign finance reform, should become a part of the House agenda. That is a necessary part of this body's work.

Thank you, Mr. Speaker.

Mrs. KELLY. Mr. Chairman, I rise today in strong and enthusiastic support of H.R. 852, the Paperwork Elimination Act of 1997. This is important legislation that will assist in the process of lowering the paperwork burden that the Federal Government places on small businesses throughout this country, and will facilitate Federal agencies' efforts to fulfill their requirements under the Paperwork Reduction Act.

We all know that the Federal Government places an enormous paperwork burden on small business owners. The amount of forms that it requires to be maintained or submitted is staggering.

One study that was conducted by the General Accounting Office estimates the Government-wide paperwork burden to be 7 billion hours per year.

Because of this burden that it creates, the Federal Government has an obligation to make compliance with these demands as easy and straightforward as possible. That is what the Paperwork Elimination Act is designed to address. It simply states that the Federal Government should recognize the advancements in information technology management that have been made in recent years, and allow small business owners to utilize them when meeting the demands that the Government makes.

As chair of the Small Business Committee's Regulatory Reform and Paperwork Reduction Subcommittee, I constantly hear from small business owners across the country who are desperate for additional paperwork relief. As a former small business owner, I know first hand and can testify to the demands that paperwork and recordkeeping can place on the busy schedule of those trying to successfully operate their own business. H.R. 852 simply provides an additional tool for these individuals to have at their disposal.

The one other important aspect of this legislation that I would like to highlight today is the flexibility it provides small business. While requiring that Federal agencies accommodate alternative information technologies, these amendments to the Paperwork Reduction Act leave the decision of employing such technologies squarely in the hands of the small business owner. We did not need another mandate from the Government telling small businessmen and women how they must comply. Rather, we need to give them the option of deciding the best way in which they can meet the requirements placed upon them.

I would like to commend the gentleman from Missouri [Mr. TALENT] for introducing this legislation. As we all know, this bill overwhelmingly passed this Chamber during the 104th Congress. I would like to urge all Members to support H.R. 852 and help make this important legislation become law.

Thank you, Mr. Chairman.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by section. Each section shall be considered as having been read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Elimination Act of 1997".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PURPOSES.

The purpose of this Act is to—

(1) 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, including the use of electronic maintenance, submission, or disclosure of information to substitute for paper; and

(2) more effectively enable Federal agencies to achieve the purposes of chapter 35 of title 44, United States Code, popularly known as the "Paperwork Reduction Act".

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORITY AND FUNCTIONS OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

(a) DIRECTION AND OVERSIGHT OF INFORMATION TECHNOLOGY.—Section 3504(a)(1)(B)(vi) of title 44, United States Code, is amended to read as follows:

"(vi) the acquisition and use of information technology, including the use of alternative information technologies, such as the use of electronic submission, maintenance, or disclosure of information to substitute for paper.".

(b) PROMOTION OF USE OF ELECTRONIC INFORMATION TECHNOLOGY.—Section 3504(h) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end the following:

"(6) specifically promote the optional use of electronic maintenance, submission, or disclosure of information where appropriate, as an alternative information technology to substitute for paper.".

The CHAIRMAN. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. ASSIGNMENT OF TASKS AND DEADLINES.

Section 3505(a)(3) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; and", and by adding at the end the following:

"(D) a description of progress in providing for the use of electronic submission, maintenance, or disclosure of information to substitute for paper, including the extent to which such progress accomplishes reduction of burden on small businesses or other persons.".

The CHAIRMAN. Are there any amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. FEDERAL AGENCY RESPONSIBILITIES.

(a) PROVIDING FOR USE OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(1)(B) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of clause (ii) and by adding at the end the following:

"(iv) provides for the optional use, where appropriate, of electronic maintenance, submission, or disclosure of information; and".

(b) PROMOTION OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(3)(C) of title 44, United States Code, is amended by striking "or" after the semicolon at the end of clause (ii), by adding "or" after the semicolon at the end of clause (iii), and by adding at the end the following:

"(iv) the promotion and optional use, where appropriate, of electronic maintenance, submission, or disclosure of information.".

(c) USE OF ALTERNATIVE INFORMATION TECHNOLOGIES.—Section 3506(c)(3)(J) of title 44, United States Code, is amended to read as follows:

"(J) to the maximum extent practicable, uses alternative information technologies, including the use of electronic maintenance, submission, or disclosure of information, to reduce burden and improve data quality, agency efficiency and responsiveness to the public.".

The CHAIRMAN. Are there amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. PUBLIC INFORMATION COLLECTION ACTIVITIES; SUBMISSION TO DIRECTOR; APPROVAL AND DELEGATION.

Section 3507(a)(1)(D)(ii) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of subclause (V), by adding "and" after the semicolon at the end of subclause (VI), and by adding at the end the following:

"(VII) a description of how respondents may, if appropriate, electronically maintain, submit, or disclose information under the collection of information.".

The CHAIRMAN. Are there any amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. RESPONSIVENESS TO CONGRESS.

Section 3514(a)(2) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting "; and", and by adding at the end the following:

"(E) reduced the collection of information burden on small businesses and other persons through the use of electronic maintenance, submission, or disclosure of information to substitute for paper maintenance, submission, or disclosure of information, including—

"(i) a description of instances where such substitution has added to burden; and

"(ii) specific identification of such instances relating to the Internal Revenue Service.".

The CHAIRMAN. Are there any amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. EFFECTIVE DATE.

This Act shall take effect October 1, 1998.

The CHAIRMAN. Are there any amendments to section 8 or to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, pursuant to House Resolution 88, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. LAFALCE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 37, as follows:

[Roll No. 50]

YEAS—395

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
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
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
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)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
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, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—37

Baker
Barton
Becerra
Berman
Blumenauer
Boucher
Brown (CA)
Callahan
Clay
Clayton
Dicks
Etheridge
Everett
Gallegly
Hyde
John
Johnson (CT)
Kingston
Klug
Largent
Manton
McCarthy (MO)
McCrery
McHugh
McIntyre
Meehan
Nethercutt
Ortiz
Price (NC)
Ros-Lehtinen
Roukema
Ryun
Sanchez
Schaefer, Dan
Smith (TX)
Smith, Adam
Young (FL)

□ 1743

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, please let the RECORD show that had I been present I would have voted "aye" on rollcall No. 50.

GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise to engage in a colloquy with my friend from New York [Mr. SOLOMON] about the schedule for the remainder of the week and for next week.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend from New York.

Mr. SOLOMON. My good friend, the minority whip, I would say to him, Mr. Speaker, that we are pleased to announce the House has completed its work for the week and there will be no more votes today or for the rest of the week.

The House will next meet at 2 p.m. on the infamous day of Monday, March 17; I think some others than the Scotch that I am would refer to that as St. Patrick's Day; for a pro forma session. Of course there will be no legislative business and no votes on that day.

On Tuesday, March 18, we will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that any recorded votes will be postponed until 5 p.m. on Tuesday, March 18.

Mr. Speaker, on Tuesday we hope to consider the following five bills under suspension of the rules. They are:

H.R. 924, the Victim Allocution Clarification Act of 1997; H.R. 927, the U.S. Marshals Improvement Act; H.R. 672, a bill containing technical amendments to copyright laws; H.R. 908, a bill to establish a commission on structural alternatives for the Federal Court of Appeals, and H.R. 514, a bill to permit the waiver of D.C. residency requirements for certain employees of the office of the D.C. Inspector General.

Also on Tuesday, March 18, the House will consider under an open rule H.R. 412, the Oroville-Tonasket Claims Settlement Act; that is under an open rule.

The House will meet for legislative business at 11 a.m. on Wednesday, March 19, and at 10 a.m. on Thursday, March 20. We plan to take up the following measures, all of which will be subject to rules:

H.R. 1, the Working Families Flexibility Act of 1997; H.R. 929, a bill to ban partial-birth abortions, and H. Res. 91, a resolution providing amounts for the expenses of certain House committees for the 105th Congress.

We hope to conclude business and begin the spring district work period by 6 p.m. on Thursday, March 20, and I would thank the gentleman for yielding to me to explain this to the membership.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his explanation. I have just a couple of questions I would like to pose to him if he would indulge me for a second here.

On Tuesday H.R. 412, the bill that follows the suspension, the Oroville-Tonasket Claim Settlement Act; that is under an open rule on the floor. Does the gentleman from New York expect to complete that bill on Tuesday?

Mr. SOLOMON. Yes, we do.

Mr. BONIOR. So it could be into the evening on Tuesday?

Mr. SOLOMON. I do not expect we would go—that is not a very controversial bill, and I would expect we would be out sixish or even sooner perhaps.

Mr. BONIOR. Just so that the gentleman is aware, there is opposition to it on our side of the aisle, and I just want the gentleman——

Mr. SOLOMON. I know of one significant amendment that we discussed in the Committee on Rules.

Mr. BONIOR. So it may take a while and Members might be apprised that it may run a little bit beyond 6 o'clock. I just want the gentleman to know that.

And on Wednesday and Thursday, 19 and 20, my colleague mentioned the three bills. Does he know which day he is going to bring them up yet? H.R. 1?

Mr. SOLOMON. I say to the minority whip that he is a former member of the Committee on Rules and served there with me for many years. We expect to take up on the floor the Working Families Flexibility Act. It will be under a fair structured rule. That will certainly be the first taken up.

Mr. BONIOR. Wednesday maybe for that bill?

Mr. SOLOMON. Excuse me?

Mr. BONIOR. Is the gentleman from New York anticipating maybe Wednesday for that particular bill?

Mr. SOLOMON. Yes.

Mr. BONIOR. OK.

Mr. SOLOMON. And we are uncertain as to which of the next two would be brought up first, the ban on partial-birth abortions and the resolution providing amounts for the expenses of certain House committees for the 105th Congress. They both will most likely be brought up on Thursday.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman from Michigan yield to me.

Mr. BONIOR. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I was delighted to hear my friend from New York say that the flexibility bill would be brought up under a fair structured rule, obviously meaning amendments would be allowed.

May I safely assume that the other two important bills would also be brought up under fair structured rules and allowing amendments that week?

Mr. SOLOMON. I can assure the gentleman. He knows that I made a personal commitment, as did Speaker GINGRICH, that we would be at least as fair as the Democrats were always to us and probably much fairer.

Mr. FRANK of Massachusetts. If the gentleman would yield again, I am glad to know he is flexible. May I ask my question again? The gentleman said there would be a fair structured rule. Does that mean that there would also be a fair structured rule of the same sort to the other bills?

Mr. SOLOMON. I would think so, although we have a fair Committee on Rules and we always take the minority in consultation, and we will have to make that decision. I certainly do not want to speak for all nine of them.

Mr. FRANK of Massachusetts. We will settle for the gentleman's commitment.

Mr. SOLOMON. My commitment is always to be fair.

Mr. BONIOR. I just want the gentleman to understand on the committee funding bill there is an immense amount of controversy on that bill and concern on our side with respect to the division of funding, and I hope it is not the last thing we do before we break for spring because I just want the gentleman to be aware that there are very strong feelings by our ranking and senior Members with respect to the funding of that bill.

So I hope we can work some things out next week on it, but if we cannot, I do not think it would be wise to make that the last order of business.

Finally, Mr. Speaker, let me just mention that the gentleman was patient in the debate we had this afternoon with respect to the paperwork reduction bill, specifically the previous question that dealt with campaign finance reform. I just want the gentleman to know with the deepest amount of respect how strongly we feel on our side of the aisle about that bill, about having—not that bill, that process, and having something coming to the floor. We can discuss a variety of bills and approaches, and we will be pressing that—as the gentleman probably was able to ascertain from our efforts today, we will be pressing that on a regular basis, and we are hopeful that in a fair, bipartisan manner we can have this out on the floor where we get a full debate and we can do it in a timely fashion.

Now we do not expect it to be done next week or perhaps within the next month. We expect some idea of when we as a body can address this issue, which is a growing cancer on the Democratic institution that we love so much here.

So I just want the gentleman to know up front where we are coming from, if he has not figured it out, and I am sure he has by now, about how strongly we feel about this, and I thank him so much.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, first of all I want to thank him for thanking me for being patient this afternoon. Sometimes that is hard to do, but we certainly are trying to have some comity in the House that will allow us to have meaningful work produced, and, as the gentleman knows, campaign finance reform is a very complex and important issue.

Unfortunately, or fortunately, whichever way one looks at it, we are bound by the U.S. Constitution. There are people like me that would like to bring a bill to the floor yesterday for full financial disclosure on everything, and I feel very strongly about that, just as strongly as the gentleman does on other aspects. But because it is complex, because we are bound by the Constitution, we have to make sure that what we do is going to stand the constitutional test, and that is going to

take some time, but I do believe that this issue is going to be dealt with, and the gentleman has my assurances to help him make sure that we bring a meaningful bill to the floor that can be enforced, not like the present laws, which have been broken, as the gentleman knows, and which need to be enforced.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and I would say in just brief response that it is just not a bill that we are interested in. We are interested in having their idea come to the floor as well as the myriad of ideas that we have out here to resolve this. The Senate is already moving on dealing with a constitutional amendment, and it seems to me that we ought to be at least discussing when, in fact, we will have our day. I frankly think this needs a week, a full week at least, of discussion on the floor because of its importance to the Democratic process and our lives, and our lives, which in many ways are out of control because of what we have got to go through, the hurdles that all of us have to go through, to compete in this insane system that we are living in.

So I thank my colleague, and I want to make sure that his disclosure bill has an opportunity, and I may indeed support it, but I think other opportunities ought to be available as well, and we wish the gentleman from New York a good weekend.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would yield, I also want to say this is my day to be delighted at the resolution of my friend from New York. I was particularly pleased to hear him pledge absolute fealty to the Supreme Court's interpretation of the Constitution as governing what we do, and I look forward to our being very closely governed by what the Supreme Court says we can and cannot do for the rest of the year.

Mr. SOLOMON. Mr. Speaker, if the gentleman will just yield further, I know Members probably want to go home for the evening, but I am just sure that no American expects a doctor to prescribe surgery until he has done a thorough examination, and I am going to tell the gentleman my colleagues all know I have been very much involved in what has been going on with what I consider scandals on not only breaking campaign laws. Those are very important laws. As my colleague knows, one single little violation is subject to a $5,000 fine and/or 5 years in jail and, lord knows, there have been so many violations, and we really need to get to the bottom of those, see what it is, and I think that will lead us into maybe some meaningful legislation to perhaps correct some of those illegal activities that have been going on.

And I thank the gentleman, and I wish him a very happy weekend as well.

ADJOURNMENT TO MONDAY, MARCH 17, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 18, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 17, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, March 18, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

□ 1800

PEACE AND STABILITY SOUGHT IN MIDDLE EAST

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

Mr. BARCIA. Mr. Speaker, the people of Israel have endured a history of military threat that would have crushed a lesser nation. They have fought for and earned freedom and the right to be recognized as a nation of resolve.

The Palestinian people have also faced many challenges and difficult trials. The peace process has been as much a blessing to them as it has to the people of Israel. It was a major success for our Nation to have helped facilitate peace negotiations between the leaders of Israel and Palestine, and it is a delicate balance to maintain this most promising dialog. But recent reports that Yasser Arafat has invited diplomatic officials from several nations, including the United States, to criticize Israel for building in Jerusalem and redeployment from the West Bank can be a major impediment to the peace process.

I am deeply troubled by the fact that Israel has not been invited to participate in this meeting. I am even more troubled that the United States has apparently agreed to attend what would appear to be a one-sided meeting. Just as we cannot hear the sound of one hand clapping, we cannot expect to resolve conflicts by hearing only one side of the story.

Over the years our Nation, under several Presidents, has invested too much to blemish the wonderful image that we all have of Yasser Arafat and Yitzhak Rabin shaking hands in front of President Clinton at the White House, signifying that an era of mutual respect was replacing one of hostility.

I implore President Clinton and Secretary Albright to reconsider our participation in the meeting in Gaza. Please do not allow the news of the moment to overwhelm the work of a generation of leaders. Do not attend this meeting unless both parties to the negotiations agree that it will contribute to stability and our ultimate goal of peace in the Middle East.

APPOINTMENT OF MEMBER TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Member of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE of Arizona, Chairman.

There was no objection.

APPOINTMENT OF MEMBER TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provision of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Member of the House to the Canada-United States Interparliamentary Group:

Mr. HOUGHTON of New York, Chairman.

There was no objection.

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 3 of Public Law 93–304, as amended by Section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. SMITH of New Jersey, cochairman; and Messrs. PORTER, WOLF, SALMON, and CHRISTENSEN.

There was no objection.

APPOINTMENT TO NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 306(k)(3)(a) of the Public Health Service Act (42 U.S.C. 242k(k)), as amended by section 263 of Public Law 104–191, the Chair announces the Speaker's appointment of Mr. Jeffrey S. Blair of Atlanta, Georgia to the National Committee on Vital and Health Statistics on the part of the House.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I rise today to commend the outstanding work of Lou Hinds, who has managed the J.N. "Ding" Darling National Wildlife Refuge on my home Island of Sanibel for the last 7 years. It came as no surprise when I heard that Lou was recently named "Refuge Manager of the Year" by the National Wildlife Refuge Association. He will receive his award in Washington on Monday, March 17. Throughout his service, Lou has taken a partnership approach to managing the refuge, involving local students, residents, tourists and community leaders. The community outreach program under Lou's direction is one of the most innovative in the country and many other refuges are working to replicate it.

The involvement of the community has been crucial to the success of the refuge. Realizing that the current visitor's center cannot adequately meet demand, refuge volunteers are spearheading a drive to improve the visitor's center through the use of private funds.

The refuge also works extensively with local students. Most notably, the Junior Naturalist Program, an educational partnership with an elementary school adjacent to the refuge, has been a terrific success.

This community-oriented approach has benefitted the refuge in terms of more space, equipment, and volunteers, but more important, it has allowed the refuge to serve as an educational resource for residents of southwest Florida and our many visitors from around the world. As a result, many have learned firsthand that by pursuing a sensible approach to safeguarding our resources, we can maintain a reasonable balance between growth and environmental protection.

Lou's work has made "Ding" Darling one of the finest refuges in the Nation, and I know that I speak for southwest Florida in expressing gratitude for the time and energy he has given so enthusiastically over the years. I want to extend sincere congratulations for a well-deserved honor.

EXPORT PROMOTION PROGRAMS KEEP JOBS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, we are engaged in a massive war, not with communist enemies or terrorist states, but with our friends and allies. This is not a military conflict, but a global economic war, competing for billions and billions' worth of export opportunities.

The battlefields are the towns and the factories spread throughout this great land of ours, and the foot soldiers in this war are the hard-working individuals whose efforts receive little recognition, but who drive the economy. They get up every morning, pack their lunch, get their kids off to school, go to their jobs and put a meaningful day's work in, and return home to their families, often unaware that a global economic war swirls around them.

This year Congress will reexamine several export promotion programs, including the Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Trade and Development Agency, the International Trade Administration, and the Commerce Department.

All of these programs are vital strategic arms, helping these forgotten Americans keep their jobs in this global battle for market share. Yet some in Congress would ignore this reality and abolish some or all of these programs. They think these programs are unnecessary or corporate welfare. But just as unilateral disarmament did not work against the Soviet Union during the cold war, efforts to cut or eliminate U.S. government export promotion programs will not stop foreign government subsidies of exports.

Who do you think would win if the U.S. withdraws support for the Export-Import Bank or OPIC? Only our vigorous competitors in Europe, Japan, and Canada would be the winners.

Japan supports more than 32 percent of its exports with some form of export credit. France finances 18.6 percent. Yet the U.S. supports only 2 percent of its own exports, and some in Congress would do away even with this.

No one particularly likes Government support for exports. I wish I could waive a magic wand and everyone, completely based solely on quality and price, would be able to compete. But, unfortunately, that is not reality in the global arena.

Let me give you one specific example that impacted the district I am privileged to represent. Beloit Corp., with operations in Beloit, WI and Rockton, IL is a manufacturer of paper-making machines. There are only two other companies in the world that make similar equipment, one located in Finland, the other in Germany. Beloit wished to sell two machines to Asia Pulp and Pacific worth $330 million. This sale represents 40 percent of total sales for Beloit, translating into 2 years of steady work for 2,000 high wage, highly skilled union employees.

Obviously a sale of this magnitude takes several months and lots of hard work to compete. At every step of the way, Beloit's competitors from Finland and Germany were waiting outside the door of Asia Pulp and Pacific to take advantage of any opportunity. These foreign companies had already lined up support of their home government's export credit finance agency for their machines. Recently Ex-Im Bank came through with a $270 million loan that provided the winning edge for Beloit to finalize the contract.

If Ex-Im was not there, Finland or Germany certainly would have filled the gap, and hundreds of forgotten Americans in Beloit, WI, and Rockton, IL would have been out of work. Ex-Im's actions were vital in solidifying America's position and in the global marketplace in the paper-making industry.

It is because of examples like Beloit Corp. that inspire me to fight for these export promotion programs. They are vital strategic weapons, not frivolous. In 1995, Ex-Im helped generate $13.5 billion in exports for the U.S. economy, which directly supported about 200,000 high-wage U.S. jobs. Last year OPIC backed projects generated nearly $10 billion in U.S. exports. The Trade Development Agency has helped generate $9 billion in exports since its creation in 1981.

These are not faceless statistics; they are backed by hundreds of examples all across America, like Beloit, where a little help from these U.S. agencies and the Commerce Department proved to be the winning edge in securing a foreign contract.

Until all countries do away with all government export subsidies in a multilateral framework, these programs deserve our full support.

MARCH 1997 NATIONAL EYE DONOR MONTH PROCLAMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. Bilirakis] is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, since 1983, Congress has joined with the Eye Bank Association of America in proclaiming March as National Eye Donor Month. March is a time to encourage all Americans to register their eyes for donation. Throughout the country, the miracle of transplant surgery is drastically improving people's lives.

Today I rise to request that my colleagues take a few minutes to focus on eye donations. Some of you may not

realize that a person's vision can be restored through corneal transplantation. Every year, thousands of corneal transplants are performed across the country, restoring precious sight to both the young and old. In 1995, over 44,000 corneas were made available by our Nation's eye banks for transplantation procedures.

While figures for 1996 are still being tallied, even greater totals are expected.

In fact, just outside my district, the Lions Club of Tampa, FL, operates one of the largest eye banks in the world. The Central Florida Eye and Tissue Bank restores sight to over 2,000 people every year. Nevertheless, the need for corneal transplants continues.

The benefits of sight-restoring transplant surgeries extend well beyond the people who receive the transplants. The benefits also extend to the transplant recipients' families, friends and communities.

In recent years, the public education campaigns launched by Congress, educators, and the media have had a positive impact on the success of eye donation programs.

Since 1961, when the Eye Bank Association of America was founded, member eye banks have made over a half million corneal transplants possible. The success rate of these transplants, Mr. Speaker, exceeds 95 percent.

Let me stress an important point. Anyone can be an eye donor. It does not matter if people have cataracts, poor eyesight, or other eye ailments. They can still contribute to improving the life of fellow human being, regardless of age or health status.

Another area that is somewhat confusing is how one becomes an organ donor. Many States have potential organ donors declare their intentions on their driving licenses. However, in order to guarantee that an organ donation will occur, a person must share, and I repeat, must share these intentions with his or her next of kin and other family members.

In some cases, the deceased person's next of kin may object to their loved one becoming an organ donor because the matter was never discussed. If an individual's next of kin objects to their loved one becoming an organ donor, those wishes are usually respected. It is extremely important that potential organ donors make their intentions clear with family members before it is too late.

Today, Mr. Speaker, we have a tremendous opportunity to educate our fellow Americans about eye donations. We must take this occasion to encourage all Americans to give the gift of sight.

What better legacy to leave than to have our eyes become someone else's miracle?

□ 1815

CONSERVATION RESERVE PROGRAM

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, this Member comes to the floor to raise concerns about the Conservation Reserve Program signup which began on March 3.

Over the past decade, the Conservation Reserve Program, the CRP, has proven to be enormously successful. It is a national investment which provides dividends to farmers, environmentalists, sportsmen, conservationists, the general public, and wildlife. The CRP is a voluntary program established by Congress in 1985 that provides incentives for farmers to convert land poorly suited for row crops into grasslands and tree cover. Grasslands and trees in turn prevent topsoil erosion, improve water quality, and provide critical wildlife habitat.

The CRP has now reached a critical point as previous contracts expire and new land is enrolled in the program. This September, the contracts on more than 60 percent of existing CRP acres will expire. That is 60 percent. Last month, the U.S. Department of Agriculture issued its long-delayed rules to govern the enrollment of new land into the program. The new rules make two-thirds of all existing U.S. farmland eligible for the program. It is possible that half the program's acres could be enrolled during this upcoming signup period.

These facts make it clear that a careful, thoughtful approach is needed to ensure that the benefits of this successful program are not lost. Unfortunately, this Member must be concerned that the complex new rules combined with the short time frame in place to implement them could lead to an unmitigated disaster which could tarnish this program for many years to come.

By taking so long to issue the rules, the USDA left a ridiculously short amount of time to inform producers and employees about the changes, conduct the signup and reach decisions about which bids to accept. Mr. Speaker, this is clearly a recipe for a bureaucratic disaster. While the intent of the new rules to focus on more environmentally sensitive land is, indeed, laudable, and supported by this Member, this Member is also concerned that the rushed and haphazard signup process will make this goal much more difficult to reach.

Although local USDA employees are doing their best to implement these new rules, they have clearly been given a demanding task which has been made even more difficult by shifting instructions. Recent changes in the rating system during the signup process has only added to the frustration of producers.

Another concern about the signup is that the proposed rental rates announced by the Farm Service Agency office do not reflect the grassroots input that was solicited and furnished last fall. A related concern is that the resulting rates in many instances could significantly distort any signup efforts.

A local County Conservation Review Group recently reviewed the rental rates for counties in southeastern Nebraska which were announced by the USDA. In one instance, the same type of soil is projected for a rental value of $84 per acre in one county but only $58 per acre across the road in another county. Disparities such as this are simply too great.

Mr. Speaker, this Nation has invested too much in the CRP to risk it on a rushed signup process. This Member believes it would be wise, and yes, absolutely necessary to offer an extension for existing contracts which expire this year. Such action would allow sufficient time to carefully analyze the new guidelines and determine whether any corrections are needed before the majority of CRP signups take place.

I would like to start it now because so much is involved in the signup period, but simply, we have waited too long at the USDA. It would be extremely detrimental if irreversible damage is done to the CRP during this signup period. This Member believes that the new process should be tested to determine whether the new rules are feasible and beneficial. Action must be taken now before it is too late.

THE SIGNIFICANCE OF ST. PATRICK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I want to speak about something a little bit out of the ordinary of what has been discussed today. I want to talk about St. Patrick. We are coming up on St. Patrick's Day, and though many people celebrate it in this country, few in America understand or recognize the significance of St. Patrick in the history of western civilization.

In fact, I have been reading a book called "How The Irish Saved Civilization," and it lays out wonderfully the story of St. Patrick who, at the age of 16, was a member of a British family in the fourth century and was also a member of the Roman Empire.

Late one night he was actually kidnapped by Irish barbarians and sold into the slave trade in the fourth century, and from the age of 16 to the age of 22 he stayed out in the cold and the rain as a shepherd. He was poorly clothed, he was not fed well at all, and

in fact he spent his evenings nearly freezing to death in barns along with the other slaves.

In the middle of the night, of one of his nights in his 22d year, God came to him in a vision and told him to go south, a ship would be waiting for him. So Patrick journeyed south and sure enough, a ship was waiting for him that took him back to Great Britain.

The story of Patrick goes that he went back to Great Britain, once again was reunited with his family, was educated, and a few years later God came to him again in a dream and told Patrick that it was his duty to go back and spread the gospel to the people of Ireland.

This was a first, and in fact, I will be reading from "How The Irish Saved Civilization." Thomas Cahill writes:

> However blind his British contemporaries in the 4th century may have been, the greatness of Patrick is beyond dispute. He was the first human being in the history of the world to speak out unequivocally against slavery. He was also a first as the first missionary to barbarians beyond the reach of the Roman law. The step he took was in a way as bold as Columbus', and a thousand times more humane, speaking out against slavery and going to barbarians to spread the Gospel. He himself was aware of its radical nature.

"The Gospel," he reminded his accusers later in life, "has been preached to the point beyond which there is no one," nothing but the ocean. Nor was he blind to his dangers, for even in his last years, he said, "Every day I am ready to be murdered, betrayed, enslaved, whatever may come my way." But in his last years, he could probably look out over an Ireland that was transformed by his teaching.

With the Irish, and even with the kings, Patrick succeeded beyond measure. Within his lifetime or soon after his death, the Irish slave trade which had once enslaved him came to a screeching halt, and other forms of violence, such as murder and intertribal warfare, decreased greatly.

However, Patrick's emotional grasp of Christian truth may have been his greatest success, and greater than Augustine's. Augustine looked into his own heart and found there the inexpressible anguish of each individual, which enabled him to articulate a theory of sin that has no equal, which is the dark side of Christianity.

Patrick prayed, made peace with God, and then looked not only into his own heart but into the hearts of others. What he saw convinced him of the bright side, that even slave traders can be turned into liberators, even murderers can act as peacemakers, and even barbarians can take their places among the nobility of heaven.

Hopefully, Mr. Speaker, on this St. Patrick's Day that is a lesson that all of us can learn.

HEALTH CARE FOR OUR NATION'S 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, once again, today I rise to draw the attention of my colleagues to the problem of so many children in our country who do not have health insurance, and I am very pleased that I am going to be joined today by the gentlewoman from Oregon [Ms. HOOLEY], who is here also to talk about the same issue because of her concern about the fact that this Congress so far has not addressed the issue.

I have been talking over the last few weeks, and I guess a couple of months now, about various reports that have come out in various States; we had one in New York City, and we had another one in Massachusetts. We have had accounts in some of the Nation's major newspapers pointing to the problem of increasing numbers of children that do not have health insurance in this country.

Well, yesterday the Children's Defense Fund, which is certainly one of the leading organizations that is an advocate for children, and particularly on the issue of health care for children, released its annual report on the state of America's children. And like so many other reports congressional Democrats have been talking about here on the House floor in recent weeks, the Children's Defense Fund report is full of disturbing information about the number of children that lack health insurance.

It is information, of course, that congressional Democrats have cited time and again in our ongoing effort to convince the Republicans that the issue of uninsured children is one of the most, if not the most important issue the 105th Congress should examine. I emphasize the word should, Mr. Speaker, because to date the Republicans have yet to incorporate a health insurance program for children into their agenda for Congress.

Well, among the all too familiar information contained in the Children's Defense Fund report is the total number of uninsured children in this country: some 10 million American kids lack health coverage. Since 1989, the number of children without private health insurance has risen by an average of 1.2 million per year. I stress that: 1.2 million per year. Nearly 90 percent of uninsured children have at least one working parent, and 64 percent have a parent who works full time, so we are talking about working parents here. Every day that goes by without congressional action, 3,300 more kids are added to the ranks of the uninsured, a trend that has been exacerbated in recent years by the growing number of working parents who do not qualify for Medicaid but remain unable to afford insurance for their kids. As I said, these numbers continue to grow.

I have to say, though, that we must be careful not to get too caught up in the practice of simply reading the numbers. I do that a lot, and I do not want to just emphasize that. The emphasis has to be placed on who exactly are the uninsured children, why they are uninsured, and what are the consequences. Perhaps if we can help our Republican colleagues understand the consequences, we will have greater success in convincing them that providing health insurance to children is of the utmost importance.

I just wanted to talk a little about this CDF report. It does an excellent job of explaining what really is the issue here. Just a quote from the report. It says:

> The human costs of children's lack of health coverage are high. Study after study have shown that children and adults lacking health insurance are more likely to see doctors less often, even when they are sick, or to go without preventive care and to emergency rooms when they need treatment.
>
> Seven of 10 uninsured children live in families with incomes below 200 percent of poverty. Many such families must choose between paying the full cost of prescriptions and doctor visits for uninsured children and paying for other basic family needs like the rent, utility bills or whatever. Care is sometimes delayed when children are sick, with parents hoping that no harm results.

Mr. Speaker, we are talking about families where one or both parents work. These hard-working parents, as the CDF report puts it, are playing by the rules, and more often than not their wishful thinking does not work.

The report notes, and I just want to mention this quote, because I think it is really true, that the report notes that "perhaps less obvious, quote, perhaps less obvious, but no less damaging are the educational, social and economic costs to the children who lack health insurance and to the Nation."

Children who are unnecessarily ill can miss days, weeks, or even months of school and their parents can miss significant periods of work. A child who cannot see the blackboard well and his parents cannot afford a visit to the eye doctor or eyeglasses cannot learn up to his or her potential. Uninsured pregnant women without adequate prenatal care are more likely to deliver babies with dangerously low birth weights, and the average hospital costs for a low-birth-weight baby are 10 times the cost of prenatal care.

Mr. Speaker, this is the yearbook that the Children's Defense Fund put out. It is called "The State of America's Children," and I would suggest that every one of our colleagues take a look at this document.

This afternoon, actually this morning, I had a number of physicians from

my district that were down to visit me from the New Jersey Medical Society, and some of them were on a cable TV show that I had earlier this afternoon. I asked about the issue of preventative care, and one of the physicians was an eye doctor. He specifically pointed out how in the case of eye disease, prevention and being able to see an eye doctor and getting help when problems start is so crucial and really prevents serious eye disorders down the road.

□ 1830

Also, I would note how very inexpensive it was to deal with preventative care to make sure children were seeing a doctor, as opposed to having to go to a hospital or having a very expensive operation later.

At some point during our special order, I would like to talk about some of the legislation that my Democratic colleagues have put forward to try to solve this problem, as well as the proposals that have been put forward by President Clinton.

Mr. Speaker, I yield to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, in some of these things I will be repeating the same as the gentleman from New Jersey, but I think they are worth repeating. It is alarming, the number of children in this country who do not have any health care. Again, it is over 10 million children with no health care. Every minute, every minute, three children lose their health care coverage. By the year 2000 if nothing changes, as many as 12.6 million kids will have to depend on an emergency room as opposed to a family physician.

Let me try to tell the Members what that means for our kids. Most of the uninsured children are at risk for preventable illnesses. For example, one in two uninsured children who have asthma do not visit the doctor during the year. As a consequence, these kids end up in the hospital with problems that could have been prevented with proper care. All we need to do is look at the kids that are uninsured who have ear infections, a very common problem for kids. One in three never see a doctor, and many end up with permanent hearing loss.

It is situations like these that make me think about the parents who lay awake each night wondering what they can do when their kids get sick. There is no instinct as basic as that instinct to protect one's children and care for one's children.

Today there are too many parents in America who cannot act on that instinct. The real tragedy of the situation is that these are parents who play by the rules. Nine out of ten uninsured children have parents who work. These are not deadbeat parents, these are parents who work, but their employers do not provide coverage for their employees' children.

We have Medicaid that helps the very poorest of the children, and we have families that are well off that can afford insurance, and we have some people that work for employers who provide that insurance; but we have millions of parents who work every day, who are trapped in the middle. They have just enough money to cover their food or their housing and clothing for their children, and they simply do not have the money to pay for health insurance. But we can help. I think it is time that we provide some kind of targeted tax credit that will help working families provide that health insurance that their kids so desperately need.

This is not a new government program. We can do it within our current structure. It is a way to make the current health system work for working families.

Mr. Speaker, I think it is a very practical, commonsense solution to a growing problem. It is a problem that every parent caught in the middle has to deal with, and we need to make sure that these parents can provide for their children. We cannot afford to do anything different.

Mr. PALLONE. Mr. Speaker, again I think the Children's Defense Fund report that both of us are making reference to really explains to us what the nature of the problem is.

Some people have said to me, why is it that the number of children who do not have insurance has gone up in recent years, because Congress has made an effort over the last 10 or 20 years to expand Medicaid, which of course is the program for those below a certain income, and many States have actually instituted programs to try to cover those children who were not eligible for Medicaid on their own. So we had this effort over the last 10 or 20 years to expand Medicaid on the Federal level and to also have States address the problem.

I think the Children's Defense Fund report explains very well, the reason why those efforts have not been enough is because during that same period, the last 10 years or so, we have seen fewer and fewer employers that provide any health insurance coverage for children, and also they increasingly charge the employee either the full cost of a group plan or a significant portion of the cost, which makes it unaffordable.

We also have the phenomenon now increasingly where an employer will pay either all or part of the cost to the employee, but not for the family. That was not the case so much in the past.

Just to give some statistics again from the report, it says that more workers are on jobs that either provide no health insurance benefits or require employees to pay unaffordable amounts. In 1993, more than three-quarters of employees at medium and large companies had to pay some or all of the cost of family health insurance provided through their employers. In 1980 the proportion was less than half.

Then it gives some statistics from the Health Insurance Association of America that says the total cost of family health coverage in 1992 averaged $4,500 to $5,000 a year, but in 1993 employees of medium and large companies themselves paid an average of $1,300 a year for family coverages. Employees of small companies were even worse off. They paid an average of $1,900 a year.

So what we see is moderate-income working families who live from paycheck to paycheck who simply cannot afford, even if the employer offers a policy, they cannot afford that coverage. That is why all our efforts, and of course they were good efforts on the part of Congress and the State legislature, have helped, but we continue to slide back because of increasingly the situation with people not getting health benefits through their employer.

Ms. HOOLEY of Oregon. Last weekend I was at home, Mr. Speaker, in Oregon, and I was at a community health program. I talked to some of the people there. I think it is helpful to hear some real life stories. I can give a lot of them, but let me just repeat a couple.

I was talking to one woman who had three children, two smaller ones and a child that was 9. She had no health care coverage. She was working. She worked for $6.50 an hour. She was working about 26 hours a week. Her employer provided no health insurance for either her or her children. Her husband worked. He had a very low base pay. He worked on commissions. Some months he made better than others.

In Oregon we have what is called an Oregon Health Plan, but because you have to be consistently at a certain pay level, some months he made more so he was not eligible, and then the months that he made less, by the time he got eligible he was into a month where he made more. But the fact is, they never had enough money for insurance.

So they have three children, both parents are working, he is working full-time, she is working more than half-time, neither company provides insurance for their children. They are living really month to month, and in this instance, they were able to go to a community health program where they paid on a sliding scale and got some attention, but it is very difficult. It is a community health program that has too many patients, no more room to expand, so they are also restricting the number of people they can see.

Another person I talked to was a father of four kids, two sets of twins, and his youngest child got sick, one of the younger twins. He took that child, he

said, all day long from clinic to clinic to clinic, and he was turned away. He was turned away at the emergency room, trying to find some place to take his child. Again, no health care.

He was a person that worked hard, worked full-time. He worked three different jobs, but he traveled, so he worked 3 months or 4 months or 5 months on one job, another 4 or 5 months on another job, and so again the employer did not cover the cost because he was not there full-time. But he was not a person that was not working very hard at what he was doing, but barely able to make ends meet. That is a very common story.

Mr. PALLONE. I think what the gentlewoman described is a very typical situation. I know in New Jersey I have people come into my office with very similar types of situations, either because maybe they are not working full time at the same job, or they have several jobs. It is just very common.

Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI], who has been out front on the issue of health care coverage for a long time.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his leadership on this and so many other issues of importance to the people of our country, and for calling this special order. I am pleased to join him and one of our new Members of Congress, the gentlewoman from Oregon, and I thank her for her leadership on all of these issues, as well.

Mr. Speaker, I serve on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations. On that committee we deal with the welfare of America's children in many ways: their health, their education and well-being, and the economic security of their families, which is related to their well-being, that is for sure.

What we see in that committee from the scientists who come in and tell us what the possibilities are now in science, and what we know about the development of children's brains, is how important it is for them to have the proper nutrition and care before they are born even, and how essential that is, and that investments in their good health are very good investments for our country indeed.

The opportunities are great. Knowledge that we have gives us plenty more opportunity to help our children not only reach their own personal fulfillment, not only strengthen the families from which they come, but also enrich our own country in terms of our family values and our economic strength. So we all have a responsibility to these children.

Every parent, of course, has a responsibility to his or her child, but on our committee we are trained to think of every child in America as our child, all the children as our children, because indeed they are our responsibility.

So in Congress, we have a responsibility, as well as State legislatures have a responsibility, to expand health care coverage to insure America's nearly 10 million—as has been referenced by my colleague—uninsured children. These are important efforts.

We also have responsibilities as a society, every segment of the society has a responsibility to help children receive necessary health care. Parents should use every opportunity to buy health insurance and provide for the care of their children. Employers must renew their willingness to provide workers with family health coverage and other family supporting benefits. They should stop dropping coverage for children and pay premiums for family coverage. States should ensure that all eligible children are enrolled in Medicaid, and should adopt good child health programs like those adopted in 1966 in New York and in Massachusetts.

Again, the Federal Government must also help working families obtain health insurance for their uninsured children. A child's chances of growing up healthy and strong should not depend on what State he or she is from. We have a Federal responsibility.

Any initiative on children's health coverage must be effective, not symbolic or cosmetic, and should include certain basic principles.

I too want to acknowledge the good work of the Children's Defense Fund for helping to define the problem, to quantify it in statistics, the challenge we face, and to qualify it in terms of the nature of the problem we are faced with. I associate myself with the principles they have advanced that state that uninsured children, at least through age 18, and uninsured pregnant women should receive coverage for all the full range of necessary services, including care required for children with special needs.

The proposal should build on successful private, State, and Federal efforts to help working families afford health insurance for their children, and while there is a broad consensus that working parents should help pay for their children's private insurance, the cost must be affordable, it must be based on family income, and must allow all families to obtain coverage and seek care for their children.

While I think it is very important for employers to retain and in some cases obtain health insurance for their workers, I think that the sad part of all of this debate about children in America is it is so obvious that it is such a good investment, that these children will be stronger in every way if they are invested in in terms of their good health. But also the fact that we have to talk about a public role I think speaks to the fact that wages in America have not risen with our great economic success. In some ways, government is once again being called upon to subsidize a low wage in America.

Every working parent should either have health insurance with his or her job, or have the ability to purchase health insurance for their children. No wonder some people find it a matter of survival to have to go on welfare in order to receive Medicaid benefits if their children are sick and they simply have no other recourse. Let us not have seeking health care be an incentive to go on welfare. That is exactly the wrong direction. But also let us look to the needs of not only people on welfare, but to the working poor in America and their health care needs.

I thank the gentleman once again for his leadership on this.

Mr. PALLONE. I want to thank the gentlewoman, and I think particularly what she said at the end there about how unfair it is, or the disincentive it creates, that in fact people who are working oftentimes do not have health insurance for their children, and yet people who fall below a certain income are on welfare, and end up having health insurance.

We certainly do not want to encourage people not to work, which is basically the disincentive that is sometimes built into the system. I think that is very important. I appreciate her comments in that regard.

□ 1845

I wanted to also mention, going back to what my colleague from Oregon said, the situation with regard to self-employed, part-time temporary workers, independent contractors, parents working for very small businesses or service sector companies. These are the areas that the Children's Defense Fund points out where they are very likely to have parents who work, but they are not having any health coverage for their children.

What is interesting about it is, if we look at it from a cost point of view, because we always have to be worried about cost in the Congress, is that the parents who do not have access to a group policy through their employer often have to pay $6,000 a year or more, according to the Children's Defense Fund, if they buy a family health policy on their own.

Obviously when you talk in those kinds of numbers, it is completely out of the question for many of these working families. The other thing, going back to prevention, because I think we continually have to stress that, the cost that is saved, the amount of money that is saved through preventative measures, and they give some very good examples with the Children's Defense Fund report where they talk about preventative care and say that 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, 1 day of neonatal intensive hospital care for a low-birth-weight baby costs $1,000. On the

average, hospital costs for low-birthweight babies are 10 times the costs of prenatal care.

Mr. Speaker, they give an example in Florida where a rural county provided all children and pregnant women access to outpatient health care and 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.

We had some discussion in our children's health care task force that the Democrats have about the costs and estimates basically around $500 per child if we were actually covering every one of the 10 million children who do not have insurance. So compare that $500 to the cost that some of these families are paying annually, well, they can't afford it. But if they could afford it, I mean the bottom line is that, if you devise a program that takes in most of these children, it can be a very relatively, a very cheap policy as opposed to the costs of insuring an adult or senior citizen.

Ms. HOOLEY of Oregon. A lot of these parents, they cannot afford a full policy. They find it unaffordable. It is not that they are not willing to pay some money and squeeze out some money out of a very limited budget for some health insurance. It is the cost. Mr. Speaker, if we go out and buy individually for a family or what we were talking about, if they work for a small business, they are a part-time worker, there is maybe not a policy in their company, and for them to go out and buy that individually is very expensive. But these are, if it were a little more affordable, these are people willing to help and pitch in to pay for part of it. They just cannot afford the whole coverage.

It reminds me when we talk about the cost and about prevention, I do not know if we remember the old television ad: You can pay me now or pay me later. It is one of those, if we do not take care of them now, we really do pay so much more later on.

Mr. PALLONE. Exactly. That is true.

Mr. Speaker, I just wanted to mention briefly that obviously there are various proposals that Democrats have put forward about how to deal with this problem. The President has a proposal, some of our leaders in the House of Representatives have proposals. I just thought I would mention a few of them. We do not, not necessarily saying which ones are better than others. One of the things is to just mandate that insurance companies provide a kids-only policy because there are a lot of parents who cannot afford, for example, or may decide that they do not want to cover themselves but still want to cover the children.

My understanding is it is very difficult to buy that kind of policy. So you could actually say that any insurance company that does business with the Federal Government, for example, has to provide a kids-only insurance policy.

The other options that have been put forward, one is H.R. 560 by the gentleman from California [Mr. STARK] that establishes a new Medicare-like entitlement program for children under age 18, so we could expand Medicare. We could expand Medicaid to bring in some of the children.

The other one, another one, H.R. 561, by Representative STARK again, authorizes a refundable tax credit for 95 percent of the costs of children's health insurance. So again, we could use tax credits as a way of trying to provide coverage.

I wanted to also mention Senator DASCHLE has S. 13, which establishes a Federal program of subsidies for children and families with income under 75,000. So we could basically subsidize care, based on sort of a sliding scale, based on what a person can afford. And of course the one that, the proposal that has probably had the most coverage in the media was what President Clinton proposed in his budget. Basically he has a number of provisions to expand health insurance. He has a State administered program of temporary health insurance premium assistance for unemployed workers and their families. He has a Federal grant program to encourage the development of voluntary health insurance purchasing cooperatives, and then he has grants to States who expand children's health insurance.

Mr. Speaker, I just mention these because there really are a variety of ways to accomplish this. Frankly, it is not that costly. The more children you include, the less the cost actually becomes per child.

I think that I want to leave everybody with this tonight, and of course we have been saying this over and over on the floor the last couple of weeks or the last couple of months now, is that as Democrats we feel very strongly that this issue needs to come to the House floor. We would like the Republican leadership to give us a date certain and say as of such and such a date, I think the President throughout the date of July 4, that as of such-and-such a date, a children's health insurance proposal or some combination thereof will come to the House floor. We will have an opportunity to consider it and to vote on it.

What was really bothering me is that in discussing their priorities, the GOP basically has not included this issue. And I think that is wrong because it is an issue that must be addressed. That is why we are going to be here almost every day or at least several times a week talking about the nature of the problem.

Ms. HOOLEY of Oregon. Again, all I want is a chance for it to be brought up so we can look at all of the different ways. I think we can do it within the current system, but I would like to see it brought up so we can have that debate on how do we solve this problem, how do we cover our kids with health insurance, a critical issue, one facing an incredible number of families. Just think about it, three kids every single minute. We have been talking I do not know how many minutes, but three kids each of those minutes we have been talking loses their health insurance. It is an issue we just have to face.

Mr. PALLONE. I yield to the gentleman from New York [Mr. SERRANO], who has been on the floor several times in the last month or so talking about this issue.

Mr. SERRANO. Mr. Speaker, I would like to thank once again the gentleman from New Jersey for bringing us together, as you have on different occasions, to discuss this subject.

I was back in my office at the beginning of this hour listening to the comments of both of you as well as other Members. It dawns on me that one of the things we see in this House quite a bit of and throughout the Nation recently is in the last few years people celebrating the fact that the cold war is over and that we have played a major role in bringing that about and that we were very influential in changing the way different countries behaved.

I think we have to celebrate that. I think it is good. It is a good sign about who we are as a people and a nation.

But I think that when we do that, we also have a responsibility and that is to every so often look inward and take a look to see what we are accomplishing right here at home.

When you look at the figures, for instance, in my city of New York, where 25 percent of all the residents under 65 are not covered by health insurance and where 20 percent of all children under 18 are not covered by health insurance, we know that this is a very serious problem. But what is interesting about it, both of you brought this up, is that 22 percent of those who are insured work for corporations, for companies that have more than 1,000 employees. That is an alarming statistic.

We thought that if you were working, one, two, working for a large outfit, everything would be fine. Here we have the wealthiest city in the world in the wealthiest Nation on Earth with 25 percent of its population not insured.

Then there is a contradiction in that we say, if you are very poor, as so many are in my south Bronx district, we will cut you here and there, but we will try to find a way to take care of you. But what you have to do is get yourself out of the condition and move forward. And when some people do by their bootstraps and in some cases with past government help move out of that condition, they find themselves then

not having the availability of health insurance for themselves and for their children.

How are we judged throughout the world? How do we judge ourselves? Well, some of us would say that because we have a great army, which is always ready, that we are a great nation, and that because we have accomplished so much in technology and other fields, we are a great nation. And we are and those are good signs of what we have done.

But I think that there is taking a bite out of our existence and our future as a great nation and our present as a great nation the fact that so many of our children are uninsured. And I do not understand why anyone in charge of this House would say, we are not going to include that as an issue for discussion.

I represent a district that has many titles. It is one of the more compact districts in the Nation. You can walk my district from one side to the other in 30 minutes. That is good for me. It is also bad because my opponent can walk it in 30 minutes also. It is one of the youngest districts in the Nation. It is at times one of the poorest districts in the Nation.

And I have had friends of mine come to visit the district, and the first thing they say to me is, there are so many children: children who are going to school, children who are living in the neighborhood, children who are looking towards the future. The majority of those children have parents who are working, and yet the reason we are here tonight and the reason we have been here before and the reason we will continue to be here is because there is something terribly wrong at this moment in our country when we have allowed the situation to get out of hand to the point where if you did not know that you were watching Members of the U.S. Congress, you would think that you were watching members of another parliament or another government discussing conditions in their country. These are American children, and we are the country that claims that we have solved so many problems.

I would make the same request that I made when I joined the gentleman from New Jersey before, and that is, if you are a parent, if you are a guardian of a child who is not going through this condition, as you help that child with his or her homework tonight, as you put that child to sleep, as you cuddle and tuck that child in bed and pray with him and feel good about the fact that you have got a good family which is doing well, maybe perhaps you will just take another 15 minutes and write to a Member of Congress and say, I put my child to sleep. My child has health care. My child is OK. I may complain about other things in this society and what Government is doing, but this is OK. I do not have a problem with you if you deal with this issue so that other children can have what my child has and that other parents can feel as good as I feel about my child's safety.

I think what we need to do is to begin to have people who are in a better situation than others to defend the need for those folks to have something a little better than what they have now.

I think that eventually we will be measured amongst many things in terms of how we treat our children. If we have to continuously get up to bring up this subject and it does not get solved, then that will be our failure. So I would hope that we come together, that we continue to do this. And once again, I want to thank you for the opportunity to join you tonight and to continue to ask you to continue this fight. You have been the leader on it for such a long time. Do not give it up. It is the right thing, and we will stand by you together as we do this.

Mr. PALLONE. I thank the gentleman. And I particularly appreciate what he says about getting our constituents to reach out and other constituents to reach out to their Members of Congress to make them aware of the fact that this is a crisis and that it needs to be addressed.

I do not like to give out what I would consider unfavorable statistics about our country, because I am so proud of our country, but you mentioned about our situation here in America versus other countries. If you look at, again, this is from the Children's Defense Fund, this report we have been talking about this evening, they point out that in every industrialized country children get better health coverage than in the United States. Every other industrialized country provides health coverage to all its people.

America, of course, does not even cover all its children. The United States ranks 18th in overall infant mortality. Only Portugal does worse. And 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 today.

□ 1900

The United States ranks 18th in the percentage of babies born at dangerously low weight. No industrialized country does worse. Again, it is not because we want to point out bad things about our country, but it is really shocking and it is really shameful that in the greatest country and the wealthiest country in the world that we have to point out those statistics with regard to infant mortality and health care.

Mr. SERRANO. If the gentleman will yield, I think he makes an interesting and a very important point. This is not about knocking ourselves, about turning our backs on our country. This is not about an unpatriotic act.

This is about the fact that the strength of the country is in the future of its children, and if at the present we cannot provide them with health care, not to mention other harm we may bring to them, if we cannot provide them with basic health care, if we cannot allow a parent to feel the safety of knowing that that child will get sick and will be covered by health insurance in a country where you have to pay for medical care, if we cannot do that and if we keep quiet about it, then we are not honoring our country, I think. We are just dishonoring the country.

We have to speak up and say this is a problem. But we are not saying, "This is a problem, fix it." We are saying, "This is a problem. You as a majority party bring the issue to the table and give us the opportunity to participate with you in finding solutions."

Again, and I will close with this, as I said before, we have solutions. We have covered X amount of people. If we were inventing a health care system in this country, that would be a problem. If no one was covered and we had to start from scratch to cover people, that would be a problem. But most Americans are covered by a health plan. So what we have to do is make sure that others are covered. We do not have to reinvent the wheel.

This should not be so difficult if the willingness is there, if the desire is there, if we begin to accept the fact that there are people in this society in certain conditions not because they chose those conditions or brought them on themselves, if we get out of that mentality and say, "Yes, I am my brother's keeper. If there is a 9-month-old baby who is not covered, that is my problem, too. If there is someone uncovered somewhere else, that is my problem, too."

If we get into that mentality, then I believe we can deal with this issue. We do not have to reinvent the wheel or set up a new plan, just deal with what we have in this country, just make sure it is fair and expanded to all.

Mr. PALLONE. I agree completely. Again, I want to thank not only the gentleman but also the gentlewoman from Oregon because she continues to point out, I think a major point here, we are talking about working people who are willing to pay either all or some of the cost of the health insurance for their children. But unless we establish some system, as the gentleman from New York said, to build on the existing plans that are out there, they just do not have access to it, or it is too costly for them because they do not get it through a group plan, through their employer or whatever. We are talking about working people.

We are going to continue to do this over the next few weeks and the next few months, I hope not the next few months because I hope our colleagues

on the Republican side of the aisle will be willing to bring this up at some point in the next few months. But we have to keep talking about it because it really is a crisis, as the Children's Defense Fund report points out.

CONGRESSIONAL POLICYMAKING FOR WORKING PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, the previous discussion, I think, is really a good prelude to what I have to say, it really dovetails neatly. We have a situation in America where we cannot take care of, or we refuse to take care of, a large part of the population of our children. We refuse to take care of it, even though the gross national product is quite healthy, the profits are booming on Wall Street, we have an unprecedented period of prosperity, no recessions for a long time, and yet we are refusing to take the necessary steps to take care of the health needs of the children of America.

We have already dropped any discussion of a universal health plan. That is off the board completely. Beyond the children, there are 40 million Americans who are not covered, and that number is increasing all the time. We are not even discussing it. This is an era where those who have the most are in charge. In the last election, unfortunately, large numbers of people did not bother to come out and exercise their democratic right and vote, so there is a great deal of contempt for people out there who have needs and did not bother to go vote to protect their rights or their needs.

So as a Member of the House of Representatives' Education and the Workforce Committee, I would like to talk today about the state of affairs with respect to policymaking for working people in this Congress, what is ahead of us, what are the dangers, what does it mean to have the first bill introduced by the Republican majority, a bill known as H.R. 1, what does it mean to have that bill focus on the elimination of overtime cash payments.

The Republicans are coming for your overtime, working people. The Republicans are coming for your overtime. They have made it their highest priority. It is the first bill introduced by the Republicans, a bill to change the Fair Labor Standards Act so that the Fair Labor Standards Act will no longer require that all employers pay overtime in cash. The Fair Labor Standards Act says you must receive time and a half for any hours worked over 40 hours per week. That is the present law. They want to change the law to say that the employers can pay you in comp time. They will give you an hour and a half off for every hour you work overtime instead of cash.

That is what H.R. 1 is all about. I call it the Employer Cash Enhancement Act. It is an act which will put large amounts of money in the hands of employers that they did not have before, because really do you think there are many employers who will make the choice to pay an employee, an hourly worker or a salaried worker who is required to receive overtime in cash, how many employers would make the choice to pay them in cash if they can pay them with comp time, time that they can take off later? You cannot invest comp time on the stock market. You cannot invest it in new plant, new equipment. You can invest cash. And always the tendency will be to move toward the employee who chooses to take comp time instead of cash.

The bill talks about choice and says it will be a violation of the labor law if any employer refuses to give the employee a choice, but it does not say how that can be monitored. It does not talk about the details in terms of here is the employer who holds a great deal of leverage over the employee, here is the employer who decides whether they stay on the job or not. He does not have to keep them.

Here is the employer who does not have to say to them, "I demand that you take your overtime in comp time instead of cash." The employer can just say, "Who wants to take their overtime in comp time and who wants to take it in cash?" We will suddenly find that all the people who choose to take their comp time in cash, refuse to take their overtime in comp time, are suddenly in a few weeks laid off, or dismissed.

There is no reason why private employers have to keep people on, they have a lot of leeway, and they are replaced with other people. All the people who choose to take comp time, want an hour and a half for every hour they work, they are kept on. All the people who chose to take it in cash, they are gone. The message will get out there very rapidly.

In fact, working people in situations without the protection of unions and even in many cases with unions, they know very well where they stand with respect to their employers. They will get the message very rapidly.

So here is the Fair Labor Standards Act that was brought in by Franklin D. Roosevelt as part of the New Deal because you had exploitation and oppression of workers, workers were made to work endless hours without being compensated at a rate for the overtime greater than the regular rate. This Fair Labor Standards Act has many other provisions, and it came along at a time when we created a number of pieces of labor law which still exist. And suddenly we are going to reach in and take out this piece of the labor law which says an employee must be paid in cash, the rate plus 50 percent in overtime, they are going to suddenly take away that protection in the law and leave it to the employers to work it out with the employees.

Many unions already bargain and they have bargained this situation where some employees take comp time instead of cash, et cetera. That is allowed. My problem is this. We have a steamroller rolling, we are going to have this on the floor next week. It is H.R. 1.

We have done a lot of playing around on the floor so far. The House has not conducted any serious business of any great magnitude in affecting the lives of the American people. This act will affect the lives of millions of Americans, and it will be on the floor next week to be voted on.

In our committee deliberations we have already lost the vote. It was a foregone conclusion that the majority had enough votes to pass H.R. 1, so despite the fact that we tried to improve H.R. 1, it has passed, it has passed the committee. It is now headed to the floor and next week it will be on the floor.

What we have on the floor is a situation where there are those who say we want to vote for H.R. 1, which takes away this right and does not provide any protections for the workers, and then there are those who say we are going to vote against it, we are going to vote no. The White House has said clearly to us, we will veto the bill if it comes to us in the present form.

So it looks as if we have a united Democratic position versus the majority Republican position in the House, and probably the other body will have the same position as the Republicans in this House. So they have the majority. It is going to pass. Despite the fact the Democrats will loyally, vehemently, maybe emotionally say no, it is going to pass in this House. The Senate will pass their bill, which may be different in some respects, more moderate, maybe provide a few more protections, but basically what the Senate will pass will be pretty much the same as what the House has.

So we are going to have a bill which has removed the protections of the Fair Labor Standards Act and a bill that is in many quarters popular in America. There are many families, there are many segments of the population who would like to have comp time instead of cash. They would like to have that flexibility. They do not want to be under a law which says they must take their overtime in cash. There are families that are comfortable, with enough cash, a reasonable amount of cash, many families with two people working, making $70,000, $80,000. The time they spend with the family, their quality of life is what means the most to them, and

they would like to have a situation where they have maximum opportunity to make that choice. I am all in favor of having those families make those choices.

My problem is that there are other families whose quality of life depends on the amount of work, the amount of cash that the wage earners can bring home each week, each month and put on the table. You cannot put food on the table with comp time. There are many workers whose lifestyle, whose quality of life, whose survival will be affected by dropping their wages because they are working and depending on the overtime pay to be added to their regular wages.

In fact, what we did was look at the statistics, and two-thirds of the work force in America are earning $10 an hour or less, two-thirds of the people who are working. We are not talking about people on welfare, we are not talking about workfare, interns, we are talking about working people. Two-thirds of the workforce are earning $10 or less. That is $20,000, approximately, a year. Eighty percent of the women working, 80 percent of the women in the workforce are earning $10 an hour or less.

Now, can they afford to really give up any opportunities to bring home some cash in overtime? Has anybody asked them? No. We do not have any polls, we do not have any surveys of working people making $10 an hour or less and what they think. What we have is a general sentiment in the population of opinionmakers.

The opinionmakers are higher income people, the opinionmakers are more educated people, they are a little more comfortable in terms of the dollars they bring home, and they are opting for more opportunities for comp time. I think they can be accommodated. The problem is, whenever we talk about accommodating them and separating out the folks who are making $10 an hour or less, nobody wants to hear it. None of the proposals that are going to be on the floor at this point deal with the fact that we can protect or we should act to protect those who are making $10 an hour or less by keeping them under the Fair Labor Standards Act.

□ 1915

In fact the way we word it, and I introduced an amendment; the amendment is that those who make 2.5 times, no more than 2.5 times, the minimum wage so that in years to come, as the salaries rise, wages rise, you will have that ratio and not be fixed into a solid figure like $10 an hour. It is 2.5 times the minimum wage is the way the amendment is worded.

That amendment was defeated, and the problem is that there is nothing else now being offered after we passed the committee and that amendment was offered. The only things on the floor now are: vote no, just say no, to the Republicans, or vote for the Republican majority bill because what happens is that if the Democrats are introducing a substitute, the only substitute being prepared at this point does not deal with the protection of the people who make $10 an hour less.

There is a Committee on Rules meeting coming. Those of you who know a little bit about the process before we go to the floor, we will have an opportunity to go to the Rules Committee and beg to offer the amendments that we want to offer to change the bill. That is a process that is still honored, you know, in a fragmentary way in the way the Republicans have run the House in the last 2 years and for this year. They have not been very gracious about offering amendments that run counter to what they want to do on the floor, but occasionally they do. So we can have a substitute bill, and maybe we can have an amendment, but so far that is not in the program. It is highly improbable that my amendment will be allowed on the floor, and of course there are enough votes to vote it down.

So why am I here? Why do I think it important to make this presentation and appeal to the common sense of Americans to go to work?

Voters, Americans out there, your common sense showed the people in this capital that education was important over the last 2 years when terrible things were being proposed with respect to the Federal role in education. We appealed from this podium, we appeal over and over again to the people in America, to let the legislators at every level, let the legislators here in the House and the Senate know, let the White House know, that common sense says you ought to do it this way, you know.

This protection that I am talking about, a simple matter of exempting all workers who make $10 or less, is so simple it is beyond the reach of the imagination of most folks here. They just cannot comprehend this is a simple answer to the problem.

We are talking a lot about bipartisan cooperation or bipartisan compromise. They do not want any deadlock. We just, Democrats and Republicans, went away, and they had a conference, unprecedented retreat, bipartisan retreat, Democrats and Republicans face to face, talking with each other, and from all reports that I hear—I was not able to go, but from all reports I hear it was a very positive weekend.

So you know some people have looked upon this as being dangerous. I think Ralph Reed of the Christian Coalition says that there is a great danger in all this muddle minded moderation, and they worried about this. But I am all in favor of it. Why can we not have some bipartisan cooperation and say that no matter what goes forward, we are going to build in this protection for the workers who need it most? The people who are making $10 an hour or less will not be impacted. Let us go ahead if we have to.

I am not in favor of changing the Fair Labor Standards Act at all. I am one of those people who just wants to say no because in the bill which proposes to change it, that changes Fair Labor Standards Act, they are not willing to give the protections that are necessary. In fact, at this point I will just read my opening statement, which covers more than just the matter of $10 per hour workers being protected. It talks about some other aspects of the bill.

My first position is just say no, and I have letters here from various unions, Department of Labor, the President, that all say just say no. The problem with just saying no and letting it go is that it will pass the House, it will pass the Senate. In conference the House and Senate will agree. It goes to the President or the President will be called to negotiate with the House and Senate, and we are all out of it. All the other legislators, all the Members of the House, we are out of the process. The public is out of the process.

I want to get the public in the process right now. You need to let your Congressman know now, you need to let the President know now, that you want protection no matter what is done. If you must go forward with this change of the Fair Labor Standards Act, you want protection for the people who make $10 an hour or less.

But let us talk about why we want to say no to the whole bill as it is now. I speak as the ranking Democrat on the Subcommittee on Workforce Protections. Subcommittee on Workforce Protections is charged with dealing with all of these various labor laws, including the Fair Labor Standards Act. This is my third year in that role.

H.R. 1; I am quoting the statement that I made as an opening statement at the—I submitted as an opening statement at the markup. The markup is where we decide on changing the bill and putting it into final form and then passing it. That has taken place, and the bill passed with a straight party line vote. All Democrats voted against it; all Republicans voted for it.

H.R. 1 is bad public policy because it will reduce the income of that large segment of the work force which has benefitted the least from the current national prosperity. Instead of leaving more cash in the hands of prosperous employers, we need legislative initiatives which will improve the lot of those whose incomes have stagnated or declined over the last 10 years. I oppose this kind of mutilation of the Fair Labor Standards Act because it is bad economics and a cruel injustice for working Americans. In addition to being negative in substance and policy,

H.R. 1 is a badly drafted bill, and this loose construction makes it impossible to move toward a bipartisan compromise with integrity. You cannot use the bill that exists now as a basis for making a compromise because it is such a bad bill. The sweeping language and the excessive amount of general assumptions in this bill placed the workers at great risk and offers the employers many temptations and opportunities for deregulated exploitation.

As written, it is the enhancement of the employers' accumulation of cash that is achieved. I want to repeat. As the bill is presently written, it is the enhancement of the employers' accumulation of cash that is achieved. Any movement toward a bipartisan compromise will have to first reshape the language of the bill to make it consistent with the stated intent of the bill. On the surface the bill proposes to give employees a choice. In numerous ways the language of the bill fails to support and enforce this proposition. The drafters of the bill have studiously avoided making the employers accountable. In negotiating the decision to choose compensatory time instead of cash, there is no balance of power between employer and employee. All factors weigh down on the side of the employer.

We have already proposed obvious remedies for many of these shortcomings; however, there has been no movement from its hardened position by the Republican majority. If we are in an era of compromise, bipartisan compromise of cooperation, then why do we have a bill, H.R. 1, before us now which is very much the same as the bill that was introduced in the last Congress? In the 104th Congress, where the majority clearly adopted a position of extremism on many other issues, and they moderated those extreme positions, why are they coming now with the same bill that they had in that Congress? Is it a statement that on labor issues the extremism is still here? The majority, Republican majority, has the same extremist positions as it had before on labor issues. We are going to compromise, we are going to work together, and I applaud that on education.

Everybody seems to be falling into a basic groove that says we have neglected our duty, we have been derelict in our duty, on education; the Federal Government is not responsible primarily for education, but it needs to do more to help the States to help the localities. I am quite overjoyed, I am quite pleased, happy. I smile all the time when I think of where we have come on matters related to education and how we can look forward to a very productive Congress, 105th Congress, with respect to education. But on labor, on issues effecting working people, we are in trouble. The extremist position of the majority is still there.

It means that while we work hard to try to improve conditions for children and schools, the poor children of America will be going home to less food, less money for clothing, less money for shelter, because we are going to take away their overtime. The Republicans are still coming for your cash payments of overtime.

To return to my opening statement, among the simpler improvements that could easily be achieved is the requirement for the establishment of an escrow account or some other kind of assurance device to eliminate the risk of employees losing rightfully accumulated income when businesses go bankrupt or illegally disappear.

I am trying to highlight some of the problems with the bill other than the basic problem that I want to deal with tonight, and that is the vulnerability, the lack of protection, for the workers who need the income the most.

There are problems for other workers. Businesses could go bankrupt or illegally disappear in some way, and the comp time people have accumulated is gone. You know, you go find it.

There is a statement always that we get from the Republican majority when we make this statement: Well, if there is a bankruptcy, people's wages are first in line for payment. Anybody who has ever been involved with a bankruptcy case, you know how ironic, how ridiculous, that can become. You are first in line, but you cannot find the line in many cases.

At any rate, the protection could be built in there with an escrow account. You could require the employers pay into an escrow account the comp time money, the money that people received that took their overtime in cash. So everybody with comp time would be protected. If the business goes out of existence, they can collect the cash that was due them. They will not do that.

A study by the Economic Policy Foundation—this is a business group, an employers group—a study by the Economic Policy Foundation shows that there is approximately $19 billion, $19 billion—listen—in unpaid overtime lost each year. A study by the Economic Policy Foundation shows that there is approximately $19 billion in unpaid overtime lost each year.

I could not believe the figure. I said this is a cumulative figure over many years? No, this is lost each year, various tricks, machinations, maneuvers, various things done by employers to swindle employees out of overtime, and $19 billion per year is the estimate. This is a business group, a business group saying $19 billion.

Reasonable penalties for employers who violate the code of negotiated choice should be written into the act, given with the fact that we know from experience, we have studies to show, we have statistics to prove that there is a problem with employers swindling employees out of overtime pay. Why do we not write into the act penalties which would threaten the employer and make them be less likely to try to swindle any of the employees?

Clear language to guarantee the crediting of time worked to the pension, Social Security, and other records also must be provided. At this point there is fuzziness about if you are working and your pay is geared to your pension and geared to the amount of money you are going to get in your Social Security, there are a number of things that your actual pay in dollars drives. Those things can be corrected. The bill can take steps to make certain that there is no question about this. But they refuse to do it.

You know, we have a situation where the bully is standing in front of the babies and saying to the babies, you know we going to do it my way because I have the power to rule this hour, I am going to do what I want to do. I am not going to do anything to make obvious improvements in this bill, and that is the situation we are up against.

These are a few of the modifications that a good-faith negotiating process should accept. You know, the danger is that if you just say no to what they are proposing, many of these things are going to be left in there, and somewhere down the road an agreement is going to be reached behind closed doors in the conference between the Senate and the House, with the White House representatives there, and all these protections that we have requested will not be put into the bill. A few compromises will be made here and there on the surface, and we are going to end up with the work force of America, including the people who want the comp time, being in a far worse position than after the passage of the legislation than they are now.

But let me get to the heart of the matter again. Beyond deceptive drafting, beyond deceptive drafting, however, there are some greater problems of substance. While public opinion polls show that families with 2 wage earners and comfortable incomes are in favor of more compensatory time, the available evidence also shows that workers earning less than $10 an hour, or its equivalent, prefer and need more take-home pay.

□ 1930

The prevailing evidence clearly shows that workers earning less than $10 an hour or its equivalent prefer and need more take-home pay. Is it hard for us to understand? Why should that be beyond the reach of the imagination of the Members of Congress. If you are making such a little amount of money, cash in your check each week means a great deal.

Nearly two-thirds of the work force is stuck in this low wage category. You

are talking about two-thirds of the people out there going to work every day, and they are making $10 an hour or less.

A constructive compromise would be enhanced by exempting these members of the work force, a constructive compromise. If you really want a bipartisan agreement, then exempt these people.

I offered an amendment which would accomplish this by leaving all workers who earn less than 2.5 times the minimum wage under the Fair Labor Standards Act, leave them under it. Do not touch them. They should be protected by the Fair Labor Standards Act. Leave them there.

I have had inquiries saying, "Congressman OWENS, we have heard that you are ready to sell us out by cooperating with these people and proposing a compromise. You wanted to have a bipartisan agreement." No. I say just say no, vote no, as a first starting position.

On the other hand, let me invite you laymen, working people, ordinary citizens, let me invite you into the political process. Let me invite you into the political management of this issue.

The political management of this issue requires that your voice be heard now. Public opinion needs to come in right now. Voters need to talk right now to their legislators and tell them that you wanted some people protected.

If you are going to have this, again, there is a steam roller coming. I will talk more about that in a few minutes, why it is a steam roller. And I am saying protect the most vulnerable.

The following are some other reasonable compromises that should be considered. You could consider a 2-year sunset experiment with workers at the top of the earning scale only, an experiment which is almost what I said before. Deal with the people at the top of the earnings scale. They are the ones that want to have the choice.

This could be a win-win situation for everybody. It could be a win-win situation instead of a win-lose situation at this point, a phase-in process that first includes workers at the top of the wage scale and requires Congress to revisit the issue every 2 years. That could be another compromise.

It would also provide for surveys and studies which objectively measure the impact on workers and on the overall economy. A 2-year waiver of the Fair Labor Standards Act in certain segments of the job markets where objective surveys and polls show strong worker support for the choice of compensatory time over cash.

There are a number of ways you can do this. There has been much said since the opening of the 105th Congress about a spirit of bipartisan cooperation. Since H.R. 1 is the first piece of legislation being offered this year, it represents the first opportunity to exhibit a true bipartisan effort. Democratic bipartisanship means that all segments of the American population must be represented in the negotiating process. No self-appointed oligarchy operating from a command and control mode behind closed doors in a conference will be able to produce an experiment in this critical area which is practical and also has integrity and justice for the workers preserved.

I have voiced clearly what my position is, what my fear is. Let me make it perfectly clear that this is not the position of the Democratic Party. The Democratic Caucus did not take a position. There is a statement that most of the Democratic Party people will vote no. That is not a position beyond voting no. Beyond voting no, there are no positions on this, except a substitute will be offered, may be offered. We do not know whether that is going to be accepted by the Committee on Rules or not, and then they would vote yes or no for the substitute.

At first I was in favor of voting yes for the substitute. What I am saying now is the substitute is poisoned too. If you vote yes for the substitute, you are leaving out two-thirds of the work force. As I know the substitute at this point, and I do not have a copy in my hand, the proposed substitute does not deal with exempting those people who make $10 an hour or less. It deals with a lot of other things, but it chooses not to do that.

Mr. Speaker, I do not know why exempting people who make $10 an hour or less is beyond the reach of the imagination of Democratic Party legislators. I do not know why. At this point I have not heard why.

I do know that the employers, the people who want this bill, the people who have given it the highest priority, they want the cash. They do not want fairness. They do not want a win-win situation for every level of working Americans, all the levels. They do not want that. They want cash. And they cannot tolerate a solution or compromise which says two-thirds of the work force should be exempted. That cash is what they are after, and that cash they will not be able to get.

Mr. Speaker, the question is, why can you not accept an amendment, a compromise, which will allow the most needy Americans, the hard-working Americans making $10 or less an hour, to be protected from exploitation? Why can you not allow those Americans working and making $10 or less an hour to be in a situation where they do not have to give up involuntarily the cash that they take home in their paycheck?

Why can we not have a paycheck protection act instead of this paycheck reduction act? Why can Democrats not take the initiative? Why can somebody out there not let them know? Why can the work force not let them know that we have to go beyond just saying no.

Mr. Speaker, I have a set of letters here from various unions. United Auto Workers says no, no, no, even though they are one of the best organized segments of the work force. They do not want to start eroding employee income. They say just say no.

The Teamsters say no. No, no, no. Unite says no. But they do not talk about the political management of the issue. After we say no and the majority in the House votes yes and the majority of the Senate votes yes, and it goes to a conference and the White House sends down its representatives to negotiate what the President will or will not veto, where are we?

We are in a position where on the table the only thing they have to talk about has ruled out protection for the most vulnerable workers in America.

Mr. Speaker, I could become very unpopular with people who say the virile thing to do, the manly thing to do is just say no. Do not talk about a compromise at this point. Do not propose to cooperate with these folks at all.

Well, I have been around a long time. I have been here 14 years. I am not going to walk into this ambush without my eyes open and warning all of the other workers of America. An ambush is coming. An ambush is coming.

I applaud the fact that the White House is saying just say no, they will not sign the bill as it is. They will not sign it as it is. But I have heard that language before. If they said I will under no conditions sign a bill that does this, this and this to workers, then I would be here with a different story. The White House is not saying what their conditions are. They have their own bill and said they prefer their own bill, but it does not deal with this problem.

We want the administration to change its bill, because its bill does not say that people making $10 an hour or less should be exempted, should be exempted from any attempt to remove the protection of the Fair Labor Standards Act, or more particularly what my amendment says, people earning less than 2.5 times the minimum wage should not be involved in this process. We want the White House and Democratic caucus to take that position. American workers wake up, an ambush is coming. If you took this position now, then you would have something to negotiate.

Public opinion still is in this process. But as the days go by, as next week arrives and we have it on the floor here and people feel good about voting no and what you are left with is only two, at best, you would be left with two propositions. One is the majority bill, which they are insisting that they wanted, and the other is the substitute offered by the Democrats.

Even if everybody voted, if the majority were to allow the substitute to pass, the workers who earn $10 or less

would be in trouble, because the substitute at this point is not dealing with their problem. So this is the message I am sending.

You might say, why are we in this position? Why do we not have a strong voice in favor of protecting the most vulnerable workers in any piece of legislation? Is this setting a precedent for the coming year?

As I said before, there is going to be a lot of bipartisan agreement and cooperation on education. There may be bipartisan agreement and cooperation on the environment. There are a number of areas where the signal has been given, and we are going to try to work together to come up with meaningful legislation. I applaud that. I applaud where we are going on education. I have never felt better about education and public policymaking with respect to education. I learned today my own State of New York, the legislature is proposing as much as a 50-percent increase in State aid to education. This is what President Clinton has done. This is what the bully pulpit, even though the Federal Government is not responsible for education and their expenditures only represent about 7 percent of the total expenditures for education, when the President speaks, when the bully pulpit is in operation, it stimulates what happens at the State level. It stimulates generosity. People's eyes come open. The vision of the White House, it is infectious. It contaminates people. The wonderful thing about leadership in America is when you have strong leadership they pick it up in the capitals of the States and city councils, and that is what has been lacking on the issue of education before President Clinton decided to take his initiatives.

Over and over again he emphasized the fact he is making education the No. 1 priority. In his budget he made education a No. 1 priority. As I said before on this floor, I am proud of the fact that the Congressional Black Caucus budget last year proposed a 25-percent increase in Federal aid to education. People said that is absurd, you will never get that. That is pie in the sky.

Well, the President is proposing a 20-percent increase this year, 20 percent. That is pretty good. An example set by the Congressional Black Caucus budget is being followed.

But why now are we moving on education at such a progressive, productive way? We are going to take care of the kids, maybe, because this could all degenerate into headlines and a Potemkin village approach where it looks like they are doing something but the commitment never comes. You do not know, until the appropriation committees act, what is going to happen.

Let us assume this is going to be real, we are not going to perpetuate a fraud on the American people in terms of the position of both parties here in Washington on education. Let us assume it is real.

We are taking care of the children of the workers, giving them some better opportunities, safer school buildings, adequate equipment in the lab. We are going to move to really try to provide decent educational opportunities. But the same child has to go home, if their parents, as you can see, two-thirds of the work force is in this condition, and have their parents putting less food on the table because they do not have the cash.

The same children will have problems with their clothing because the cash is not there to buy the clothing. The cash is not there to pay for higher rent. Cash is very important for people who are in certain income brackets. They do not have the luxury of saying I want to improve my quality of life by taking more time off to spend with my kids. They have to rush out and try to get another job and another job and another job. You are placing them in greater jeopardy.

One of the things that study after study shows is that low income parents spend less time than anybody else with their children. They are often in situations where the pressure is so much greater that you generate a number of problems that would not be generated if parents had more time to spend with their children. But they have to work.

They have no choice. If you take away the overtime pay that many of them depend on, then you are only complicating matters more. If a person instead of making cash on his job for overtime has to go to another job, he has the travel time. You have a whole set of problems generated by having a second job. And on the second job of course he is making regular pay, there is no overtime. There is no advantage in his skills and experience, and the labor that he puts in above 40 hours in a given week, it is not the same to have to go get another job, if the jobs are available.

Mr. Speaker, I will not get into all that. But why are we doing this? Why are we changing the laws in ways that oppress and make life more difficult for the poorest people?

□ 1945

The plain, blunt answer: in America, in a democracy, the voters determine what happens; the people who vote are always respected.

The people who vote eventually will influence public policy. In the last election, we had a great disappointment. Only 49 percent of the people eligible to vote came out to vote. And of the people not voting, the largest number were in these working class categories. The people who make $10 or less an hour were the ones who did not vote.

We have study after study confirming the fact that the people who vote regularly and the most are the people who have the highest incomes. The richest people in America go out to vote all the time. As you go down the income level, there is a clear correlation.

The rich understand. People who are rich and have power understand that their vote is important. They think they have other ways to impact on the government. They make contributions. The same people who make those contributions never hesitate to go out and vote, because they know for them it is just symbolism. Their dollars and their contributions have a great impact on their single vote, but they understand what a democracy is all about.

The people in Poland understand what a democracy is all about. Poland has a problem with its economy. Poland's budget for the government is a very meager government under a lot of pressure. But the pensioners in Poland, the people who are on social security and pensions, they are getting a far bigger bite of the budget than anywhere else in the world, almost, because they vote. They have the power of their vote over the government and their needs are being met because that government knows that they will come down. Forty percent of the electorate of Poland is involved with pensions and so forth, so they know that they can bring the government down.

Americans have the same option. The 51 percent who did not go out to vote can have an impact on policy. They do not have to have the Fair Labor Standards Act gutted to their disadvantage. They do not have to have people ignoring their interests if they go out to vote. It is simple. You do not have to be a genius to figure out why there is a steamroller going to take away from the workers who need the pay most and give it to the employers, more cash to them, in the name of helping the upper income and the middle income voters who want that flexibility.

People who are really in those categories, the upper income and the middle income categories, there are other ways that they can get the flexibility without this law. A few may be stuck in the situation where the employees of large corporations do not have the flexibility and they need a change in the law, but we can accommodate them.

What we are going to have is a situation where pressure is being applied to every lawmaker by the people who did go out to vote and by the employers with the cash who want more cash, and they will push the steamroller, unless the working people out there wake up right now and get to your legislators and remind them that you might not have gone out to vote last time, but you have the right to vote still, and you are going to wake up and come to your senses.

I despise, I have great contempt for people who do not vote. People who do

not participate in the voter process, I really have no use for them, but I represent a lot of them and I am sworn to represent everybody, so I will protect your interests despite the fact that you did not vote. But that is the problem. Understand the problem.

You do not have to talk in diplomatic language about this. The problem is that there is a perception in the power circles, whether it is the House of Representatives or the Senate or the White House, that they must please the people who vote, and we clearly have a situation where those who are jeopardized by this H.R. 1 did not vote in large numbers.

I was once the commissioner of a community development agency, the antipoverty program for New York City, and we used to have workshops. At one point we had workshops on voting, the importance of voting. Poor people must vote. Part of poverty can be resolved, and you could have some chance of changing public policies to create better opportunities if you vote.

In the workshop we had a proposal that people who do not vote should be put in jail. There was a great outcry, a great outcry about how unjust that was. I put that in there, in the trading package, because there were some countries at that time, I do not know whether Italy still does it or not, but there are a few countries in the world where it is against the law not to vote. They consider it is that important, everybody's duty and, of course, most of the democracies in the world, especially those in Europe, have a much higher voter turnout than we do. In the South African region you have an unprecedented 90 percent turnout. The disenfranchised people, in their first election we had a more than 90 percent turnout. We had a 49 percent turnout in our last election for President and other offices.

So if you take voting seriously, then you will not have a great outcry about putting people in jail if they do not vote. What it demonstrated to me was, you are not serious about voting, you are worried about going to jail. The injustice of going to jail is not the question. The question is, why do you not vote?

In New York City we have huge housing projects in my district where the voting booth is right there in the middle of the housing project. It takes a person no more than 30 minutes to get out of their house, go down, walk over, vote, especially since the lines are not very long. So as a result of folks year after year not doing this, you have a set of attitudes and approaches that have developed, a way of operating politically that is now based on contempt for the poor, contempt for the low-wage earners.

It is not hard to figure out what is happening. The steamroller will roll right over us, so leaders of organized labor and various people who do represent these workers, those who did not vote, must join with me and understand we represent everybody, not just those who vote. Somebody must protect those who are not protected. What is happening here in the floor, or what is happening here in this process of H.R. 1 rolling past us, is that nobody is stepping forward to protect those workers.

We can take care of the needs of those who are middle class, middle income, one more time for their children, we can lift the Fair Labor Standards Act for you. At the same time we can keep the Fair Labor Standards Act to protect the others. What is wrong with that kind of compromise? What is the matter? Why must we insist on beating those who are weakest? And those who do not vote are weak.

The same people who do not vote certainly do not contribute to political campaigns. If they are not interested enough to go out and take 30 minutes to vote, they certainly are not going to put a dime into a political campaign.

They are weak, they are misguided, they are un-American in the greatest sense of the word. Not to participate in the process, not to vote makes you un-American, but they still have to be protected. We hope to have a redeposition. Our democracy will not survive if these people continue to be alienated, outside of the system, so they must be protected.

There is a pattern in other ways. I have talked about the CPI, the consumer price index, and all of the discussion in Washington: Let us tamper with the consumer price index, because the consumer price index decides what the cost-of-living increase is going to be for people on Social Security or people in a number of other jobs. The COLA's, we call them.

Your COLA was in danger this time last week, grave danger. There was a lot of talk. The President said he would have to take a look at it, Senator MOYNIHAN of New York, NY, liberal New York, MOYNIHAN, the great defender of the poor said yes, we ought to take a look at it. There are a lot of people who want to take a look at the CPI, the consumer price index, so that we can perhaps tamper with it, revamp it and bring down the cost of living which gives people on Social Security a few more dollars every year. As the cost of living goes up, they get a few more dollars. We almost lost those few dollars or we almost had a situation where they were compromised.

I am here to announce good news tonight. The badgering of the poor, the harassment of the poor will not take place through this medium. The President announced he will have nothing to do with it. He is not going to go forward with a CPI panel. They are not going to have a commission or a panel to look at the consumer price index. Thank you, Mr. President.

We are going forward this year, at least, without a panel to tamper with and sabotage the consumer price index. It may happen in the future, but the pressure has been so great. Again, the steamroller was rolling. Everybody this time last week was on board, everybody this time last week empowered. The oligarchy was moving. They had made a decision that they were going to deal with the consumer price index.

This week it is different, because there was a big outcry. The gentleman from Missouri [Mr. GEPHARDT], House Democratic leader, refused to embrace the idea, and labor stood with him. There was an outcry, even by some Republicans and conservative Democrats. They met fierce resistance in meetings with organized labor, in meetings with the American Association of Retired Persons [AARP], conservative Democrats, and even some Republicans who did not want to go forward with punishing the poor by taking away the extra pennies they get when they get a COLA as a result of the cost of living going up and being measured by the consumer price index.

So we can celebrate, and I end on that note, because it is important to celebrate and understand how it happened. It did not happen by magic; there was no decree that came down from heaven. It is the public opinion process operating, despite the fact that you are not protected by the fact that it is well-known you did not go out to vote. The people who are the most vulnerable have advocates. The people who are most vulnerable have representatives who are committed to represent them, despite the fact that they did not vote.

This process, we hope, will protect you for a little while longer, but the great appeal is for everybody to understand the steamroller in Washington this year will be moving again and again against the work force.

Last year we had extremist proposals about eliminating certain parts of OSHA to protect workers; we had a big cut in the apparatus for negotiating agreements, labor agreements. Everywhere that labor existed they were under attack, and even now, those attacks are being readied again. Davis-Bacon is under attack again. We will talk more about that later.

But as the ranking member of the committee on work force protections, I hope that all of the Members will hear my message that the people who are the working people in America, certainly those who are making $10 or less an hour, need protection. Do not let H.R. 1 pass. Do not let the paycheck ripoff act go through. We want a paycheck protection act instead.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KINGSTON (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 2 p.m. on account of official business.

Mr. MCINTYRE (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 Mr. MANZULLO) to revise and extend their remarks and include extraneous material:

Mr. BEREUTER, for 5 minutes, today.

Mr. GEKAS, for 5 minutes each day, on March 17 and 18.

Mr. QUINN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRANK of Massachusetts, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $674.00.

The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:

Mr. SERRANO.
Ms. JACKSON-LEE of Texas.
Mr. POSHARD.
Mr. RAHALL.
Mr. BONIOR.
Mr. VISCLOSKY.
Mr. CONDIT.
Mr. MORAN of Virginia.
Ms. HARMAN.
Mr. TOWNS.
Mr. MILLER of California.
Ms. VELÁZQUEZ.
Mr. KLECZKA.
Mr. FROST.
Mr. PASCRELL.
Mr. MENENDEZ.
Mr. LEVIN.
Mr. BARCIA.
Mr. RANGEL.
Mr. GEJDENSON.
Mr. PALLONE.
Mr. MATSUI.
Mr. HOYER.
Mr. LIPINSKI.
Ms. MCCARTHY of Missouri.

The following Members (at the request of Mr. MANZULLO) and to include extraneous matter:

Mr. COBURN.
Mr. KINGSTON.
Mr. YOUNG of Alaska.
Mrs. FOWLER.
Mr. OXLEY.
Mr. DELAY.
Mr. RADANOVICH.
Mr. GINGRICH in two instances.
Mr. WELDON of Pennsylvania.
Mr. SCARBOROUGH.
Mr. BARTON of Texas.
Mr. PORTMAN.
Mr. WOLF.

The following Members (at the request of Mr. OWENS) and to include extraneous matter:

Mr. MARKEY in two instances.
Ms. PELOSI.
Mr. MCINNIS.
Mr. PACKARD.
Mr. STUMP.
Mr. LEWIS of California.
Mr. GREEN.
Mr. FRANK of Massachusetts.
Ms. DUNN.
Ms. SANCHEZ.
Mr. PASCRELL.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday, March 17, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2233. A letter from the Agricultural Marketing Service, Administrator, transmitting the Service's final rule—Grapes Grown in a Designated Area of Southeastern California; Assessment Rate (Docket No. FV96-925-1 FIR) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2234. A letter from the Agricultural Marketing Service, Administrator, transmitting the Service's final rule—Olives Grown in California; Assessment Rate (Docket No. FV96-932-4 FIR) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2235. A letter from the Agricultural Marketing Service, Administrator, transmitting the Service's final rule—Onions Grown in South Texas; Assessment Rate (Docket No. FV96-959-1 FIR) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2236. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Coast Guard's acquisition, construction and improvements [AC&I) appropriation, U.S. Treasury symbol 699/30240, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2237. A letter from the Export-Import Bank of the United States, President and Chairman, transmitting a report involving United States exports to the Republic of Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2238. 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 (Nikiski, Alaska) (MM Docket No. 96-50, RM-8768) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2239. 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 (Weaverville, California) (MM Docket No. 96-168, RM-8836) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2240. 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 (Greensboro, Alabama) (MM Docket No. 96-176, RM-8851) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2241. 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 (Jupiter and Hobe Sound, Florida) (MM Docket No. 96-205, RM-8862) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2242. 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 (Riverdale and Huron, California) (MM Docket No. 96-122, RM-8795, RM-8860) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2243. 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 (Frederiksted and Charlotte Amalie, Virgin Islands) (MM Docket No. 96-43, RM-8754, RM-8830) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2244. A letter from the Federal Communications Commission, Managing Director, transmitting the Commission's final rule—Responsible Accounting Officer Letter 20, Uniform Accounting for Postretirement Benefits Other Than Pensions in Part 32; Amendments to Part 65, Interstate Rate of Return Prescription Procedures and Methodologies, Subpart G, Rate Base (CC Docket No. 96-22) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2245. A letter from the Federal Energy Regulatory Commission, Chair, transmitting the Commission's final rule—Open Access Same-Time Information System and Standards of Conduct (Docket No. RM95-9-001; Order No. 889-A) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2246. A letter from the Federal Energy Regulatory Commission, Chair, transmitting the Commission's final rule—Promoting Wholesale Competition Through Open Access Nondiscriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities (Docket Nos. RM95-8-001 and RM94-7-002; Order No. 888-A) received March 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2247. A letter from the Food and Drug Administration, Director, Regulations Policy Management Staff, Office of Policy, transmitting the Administration's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Amendment of Monograph for OTC Bronchodilator Drug Products; Correction (Docket No. 94N-0247) (RIN:

0910–AA01) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2248. A letter from the Food and Drug Administration, Director, Regulations Policy Management Staff, Office of Policy, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers (Docket No. 93F–0028) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2249. A letter from the Food and Drug Administration, Director, Regulations Policy Management Staff, Office of Policy, transmitting the Administration's final rule—Indirect Food Additives: Paper and Paperboard Components (Docket No. 96F–0242) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2250. A letter from the Consumer Products Safety Commission, Chairman, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2251. A letter from the Department of Energy, Assistant Secretary for Human Resources and Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2252. A letter from the National Commission on Libraries and Information Science, Executive Director, transmitting the fiscal year 1996 report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982 and the Inspector General Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2253. A letter from the National Indian Gaming Commission, Acting Chair, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2254. A letter from the Neighborhood Reinvestment Corporation, 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(e); to the Committee on Government Reform and Oversight.

2255. A letter from the National Oceanic and Atmospheric Administration, Deputy Assistant Administrator for Fisheries, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Maximum Retainable Bycatch Percentages (Docket No. 961220363–7038–02; I.D. 120296B) (RIN: 0648–AI65) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2256. A letter from the National Oceanic and Atmospheric Administration, Acting Director, Office of Sustainable Fisheries, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component Pollock in the Aleutian Islands Subarea (Docket No. 961107312–7021–02; I.D. 030497A) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2257. A letter from the National Oceanic and Atmospheric Administration, Assistant Administrator for Fisheries, transmitting the Administration's final rule—Summer Flounder Fishery; Final Specifications for 1997; Adjustment to 1997 State Quotas; Commercial Quota Harvested for Delaware (Docket No. 961210346–7035–02; I.D. 102596B) (RIN: 0648–xx76) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2258. A letter from the National Oceanic and Atmospheric Administration, Acting Assistant Administrator for Fisheries, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Framework Adjustments to the Northeast Multispecies and American Lobster Fishery Management Plans (Docket No. 970221036–7036–01; I.D. 012797D) (RIN: 0648–AJ48) received March 12, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2259. A letter from the National Oceanic and Atmospheric Administration, Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, transmitting the Administration's final rule—Coastal Zone Management Program Regulations and National Estuarine Research Reserve System Regulations (RIN: 0648–AJ24) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2260. A letter from the Boy Scouts of America, transmitting the Boy Scouts of America 1996 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

2261. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Policy on Transit Joint Development (Federal Transit Administration) (RIN: 2132–xx00) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2262. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Special Local Regulations; Miami Beach, Florida (U.S. Coast Guard) (CGD07 97–008) (RIN: 2115–AE46) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2263. A letter from the Department of Transportation, General counsel, transmitting the Department's seven final rules—Special Local Regulations/Regattas (U.S. Coast Guard) (RIN: 2115–AE46) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2264. A letter from the Department of Transportation, General Counsel, transmitting the Department's 101 final rules—Safety/Security Zones (U.S. Coast Guard) (RIN: 2115–AA97) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2265. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. TFE731 Series Turbofan Engines (Federal Aviation Administration) (Docket No. 96–ANE–08; Amdt. 39–9926; AD 97–04–03) (RIN: 2120–AA64) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2266. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) (Docket No. 28833; Amdt. No. 401) (RIN: 2120–AA63) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2267. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Revision of Class E5 Airspace; Sawyer Airport, Gwinn, MI (Federal Aviation Administration) (Airspace Docket No. 96–AGL–19) (RIN: 2120–AA66) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2268. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Amendment to Class E Airspace; Columbia, SC (Federal Aviation Administration) (Airspace Docket No. 96–ASO–38) (RIN: 2120–AA66) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2269. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Establishment of Class E5 Airspace; Sawyer Airport, Gwinn, MI (Federal Aviation Administration) (Airspace Docket No. 96–AGL–19) (RIN: 2120–AA66) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2270. A letter from the Department of Transportation, General Counsel, transmitting the Department's final rule—Establishment of Class E2 Airspace; Sawyer Airport, Gwinn, MI (Federal Aviation Administration) (Airspace Docket No. 96–AGL–18) (RIN: 2120–AA66) received March 13, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2271. A letter from the Internal Revenue Service, Chief, Regulations Unit, transmitting the Service's final rule—Last-in, First-out Inventories (Rev. Rul. 97–15) received March 12, 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. ARCHER: Committee on Ways and Means. H.R. 968. A bill to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; with amendments (Rept. 105–23 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 968. Referral to the Committee on Commerce extended for a period ending not later than March 18, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KLECZKA (for himself and Mr. FRANK of Massachusetts):

H.R. 1052. A bill to amend title II of the Social Security Act to provide that changes to the Consumer Price Index used in making increases in Social Security benefits shall be restricted to changes specifically authorized by law; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. MARKEY, Mr. BLILEY, Mr. GILLMOR, Mr. CRAPO, Ms. FURSE, Mr. LARGENT, Mr. GANSKE, and Mr. BOUCHER):

H.R. 1053. A bill to amend the Securities Exchange Act of 1934 to eliminate legal impediments to quotation in decimals for securities transactions in order to protect investors and to promote efficiency, competition, and capital formation; to the Committee on Commerce.

By Mr. COX of California (for himself and Mr. WHITE):

H.R. 1054. A bill to amend the Communications Act of 1934 to establish a national policy against State and local interference with interstate commerce on the Internet or interactive computer services, and to exercise congressional jurisdiction over interstate commerce by establishing a moratorium on the imposition of exactions that would interfere with the free flow of commerce via the Internet, 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. DEFAZIO (for himself, Mr. FILNER, Mr. SANDERS, Ms. NORTON, Mr. MORAN of Virginia, Mr. ARCHER, Mr. ANDREWS, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, Ms. WOOLSEY, Mr. GREEN, Mr. RUSH, Mr. MCDERMOTT, Mr. HINCHEY, Mr. EVANS, and Mr. FOGLIETTA):

H.R. 1055. A bill to establish within the National Institutes of Health and agency to be known as the National Center for Integral Medicine, and for other purposes; to the Committee on Commerce.

By Mr. CHRISTENSEN (for himself and Mr. WELLER):

H.R. 1056. A bill to amend the Internal Revenue Code of 1986 to allow a credit or refund of motor fuel excise taxes on fuel used by the motor of a highway vehicle to operate certain power takeoff equipment on such vehicle; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 1057. A bill to designate the building in Indianapolis, IN, which houses the operations of the Circle City Station Post Office as the "Andrew Jacobs, Jr. Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. BURTON of Indiana (for himself and Mr. PEASE):

H.R. 1058. A bill to designate the facility of the U.S. Postal Service under construction at 150 West Margaret Drive in Terre Haute, IN, as the "John T. Myers Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. BACHUS:

H.R. 1059. A bill to amend the Fair Debt Collection Practices Act to reduce the cost of credit, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BURR of North Carolina (for himself, Mr. CONDIT, Mr. DELAY, Mr. MCCOLLUM, Mr. NETHERCUTT, Mr. CANADY of Florida, Mr. ANDREWS, Mr. DEAL of Georgia, Mr. HOLDEN, Mr. HASTERT, Mr. WATTS of Oklahoma, Mr. DEFAZIO, Mr. KLUG, Mr. LIVINGSTON, Mr. SPRATT, Mr. MCINTOSH, Ms. FURSE, Mr. SAXTON, Mr. COBURN, Mr. PETERSON of Minnesota, Mr. LAHOOD, Mr. EHLERS, Mr. BARTON of Texas, Mr. NORWOOD, and Mr. MILLER of Florida):

H.R. 1060. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize compounding of drugs and devices under certain circumstances; to the Committee on Commerce.

By Mr. CANADY of Florida (for himself, Mr. BOUCHER, Mr. COOKSEY, Mr. EVANS, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FROST, Mr. ENGLISH of Pennsylvania, Mr. HEFNER, Mr. LIPINSKI, Ms. JACKSON-LEE, Mr. MASCARA, Mr. SHADEGG, Mr. WALSH, and Mr. NETHERCUTT):

H.R. 1061. A bill to amend title XVIII of the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the Medicare Program; to the Committee on Ways and Means, 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. COBURN (for himself, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BLUNT, Mr. BRYANT, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CANADY of Florida, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COMBEST, Mr. COOKSEY, Mr. CRANE, Mrs. CUBIN, Mr. DAVIS of Virginia, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Ms. DUNN of Washington, Mrs. FOWLER, Mr. GANSKE, Mr. GRAHAM, Mr. HASTERT, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HUNTER, Mr. HUTCHINSON, Mr. SAM JOHNSON, Mr. JONES, Mr. KINGSTON, Mr. KLUG, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LUCAS of Oklahoma, Mr. MCCRERY, Mr. MCINNIS, Mr. MCINTOSH, Ms. MOLINARI, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NORWOOD, Mr. PARKER, Mr. PICKERING, Mr. POMBO, Mr. ROHRABACHER, Mr. RYUN, Mr. SALMON, Mr. SAXTON, Mr. SHADEGG, Mr. SCARBOROUGH, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SOUDER, Mr. STEARNS, Mr. STUMP, Mr. TALENT, Mr. TIAHRT, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, and Mr. WICKER):

H.R. 1062. A bill to amend title XIX of the Social Security Act with respect to preventing the transmission of the human immunodeficiency virus—commonly known as HIV—and for other purposes; to the Committee on Commerce.

By Mr. EHRLICH:

H.R. 1063. A bill to amend the Webb-Kenyon Act to allow any State, territory, or possession of the United States to bring an action in Federal court to enjoin violations of that act or to enforce the laws of such State, territory, or possession with respect to such violations; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 1064. A bill to amend title 38, United States Code, to extend the duration of the pilot program providing for interest buy down authority, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GILCHREST:

H.R. 1065. A bill to amend the Internal Revenue Code of 1986 to provide that the actual deferral percentage test shall not apply in determining whether an arrangement for restaurant employees is a qualified cash or deferred arrangement; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1066. A bill to amend title 5, United States Code, to provide that an individual who receives a passing grade in an examination for entrance into the competitive service shall, if such individual is a welfare recipient, be granted additional points above the individual's earned rating; to the Committee on Government Reform and Oversight.

By Mr. KENNEDY of Massachusetts (for himself, Mr. HANSEN, Mr. CONYERS, Mr. BACHUS, Mr. DELLUMS, Mr. HINCHEY, Mr. MORAN of Virginia, Ms. NORTON, Ms. JACKSON-LEE, Ms. LOFGREN, Mr. FALEOMAVAEGA, Mr. KASICH, Mr. FATTAH, Ms. KAPTUR, and Mr. SMITH of New Jersey):

H.R. 1067. A bill to prohibit the advertising of distilled spirits on radio and television to the Committee on Commerce.

By Mr. LIPINSKI (for himself, Mr. COSTELLO, and Mr. POSHARD):

H.R. 1068. A bill to amend the Internal Revenue Code of 1986 to repeal the limitations on the number of taxpayers who may have medical savings accounts; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 1069. A bill to permit individuals to continue health plan coverage of services while participating in approved clinical studies; to the Committee on Commerce.

By Mrs. LOWEY (for herself and Mrs. MORELLA):

H.R. 1070. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Commerce.

By Mrs. LOWEY:

H.R. 1071. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employers for certain costs incurred to combat violence against women; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 1072. A bill to establish a commission to investigate certain policies and procedures with respect to the military justice system, including policies and procedures with respect to the investigation of reports of sexual misconduct, sexual harassment, and unlawful gender discrimination; to the Committee on National Security.

By Mrs. MEEK of Florida:

H.R. 1073. A bill to amend chapter 89 of title 5, United States Code, to encourage the use of generic instead of nongeneric drugs; to the Committee on Government Reform and Oversight.

By Ms. MILLENDER-MCDONALD:

H.R. 1074. A bill to promote the fitting of firearms with child safety locks; to the Committee on the Judiciary.

By Mr. PAYNE (for himself, Mr. KING of New York, Mr. LIPINSKI, Mr. MANTON, Mrs. MALONEY of New York, Ms. DEGETTE, Ms. NORTON, Mr. NEAL of Massachusetts, Mr. KENNEDY of Massachusetts, Mr. MENENDEZ, Mr. BORSKI, and Mrs. MEEK of Florida):

H.R. 1075. A bill to limit the sale or export of plastic bullets to the United Kingdom; to the Committee on International Relations.

By Ms. PELOSI (for herself, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BEREUTER, Mr. BOUCHER, Ms. BROWN of Florida, Mr. CONYERS, Mr. DEFAZIO, Ms. DEGETTE, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GREEN, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mrs. KENNELLY of Connecticut, Mr. LAFALCE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mrs. MEEK of Florida, Ms. MOLINARI, Mrs. MORELLA, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. ROMERO-BARCELO, Mr. ROTHMAN, Mr. SABO, Mr. SANDERS, Ms. SLAUGHTER, Mr. STARK, Mr. TORRES, Ms. WATERS, Ms. WOOLSEY, Mr. YATES, Ms. ROYBAL-ALLARD, Mr. FALEOMAVAEGA, and Mrs. LOWEY):

H.R. 1076. A bill to amend the Legal Services Corporation Act to prescribe an income rule for determining if a client who is a victim of domestic violence is eligible for assistance; to the Committee on the Judiciary.

By Mr. QUINN (for himself, Mr. ACKERMAN, Mr. GILMAN, Mr. MANTON, Mr. BOEHLERT, Mr. SOLOMON, Mr. FORBES, Mr. KING of New York, Mr. MCHUGH, Mr. PAXON, Mr. WALSH, Mrs. MALONEY of New York, Mr. RANGEL, Mr. SCHUMER, Mrs. KELLY, Mr. LAZIO of New York, Mr. TOWNS, Ms. SLAUGHTER, Mr. ENGEL, Mr. LAFALCE, Mrs. LOWEY, Mr. MCNULTY, Mr. FLAKE, Mr. NADLER, and Mr. HOUGHTON):

H.R. 1077. A bill to stay implementation of the plan for allocation of health care resources of the Department of Veterans Affairs until the Secretary of Veterans Affairs certifies that the Secretary, in developing such plan, took into account certain medical and nonmedical factors of veterans residing within each region to be served by a veterans integrated services network; to the Committee on Veterans' Affairs.

By Ms. RIVERS:

H.R. 1078. A bill to require the Administrator of the Environmental Protection Agency to prescribe a rule that prohibits the importation for disposal of polychlorinated biphenyls at concentrations of 50 parts per million or greater; to the Committee on Commerce.

By Mr. SANDERS (for himself, Mr. BONIOR, Mr. MILLER of California, Mr. FRANK of Massachusetts, and Mr. SPRATT):

H.R. 1079. A bill to require the inclusion of provisions relating to worker rights and environmental standards in any trade agreement entered into under any future trade negotiating authority; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 1080. A bill to study the high rate of cancer among children in Dover Township, NJ, and for other purposes; to the Committee on Commerce.

By Mr. SMITH of Michigan:

H.R. 1081. A bill to amend the Federal Election Campaign Act of 1971 to reduce the influence of multicandidate political committees in elections for Federal office; to the Committee on House Oversight.

By Mr. YOUNG of Alaska (for himself and Mr. MILLER of California):

H.R. 1082. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Resources.

By Mr. GOODLING (for himself, Mr. RIGGS, Mr. MARTINEZ, and Mr. KILDEE):

H. Con. Res. 48. Concurrent resolution recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965; to the Committee on Education and the Workforce.

By Mr. HOYER:

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. ACKERMAN, Mr. BERMAN, Mr. DEUTSCH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mrs. LOWEY, Mr. ROTHMAN, Mr. SCHUMER, Mr. SHERMAN, and Mr. WAXMAN):

H. Con. Res. 50. Concurrent resolution expressing the sense of the Congress regarding the status of the investigation of the bombing of the Israeli Embassy in Buenos Aires in 1992; to the Committee on International Relations.

By Ms. RIVERS:

H.J. Res. 97. Resolution amending the Rules of the House of Representatives to require that the expenses of special-order speeches be paid from the Members representational allowance of the Members making such speeches; to the Committee on Rules.

By Mr. WELDON of Pennsylvania (for himself, Mr. PICKETT, Mr. MCHALE, Mr. MURTHA, Mr. CRAMER, Mr. HALL of Texas, Mr. SKELTON, Mr. TAYLOR of Mississippi, Mr. SPENCE, Mr. GIBBONS, Mr. HUNTER, Mr. BARTLETT of Maryland, Mr. CONDIT, Mr. GINGRICH, Mr. ANDREWS, Mr. SAM JOHNSON, Mr. HYDE, Mr. CUNNINGHAM, Mr. LEWIS of Kentucky, Mr. CHAMBLISS, Mr. SOLOMON, Mr. BONO, Mr. SAXTON, Mr. YOUNG of Florida, Mr. MCDADE, Mr. HEFLEY, Mr. RILEY, Mr. STUMP, Mr. EVERETT, Mr. MCCRERY, Mr. COX of California, Mr. SHADEGG, Mr. MCKEON, Mr. PAPPAS, Mr. SCARBOROUGH, Mr. SISISKY, Ms. HARMAN, Mr. ROYCE, Mr. DUNCAN, Mrs. FOWLER, Mr. THORNBERRY, Mr. GILMAN, Mr. BATEMAN, Mr. ROHRABACHER, Mr. HANSEN, Mr. STENHOLM, Mr. DELAY, Mr. LIVINGSTON, Mr. TALENT, Mr. QUINN, Mr. CLEMENT, Mr. REYES, Mr. TRAFICANT, Mr. BURTON of Indiana, and Mr. ISTOOK):

H.J. Res. 98. Resolution expressing the sense of the House of Representatives with respect to limits in any bilateral or multilateral agreement on certain missile defense systems of the United States; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. SNYDER.

H.R. 58: Mr. ABERCROMBIE, Mr. CUNNINGHAM, Mr. WEXLER, Mr. FRANKS of New Jersey, and Mr. NADLER.

H.R. 66: Mr. LARGENT, Mr. BISHOP, Mr. TOWNS, Mr. FALEOMAVAEGA, Mr. SCHIFF, Mr. FOGLIETTA, Mr. PASTOR, Mr. METCALF, Mrs. CARSON, and Mr. BARCIA of Michigan.

H.R. 68: Mr. KLECZKA.

H.R. 87: Mr. JONES and Mr. SHADEGG.

H.R. 96: Mr. GOSS, Mr. BACHUS, Mr. NETHERCUTT, Mr. BARRETT of Nebraska, and Mr. ENGLISH of Pennsylvania.

H.R. 113: Mr. SHAYS.

H.R. 123: Mrs. LINDA SMITH of Washington, Mr. YOUNG of Florida, and Mr. CAMP.

H.R. 135: Mr. MCHALE.

H.R. 136: Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Mrs. THURMAN, and Mr. SHAW.

H.R. 143: Mr. FAZIO of California, Mr. MCGOVERN, Mr. CALVERT, Ms. HARMAN, Mr. MCKEON, Mr. BERMAN, Mr. LANTOS, Mr. DOOLEY of California, Mr. MORAN of Virginia, and Mr. CAPPS.

H.R. 146: Mr. STUPAK, Mr. PETERSON of Minnesota, Mr. STEARNS, Ms. LOFGREN, and Mr. KANJORSKI.

H.R. 192: Mr. KUCINICH, Mr. HOBSON, Mr. METCALF, Ms. FURSE, Mr. SANDERS, and Mr. WAMP.

H.R. 198: Mr. FRELINGHUYSEN.

H.R. 200: Ms. MOLINARI and Mr. KING of New York.

H.R. 216: Mr. METCALF, Mr. MCGOVERN, and Ms. MOLINARI.

H.R. 253: Mr. LEWIS of Georgia, Ms. ROYBAL-ALLARD, and Mr. EVANS.

H.R. 255: Mr. CRAMER and Mr. MASCARA.

H.R. 279: Mr. TAYLOR of North Carolina, Mr. TURNER, Mrs. CHENOWETH, Ms. NORTON, Mr. DELAY, Mr. DEFAZIO, Mr. GILLMOR, Mr. GONZALEZ, Mr. HOLDEN, Mr. MCHUGH, Mr. MURTHA, Ms. SLAUGHTER, Mr. DOYLE, Mr. CALVERT, Mr. COBURN, Mr. BALDACCI, Mr. HOYER, Mr. STARK, Mr. WATTS of Oklahoma, Mr. DAVIS of Illinois, and Mr. TIAHRT.

H.R. 292: Mr. DELAY.

H.R. 306: Ms. FURSE and Mr. HASTINGS of Florida.

H.R. 312: Mr. MANZULLO.

H.R. 331: Mr. JONES.

H.R. 339: Mr. WICKER, Mrs. EMERSON, and Mr. WATKINS.

H.R. 343: Mr. BARTLETT of Maryland and Mr. HAYWORTH.

H.R. 345: Mr. GRAHAM.

H.R. 366: Ms. RIVERS.

H.R. 371: Mr. FAZIO of California and Mr. HERGER.

H.R. 408: Mr. CASTLE, Mr. KINGSTON, and Ms. NORTON.

H.R. 414: Mr. KUCINICH, Mr. METCALF, Mr. SANDERS, and Mr. WAMP.

H.R. 417: Mr. PASTOR, Ms. DELAURO, and Mr. MANTON.

H.R. 419: Mrs. LOWEY.

H.R. 420: Mrs. THURMAN, Mr. FROST, Mr. HORN, Ms. LOFGREN, Mr. MCNULTY, Mr. CARDIN, and Mr. NEAL of Massachusetts.

H.R. 426: Mr. LATOURETTE, Mr. QUINN, Mr. HEFLEY, and Mr. PASTOR.

H.R. 446: Mr. FAZIO of California and Mrs. THURMAN.

H.R. 457: Mr. UPTON, Mr. EHLERS, Mr. FOX of Pennsylvania, and Mr. HOUGHTON.

H.R. 459: Mr. SAXTON.

H.R. 492: Mr. ACKERMAN, Mr. BERMAN, Mr. BLAGOJEVICH, Ms. CHRISTIAN-GREEN, Mr. COYNE, Mr. FARR of California, Ms. FURSE, Mr. KENNEDY of Rhode Island, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mrs. MCCARTHY of New York, Ms. NORTON, Mr. SHERMAN, Mrs. TAUSCHER, Mr. TIERNEY, and Mr. VENTO.

H.R. 498: Mr. MINGE.

H.R. 501: Mrs. LOWEY.

H.R. 519: Ms. MOLINARI, Ms. RIVERS, and Mr. DINGELL.

H.R. 548: Mr. BOEHLERT, Mr. SERRANO, Mr. MCHUGH, Mr. TOWNS, Mr. HINCHEY, and Mr. MANTON.

H.R. 577: Mr. PASTOR, Mr. CLEMENT, Mr. FROST, Ms. LOFGREN, and Mr. DAVIS of Illinois.

H.R. 586: Mr. BLAGOJEVICH, Mr. CLAY, Mr. EHRLICH, Mr. FRELINGHUYSEN, Mr. GOODE,

Mr. SAM JOHNSON, Mr. KIM, Mr. KNOLLENBERG, Mr. LIVINGSTON, Mr. PASCRELL, Mr. REGULA, Mr. SNOWBARGER, Mr. TAYLOR of Mississippi, and Mr. UNDERWOOD.

H.R. 599: Ms. NORTON, Mr. WATT of North Carolina, Mr. FOGLIETTA, Mrs. CLAYTON, Mr. YATES, Mr. OWENS, Mr. OLVER, Mr. TORRES, Mr. HOLDEN, Ms. RIVERS, Mr. DAVIS of Illinois, Mr. WYNN, and Mr. KUCINICH.

H.R. 612: Mr. KANJORSKI, Mr. KENNEDY of Massachusetts, Ms. FURSE, and Mr. BISHOP.

H.R. 629: Mr. TAUZIN.

H.R. 680: Mr. JEFFERSON and Mr. FILNER.

H.R. 687: Mr. DAVIS of Illinois.

H.R. 695: Mrs. MORELLA, Mr. BILBRAY, Mr. SOLOMON, and Mrs. MYRICK.

H.R. 745: Mr. VENTO, Mr. LEWIS of Georgia, Mr. SHAYS, and Mr. CHABOT.

H.R. 753: Mr. EVANS, Mr. MEEHAN, Mr. DAVIS of Illinois, Mr. FLAKE, and Ms. FURSE.

H.R. 756: Mr. VISCLOSKY, Mr. WAXMAN, Ms. NORTON, Mr. SKAGGS, Mr. SENSENBRENNER, Mr. MILLER of California, Mr. MARKEY, Ms. SLAUGHTER, Mr. CLAY, and Mr. DEFAZIO.

H.R. 768: Mr. COBLE and Mr. ETHERIDGE.

H.R. 789: Mr. HAYWORTH and Mr. NUSSLE.

H.R. 793: Mr. DINGELL.

H.R. 795: Mr. BORSKI, Mr. GEJDENSON, Mr. STARK, Mr. BROWN of California, Mr. DEFAZIO, Mr. KLINK, Mr. HINCHEY, Mr. EVANS, Mr. YATES, Mr. ROTHMAN, Ms. KILPATRICK, Mr. LIPINSKI, Ms. ROYBAL-ALLARD, Mr. FOGLIETTA, and Mr. DAVIS of Illinois.

H.R. 812: Mr. SAXTON, Mr. BARTLETT of Maryland, Mr. FORBES, and Ms. KAPTUR.

H.R. 818: Mr. KUCINICH.

H.R. 819: Mr. KUCINICH.

H.R. 830: Mr. COOK and Mr. FROST.

H.R. 857: Mr. STUMP.

H.R. 864: Mr. QUINN, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STOKES, Mr. CLAY, Mr. YATES, Mr. DAVIS of Illinois, Mr. THOMPSON, Ms. RIVERS, Mr. CLYBURN, Mr. MCGOVERN, and Mr. JEFFERSON.

H.R. 867: Mr. LEVIN and Mr. KLUG.

H.R. 877: Mr. PETERSON of Pennsylvania, Mrs. CARSON, Mr. BOUCHER, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Ms. RIVERS, Mr. SENSENBRENNER, Mrs. CLAYTON, Mr. HASTINGS of Washington, Mr. SHAYS, Mr. DELLUMS, Mr. KINGSTON, Mr. FILNER, Mr. SCHIFF, Mr. MCGOVERN, and Mr. MASCARA.

H.R. 895: Mr. HOLDEN, Mr. PAYNE, Mr. GEJDENSON, Mr. FLAKE, Mr. SOLOMON, Mr. LIPINSKI, Ms. DELAURO, and Mr. FALEOMAVAEGA.

H.R. 898: Mr. MINGE.

H.R. 907: Mr. GORDON, Mr. HASTINGS of Florida, and Mr. FORD.

H.R. 920: Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, and Mr. CONYERS.

H.R. 925: Mr. MINGE.

H.R. 928: Mr. STEARNS, Mr. KLUG, Mr. CALVERT, Mr. BARTLETT of Maryland, Mr. TIAHRT, Mr. WATKINS, Mr. EHRLICH, Mr. BARRETT of Nebraska, and Mr. CRANE.

H.R. 929: Mr. GOSS, Mr. WOLF, Mr. SENSENBRENNER, Mr. RILEY, Mr. BILIRAKIS, Mr. KINGSTON, Mr. LIPINSKI, Mrs. FOWLER, Ms. ROS-LEHTINEN, Mr. SNOWBARGER, Mr. RADANOVICH, Mr. TAUZIN, Mr. MORAN of Kansas, Mr. CALVERT, Mr. LATOURETTE, Mr. CLEMENT, and Mr. SCARBOROUGH.

H.R. 934: Mrs. MYRICK.

H.R. 953: Mr. JEFFERSON, Mr. KUCINICH, and Mr. MCGOVERN.

H.R. 956: Mr. SHAYS, Mr. FROST, Mr. HAMILTON, and Mr. WHITFIELD.

H.R. 971: Mr. WALSH, Mr. FLAKE, Mrs. KENNELLY of Connecticut, Mr. GREENWOOD, Mrs. LOWEY, Mr. GILCHREST, and Mr. FOX of Pennsylvania.

H.R. 973: Mr. FALEOMAVAEGA and Mr. DAVIS of Illinois.

H.R. 978: Mr. PAUL, Mr. PETERSON of Minnesota, Mr. BISHOP, Mr. NEUMANN, Mr. HINCHEY, Mr. BOYD, and Mr. MASCARA.

H.R. 981: Mr. FOGLIETTA.

H.R. 982: Mr. FOGLIETTA, Mr. BOEHLERT, and Mr. LIPINSKI.

H.R. 990: Mr. ENGLISH of Pennsylvania.

H.R. 991: Mr. BARCIA of Michigan and Mr. WISE.

H.R. 993: Mr. BOB SCHAFFER.

H.R. 1002: Ms. ESHOO, Mr. JEFFERSON, and Mr. WALSH.

H.R. 1032: Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mrs. THURMAN, Mr. WISE, Mr. EDWARDS, Ms. MCCARTHY of Missouri, Mr. SAWYER, Mr. BENTSEN, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. FROST, Mr. DOOLEY of California, Mr. HINCHEY, Mr. SCOTT, Mr. WYNN, Mr. VENTO, Mr. SNYDER, Mr. FAZIO of California, Mrs. KENNELLY of Connecticut, and Mr. BOEHLERT.

H.R. 1033: Mr. SHAYS and Mr. WELLER.

H.R. 1046: Mr. FOGLIETTA.

H.J. Res. 28: Mr. LUTHER.

H.J. Res. 40: Mr. BARCIA of Michigan.

H.J. Res. 54: Mr. DOOLITTLE and Mr. KASICH.

H.J. Res. 55: Mr. WICKER.

H.J. Res. 62: Mr. LINDER, Mr. SKEEN, and Mr. TAUZIN.

H. Con. Res. 6: Mr. KENNEDY of Massachusetts, Mr. MENENDEZ, and Ms. FURSE.

H. Con. Res. 10: Mr. SHAW.

H. Con. Res. 12: Mrs. KELLY, Mr. CONYERS, Mr. ROTHMAN, Mrs. KENNELLY of Connecticut, Mr. BORSKI, and Mr. MCDERMOTT.

H. Con. Res. 13: Mr. LEWIS of Kentucky, Mr. NADLER, Mr. TRAFICANT, Mr. ETHERIDGE, Mr. METCALF, Mr. COYNE, Mr. CONYERS, and Mr. DOYLE.

H. Con. Res. 38: Mr. DOYLE.

H. Res. 38: Mr. BILBRAY, Mr. BARRETT, of Wisconsin, Mr. ETHERIDGE, Mr. TAUZIN, Mr. FARR of California, Ms. DELAURO, Ms. FURSE, Ms. CHRISTIAN-GREEN, Ms. NORTON, Mr. MCGOVERN, Mr. JEFFERSON, Mr. CONYERS, Mr. DELLUMS, Mrs. CARSON, Mr. TORRES, Mr. ACKERMAN, Mr. CLYBURN, Mr. EHLERS, Ms. DEGETTE, Mr. CLEMENT, and Ms. SANCHEZ.

EXTENSIONS OF REMARKS

WINNER OF ARIZONA'S 1997 VOICE OF DEMOCRACY CONTEST

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. STUMP. Mr. Speaker, the Veterans of Foreign Wars and its Ladies Auxiliary are very active in promoting patriotism and an understanding of the values which underlie this great country of ours through its Voice of Democracy essay contest. During this past year, over 109,000 secondary school students participated in the contest, and each one of those students has a clearer understanding of the meaning of democracy as a result of their participation. The winner of this contest in my State of Arizona was David C. Pickett from Prescott Valley, AZ. David is an outstanding senior at Bradshaw Mountain High School, and his entry was sponsored by VFW Post 10227 and its Ladies Auxiliary. His father is a retired Marine. I'm sure David's parents, as well as all of David's teachers are very proud of this young man. I'd like to share with my colleagues his winning essay.

DEMOCRACY—ABOVE AND BEYOND

1996–97 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM—ARIZONA WINNER, DAVID PICKETT

Famine, poverty, unemployment, disease, death . . . All of these words that we'd rather not hear or even think about for an instant if we don't have to, because they all lead to mental pictures we can't bear to create or drag up from the little cobwebbed corner in the back of our minds where we try to bury all the parts of reality that frighten us most. Yet every day in dozens of countries throughout the world, people just like you and I have to deal with these dark aspects of life through any means necessary. Honest people having to steal just so their families might see the light of another day. Top of the line modern cardboard and garbage bag mansions littering the decadent alleyways of a crumbling city, and parents who'd rather take the risk of a condemned building collapsing on them than see their children die of exposure before their very eyes. Peaceful protesters are massacred or imprisoned where they die from any number of ailments while awaiting a trial that will never come. Each of these chaotic realities can be found thriving under the bannerhead of a failed system of government, whether it be fascism or socialism in any of its deceptive forms; and each of those horrific realities are precisely the reasons why those governments failed, as well as the reasons as to why democracy has risen far above and beyond them to its honored position in the world today.

When one thinks of democracy and its great leaders, pictures of great men such as George Washington, Thomas Jefferson, Ben Franklin, John F. Kennedy, and Martin Luther King, Jr. all come to mind. Yet when one thinks of the great leaders of communism and fascism, one can only think of people like Joseph Stalin who actually created a famine in the Ukraine in 1932 and '33 which resulted in the death of three-million kulaks by starvation; or even greater still was Adolph Hitler who nearly brought about the complete extinction of the entire Jewish race by destroying over six-million of them through various and sundry methods of torturous execution. Or how about Benito Mussolini of Italy who came up with the term "totalitario", to describe the goals of his fascist government, as saying that his aim was "All within the state, none outside the state, and none against the state."

No other government in existence cares as much for the natural human rights of the individual, than democracy in its purest form. In America we have a Constitution and a Bill of Rights that hold the same value, if not more so, today as they did over two hundred years ago when they were first inscribed. The only thing these other governments have to show for all of their efforts is revolution after revolution after bloody revolution, and a never-ending state of misery for their people. There is no limit to democracy in America, everyone is entitled to the same share, an no one is excluded for any reason whether it be on the basis of social standing, political power, skin color, gender, or religious beliefs. Whereas in places such as South Africa during apartheid, its white citizens saw its government as a Constitutional democracy, but for its twenty two-million blacks, it was an iron-fisted dictatorship that verged on totalitarian control. Our democracy has a system of checks and balances to make sure no one person or group of people has too much control; in a totalitarian government, no such system exists, for the leader currently in power is the constitution, the law, and the government embodied in one person and one person alone. So, if you were to place all of these contrasting viewpoints on a scale weighing positives vs. negatives, freedom vs. imprisonment, and honesty vs. hypocrisy; which side would result in a better government? The answer by now should be quite obvious; the first, second, and third place medals for excellency in government go to democracy, democracy, and last but most certainly not least: democracy.

I hope I have given you something to ponder and realize, as well as something to rekindle those possibly dwindling feelings of pride in your country's government, no make that your government. The government our ancestors started has spread like wildfire throughout the world because it is the only one that has proven itself time and time again as the greatest form of government on Earth. Three years ago in 1993, something miraculous occurred, for the first time in the history of the planet, the total number of democracies in existence outnumbered the total number of dictatorships; and I'm sure with the continuation of this trend in world thought, democracy will soon be the only government in existence, truly showing the world that it has risen above and beyond.

SPECIAL RECOGNITION TO MSGR. DANIEL J. BOURKE, GRAND MARSHAL OF THE 173D ST. PATRICK'S DAY PARADE IN SAVANNAH, GA

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. KINGSTON. Mr. Speaker, in honor of his dedication to preserving Irish culture, tradition, and history, Monsignor Bourke has been named grand marshal of the 173d St. Patrick's Day Parade in Savannah, GA. The parade is the cornerstone of one of the largest St. Patrick's Day celebrations in the Nation and is a fitting tribute for a man who has given so much to preserve the heritage of his native land and equally as much to the advancement of the country and city he now calls home.

HIBERNIAN SOCIETY OF SAVANNAH, GA

"Irishmen, inclined as they are by nature to good fellowship and charity, should not forget, in a foreign land, the duties they owe to themselves, their national character, and their distressed countrymen. These obligations are the more important to Irishmen, because, during the long period of their oppression, Irishmen have been useful to themselves, their country, and their brethren, only in proportion to their exercise of those generous, charitable and sterling traits with which it has pleased God to distinguish them among the people of the earth. Every motive, too, presses itself upon the heart of each true Irishman to foster more particularly unfortunate because her destiny has been unmerited, and therefore the more entitled to the tender consideration of her own sons, and of the good, the generous and the enlightened of other nationalities."

"Driven from unhappy Erin by unrelenting tyranny, afflicted and persecuted Irishmen seek an asylum in this favored republic, endeavoring to find, under the auspices of its liberal institutions, the only consolations that can remain to exiles thrust out of a beloved home by want and oppression. To these it becomes the duty of their more fortunate brethren settled in this free country, and enjoying the benefits of its hospitality, to reach out the hand of friendship, to tender the aid of a delicate charity, and to offer any other assistance which fraternal, manly and kindly feelings may inspire."

The above two paragraphs comprise the Preamble of the Hibernian Society of Savannah which was adopted at a meeting held on March 17, 1812.

The Hibernian Society of Savannah, celebrating its 185th Anniversary on March 17, 1997, would like to give special recognition to Monsignor Daniel J. Bourke who is the Grand Marshal of the 173rd St. Patrick's Day Parade in Savannah. Monsignor Bourke was born in Birr, Offaly County, Ireland on September 28, 1909. He was ordained to the priesthood at All Hallows Missionary Seminary in Dublin on June 23, 1934, for the Diocese of Savannah. He has given 63 years of

dedicated service to the area of South Georgia and continues to service the needs of the people in Savannah even though he is retired and resides at Blessed Sacrament Church. Monsignor Bourke has held numerous positions within the Diocese of Savannah during his tenure of service. He was named a Domestic Prelate on March 20, 1959 and Prothonotary Apostolic on October 11, 1966. He has been associated with the Diocesan Council of Catholic Women since its introduction to the diocese in 1938, serving as parish, deanery and diocesan moderator. At present he is the Honorary Diocesan Moderator. From the time of his arrival in Savannah in September, 1936, he has been closely identified with the Irish element. While Irish to the backbone, he is proud to have been for fifty years a citizen of the United States of America. He has lived in Georgia since 1934, and over thirty-three of those years in Savannah. He has participated in nearly every parade since his return to Savannah in 1970. He thanks God that he is a Savannahian and in his letter to the citizens of Savannah upon his selection as Grand Marshal he wrote the following words:

"We of Irish birth or lineage honor this day in the memory of St. Patrick who brought the Catholic faith to Ireland so long ago." We honor our forebears who have, in spite of centuries long persecutions, remained faithful to the teachings of St. Patrick. We renew our allegiance to these United States of America, where our people sought and found a harbor of refuge, a land, "Where rich and poor stand equal in the light of freedom's day."

TRIBUTE TO ANTHONY TODD WILLIAMS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. VISCLOSKY. Mr. Speaker, I rise today to congratulate a distinguished young man, Anthony Todd Williams, for attaining the rank of Eagle Scout in the Boy Scouts of America. Anthony is a member of the Boy Scout Troop 550. He will receive this award at an Eagle Scout court of honor on Sunday, March 16 at St. Maria Goretti Church Hall, located in Dyer, IN.

An elite group, comprising only 2.5 percent of all Boy Scouts, attains the Eagle Scout ranking, which is the highest of seven rankings in the Boy Scouts organization. In order to become an Eagle Scout, a Scout must complete the following three tasks: earn 21 merit badges; complete a service project; and demonstrate strong leadership skills within the troop.

Anthony, a student at Lake Central High School, made a turtle island in a community pond for his service project. Anthony has also helped to coordinate various troop outings, and he attended Boy Scout camp for 4 years. In addition Anthony attended the National Scout Preserve in Philmont, NM, which is a high adventure camp with a rugged terrain. Anthony currently has plans to attend the Sea Base Scuba High Adventure Camp in August of this year.

The rank of Eagle Scout always has carried with it special significance—and not only within Scouting. Eagle Scouts are recognized as individuals with great talent and promise as they enter institutions of higher education, the work force, or engage in community service.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Anthony Todd Williams for his commendable achievement. His parents, Kim and Richard Williams, can be proud of their son because it takes a great deal of tenacity and devotion to achieve such an illustrious ranking. This young man has a promising future ahead of him, which will undoubtedly include improving the quality of life in Indiana's First Congressional District.

BIPARTISAN CONGRESSIONAL RETREAT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. GRINGRICH. Mr. Speaker, at our bipartisan congressional retreat this past weekend, historian David McCullough shared a view of the legislative process which was idealistic, practical, and filled with historic insights. He reminded us that this country was founded by practical idealists who understood both the frustrations of traditional political and legislative life and yet who were able to focus again and again on the idealistic long-term needs of America. I believe every citizen would profit from reading Mr. McCullough's speech. I submit it into the CONGRESSIONAL RECORD.

BIPARTISAN CONGRESSIONAL RETREAT

(By David McCullough)

Well, Amo, you've taken my breath away and your invitation to speak here is as high a tribute as I've ever received. I feel greatly honored but also a strong sense of humility. And I hope it won't seem presumptuous if I—in what I say today—appear to know your job. I don't. If I can help you in what I say, if I can help the country, then I will be very deeply appreciative of the chance to be here.

Your speaker welcomed you to Pennsylvania, I do so too as a Pennsylvanian, by birth and by education and as one who loves this state. There is more history here than almost anywhere else in our country. Our most important, our most sacred historic site—Independence Hall—is less than 100 miles from where we sit, as the crow flies. And if you come to Pennsylvania, you can always learn something, at whatever stage in life.

Last year, Rosalee and I came back to Philadelphia. We pulled up in front of the hotel in a big, shiny, rented car and the doorman, a handsome fellow in full regalia, opened the door for Rosalee. I popped the button for the trunk and I could see him getting the luggage out. I got out and walked around the back of the car and he looked up and said: "Well, Mr. McCullough, welcome to Philadelphia; it is wonderful to have you here." And I thought, "I wonder if he knows me because of my books or because of the work I do on public television?" And so I said, "If you don't mind, I'd like to know how you know who I am?" And he said, "the tag on your suitcase."

You can't but help learn a great deal in this session and as Speaker Gingrich said, this event is unprecedented in the long history of the U.S. Congress. A gathering like this never happened before. And how wonderful that your children are here—the next generation—some of whom may also be serving in Congress. We have the future with us too. And we have the past.

Now many people think of the past as something far behind, in back of us. It is also possible to think of it as in front of us, in the sense that we're going down a path that others have trod before, and some very great people; we are in their footsteps. And it is in that spirit that much of what I have to say will be said. I want to talk about history; I want to talk about purpose, and because there's an old writer's adage, "Don't tell me, show me." I want to conclude by showing you.

"We live my dear soul in an age of trial," he wrote, in a letter to his wife. In the seclusion of his diary he wrote, "I wander alone and ponder. I muse, I mope, I ruminate." He was a new Congressman and he was about to set off for his first session in Congress. John Adams, heading for his very first Congress—the Continental Congress in Philadelphia in 1774—and he was very disturbed, very worried.

"We have not men fit for the times," he wrote, "we are deficient in genius, education, in travel, fortune, in everything. I feel unutterable anxiety." The next year when he returned for the second Continental Congress he found that the whole atmosphere had changed. This was after Lexington, Concord, and Bunker Hill. This was a time of pressing need and America, he decided, was a great, "unwieldy body."

"Its progress must be slow, it is like a large fleet sailing under convoy, the fleetest of sailors must wait for the dullest and the lowest. Every man in the Congress is a great man," he wrote, "and therein is the problem—an orator, a critic, a statesman, and therefore every man upon every question must show his oratory, his criticism, and his political abilities." In 1776, in the winter—in the dead of winter—with the temperature down in the 20s, John Adams set off again from Braintree on horseback to ride 300 miles. Nothing unusual then; we think of communications and transportation as two different subjects. In the 18th century, transportation and communication were the same. Nothing could be communicated any faster than somebody on a horse.

He arrived back in Philadelphia—this is early in 1776, and bear in mind this was the year of the Declaration of Independence—and he wrote: "There are deep jealousies. Ill-natured observations and incriminations take the place of reason and argument." Inadequate people, contention, sour moods, and from his wife, Abigail, John Adams received a letter in which she said: "You cannot be I know, nor do I wish to see you, an inactive spectator." She wants him to be there for all it is costing her, for all the difficulties she is having, caring for the family and running the farm. And then she adds, "We have too many high-sounding words and too few actions that correspond with them."

1776—History. History is a source of strength. History teaches us that there is no such thing as a self-made man or woman. We all know that. We all know the people who helped. Teachers, parents, those who set us on the right track, those who gave us a pat on the back, and when need be, those who have rapped our knuckles.

History teaches us that sooner is not necessarily better; that the whole is often equal to much more than the parts; and what we don't know can often hurt us deeply. If you

want to build for the future, you must have a sense of past. We can't know where we're going if we don't know where we've been and where we've come from and how we got to be where we are. A very wise historian, who was also the Librarian of Congress—Daniel Boorstin—said that to try to create the future without some knowledge of the past is like trying to plant cut flowers.

History is an aid to navigation in troubled times; history is an antidote to self-pity and to self-importance. And history teaches that when we unite in a grand purpose there is almost nothing we cannot do.

Don't ever forget the great history of your institution—your all-important institution. All of us, all of us want to belong to something larger than ourselves. I'm sure it's why you're in Congress; I'm sure its why you decided in the beginning, "I'm going to give up this and do that, and it's going to be difficult for my family"—because you wanted to serve something larger than yourselves. It's at the heart of patriotism; it's why we are devoted to our churches, our universities, and, most of all, to our country.

With that kind of allegiance—that kind of devotion—we can rise to the occasion in a greater fashion than we have any idea. And we've done it time and again, we Americans. Think what your institution has achieved. It was Congress that created the Homestead Act. It was Congress that ended slavery. It was Congress that ended child labor. It was Congress that built the Panama Canal and the railroads. It was Congress that created Social Security. It was Congress that passed the Voting Rights Act. It was Congress that sent Lewis and Clark to the West and sent us on voyages to the moon.

Some acts of Congress like the Marshall Plan or Lend Lease, as important as any events in our century, were achieved under crisis conditions. But it doesn't have to be a crisis condition. It can be an ennobling, large, imaginative idea. A big idea.

Much of what has happened in our time has been determined by outside forces. In the Depression, the national aspiration—the national ambition—was to get out of the Depression. In the Second World War, the national aspiration—the national ambition—didn't need to be defined, it was to win the war. In the Cold War, the national aspiration was to maintain our strength against the threat of the Soviet menace, but at the same time, maintain our open free way of life.

But now the Cold War is over. And outside forces are not determining the national ambition. So what is it going to be?

Because we have the chance to choose. You have the chance to choose. And as important as balancing the budget may be, as important as restoring civility and law and order in the cities may be, as important as fourth-grade testing may be, or school uniforms, they aren't the grand ennobling ideas that have been at the heart of the American experience since the time of John Winthrop and the ideal of the City on the Hill.

And we have the chance to do that. We have the chance to create that—you have the chance to do that. There has never been in any of our lifetimes a moment of such opportunity as now with the Cold War over. And if we just lift up our eyes a little and begin to see what we might be able to do, we too—we in our time—could be cathedral builders. We can be a great founding generation, like the founding fathers. And what a wonderful, uplifting, thrilling, unifying sense of purpose that can provide. America itself at the very beginning was a big idea; the biggest idea in the political history of the world. That could happen again.

John Adams, who was one of the most remarkable of our Founding Fathers and whose wife Abigail has left us a record unlike that of any other spouse of a political leader of that time, set something down on paper in the Spring of 1776 that ought to be better known, It's called Thoughts on Government. It was originally written as a letter to the eminent legal scholar, George Wythe of Virginia. It was about twelve pages long and when other Members of Congress asked him for a copy he sat there, by candlelight, at night in a room in a house across the street from the City Tavern in Philadelphia, copying it all down. And then Richard Henry Lee of Virginia suggested that it be published.

Keep in mind please that it was written before the Declaration of Independence. And listen to the language, listen to the quality of the language, which of course, is the quality of thinking. That's what writing is: thinking. That's why it's so hard.

"It has been the will of heaven that we, the Members of Congress, should be thrown into existence in a period when the greatest philosophers and lawgivers of antiquity would have wished to have lived." Right away, you see, he's saying, it is the will of heaven, there are larger forces than we ourselves, and he's applying the moment against the standard of the past: antiquity. It is to a very large degree, a lesson in proportion. "A period when a coincidence of circumstances without an example has afforded to thirteen colonies at once an opportunity at beginning government anew from the foundation and building as they choose." New, unprecedented, and they may choose. "How few of the human race have ever had an opportunity of choosing a system of government for themselves and for their children." And here is the sentence I dearly love. "How few have ever had anything more of choice in government than in climate."

He proposed a bicameral legislature. "A representative assembly," he called it, "an exact portrait in miniature of the people at large," balanced by a second "distinct" smaller legislative body that it may "check and correct the errors of the other." Checks and balances. There was to be an executive whose power was to include the appointment of all judges, and command of the armed forces, but who was to be chosen—and you'll like this—who was to be chosen by the two houses of legislature and for no more than a year at a time.

At the close, he also wrote this—and think about this please, as maybe a clue to what the cathedral we build might be. "Laws for the liberal education of youth are so extremely wise and useful that to a humane and generous mind no expense for this purpose would be thought extravagant."

Then after another month or so he sat down and wrote a letter to a friend back in Massachusetts, a fellow son of Liberty. April 1776. Carved into a mantelpiece at the White House, in the State Dining Room, is the prayer—the wishful prayer taken from a letter Adams wrote to his wife Abigail after his second or third night as President in the White House—the first American to occupy the White House as President—in which he says, "May only wise and honest men rule here."

I offer for your consideration the possibility that what I'm about to read might be carved, if not in a mantelpiece, somewhere in our Capitol where it would have appropriate attention. I can think of almost no other line from any of the founders so appropriate, so pertinent, to what you face—what we all face—not just in problems, not just in personal animosities or contention or rivalries, but what we face in the way of opportunity: to be builders as they were. Because he establishes both a way and a warning: "We may please ourselves with the prospect of free and popular governments. God grant us the way. But I fear that in every assembly, members will obtain an influence by noise not sense, by meanness not greatness, by ignorance not learning, by contracted hearts not large souls. There is one thing my dear sir that must be attempted and most sacredly observed or we are all undone. There must be decency and respect and veneration introduced for persons of every rank or we are undone. In a popular government this is our only way."

I salute you all. I salute you as a fellow citizen, as a fellow American, as the father of five children, as the grandfather of nine children. I salute you as one who has spent a good part of his working life trying to write some of the history of your great institution.

Our country deserves better—from all of us. But we look especially to our leaders as we should rightfully do. And there are no more important leaders than you. We don't expect you to be perfect. We do expect hard work, diligence, imagination, a little humor, civility, and especially, the sense that there is really no limitation to what we, a free people, can do. And that, with the grace of God, and a common sense of purpose, there is no limit—which has always been at the heart of the vision of American since the beginning.

TRIBUTE TO MR. JOSÉ "JOE" TORRES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. José "Joe" Torres, an artist in the culinary field who for many years has satisfied the most demanding palates at Jimmy's Bronx Cafe, in the Bronx, NY.

Mr. Torres was recognized for his culinary ability in an article written by Josue R. Rivas which was published in El Diario, on December 18, 1996.

A chef of Puerto Rican cuisine "por excelencia," Joe was born in Guaynabo, PR. He credits his success to his mother, from whom he first learned the art of cooking, and later on, to the chefs with whom he worked in New York City.

At Jimmy's, Joe cooks everything and for all occasions. One of his most overwhelming and, at the same time, joyous times, is the Christmas holiday season. He prepares the best Puerto Rican roast pork, rice with black-eyed peas, and "pasteles," plantain dough filled with roast pork and vegetables. The food is so delicious that one almost forgets to leave room to try his "coquito," his glorious coconut egg nog, for dessert.

Almost a synonym for the restaurant where he works, Joe Torres welcomes the clientele at Jimmy's Bronx Cafe with the same warmth with which he would receive friends and relatives at home. At age 50, he is one of the best chefs of Puerto Rican cooking in New York City.

Even though I share Joe's name and Puerto Rican origins, I must admit I do not share his ability for cooking. Hence, I feel most privileged to try his dishes when I visit Jimmy's Bronx Cafe.

Mr. Speaker, I ask my colleagues to join me in recognizing José "Joe" Torres, for his extraordinary culinary ability and for giving to all of us visitors to Jimmy's Bronx Cafe the joy of tasting delicious Puerto Rican cuisine.

RECOGNIZING A UNIQUE PARTNERSHIP IN THE CREATION OF AFFORDABLE HOMES

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. LEWIS of California. Mr. Speaker, an amazing and largely untold story has been developing for the past decade as nonprofits throughout the Nation move block-by-block to provide new homes in America's low-income neighborhoods and, at the same time, reinvigorate communities. To underscore these successes, Habitat for Humanity International, Local Initiatives Support Corporation [LISC], the Enterprise Foundation, and the National NeighborWorks® Network are joining together to make an unprecedented commitment and challenge that will touch the lives of millions of people in communities across the country.

Today, these four organizations announced a multibillion-dollar commitment to develop safe, decent, and affordable housing and have challenged Congress and the Nation to join them in this deeper commitment.

The $13 billion commitment is projected to generate 193,800 affordable homes and apartments in 2,475 urban, suburban, and rural communities. The homes they will provide range from remodeling and modernizing multifamily apartment buildings to constructing new homes for sale to low-income families. The initiative will touch neighborhoods across the country in farm towns and in dense urban inner cities. Tens of thousands of jobs will be created and tens of billions of dollars in private investment will be stimulated.

And, Mr. Speaker, knowing of the past successes of each of these nonprofits, I am convinced that their commitment to this initiative will result in the exciting goals they have set for themselves.

Congress can be an active partner in reaching these goals by continuing to provide the necessary tools to enable individuals, corporate leaders, philanthropic institutions, and others to continue to expand their support of providing more affordable homes. For example, programs like the Low Income Housing Tax Credit, Community Development Block Grants, the Community Reinvestment Act, the Earned Income Tax Credit, Rural Homeownership, HOME and Housing Opportunity Program are just a few of the programs that are uniquely effective and efficient in channeling private resources into community renewal and stretching scarce public dollars.

I am pleased to join these organizations in celebrating these success stories and call upon my colleagues to make housing issues a priority in their legislative agendas.

TOM NEWSHAM: A LAW ENFORCEMENT OFFICER OF HONOR AND INTEGRITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. BARCIA. Mr. Speaker, the strength of this country rests among a select group of men and women that are entrusted with the responsibility of public safety. These individuals put their own lives at risk to that neighborhoods across the country are kept safe and citizens in these neighborhoods feel personally secure.

I would like to take this time to commend a man of great honor and integrity that has devoted his life to keeping communities safe. This man is Bay County deputy sheriff Thomas A. Newsham, who has served as a police officer in Michigan for over 20 years.

In 1974 Tom started his career in law enforcement when he was hired at the Bay County Sheriff's Department as a deputy sheriff for road patrol. Tom performed admirably in this position for many years and received number distinctions along the way. These include a Meritorious Service Award for excellence and dedication and an Exemplary Service Award for his work at a crisis hotline.

In 1984 Tom was promoted to sergeant II on road patrol and shortly thereafter received a supervisory certificate at the Law Enforcement Officer Training Council. As Tom was moving up professionally, he began to devote more time to a personal priority of his—keeping children off drugs. Tom committed himself to learning how to counsel kids to stay off drugs through Drug Abuse Resistance Education and D.A.R.E. instruction. In 1995 Tom became a D.A.R.E. officer, going to different schools to talk to kids about their opportunities in life and to discourage them from using drugs.

At the same time, Tom was taking classes in community policing services from Lansing Community College, earned his B.A. from Saginaw Valley State University and received advanced training in critical incident stress debriefing.

This month, Tom is retiring from the Bay County Sheriff's Department and I think all would agree that we are losing an outstanding law enforcement officer who combines skill, professionalism, and compassion. I want to thank Tom for his years of service to the community which I represent here in Congress and to wish him all the best in his retirement years.

TRIBUTE TO BARB McTURK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity today to honor the hard work and strong leadership of one of our party's most dedicated volunteers. For the past 4 years, Barb McTurk has served as vice chairwoman of the Colorado Republican Party, and for the past 2 she has served simultaneously as its volunteer executive director. Since taking office in 1993, Ms. McTurk has worked tirelessly on behalf of the Republican Party and its candidates. She has striven to advance the principles of the Republican Party while maintaining the highest level of integrity and earning the respect of friend and foe alike. Her record of achievement is truly impressive.

Ms. McTurk's work has resulted in Republican gains across Colorado as well as an increase in voter participation—an essential element of our representative process. Our gains in registered Republican voters, gains in the State legislative majority and gains in Republican held statewide elected offices are due in large part to the Herculean efforts of Barb McTurk. These gains have elevated the Colorado Republican Party to its strongest level in years.

Mr. Speaker, the political process depends on the hard work of volunteers as well as the ability of all of us to engage in constructive and informative political discourse. As Barb McTurk ends her tenure as chairwoman of the Colorado Republican party, I, along with the rest of the Republicans in the Colorado congressional delegation, want to thank her for her commitment to our cause and convey our utmost respect which she so rightfully deserves.

INDIAN CHILD WELFARE ACT AMENDMENTS OF 1997

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MILLER of California. Mr. Speaker, today, I am cosponsoring the Indian Child Welfare Act Amendments of 1997, a timely bill that reflects a carefully crafted compromise between the interests of Indian tribes seeking to protect their culture and heritage and the interests of non-Indians seeking greater clarity and security in the implementation of the Indian Child Welfare Act of 1978.

This bill is virtually the same bill that I cosponsored last year along with the chairman of the Resources Committee, Representative DON YOUNG, and the bill is the direct result of several high-profile adoption cases involving the adoption of Indian children. These cases, involving lengthy disputes under the Indian Child Welfare Act, focused our attention on whether the act fairly, and to the greatest degree possible, took into account the best interests of the children, the parents, and the tribes.

In the last Congress, early attempts to rectify these problems were misdirected and would have amended the Indian Child Welfare Act to severely limit its scope and the protections it affords Indian children, parents, and tribes. The first proposed amendments to the act were drafted without any input at all by Indian tribes or by members of the committee of jurisdiction, the Resources Committee. The amendments survived a close vote on the House floor, but failed to make it out of committee in the Senate.

Recognizing the need for legislation, however, we immediately initiated discussions with Indian tribes to lay the foundation for compromise legislation. The tribes in turn prepared draft legislation that was then shared and negotiated with adoption professionals, including attorneys, who ultimately endorsed the new legislation. Proponents of the compromise legislation now include the American Academy of Adoption Attorneys and Jane Gorman, the attorney who represented the family in the Rost case.

This bill is intended to strengthen the act, to protect the lives and future of Indian children first and foremost. This bill was crafted not only with the input of the tribes but also with the input of the attorney for the Rost family, whose well-publicized case was one of the adoption cases that sparked this debate. We understand that to a few parties on either side of the debate this bill may not seem perfect. Few compromises are. But what this bill does is truly important. This bill helps Indian children by providing allowing adoptions to move forward quickly and with greater certainty. This bill places limitations on when Indian tribes and families may intervene in the adoption process. Yet at the same time, this bill protects the fundamental rights of tribal sovereignty.

The point is that this bill places the interests of Indian children above all else, first by ensuring that they will have as equal a chance as any other children at having a loving family and a home and second, by protecting their interests in their own culture and heritage.

For the benefit of those new to this debate, I would like to provide a short background of the events that led to the enactment of the original Indian Child Welfare Act and what the new amendments that I and Chairman YOUNG are proposing would do.

The Indian Child Welfare Act [ICWA] was enacted in 1978 in response to the widespread removal of Indian children from Indian families and placement with non-Indian families or institutions. Prior to ICWA, House hearings yielded information which demonstrated that between 1969 and 1974, 25 to 35 percent of all Indian children had been separated from their families and placed in adoptive families, foster care, or institutions. The Resources Committee reported in 1978 that "[t]he wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today."

In 1978, Chief Calvin Isaac of the Mississippi band of Choctaw Indians testified at hearings before the House about the cause for the large removal of Indian children:

> One of the most serious failings of the present system is that Indian children are removed from the custody of their natural parents by nontribal government authorities who have no basis for intelligently evaluating the cultural and social premises underlying Indian home life and childrearing. Many of the individuals who decide the fate of our children are at best ignorant of our cultural values, and at worst contemptful of the Indian way and convinced that removal, usually to a non-Indian household or institution, can only benefit an Indian child.

Removal of Indian children from Indian families led not only to social harm to the Indian parents and adopted children, but also to harm to the tribes who were essentially losing their own members. Chief Isaac added that—

> Culturally, the chances of Indian survival are significantly reduced if our children, the only real means for the transmission of the tribal heritage, are to be raised in non-Indian homes and denied exposure to the ways of their People. Furthermore, these practices seriously undercut the tribes' ability to continue as self-government communities.

Congress enacted ICWA to address these concerns, declaring that "it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families * * *." 25 U.S.C. 1902. Furthermore, Congress "has assumed the responsibility for the protection and preservation of Indian tribes and their resources" and "that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children." 25 U.S.C. 1901 (2), (3).

It is worth pointing out that Congress enacted ICWA in recognition of two equally important interests—that of the Indian child, and that of the Indian tribe in the child. In a landmark ruling, the Supreme Court in the Holyfield case highlighted the latter interest, saying:

> The protection of this tribal interest is at the core of ICWA, which recognizes that the tribe has an interest in the child which is distinct but on a parity with the interest of the parents.

One result of the passage ICWA has been the development and implementation of tribal juvenile codes, juvenile courts tribal standards, and child welfare services. Today, almost every Indian tribe provides child welfare services to their own children.

Recent studies indicate that ICWA has had a positive effect in redressing the wrongs caused by the removal of Indian children from their families. In 1978, Congress found evidence that state courts and child welfare workers placed over ninety percent of adopted American Indian children in non-Indian homes. Sixteen years later, studies indicate that less than 60 percent are adopted by non-Indians. Note, When Judicial Flexibility Becomes Abuse of Discretion: Eliminating the Good Cause Exception in Indian Child Welfare Act Adoptive Placements, 79 Minn. L. Rev. 1167, 1167–68 (1995). A 1987 report revealed an overall reduction in foster care placement in the early 1980's after enactment of the Act. See Note, The Best Interests of Indian Children in Minnesota, 17 American Indian L. Rev. 237, 246–47 (1992). A 1988 report indicated that ICWA had motivated courts and agencies to place greater numbers of Indian children into Indian homes. Id.

In other words, ICWA is starting to work well. Indian children have been placed in loving homes and the removal of children from their culture has diminished. Unlike other minority cases, there is no shortage of families willing to adopt Indian children. Less than one-half of one-tenth of all Indian adoption cases since passage of ICWA have caused problems.

Although ICWA gives tribes the right to play a role in all cases involving their own children, unfortunately, the law does not always require that parents, their attorneys, or adoption agencies notify the courts or the tribes when such a case is pending. The problem is that some in the adoption profession fear that by notifying the courts that an Indian child is involved in an adoption proceeding, they either will bog down the proceedings or scare off potential adoptive parents. Often, the tribes are given no notification while parties to the adoption are encouraged to conceal the child's Indian identity, causing the number of cases where the intent of the law has been skirted to multiply rapidly. The consequences of this noncompliance can lead to emotionally troubling results for everyone involved.

The bill that I am cosponsoring corrects these problems.

Here's exactly what the bill does. The Indian Child Welfare Act Amendments of 1997 would provide Indian tribes with notice of voluntary adoption proceedings. Currently, the Act requires that tribes receive notice of involuntary proceedings but not voluntary proceedings. The bill would also limit when and how Indian tribes and families can intervene in Indian adoption cases. Tribes would only be permitted to intervene, first, within 30 days of notification of a termination of parental rights proceeding, second, within 90 days of notification of an adoptive placement, or third, within 30 days of notification of an adoptive proceeding. A tribal waiver of its right to intervene will be considered final. Furthermore, a tribe seeking to intervene must provide a certification that the Indian child is, or is eligible to become, a member of the tribe. The bill would also limit the period of time within which Indian birth parents can withdraw their consent to adoption or termination of parental rights. A birth parent can only withdraw consent to adoption up to 30 days after commencement of adoption proceedings, up to 6 months after notification to the tribe if no proceedings have begun, or up to the entry of a final adoption order, whichever comes first. The bill also encourages tribes and adoptive families to enter into voluntary open adoptions and visitation arrangements and authorizes such arrangements in States that prohibit such arrangements. Finally, the bill applies penalties for fraud and misrepresentation by applying criminal sanctions to persons, other than birth parents, who attempt to hide the fact that an Indian child is the subject of a child custody proceeding or that one of the child's parents is an Indian.

I believe that these provisions are fair and will encourage, not prevent, the placement of Indians in caring homes and families.

Some have tried to blame the few but well-publicized failures on the Indians, some have concluded that rolling back the ICWA is necessary to prevent future miscarriages of justice, and some have even asserted that they are doing it with the best interests of the Indian at heart. But Indian people have heard claims like these all too many times before. We understand how hard it must be for them to live with this rhetoric, especially when the stakes are so high. We must all bear in mind that from an Indian perspective, it is the very future of their people and their culture that is at stake.

It is time for non-Indians to understand that Indian families are not necessarily opposed to other people raising their children and giving

them loving homes. But it is even more critical that they understand that Indian people must have a voice in these adoptions and that their voices be heard for the good of everyone.

Although we in Congress are often the first to prescribe what is best for American Indians, we usually fail in our attempts to deliver on our promises, largely due to our unwillingness to listen to the very people we're trying to help. I have listened to the tribes, and to the families this time and I believe that the Indian Child Welfare Act Amendments of 1997 is a fair and balanced approach that can bring peoples and cultures together, not divide them apart.

COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. STUMP. Mr. Speaker, I am pleased to inform Members of the House of Representatives that the Commission on Servicemembers and Veterans Transition Assistance held its initial meeting on February 26, 1997. The Commission was created by Public Law 104–275 to advise Congress on the effectiveness of programs designed to assist servicemembers and their families in their transition from active duty to civilian life. The Commission is also charged with studying veterans readjustment benefits to determine how well they are meeting the objective of facilitating veterans readjustment.

The Commission members elected Mr. Anthony Principi to serve as chairman and Mr. Kim Wincup as vice chairman. Mr. Principi is a former Deputy Secretary and Acting Secretary of Veterans Affairs and Mr. Wincup is a former Assistant Secretary of the Air Force (Acquisition) and Assistant Secretary of the Army (Manpower and Reserve Affairs). Both of these commissioners also have significant experience on Capitol Hill, and are well known in military and veterans circles. The additional 10 Commission members are: Gen. James B. Davis (Ret.), Mr. Richard Johnson, Mr. Mack Fleming, Mr. Tom Harvey, Lt. Col. Renee Priore (Ret.), Brig. Gen. Robert (Steve) Stephens (Ret.), Mr. Ron Drach, Mr. Christopher Jehn, Lt. Gen. Edgar Chavarrie (Ret.), and Mr. Michael Blecker. Each of the members has responsibilities outside of the Commission, and I appreciate the job they are about to take on.

Mr. Speaker, I would like to address what I feel to be the most important objective for the Commission to accomplish. We have a wide variety of benefits for veterans and active duty members about to leave the service. These programs have been put in place over the years as Congress saw a need and had the resources to meet those needs.

The Commission's challenge, as I see it, is to determine whether these programs work well as a transition and readjustment package. For all that our servicemembers do in service to our country, we owe them as smooth a return to civilian life as possible, and this Commission's job is to provide us with an independent analysis on how well the package of programs and benefits are doing the job. Each Commission member has a diverse and knowledgeable background in the areas of military and veterans' affairs, and I am confident that they can meet this challenge.

THE COST OF LIVING ACCOUNTABILITY ACT OF 1997

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to address an issue that affects millions of Americans. As you all know, the recently released Boskin Commission concluded that the Consumer Price Index [CPI] overstates the rate of inflation by 1.1 percent. In light of this finding, several changes to the way in which the CPI is calculated have been proposed. Members of Congress, the President, and other government officials have different ideas on whether the Bureau of Labor Statistics [BLS] should continue to adjust the CPI when necessary or if an independent commission should make any needed changes. However, one element is lacking with these proposals: accountability.

Whether we continue to have the Bureau of Labor Statistics determine the CPI, or pass that responsibility along to an independent commission, or choose another alternative, Members of Congress have a duty to ensure that any changes to the CPI are in the best interest of our citizens. We must be held to a vote on the matter.

There are tough choices ahead in our quest to balance the budget. Federal benefits whose COLA's are linked to the CPI include: Social Security, Federal employee and military retirement, veterans pensions, child nutrition programs, and the Earned Income Tax Credit [EITC]. In addition, income tax brackets are also determined by the CPI. A quick fix to the problem of balancing the budget could be simply to adjust the rate of inflation, which would lower payments for recipients of benefits of all of the above programs and raise taxes. But quick fixes rarely solve the problem over the long run. We should not use the CPI as a budget balancing tool.

The CPI is a cash cow that some Republicans are trying to use to achieve their budget goals. They are shopping for a commission to do the BLS's job, because they want the CPI decreased, and the BLS is not moving quickly enough for them. If the BLS was not being pressured by these Republicans and some in the Administration to recalculate this index to their specifications, this bill would not be necessary.

The Republicans want the President to change the CPI administratively. They want this to be done so that when our seniors' Social Security COLA's are reduced, they can blame it on someone else. They are hiding behind someone else's decision instead of holding themselves accountable for these extremely difficult budget decisions facing this Congress.

The BLS and its commissioner, Katharine Abraham, are moving as quickly as they can to examine if any changes should be made to the CPI. This is not an expert science, but it is the best system we have. The BLS economists are experts, and should be the ones to continue to make these important calculations.

My legislation does not offer any particular solution to fix the CPI. Instead, it simply requires that any proposed changes be approved by the Congress. During consideration of the fiscal year 1996 Labor-HHS appropriations bill, I, along with Representative BARNEY FRANK, offered an amendment which would protect Social Security COLA's, among other things, from unfair cuts by requiring Congressional approval of any changes in the formula used to calculate the CPI. My amendment was passed by the House, but later dropped in the House-Senate conference on the bill.

My amendment has now been reintroduced as a free standing measure. I hope that all of my colleagues will join me and again decide to be held accountable for any changes to the many programs that are affected by changes in the CPI.

INDIAN HILL PRIMARY'S INTERNATIONAL PEACE MUSEUM

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. PORTMAN. Mr. Speaker, I rise today to share with my colleagues a wonderful event that has taken place at a primary school I visited back home in the district I represent.

The students at Indian Hill Primary have been learning about the many opportunities available to them on the Internet. The teachers have made this new technology an integral part of their lesson plans which, as the principal said, makes their daily lessons come alive.

For example, second grade students, motivated by the example set by Dr. Martin Luther King in his battle for equality through nonviolent protest, decided to share what peace means to them. With innovative leadership from teachers, facilitators, and the creativity of the students, their efforts culminated in the creation of the "International Peace Museum."

This museum web site includes the students' definitions of peace, while also displaying the second graders' illustrations. Because they invite other classes, students, leaders, and governments from around the world to contribute, the students at Indian Hill Primary have already heard from schools in Bermuda, Canada, and throughout the United States.

Mr. Speaker, I commend Indian Hill Primary's International Peace Museum.

INTRODUCTION OF INDIAN CHILD WELFARE ACT AMENDMENTS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to offer legislation with the ranking minority member of the Resources Committee,

Mr. GEORGE MILLER. The 104th Congress considered several legislative bills to amend the Indian Child Welfare Act [ICWA], however, none of the legislative measures were enacted into law. In May 1996, the Committee on Resources and I directed the Tanana Chiefs Conference to begin a consultation effort with the American Academy of Adoption Attorneys, National Indian Child Welfare Association, and tribes to draft ICWA legislation.

Last year, tribal representatives met in Tulsa, OK, to reach a consensus to address concerns expressed with the ICWA. This legislation contains identical language which was drafted and agreed to by the Academy of Adoption Attorneys and tribal representatives in H.R. 3828. H.R. 3828 was favorably reported out of the Committee on Resources, however it was not considered by the House in the 104th Congress. This legislation addresses many of the concerns of the adoption of native children by providing notice to tribes for voluntary adoptions, terminations of parental rights, and foster care proceedings. It provides for time lines for tribal intervention in voluntary cases and provides criminal sanctions to discourage fraudulent practices in Indian adoptions. The proposal provides for open adoptions in States where State law prohibits them and clarifies tribal courts authority to declare children wards of the tribal courts. Additionally, it clarifies the limits on withdrawals of parental consent to adoptions. In addition, it states that attorneys and public and private agencies have a duty to inform Indian parents of their rights under ICWA, and provides for tribal membership certification in adoptions. These reforms resolve the ambiguities in current law which resulted in needless litigation, and have disrupted Indian adoption placements without reducing this country's commitment to protect native American families and promote the best interest of native children.

Mr. Speaker, all of the provisions contained in this bill have been tentatively embraced by the Academy of Adoption Attorneys and tribal representatives. My committee will seek additional input from the Department of Justice, the Department of the Interior, and the Department of Health and Human Services. Last year, both the Department of Justice and the Department of the Interior embraced identical ICWA legislation. Additionally, Jane Gorman, the attorney for the Rost family embraced and supported passage of this legislation in the 104th Congress. The Rost case has been a sad and tragic case which was caused by an attorney who tried to cover up the natural parent's tribal membership and purposefully avoided checking with the grandparents and extended family of the children to see if the family was available to adopt these children. The sad part is that this attorney did not violate the law, but he inflicted sorrow on the Rosts, the grandparents of the children, and ultimately on the children themselves. This proposed legislation will impose criminal sanctions on attorneys who violate ICWA requirements in the adoptions of a native child. In closing, I believe we have acceptable legislation which will protect the interests of adoptive parents, native extended families, and most importantly, Alaska Native and American Indian children.

TRIBUTE TO JAIME "JIMMY" RODRÍGUEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Mr. Jaime Rodríguez, a successful Puerto Rican entrepreneur, a community activist, and a role model in the Bronx community.

Jimmy, as most of his friends and associates know him, is the owner of a very popular restaurant and sports bar in the Bronx—Jimmy's Bronx Cafe.

Jimmy's Bronx Cafe offers some of the best Puerto Rican cuisine in New York City. The restaurant's success is credited to Jimmy's managerial skills and superb taste for food.

As a young man, Jimmy was resolute in his studies as well as in following in his father's footsteps by taking interest in the seafood business. He learned the business from the ground up and had the opportunity to open the seafood restaurant "Marisco del Caribe." Later on, he expanded it to what is now Jimmy's Bronx Cafe.

A good friend and mentor, Jimmy has been committed to giving back to the community in which he was born and raised. Together with the Hispanic Federation of New York City, Jimmy helped to gather toys and hosted a toy drive at his restaurant this past "Three Kings Day," a Christmas tradition in Hispanic communities.

Jimmy has sponsored 106 little league teams and donates frequently to local charities. Among these, Jimmy donates food regularly to the home-shelter Teresa Haven and to the senior citizen center "Los Abuelitos," The Grandparents. Jimmy also contributes to Christmas in April, an organization which every year assists in renovating homes for senior citizens.

Besides his charity work, Jimmy participates in numerous community and advisory boards, including his membership with the Hispanic Federation of New York City.

As a visionary businessman, Jimmy has plans to open La Terraza Dinner Theater, Bronx Tours Entertainment and Cultural Tours, and other restaurants, like Jimmy's Bronx Cafe, in various cities.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Jaime "Jimmy" Rodríguez for his entrepreneurial spirit and community activism which have served well our Bronx community and the Nation.

OUR FOUNDING FATHER'S ADVICE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. GINGRICH. Mr. Speaker, a free society has to maintain a balance between healthy partisan disagreements and a destructive spirit of faction. Congresswoman JUANITA MILLENDER-MCDONALD shared with her colleagues this last weekend a letter quoting George Washington's Farewell Address. I believe Members, staff and interested citizens will find her letter and our Founding Father's advice helpful as this 105th Congress develops. I submit the letter into the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1997.

DEAR COLLEAGUE: I am writing to share with you portions of George Washington's Farewell Address. I have recently revisited this timeless document and was struck anew by the utter timeless of our first American President's insights into the well-being and health of our great Union—even though President Washington penned these words over 200 years ago! As Members of the 105th Congress, we may do well to consider President Washington's, admonitions to ensure productive government, sound legislation, and a strong Union:

"I have already intimated to you the danger of parties in the State. . . . Let me now take a more comprehensive view, and warm you in the most solemn manner against the baneful effects of the spirit of party generally.

"This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly the worst enemy. . . .

"It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part of against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passion. Thus the policy and the will of one county are subjected to the policy and will of another.

"There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast patriotism may look with indulgence, if not favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume."

These words of one of our Nation's founders reiterate the historical mandate for Members of Congress to approach our representative roles in a collegial and bi-partisan manner for the benefit of our country. If you would like a copy of President Washington's complete Farewell Address, please call my Chief of Staff Andrea D. Martin at 5-7924.

Warm regards,
JUANITA MILLENDER-MCDONALD,
Member of Congress.

IN HONOR OF DR. GARY R. MAITA, D.M.D.: AN OUTSTANDING INDIVIDUAL AND VALUED COMMUNITY MEMBER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a truly unique individual, Dr. Gary Maita, whose dedication to his community will long be remembered by his family, friends, and community. Dr. Maita's longtime dedication to others will be honored with a testimonial dinner on March 14, 1997, at the F.A. MacKenzie Post in Bayonne.

This well deserved recognition will celebrate Dr. Maita's many selfless contributions. His odyssey of community service began at an early age when he attended both Assumption Grammar School and Marist High School. Here is where Dr. Maita's love of education and the interests of young people developed. He subsequently attended both Stockton State College and the University of Medicine and Dentistry of New Jersey, and became a respected member of the medical profession. Many people in Bayonne and Hudson County owe their broad smile to the expertise of Dr. Maita.

Dr. Maita's life has been dedicated to the enhancement of the lives of the children of his community. His own attainment of the Silver Beaver Scout Award set the stage for a lifetime of meritorious achievement. Dr. Maita has served the educational needs of the boys and girls of the local area through numerous positions he has held in Hudson County; including, vice president of the Bayonne Board of Education, president of the Bayonne Council, Boy Scouts of America, and a sponsor of Bayonne Youth Soccer League. Children are not the only people fortunate enough to have benefited from Dr. Maita's exceptional commitment to the Bayonne community. Additionally, he has served as a member of the Bayonne Chapter of Unico, executive board member of the Hudson Liberty Council, and president of the Bayonne Chapter of Rotary International.

While Dr. Maita is always willing to lend a hand to others in his community, his heart belongs to his beloved family. He is the proud son of Anthony and Ann Maita, two pillars of the Bayonne area. Dr. Maita is married to the former Mariann Leszynski. This joyful union has brought a permanent smile to the faces of both Dr. and Mrs. Maita through the birth of their son, Andrew.

It is an honor to applaud the many accomplishments of Dr. Gary R. Maita. He has provided great joy and medical care to the lives of his family and community during his outstanding career.

CONGRATULATIONS TO THE UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, LOCAL UNION NO. 599 OF HAMMOND, IN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. VISCLOSKY. Mr. Speaker, as a native of northwest Indiana, I have witnessed a great, unfolding story. This story is one of pride and principle, enterprise and excellence. It is the story of American workers given the chance to contribute to society, with the labor movement's guiding hand. Today, I would like to call your attention to 45 men of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 599, of Hammond, IN, who will be recognized for 25 years or more of service. They will be recognized during a pin ceremony at a banquet to be held on March 15, 1997, at Carpenters Hall in Hammond, IN.

The Carpenters Local No. 599, which received its charter in 1899, will honor members for their years of service. The members who will be honored for 60 years of service include: John Horvath and John Stolarz. The members who will be honored for 55 years of service include: James Eminhizer, Frank Heitzman, Russell Kelley, Ray Ligocki, Oscar Wahlstrom, and Cecil Webb. The members who will be honored for 50 years of service include: Fred P. Dopoler, Carl O. Frisk, Michael Grimmer, Lawrence A. Hess, Joseph H. Hoadley, Joseph P. Lowry, Beryl Morris, Wayman Porter, John Sowinski, Walter Spencer, and George Warlsbaugh. The members who will be honored for 45 years of service include: Daniel D. Deflorio, Jack W. Depew, John Crzych, William Luckiewicz, Herman K. Nashkoff, and Joe Seneff. The members who will be honored for 40 years of service include: Edward A. Bulock, Wallace Cieszkiewicz, Eugene J. Langel, George Pooler, and Merlin Zahner. The members who will be honored for 35 years of service include: Melvin L. Blair, Richard Carnett, Ralph C. Graham, Aloysius Sajdyk, and Walter Scott. The members who will be honored for 30 years of service include: Roger Benson, Jr., William Chick, Eugene D. Hartz, Steve Hudi, Peter Lolkema, and Ronald L. Webster. The members who will be honored for 25 years of service include: Arthur A. Bach, Lewis Carver, John A. Tuskan, and Anthony R. Vigil.

Mr. Speaker, I ask you and my other colleagues to join me in commending these dedicated members of the Carpenters Local No. 599 for their hard work in fulfilling the American dream. I offer my heartfelt congratulations to these individuals, as they have worked arduously to make this dream possible for others. They have proven themselves to be distinguished advocates for the labor movement, and they have made northwest Indiana a better place in which to live and work.

IN HONOR OF THE HERRIN ROTARY CLUB IN CELEBRATION OF THE DIAMOND ANNIVERSARY

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. POSHARD. Mr. Speaker, I rise today to commemorate the 75th anniversary of the Herrin Rotary Club, which was chartered on February 27, 1922. This group of fine people have a history of community service. The first charter of Rotary clubs was started in 1905, and during World War I they were the first group to respond to the plight of war victims.

The Herrin Rotary Club aggressively attacked their list of things to do in order to help improve their community, such as help get "hard roads" in Blairsville Township, build a bridge over Pond Creek on Freeman Road, help put an extension to Route 148 for the city of Ziegler, add a much-needed extension to the Herrin water system, and financially contribute to the Crippled Children's School.

Many of the Herrin Rotary members rolled up their sleeves and went to work by supervising the public playgrounds, aided in the erection of a Scout cabin, worked on mosquito abatement, and provided student loans. And this was just the beginning. As they progressed in the 1950's, the new program continued to better serve the community. Being able to accomplish so many tasks left an indelible impression on the people of Herrin, IL. However, this is not the end, as this Rotary club strives for continued excellence in service.

Early in 1950, the Rotary constructed a pavilion at the nearby city park, built two baseball dugouts, helped start a senior citizen program, gave financial support to the United Way, the Boy and Girl Scouts of America, purchased safety equipment for the school-crossing patrols, provided scholarships for Herrin High School, and sponsored an international family in their effort to get a new start in the United States.

As the Herrin Rotary Club celebrates its Diamond Anniversary, I want to commend this wonderful group of people who have contributed in putting together this celebration: President Jeff Waddell, President Emeritus Carl Goodwin, and cabinet members Tom Cundiff, Greg Haub, Bill Harmon, Steve Walker, Carol Sluzevich, Dale Nofsinger, Gerald Bailey, and the hundreds of other gracious volunteers who have dedicated so much time, energy, and love. It is a true privilege for me to represent these fine citizens in the U.S. House of Representatives.

HONORING DON BAIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity today to honor the hard work and strong leadership of one of our Party's most dedicated volunteers. For the

past 4 years, Don Bain has served as chairman of the Colorado Republican Party. Since taking office in 1993, Chairman Bain has worked tirelessly on behalf of the Republican Party and its candidates. He has striven to advance the principles of the Republican Party while maintaining the highest level of integrity and earning the respect of friend and foe alike. His record of achievement is truly impressive.

Mr. Bain's work has resulted in Republican gains across Colorado as well as an increase in voter participation—an essential element of our representative process. Our gains in registered Republican voters, gains in the State legislative majority and gains in Republican held statewide elected offices are due in large part to the Herculean efforts of Don Bain. These gains have elevated the Colorado Republican Party to its strongest level in years.

Mr. Speaker, the political process depends on the hard work of volunteers as well as the ability of all of us to engage in constructive and informative political discourse. As Don Bain ends his tenure as chairman of the Colorado Republican Party, I, along with the rest of the Republicans in the Colorado Congressional Delegation, want to thank him for his commitment to our cause and convey our utmost respect which he so rightfully deserves.

TRIBUTE TO BISHOP DAISY B. GARVIN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Bishop Daisy B. Garvin for her long and dedicated service to the community.

Bishop Garvin was born in Savannah, GA in 1924. She moved to New York City where she earned a bachelors degree from the Manhattan Bible Institute in 1958.

Over the past 35 years, Bishop Garvin has served as the pastor of the Greater Revivaltime House of Prayer. She is also the spiritual leader of Greater Revivaltime House of Prayer International, Inc. which oversees churches in New York, Virginia, South Carolina, and Florida.

Her ministry started in the Bronx in 1962 and was later moved to Harlem, where she served for 25 years. In 1990, the church was moved back to the Bronx, where she continues to faithfully serve the members of her ministry.

Through her church, Bishop Garvin has given to those in need, both of spiritual guidance and physical strength. With compassion and the strength of a spiritual leader, she has fed the hungry, clothed the poor, sheltered the homeless, succored the sick, and guided the young.

Bishop Garvin has helped reintegrate teenage runaways back into their families and communities, and has assisted the victims of drug abuse and AIDS. She has also tutored children and adults in math, reading and writing. Her mission has been to set people free from the bondage of poverty, despair, and sin.

Her formal education also includes a doctorate in Philosophical Theology from United Christian College, a doctorate in Divinity and a bachelors degree in Theology, these two from Dr. Rosalie Singleton School.

Bishop Garvin has served as a member of the board of directors of the United Covenant Sisters and Brothers International, Inc., the board of elders of the Morris Cerullo World Evangelism, and as a member of Dr. Frederick K. Price's Ever Increasing Faith Network. She is also the president and founder of the Leadership Training School of Ministry.

Bishop Garvin has been honored with the Great Women in History award by Bronx Borough president Fernando Ferrer, the Award of Excellence by the National Black Association of Minority Business Women, and the Woman of Excellence Award by the New Greater Bethel Ministries, to name just a few.

She is the widow of Mr. Arthur Garvin, with whom she had a daughter who has followed in her footsteps, Reverend Juanita Davis.

Mr. Speaker, I ask my colleagues to join me in honoring Bishop Daisy B. Garvin for her longstanding commitment and dedication to those in need in the community.

REGARDING THE NEED TO SCHEDULE CAMPAIGN FINANCE REFORM LEGISLATION IN THE HOUSE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MILLER of California. Mr. Speaker, I would like to submit for the RECORD a letter signed by 112 Members of Congress to Speaker NEWT GINGRICH and Minority Leader RICHARD GEPHARDT calling for a commitment to bring campaign finance reform legislation to the House floor by the 100th of this Congress.

In the previous Congress we saw how much could be accomplished in 100 days with the political will to do so.

In this Congress, under Republican leadership, we have accomplished precious little to date this year. Worst of all, there has been nothing but silence from the Republican leadership on the need for reform of our campaign finance laws.

Speaker GINGRICH has not responded to our letter. However, others have called for fast action.

The President has called for action by July 4. The Senate Democratic leader, TOM DASCHLE, called for action early in the year. Democratic Leader GEPHARDT has called for action within 100 days, as have over 100 other House Members.

We must bring this issue to a vote early or it will be delayed until it cannot be brought forward at all.

I urge my colleagues to pressure the Republican leadership to commit to bringing a reform bill to the floor.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1997.

Hon. NEWT GINGRICH,
Speaker,
Hon. RICHARD GEPHARDT,
Democratic Leader.

DEAR SIRS: I am respectfully submitting to you additional signatures gathered during the Holidays from our colleagues urging you to schedule substantive campaign finance reform during the first 100 days of this Congress. We must not let the congressional schedule kill reform as it has in the past. For your information, I am also enclosing the original letter we submitted to you on November 20.

With this second letter, 112 Members from both parties are calling for fast action on this urgent issue. I hope that we will be able to accommodate this public priority.

Sincerely,

GEORGE MILLER, M.C.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 6, 1997.

Re Letter also sent to Representative Gephardt.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In a November 20 letter, 93 Members of Congress and Members-Elect urged you to commit to passing comprehensive campaign finance reform within the first 100 days of the new Congress. We are writing today to make the same urgent request. No other legislation could do more to end gridlock and begin to restore public confidence in Congress' ability to act on behalf of the American people.

Several times in the past you and Mr. Gephardt have stated your support for campaign finance reform. We believe that for reform to become a reality you must commit to passing it early in the new Congress. Any further delay in passing tough reforms that impose reasonable limitations on campaign financing and shut the loopholes once and for all is inexcusable. The need for reform has been dramatically apparent to us and to the public for many years. But each Congress, campaign finance reform legislation fails to be enacted. And lack of time is often used as an excuse.

We do not pretend that it will be easy to craft legislation with which all Members and the public will be pleased. But that is our challenge and we believe enough information and expertise exists to write an effective and fair bill.

All reform options should be on the table, including a constitutional amendment limiting campaign expenditures, restrictions on contributions from foreign-controlled interests, and limits on "soft money" spending that indirectly benefits or attacks candidates.

As the last Congress showed, a determined House of Representatives can pass complex and sweeping legislation within 100 days. There is no reason we cannot make—and keep—a promise that campaign finance reform be our highest priority and approved within the first 100 days of the 105th Congress.

Again, as our colleagues previously wrote, we respectfully urge you to commit now to campaign finance reform passing in the first 100 days of the new Congress.

Sincerely,

Tom Davis, Lloyd Doggett, James Walsh, Tom Campbell, Robert Underwood, Eni Faleomavaega, John Lewis, Lee Hamilton, Frank Tejeda, Phil English, Joe Kennedy, Bernie Sanders, Henry Waxman, Ed Markey.

REPRESENTATIVE GEORGE MILLER, CAMPAIGN FINANCE REFORM LETTER, COSIGNER LIST NOVEMBER 20, 1996

Tom Allen.
Neil Abercrombie.

John Baldacci.
Tom Barrett.
Xavier Becerra.
Earl Blumenauer.
Leonard Boswell.
Walter Capps.
Bob Clement.
Gary Condit.
Merrill Cook.
Jerry Costello.
Danny Davis.
Jim Davis.
Peter DeFazio.
Peter Deutsch.
Diana DeGette.
William Delahunt.
Rosa De Lauro.
Ron Dellums.
Julian Dixon.
Chet Edwards.
Eliot Engel.
Anna Eshoo.
Bob Etheridge.
Lane Evans.
Sam Farr.
Bob Filner.
Thomas Foglietta.
Harold Ford, Jr.
Sam Gejdenson.
Gene Green.
Luis Gutierrez.
Tony Hall.
Jane Harman.
Bill Hefner.
Maurice Hinchey.
Tim Holden.
Marcy Kaptur.
Barbara Kennelly.
Ron Kind.
John LaFalce.
Tom Lantos.
Sander Levin.
Blanche Lambert Lincoln.
Zoe Lofgren.
Nita Lowey.
Carolyn McCarthy.
Jim McGovern.
Jim McDermott.
Paul McHale.
Cynthia McKinney.
Carolyn B. Maloney.
Jim Maloney.
Frank Mascara.
Martin Meehan.
Juanita Millender-McDonald.
David Minge.
Patsy Mink.
Alan Mollohan.
Jim Moran.
Connie Morella (signed her own letter of support on November 22, 1996).
Jim Oberstar.
Bill Pascrell.
Ed Pastor.
Nancy Pelosi.
Collin C. Peterson.
Earl Pomeroy.
Glenn Poshard.
David Price.
Bill Richardson.
Carlos Romero-Barcelo.
Lucille Roybal-Allard.
Tom Sawyer.
Chuck Schumer.
Christopher Shays.
Louise McIntosh Slaughter.
David Skaggs.
Adam Smith.
Debbie Stabenow.
Pete Stark.
Bart Stupak.
Ellen Tauscher.
Karen Thurman.
John Tierney.
Bruce Vento.
Melvin Watt.
Robert Weygand.
Robert Wise.
Lynn Woolsey.
Sidney Yates.

GEORGE MILLER CAMPAIGN FINANCE REFORM COSIGNERS TO JANUARY 6, 1997 LETTER

Tom Campbell.
Tom Davis.
Lloyd Doggett.
Phil English.
Lee Hamilton.
Joe Kennedy.
Frank Tejeda.
James Walsh.
Robert Underwood.
Bernie Sanders.
Eni Faleomavaega.
Henry Waxman.
John Lewis.
Ed Markey.
Ken Bentsen.
Jim Turner.
Karen McCarthy.
Doug Bereuter.
F. Allen Boyd.

THE BAY CONCERT BAND: MAKING BEAUTIFUL MUSIC FOR 20 YEARS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. BARCIA. Mr. Speaker, I believe a community should not only be measured by its economic strength and the values of its residents, but also by the diversity and vitality of its artistic organizations. By these qualifications, I am proud to say that Bay City rises to the occasion through the help of groups such as the Bay Concert Band.

The Bay Concert Band is celebrating its 20th anniversary this year, which is a proud and memorable occasion for everyone involved with the band from the conductor to members to listeners. The band has become a staple of life in Bay City, as they have provided public entertainment every year with scheduled concerts and with a free concert at the band shell to kick off the Bay Arts Council community concert series.

The initial idea behind the Bay Concert Band, formulated 20 years ago, was to provide a venue for amateur musicians who had perhaps played throughout school but put down their instruments as adults. What a perfect idea to bring these individuals together so that they could once again enjoy the pleasures of playing in an organized band, and provide entertainment to the community at the same time.

Along with public performances, the Bay Concert Band contributes to the community in numerous other ways. It promotes scholarship awards for accomplished musicians and fosters both ensemble instrumental music as well as solo performances.

The original conductor of the band, Wally Cramer led these musicians for the first 5 years, and then Bob Story took over the reigns for 14 years before he retired this past year. The new band director, David Kjellberg, will continue the tradition his predecessors have set in the level of creativity and skill. I join with all of the greater Bay Area to wish them another 20 years of unqualified success.

PAYING TRIBUTE TO E.M. KNIGHT

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to pay tribute to Deacon E.M. Knight, Sr., a country boy from Odenberg, LA, born in 1912, a great community leader whose recent passing will leave a great void in the 18th Congressional District and the city of Houston. Deacon Knight moved to Texas after completing high school.

He had been a faithful member of South Park Baptist Church since 1976. He was the first black person chosen to be chairman of the Deacon's Board for 3 consecutive years. Prior to his service as deacon at South Park Baptist, he served as a deacon at East Macedonia Baptist Church.

Ellis M. Knight was married to Elease Jamison for 37 years until her death. He is survived by three sons; Ellis III, Ronald, and Alan Wayne. He also has two grandchildren; Sharmane and Andre Knight. His two living sisters are Mary Harris and Loys Davis Gatterson. He was married to Janet Jackson in 1988.

Deacon Knight's life was in constant motion. He was the product of a long lifeline. His mother missed the mark of 100 years of age by only 3 weeks. His lifeline provided him many memorable experiences. He served 4 years in the military, took many business and professional courses, and had many challenging jobs, including 37½ years as a union representative and worked with Southern Pacific Railroad.

E.M. Knight fostered black empowerment through his participation with the NAACP and voter registration efforts. He served on committees with local, State, and national elected officials and officers. Through these political involvements he had the opportunity to meet past Presidents Kennedy, Johnson, and Carter. He served on various boards. Among them was the Gulf Coast Community Services Board of Directors as Chair for 6½ years. During his lifetime membership, he served two terms as local branch president. Also, he served two different terms as president of the Harris County Council of Organizations [HCCO]. As Pct. 240 Judge he served on the Democratic Executive Committee since 1988.

Deacon Knight was also privileged to have extensively traveled. In the military he visited the Philippines, Australia, and parts of Asia. His travel with South Park Baptist Church on mission trips took him to Belize, Panama, San Andres Island, and Colombia.

Deacon Knight was quite enthusiastic. His drive came from his stated desire to help people less fortunate than himself. One of his favorite Scriptures, Matthew 25:35, says: "For I was hungry, and you gave me meat; I was thirsty, and ye gave me drink; I was a stranger, and ye took me in." He edifies this verse through his church and community service. He

participated in community civic clubs and was chairman of the Harris County Hospital District's Martin Luther King Advisory Board. He also served as chairman of the South Park Baptist Church Food Ministry and creator and chairman of the South Park Church Community Service Center. He expressed a special love for the Church's Family Life Center. He was the Chairperson of the Together We Build financial drive to raise funds for the building of the FLC. Another special interest was the jail ministry which he was interested in implementing.

E.M. Knight best summarized his life this way: "I am blessed. Sometimes I'm sick, but I'm not tired. I feel the Lord is not finished with me yet." He kept this spirit until the very end and I am honored to have known and had as a friend Deacon E.M. Knight, Sr.

Thank you, Mr. Speaker.

IN HONOR OF WOMEN'S INTERNATIONAL MONTH: RECOGNIZING OUTSTANDING CONTRIBUTIONS TO THE HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to six Hispanic-American women for their distinguished public service and selfless dedication to their community. These exceptional individuals will be honored by the National Association of Cuban American Women at its annual dinner on March 15, 1997, at Las Palmas Restaurant in West New York, NJ.

The National Association of Cuban American Women has a long history of recognizing the accomplishments of extraordinary women within the Hispanic community. Under the direction of President Siomara Sanchez Guerra, this organization has grown in stature through the profound impact of the work of its numerous members. These women have and continue to serve as positive role models for individuals in search of a better understanding of what can be achieved when people dedicate themselves to a lifetime of excellence.

This year's presentations are being made under two noteworthy categories: Outstanding Achievement Awards and the Elena Mederos Awards. Four exceptional women have been selected to receive the Outstanding Achievement Awards. Ms. Emma Moreno is a proficient member of the Census Bureau of the U.S. Department of Commerce. Zulima V. Farber, Esq., has served as a public defender and advocate for the State of New Jersey from 1992 to 1994. Estella M. DeLaCruz, Esq., was recently nominated for a judgeship in the State of New Jersey. Nilda C. Hernandez was the first Hispanic judge appointed to the State Division of Worker's Compensation. Each woman has made a significant contribution to the lives of everyone they have touched.

The two exemplary individuals who will receive the Elena Mederos Award come from diverse backgrounds. Natacha S. Millan serves the people of Miami as a commissioner for district 12 in Metropolitan Dade County, FL. Many of the residents of my district have ties to people in Commissioner Millan's area. Dr. Iris Martinez-Arroyo is a dean and professor at Kean College in New Jersey. She has had numerous community-oriented work assignments, including the directorship of the bilingual program of the Newark Board of Education until 1996. Their work transcends ethnic barriers and focuses most importantly on the human spirit. For these endeavors they have earned the admiration of their communities as well as my own.

I ask that my colleagues join me in honoring these remarkable women for all they have done for their respective communities. Each woman has contributed greatly to the varied interests of the residents of the northern New Jersey area. I am proud to have them working on behalf of the members of my district.

THE NEA NEEDS OUR CONTINUING SUPPORT

HON. FRANK PALLONE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. PALLONE. Mr. Speaker, I rise today to discuss the important role that the arts and humanities play in communities throughout our country.

As a strong proponent of the arts and as a member of the Congressional Arts Caucus, I believe that slashing funding for the National Endowment for the Arts and the National Endowment for the Humanities would be an irreversible blow to the arts and humanities in America. These influential agencies encourage lifelong learning, promote participation within civic organizations, and preserve our country's cultural and intellectual heritage.

The National Endowment for the Arts continues to lead all other arts organizations in encouraging the expansion of American art. The NEA strives to support excellence in our disparate American society. This organization fosters new design initiatives, encourages a renewed interest in dance, opera, and literature, and assists in the growth of new and previously established museums. In addition, the NEA remains a staunch advocate of arts in education. Studies illustrate that a student's desire to learn is facilitated by the mere presence of arts in the curriculum.

As a Congressman representing New Jersey's Sixth District, I have seen, first hand, how the NEA has directly benefited my constituents. The NEA provided a $6,000 grant to the George Street Playhouse, located in New Brunswick, a city that has been revitalized due to the explosion of the arts community. This $6,000 grant helps support the Touring Theater which reaches over 70,000 New Jersey students through issue-oriented plays. These plays use theater as a vehicle to discuss both personal and social issues facing the youth of today.

Rutgers, the State University of New Jersey also received a $12,500 grant from the NEA, to help fund a graduate-level internship in the Department of Prints and Drawings at the Jane Voorhees Zimmerli Art Museum, located on the Rutgers campus which is also in my district.

In New Jersey alone, the National Endowment for Humanities, in conjunction with the New Jersey Council for the Humanities, provided a $525,000 grant making it possible for scholars at Rutgers University to edit Thomas Edison's notes for publication. A challenge grant from the NEH totalling $550,000, has allowed the New Jersey Historical Society to raise $2.2 million in private funds to renovate the building that contains its collections. The NEH also provided programs that enable Americans nationwide to participate in political, social, and cultural programs. Without funding to the NEH, New Jersey residents would not have access to free videotapes, radio programs, and traveling exhibits.

Supporting current funding levels for the NEA costs each taxpayer approximately 70 cents per year. A mere one-hundredth of 1 percent of the national budget goes towards these organizations. Federal funding for the arts and humanities has provided Americans with more than 1.3 million jobs. The new jobs in turn pump hundreds of thousands of dollars into our local economies. For every dollar that the NEA spends, $11 is generated in the form of tourism, hotels, restaurants, and cultural community activity. If our Government cuts funding and decides to privatize the NEA and NEH, only the large agencies and institutions would survive. The smaller institutions, on the other hand, would suffer an untimely demise without the necessary Federal funding.

These nonprofit organizations generate close to $37 billion in economic activity in America while supporting 1.3 million jobs. In addition, the arts typically produce $3.4 billion for the Federal Government in the form of income taxes, $1.2 billion in State government revenue, and $790 million in local government revenue. New Jersey's flourishing art community benefits greatly from the continued assistance from the NEA and NEH. New Jersey's 47,000 professional resident artists, and 800 cultural organizations provide approximately 15 million people with the opportunity to experience the arts in New Jersey. Close to 2.3 million school children benefit from arts projects that include student matinees, study guides, and classroom workshops.

The youth of today need art to help express themselves. As this year's cochair of the Congressional Art Competition, I know the importance of art in our daily lives.

"An Artistic Discovery" provides our youth with the opportunity to express their creative spirits. This unique, nationwide high school competition brings students together from all over the United States to celebrate the arts and their importance in our society.

The students' passion for the arts, epitomized in their work that brightens the Cannon Tunnel, makes a statement to the millions of visitors who pass through the tunnel that connects the Cannon Building with the U.S. Capitol.

The arts provide channels for emotional expression, and a chance for experimentation. Without the arts, our society would be devoid of all imagination. The arts permeate our culture and speak in a language all their own.

We need to support our national endowments, as well as all other vehicles that generate art that enriches our lives. Continued

support for these institutions can expose our communities to diverse and even necessary schools of thought. These agencies help provide our country with a living record of civilization and society. The NEA and NEH stimulate local economies, preserve our national heritage, and encourage educational enrichment programs.

I urge my fellow colleagues to vote against slashing funding for the National Endowments for the Arts and Humanities, and to help ensure the survival of the arts in our society today.

ISRAEL SHOULD BE INCLUDED IN MIDDLE EAST PEACE CONFERENCE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. VISCLOSKY. Mr. Speaker, I rise today to bring to the attention of my colleagues a situation that threatens to upset the Middle East peace process. Palestinian leader Yasir Arafat has reportedly invited leaders from throughout the world to participate in a weekend conference, supposedly to discuss ways to move the peace process forward.

While Mr. Arafat has invited diplomats from the United States, Japan, Egypt, Jordan, and Europe to participate in this conference, conspicuously absent is an invitation to the country of Israel.

How can a meeting supposedly designed to discuss ways to facilitate peace in the Middle East not include Israel? Obviously, it cannot. Any serious attempt to move the peace process forward should—and must—include Israel.

It does not take a scholar of Middle Eastern history or politics to know that Israel is integral to the region's future, as well as the success of the peace process itself. Excluding Israel from this proposed conference can only be seen as an attempt to fracture the world community's support for Israel and marginalize Israel's role in the peace process.

The United States must not let itself be manipulated in this way. I applaud President Clinton's efforts to bring peace to the Middle East, but we are at a very delicate point in the process, and we must be extremely careful about how we proceed. A primary tenet of the Oslo Accords is that peace negotiations should take place between Israel and Palestinian authorities. Allowing Mr. Arafat to make an end-run around Israel by excluding it from this meeting violates the principles of the Oslo Accords and poses a serious threat to the peace process.

Mr. Speaker, Yasir Arafat's call for a Middle Eastern peace conference is empty without the direct and meaningful participation of Israel. If the United States allows this conference to go forward in its current form, we will be doing irreparable harm to the peace process. Therefore, I urge you and my other colleagues to join me in calling on Yasir Arafat to include Israel in this weekend's meeting or to withdraw United States participation in this one-sided and counterproductive conference.

HONORING BUSHWICK GEOGRAPHIC TARGETING TASK FORCE 1996 EXEMPLARY SUBSTANCE ABUSE PREVENTION PROGRAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. TOWNS. Mr. Speaker, I rise today to commend the Bushwick Geographic Targeting Task Force [BGTTF] as a 1996 exemplary substance abuse prevention program.

BGTTF, 1 of 20 organizations selected by the Department of Health and Human Services, addresses the needs of Hispanic-Latino youth and young adults in North Brooklyn where a high rate of HIV/AIDS, violence, and substance abuse exists. Through courses and workshops in leadership skills, media literacy, and substance abuse prevention, the multifaceted needs of our youth are addressed. Moreover, BGTTF's Partners in Health Coalition is a logical step in comprehensive community planning and program implementation for these services throughout the Brooklyn community.

As a Member of Congress, I have vigorously advocated for substance abuse prevention services targeting our at-risk youth. Thus, I commend this organization's tireless efforts to combat the rising incidence of drug usage.

Mr. Speaker, I ask you to join me in saluting the Bushwick Geographic Targeting Task Force for their outstanding contributions to the youth of Brooklyn.

CONGRATULATING SAM MALONE AND THE MORNING SHOW

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. DELAY. Mr. Speaker, Sam Malone of Sugar Land, TX, will celebrate the fourth anniversary of his 104 KRBE morning show on March 21, 1997. This top rated show addresses a wide diversity of issues, and features many prominent Houstonians, including the Honorable Robert and Elyse Lanier, University of Houston Coach Kim Helton, and Clyde Drexler of the Houston Rockets. Sam started his career in radio as a $6-an-hour joke writer in New York City. His career took him to Buffalo, NY, before his talents were recognized by KRBE in Houston. After 4 years on his hometown airwaves, Sam is still going strong. I would like to take this opportunity on behalf of the 105th Congress to join 104 KRBE in congratulating Sam Malone and the morning show on this auspicious occasion, and extending best wishes for continued success.

CONGRATULATIONS TO REVEREND BERNARD GUEKGUEZIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Rev. Bernard Guekguezian of the First Armenian Presbyterian Church in Fresno, CA. A member of the Armenian Evangelical Union of North America [AEUNA], Reverend Guekguezian was recently elected to a 2-year term as moderator of the AEUNA, the leading organization of Armenian Protestant Churches in North America.

Reverend Guekguezian was born in Antioch, Turkey in 1927. Following graduation from school, Guekguezian studied at both the Armenian Evangelical institutions in Beirut and at the Aleppo College in Syria. In 1952, Guekguezian completed the American University at Beirut and the Near East School of Theology. After serving as a pastor in Egypt for 2 years, Guekguezian came to the United States, where he attended the Fuller theological Seminary and the New York Theological Seminary and earned a Master's degree in Christian Education. In 1959, Guekguezian was ordained as a Minister of the Word by the Congregational Conference of Massachusetts.

During his stay in Massachusetts, Guekguezian served as minister of the Armenian Congregational Church of the Martyrs, Worcester, MA, the oldest Armenian Church in America. In 1966, Guekguezian accepted a position with the Armenian Presbyterian Church of Paramus, NJ and served the congregation for 12 years.

Reverend Guekguezian became a resident of the Fresno area in 1978, when he was installed as pastor of the First Armenian Presbyterian Church of Fresno, the oldest Armenian religious institution in California. Guekguezian resides in Fresno with his wife Knar Kazanjian of Aleppo, with whom he has two sons and three grandchildren.

Mr. Speaker, Rev. Bernard Guekguezian has been an example of leadership and inspiration to the community of Fresno, the State of California, and the other communities that he has impacted throughout the United States. I offer my sincere congratulations to Rev. Bernard Guekguezian of First Armenian Presbyterian Church on his election as the Moderator of the Armenian Evangelical Union of North America and the best of luck in his new position.

TRIBUTE TO CHIEF OF INVESTIGATIONS, JOHN W. PEADEN

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. SCARBOROUGH. Mr. Speaker, on March 31, 1997 the citizens of northwest Florida and the State of Florida will be losing a man who has dedicated his life to protecting the people of Florida and ensuring the triumph

of justice in our community. This gentleman has distinguished himself as a community leader, a dedicated law enforcer, and one of our Nation's leaders in the war on drugs. The man I speak about today is Mr. John Peaden of the Office of the State Attorney in the First Circuit of Florida.

I could praise Mr. Peaden for his 25 years of law enforcement, during which he served as a Florida State trooper, a member of the Okaloosa County Sheriff's Department, and the Office of the State Attorney. I could mention the modernization and computerization that Mr. Peaden brought to the investigations department over the last 16 years with the State Attorney's Office. Or I could applaud his tireless efforts to protect our children from illegal drugs through his efforts on the Okaloosa-Walton County Drug Task Force. But I'm sure John would say that those accomplishments were just part of his duty.

However in my opinion Mr. Speaker, John has gone above and beyond the call of duty throughout his distinguished career in the field of criminal justice. At a time when our Nation calls out for principled leadership from public officials, it is fitting that today we honor a law enforcement professional who always went the extra mile to protect our citizens while striving to support and defend the Constitution of the United States. Mr. Peaden has known, better than most, that while trying to protect our quality of life, we must respect the God given rights of freedom.

John's overall attitude and dedication to public service has been a model in the lives of the hundreds of law enforcement officers and professionals that he has trained, supervised, and encouraged. His legacy will remind new officers that when at all possible, law enforcement officers should go beyond the call of duty to assist citizens in any way possible and to protect our justice system from any foe, foreign or domestic.

As John departs from the Office of the State Attorney, he can take pride in knowing that he influenced so many people in a positive way. As a father of two young boys, I sleep better at night knowing that our streets are safer and that our children are protected because of the life-long efforts of John Peaden.

MIDLOTHIAN POLICE CHIEF ROY VAUGHN

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. BARTON of Texas. Mr. Speaker, I would like to offer my congratulations to Police Chief Roy Vaughn of Midlothian, TX, on the occasion of his retirement on March 14, 1997.

Mr. Vaughn served the citizens of Midlothian as chief of police for 10 years, following a successful 22-year career with the Dallas Police Department.

I join Chief Vaughn's wife, Margie, his four children and numerous grandchildren in thanking him for his years of dedicated service to our community, and offer him my best wishes for the future.

IN HONOR OF JOE FRIEND

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. GEJDENSON. Mr. Speaker, I rise today to note with great sorrow the passing of a friend very dear to the town of Chester and especially to me, Joe Friend.

Joe dearly loved this community of Chester, CT, and was always well-informed of the town's happenings. Having served on the board of selectmen in Chester and later as the registrar of voters, Joe was among the most active and engaged members of the community. He fought for seniors at every juncture. He often came to me with concerns from members of the community who had problems with housing or Social Security or another problem. No community concern was too small or large for Joe to take on.

Everybody loved Joe. He would often make puns on his name, saying "you always have a friend here" or "you'll always have a friend in this house." And he was a friend to so many of us in his 83 years. I was fortunate to be one of them.

Mr. Speaker, I am reminded of a party thrown for Joe and his wife Lillian almost 10 years ago, when the whole community, as a demonstration of their respect and regard, joined in the celebration of their 50th wedding anniversary. This day will be remembered fondly by all of us.

And so, Mr. Speaker, we will mourn Joe's passing. He will truly be missed. But we who knew him, we who were touched by him, will never be able to forget him. Joe Friend served his community well and will be a continuing inspiration to all of us.

STATEMENT TO INTRODUCE THE MSA EXPANSION ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce a bill that will extend medical savings accounts to millions of Americans. Commonly known as MSA's, these tax free accounts are combined with a high deductible health insurance plan to help lower health care costs and increase consumer choices.

The much needed Health Insurance Portability and Accountability Act that was signed into law by President Clinton last summer included a pilot program for MSA's, but with restrictions. The law limits the number of MSA policyholders to 750,000 by 1999, and the pilot program is expected to end in the year 2000. The MSA Expansion Act will allow all small businesses with 50 or fewer employees, and the self-employed, to choose an MSA, and it will repeal the sunset of the pilot program so future generations will be able to benefit from MSA's too.

This legislation is needed because some experts predict that the 750,000 cap will be reached as early as this spring, since demand for MSA's has far exceeded expectations. To meet the demand from small businesses, the self-employed, and a surprisingly high number of uninsured, an average of four new health insurance carriers a week are entering the MSA market.

Clearly, the high number of uninsured who have purchased MSA's signal that MSA's are not solely attracting the healthy and the wealthy, as some people predicted. No one has found a single example of such adverse selection resulting from the institution of MSA's, and it will not happen because for adverse selection to occur, the very sick must shun MSA's. This does not and will not happen, as the very sick will save money in many cases since their out-of-pocket costs will be less. Moreover, they will choose MSA's because they will have their choice of physician or specialist.

The MSA Expansion Act is what the American people want and deserve. It will lower health care costs for everyone, provide more choices, and extend the accessibility and affordability of health care to the unemployed and the uninsured. I urge all of my colleagues on both sides of the aisle to join me as cosponsors of this important legislation.

THE COMMON CENTS STOCK PRICING ACT OF 1997

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. OXLEY. Mr. Speaker, I am pleased to introduce today the Common Cents Stock Pricing Act of 1997, a bill to modernize the way stock prices are quoted in today's securities markets. I am especially pleased to be joined by the ranking member of the Telecommunications, Trade, and Consumer Protection subcommittee, ED MARKEY, Commerce Committee Chairman TOM BLILEY, and my colleagues PAUL GILLMOR, MIKE CRAPO, ELIZABETH FURSE, STEVE LARGENT, GREG GANSKE, and RICK BOUCHER in this important initiative. I am proud to continue the tradition in the Commerce Committee of working together with my colleagues on both sides of the aisle to pass legislation that significantly improves the way our securities markets are regulated, as we did last year with the passage of the Private Securities Litigation Reform Act and the National Securities Markets Improvement Act.

The Common Cents Stock Pricing Act will eliminate regulatory obstacles that stand in the way of competitive forces. It will also make stock prices easier to understand for the average investor.

The current rules of self regulatory organizations, like stock exchanges, require that stocks trade in fractions. These rules stem from practices from the 17th century, when the colonies used Spanish dollars as their currency. These ancient coins were called "pieces of eight" because they could be chiseled into eight pieces, with each piece called a "bit." When organized stock trading began in New York in 1792, stock prices were quoted in bits, or eighths. We don't use Spanish coins today—

but the tradition of pricing stocks based on these coins is still with us, in the form of SRO rules.

This pricing system based on ancient coins is not just anachronistic. It makes stock prices difficult for average investors to understand. At least one newspaper has recognized this fact—the San Francisco Chronicle recently began printing its stock tables in dollars and cents, instead of fractions.

And fractionalized pricing is not simply more difficult to understand than prices in dollars and cents. The rules of Self Regulatory Organizations that impose fractionalized pricing effectively mandate a minimum spread between a stock's buy and sell price of an eighth of a dollar. To the rest of us, that means 12½ cents. That means that floor traders capture a minimum of 12½ cents from investors on every trade. SRO rules make it impossible for competition to further narrow the spread for the average investor. Large institutions can get better deals on their trades by negotiating prices on block trades—but regular investors have to pay full freight.

Fractionalized stock pricing is out of step with the rest of the world. The United States is the only major market that uses the pieces-of-eight system to price stocks—every other major market in the world uses decimal pricing. The advancement of telecommunications technology is making it increasingly easy to trade stock on exchanges around the world, simply by pressing a computer key. If we are to maintain our position in the United States as the home of the most successful capital markets in the world, we must keep pace—and fractionalized pricing is a thing of the past, not the future.

Securities and Exchange Commissioner Steve Wallman has been an outspoken advocate of the need to modernize the pricing rules that apply to U.S. stocks, and provided us with informative testimony at the hearing last week before the Subcommittee on Finance and Hazardous Materials. Commissioner Wallman estimated that fractionalized stock prices cost retail investors about $1.5 billion a year. Investors could save that money if we converted our stock pricing system to the system we use for virtually everything else we buy—dollars and cents.

I have read with interest observations of the Toronto Stock Exchange's recent conversion to decimal pricing. On the Toronto Stock Exchange, there is no longer a minimum spread of 12½ cents—and, as a result, the spreads that floor traders from public investors has narrowed. I look forward to learning more about that exchange's experience as we proceed with hearings on decimal pricing.

I also look forward to learning about how a change to decimal pricing would impact the participants in our markets. In this regard, I intend to hold hearings at which we will hear testimony from experts in securities markets, security firms, stock exchanges, and investors. I welcome the views and comments of all parties that will be affected by this initiative, to ensure that we implement this modernization with practicality and efficiency.

I thank my colleagues on both sides of the aisle for their cosponsorship of this important initiative, and encourage all of the Members of the House to support this effort to bring common sense to stock prices in the U.S. markets.

IN HONOR OF OUR NATION'S FORMER PRISONERS OF WAR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. WOLF. Mr. Speaker, it is a pleasure and honor for me to rise today to honor retired Navy Capt. Giles Norrington, of northern Virginia, and other former prisoners-of-war as a very important date approaches.

On March 14, 1973, Captain Norrington and dozens of other American servicemen were released from captivity in North Vietnam. Their bravery and courage have always served as an inspiration for us. These true American heroes endured brutal and unspeakable conditions to emerge from captivity and demonstrate to every American how lucky we are to be able to call them our own.

Here in Congress, we are fortunate to have former POW's such as Senator JOHN MCCAIN, and Congressman SAM JOHNSON among us. They are true leaders, like many other former POW's who have come home to lead our Nation into the 21st century. The sacrifices of our POW's on our behalf should always be remembered.

Mr. Speaker, as we approach this historic date our POW's deserve our humble gratitude and prayers. I know I speak for many in thanking these brave servicemen for their service to our Nation and wish each and every one of them the best in the future.

ENVISIONING A NEW NATIONAL SECURITY STRATEGY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, I submit the following for printing in the RECORD:

ENVISIONING A NEW NATIONAL SECURITY STRATEGY

(By Hon. Ronald V. Dellums)

The Cold War has been over now for several years. Throughout that era, congressional colleagues told me: We cannot make cuts in our military budget because of the worldwide threat posed by the Soviet Union and its allies. Nonetheless, we believed then and we argued then that we could reduce military spending and thereby help to ratchet back the conflict. Indeed, throughout the last decade of the Cold War, the Congressional Black Caucus proposed a series of budgets to do precisely that.

With the Cold War over, many colleagues now say: With one-third cuts in funding, force structure and personnel, we have gone far enough in our post Cold War draw down. They say that any more will leave us unable to respond to emerging challenges because of hollow forces untrained and unequipped. I say again, our current security environment both allows and demands that we reallocate significant resources from our military accounts, and redirect them into those domestic and foreign policy accounts that contribute equally importantly to our United States national security. Indeed, a strategy that ignores the contributions to national security made by foreign assistance and investments in education and science research and development, just to name two domestic accounts, is not a comprehensive strategy—and therefore it is one that is doomed to fail.

Certainly instability and danger remain in various parts of the world, including in Russia and other nations of the former Soviet Union. Military modernization in China, Southeast Asia, Latin America and elsewhere—including within the United States—always should give pause for concern. The Persian Gulf and Korean Peninsula merit continued attention because of the possibilities for open warfare between nations. Humanitarian crises and instability throughout the globe will properly continue to require the involvement of the U.S. military at least in the near term—preferably through United Nations' sponsored undertakings in which the United States acts as a colleague which can bring special skills to the table. But we should not allow ourselves to be trapped into the belief that these challenges, only partially military in nature, represent anything requiring anywhere near our current force structure or modernization plans.

Moreover, we should not view even these "security" challenges in purely military terms. They must be seen in their economic, cultural and diplomatic frame of reference. Seen in that light, much of the instability that threatens human rights or outright bloodshed can be diminished and deflected through a robust program of sustainable economic development and timely diplomatic activity in behalf of crisis intervention and conflict resolution. As I noted throughout the Cold War, conflicts that are economic, political, social and cultural in their origins cannot be solved by resort to arms, but only by solving the underlying economic, political, social and cultural origins of the conflict.

Viewed this way, it is clear there exists an imbalance in the funding of our three "national security accounts."

In one account, we continue to make a commitment to find ways to finance a too-large military force structure, an overly aggressive and in many cases misguided weapons modernization program, and overly programmed requirements to maintain short-term readiness (while not planning successfully to pay for the involvement we will have in peacekeeping and humanitarian ventures). We fail to pay for a sufficient program of foreign assistance and much of what we do pay for goes for military security assistance which often compounds the problems that generate regional instability and hostility, rather than ameliorate the root causes of that instability. And, finally, we have already and continue to sacrifice the necessary investments in education, science, research and development, medical and infrastructure that are absolutely critical to the national security of our nation on the three-tiered alter of sustained military spending, balanced federal budgets and generalized tax breaks.

It is clear to me that significant spending reductions can be achieved in our military account by a thoughtful application of analysis to understanding the threats and opportunities that greet us in this new era. In this paper, I seek to set out the justification for such reductions—reductions which I believe

represent both a down payment on durable savings in the years beyond which we are currently planning budgets and which will also shape and reduce the military investments that will be made by other nations in the future, especially including China and Russia.

I will leave it to others to more carefully lay out the types of investments that could be made in both the foreign assistance and domestic investments. But let me assert in regard to both of them that fiscal investments in these priorities will bear enormous leverage toward creating international stability beyond our borders and to ensuring that we have a healthy and vibrant society and polity within our borders.

In other words, contrary to those who worry that we spend too little on defense, I believe that our current level of spending—far in excess of our most robust potential adversary—is excessive and represents a long-term threat to our national economy and to the integrity of the national treasury and, therefore, to our national security.

THE MILITARY FUNDING "CRISIS"

Much of the discussion to date from the new Congressional majority has centered on how to find equilibrium by an increase in the funding side of the military requirements-funding equation, rather than confronting whether or not the program side might be overly robust and therefore excess to our legitimate defense requirements. I believe, as I will set out below, that we should focus on the program side of the equation, and seek to find our equilibrium by scaling back excessive force structure and formulating our modernization effort to meet more appropriately the strategic challenges that will confront us in tomorrow's world. Indeed, when approached from that direction substantial savings can be generated.

All of us—whatever our political viewpoint—should be able to agree that the United States has not fully reconfigured our forces or our thinking to meet the new realities of the post-Cold War era. The disagreement is over how we can meet them, what our strategy should be and what it will take to implement that strategy. Only when we have answered these questions can we proceed to assess the budgetary requirements to fulfill that strategy.

My continued assessment of the type and scale of the dangers that exist, the proper response to them and the role of the United States in that response convinces me that we can over the coming five-year defense planning period, and prudence dictates that we should: first, make further reductions in our nuclear arsenal and the infrastructure that supports that arsenal; second, weapons acquisition programs that were undertaken to meet Cold War threats and which no longer are required, or which are provocative and thereby detrimental to U.S. interests in long-term stability; third, reduce readiness requirements and plan to incorporate more effectively reserve forces in our military planning by establishing less stringent planning requirements for conflicts; and fourth, make further marginal force reductions beyond those already projected, including in intelligence accounts.

REDUCING THE NUCLEAR DANGER

The administration's Nuclear Posture Review failed to realize savings that could be made by scaling back our strategic arsenal. More recently, they have declined to pursue opportunities with Russia to undertake START III negotiations, which may prove essential to the Russian ratification of the START II treaty. Former Strategic Command Commander-in-Chief General Butler has quite appropriately shoved the debate over downsizing (towards elimination) of our arsenals right on to the front burner.

It is such a promising opportunity, that we will fail to secure it at our peril. I have urged the administration, privately and in public, to take unilateral initiatives to go below START II levels. Such unilateral initiatives could set the stage for very deep cuts in weapons systems, and could be inspirational to those nations that are currently sitting on the fence as regards their own nuclear futures. The importance of containing the threat of proliferation, and its difficulties, can be seen in the debate regarding the extension of the Non-Proliferation Treaty (NPT). Many nations, such as Egypt, appropriate pressed the United States and the other large nuclear powers to embrace and implement their responsibilities under Article VI of the NPT and to secure the adherence to the Treaty of those whose nuclear arsenals are less developed.

It is potentially catastrophic to our national security to eschew the opportunity both to reduce significantly the nuclear threat that we currently face and to forstall the further proliferation of those threats. By failing to take such steps we also send clear signals to the Russians and the Chinese that their nuclear arsenals are prerequisites for them to maintain their super-power status. In that way we perpetuate the nuclear danger; and by failing to assume our Article VI responsibilities, we invite additional regional instability and new threats to emerge from prospective new members of the nuclear-weapons club.

For those who worry about this threat to the point of wishing to revive an expensive anti-ballistic missile program, with what I believe is very limited utility to defend the United States from weapons of mass destruction, it strikes me that preventing the emergence or retention of the threats that such a system is designed to counter would be a cautious and cost effective strategy. Scaling back our own strategic forces would be critical to such a strategy.

Although I believe it is possible to move beyond our reliance upon the traditional triad of strategic elements—sea-based missiles, intercontinental ballistic missiles, and bombs dropped from the missiles launched from bombers—one can also maintain the triad, not have to spend the levels that are planned for in the administration budget request, and still move deliberately but cautiously down the force structure ladder. Obviously at some point, maintaining the triad, per se, no longer makes sense and we should move towards the most survivable leg of that triad—our submarine force.

Making such adjustment could lead to new commitments by the Russians—who face devastating economic circumstances that will literally compel them to make savings when they perceive their strategic interests allow them to do so—who seem eager to negotiate reductions beyond the START II goals, and should give the Chinese reasons to moderate their on-going strategic-weapons modernization program.

While this constitutes a more determined effort to scale-back our strategic arsenal than is contemplated by the administration, it would provide us with a "hedge" capacity in the event of the return of an implacably hostile relationship with Russia. It would place us on a path that signaled our willingness to lead the weapons reduction effort and would set the stage at the end of the five year budget period to implement a plan to reduce our arsenal to a minimum sufficient deterrent. This makes the achievement of nuclear disarmament a feasibility within our lifetimes.

END THE COLD WAR ACQUISITION PROGRAM

With the exception of a temporary reprieve from aggressive spending on acquisitions that was allowed by the force structure reductions that have been on-going during this decade, there has not been a fundamental rethinking of U.S. acquisition strategy. The administration has proposed that in this FYDP we will begin to invest significantly in weapons modernization—feeling that we have reached the limit of relying on the investment of the last decade. The Republican majority by both yesterday's technology and moan when they find they have boxed themselves out of affording the expensive modernization program the administration supports. Neither are awaiting the outcome of the Quadrennial Defense Review (QDR) that could—and should—dramatically alter the priorities that were laid down in the Bottom Up Review undertaken by Secretary Aspin—which will hopefully provide a careful review of programs such as the F–22, the New Attack Submarine and others which requirements were conceptualized during the Cold War.

I believe strongly that we should avoid buying new systems that maintain the United States and the world on a treadmill of weapons development. Pressing ahead with such invites an arms race that we would be well advised to avoid. We should not fail, as we did in the run-up to MIRV technology, to realize the opportunity that may be available to turn the world away from an accelerated escalation in these types of programs; or we will face much more costly and deadly threats in the long run.

In addition, we much avoid making purchases of systems that are excessive, redundant, and are designed to replace systems that currently work perfectly well because they are far superior to anything that they confront in a potential theater and will continue to do so into the mid-term future. In this regard, we must examine and scale back our ship purchasing, tactical air craft development, more rationalize our strategic lift program and various other programs.

The budget savings in these accounts that would be achieved by the types of cutbacks above are, of course, sometimes offset by the need to acquire alternative in order to ensure that the first element of the acquisition requirement of equipping our force with safe and reliable systems is satisfied. The amounts of savings I am suggesting can be made are net adjustments that accommodate for the necessary acquisition of perfectly suitable current-generations systems to meet our foreseeable operational needs. This allows us to resist the temptation to rush new technologies to the battlefield ahead of requirements, but rests on an assumption that we will continue to make prudent investments in research and development.

These more discerning measures of acquisition would allow us both to lead an effort to slow the level of weapons systems development, retard weapons sales internationally (thereby reducing the threats faced by U.S. and coalition forces), properly equip our forces for the challenges they will face in the near to mid term, and utilize our scarce resources to investigate new technologies that will be more important for the next century. Such a strategy would make the maximum return on investment, and would contribute the best to our effort to control the proliferation of exotic weapons technology.

PROPERLY SIZING U.S. FORCES

Properly sizing U.S. forces is also important for ensuring that we do not place scarce defense resources into the wrong pots. The Bottom-Up Review's requirement to have forces sufficient to be able to meet, nearly simultaneously, two major regional contingencies without allied assistance exceeds that which was propounded by President Bush's Defense Secretary Dick Cheney—and exceeds in my judgment a reasonable planning orientation. It would be my hope that both the planning assumptions and the forces that emerged from the BUR will receive serious examination during the QDR.

First, we should relax slightly the pace at which we believe we would need to respond to a developing crisis. By more deliberately "metering" forces into a theater—enough to halt aggression and provide for force protection quickly and then more deliberately once that state is achieved we can both reduce active force structure and readiness requirements. In addition, this expands the opportunities of time during which sanctions, negotiations and other non-military efforts can reverse the aggression through less than major armed confrontation. We should bear in mind that Operation Desert Storm commenced seven months after Iraq invaded Kuwait. We would establish a planning horizon to commence counter-offensive military operations more severe than was undertaken in that conflict.

Second, a change in this pace of operations will allow for a more effective utilization of reserves, and indeed for returning more of our force structure to reserve components.

Third, such a change will modify lift requirements, not only changing force structure but procurement requirements as well.

Fourth, by changing the view regarding allied participation, we again can relax our planning requirements for force structure.

The alternative that I present assumes that additional force structure reductions and realignments can be accomplished in all services through a change in these policy and strategy assumptions, and that these changes will not compromise our ability to meet our security requirements. It assumes the careful management of reserve resources and a continuing determination to work with our allies and others in coalition efforts. I believe that these modest adjustments, to be achieved within the FYDP, will leave us poised to make an assessment early in the next century as to whether or not we have gone far enough in realigning our forces to meet the world's new strategic threats.

In addition to these larger changes, other miscellaneous savings can be achieved by changing how we do business. Of course, we must realign our priorities within the force in order to ensure that we have the proper types of units[1] to meet the future challenges and change our operating methods in order to alleviate some of the operational tempo and personnel tempo problems that have arisen.

This issue of operational tempo (optempo), and ultimately personnel tempo (perstempo), stress has elevated visibility at the moment. Many blame the stress of deployment to meet contingencies as placing too great a burden on the shrinking force structure. However, when you compare the size of the force with the numbers involved in deployments, I believe that what is shown is that our "business as usual" is out of kilter and that we have too few of some particular types of units.

By changing forward presence requirements for aircraft carriers, for example, we can reduce perstempo stress among naval forces significantly. And, as was demonstrated by the prompt movement of carriers from one theater to another when crises have emerged, such a decision does not diminish our ability to respond promptly and effectively in order to deter a crisis from erupting into large-scale violence.

Finally, as we reduce force structure we should be mindful that better intelligence and assessments can offset the possibility of strategic surprise. Having said that there are substantial savings available within the intelligence accounts that could be achieved through various economies and they should be vigorously pursued.

THE IMAGINARY READINESS CRISIS

Similarly, different scoring for training and an understanding that training goals are not arbitrary standards that result in catastrophic lack of readiness if they are not fully met would change some of the discussion as well. Such an arbitrary rating system led to the anecdotal evidence that there was a readiness crisis at the end of the 1994 fiscal year. We need to explore how steeply we can and cannot tier our readiness; we need to ensure that our services are preparing, as well, for the contingencies that should occupy them more and more—humanitarian assistance, conflict resolution, peacekeeping, etc. But, most importantly, by changing the assumption regarding the pace at which personnel will flow into a potential conflict, we can achieve significant savings in training and other readiness requirements.

In addition, this budget would enhance environmental cleanup and conversion funds that are critical to the successful transformation of our defense infrastructure to civilian use. We cannot walk away from these communities, who have served the nation, and now want to return to civilian activities. These funds are vital to the future well-being of our nation, and to its national security—and they more easily allow us to close excess infrastructure. We should continue to plan to pay for them in the years to come.

A PROPERLY SIZED MILITARY BUDGET

In this paper, I have avoided proposing specific programmatic cuts and have talked more thematically. However, the numbers presented below represent savings that are built from real force structure cuts, real acquisition program termination, from real changes in operation and training tempos. They have been "scored" by CBO to ensure that their authority and outlay savings were properly measured.

Importantly, they are only one approach to organizing a properly sized, properly equipped and properly trained force for the challenges of the 21st Century. Others could choose different pathways, but they would achieve similar savings.

I felt it important not to get bogged down in a debate over this or that weapon system, this or that force structure element or this or that method of operation. Suffice it to say, if the budget were cut by these levels, we could provide for a sufficient military force to defend the United States and its interests, participate effectively as a world leader in international affairs and free up resources vitally needed for our other "national security" accounts. Our failure to do so will, as I have indicated elsewhere, be to our long-term national security detriment. It is with that analytical framework and in that spirit that I believe we could achieve these levels of savings in the military account over the coming five fiscal years:

[In billions of dollars]

Fiscal year	Authority savings	Outlay savings
1998	$27.365	$18.761
1999	34.713	29.071
2000	44.845	36.219
2001	48.685	41.818
2002	51.630	56.221
1998–2002	217.238	172.090

Let me reiterate my view that these represent savings in one of three national security accounts, funds that can be urgently spent in our other two national security accounts: foreign assistance and domestic programs critical to our well-being and health as a nation. For without strong healthy cities to defend, cohesive communities, an educated citizenry to run our economy and our political institutions, we will wither and decline socially, politically, economically and culturally. We are way past due making these investments, and we fail to make them at our peril. The time is ripe and the opportunity exists to transfer this scale of resources and we should not fail to do so as we think of what type of society and what type of world we seek to build for our children and their children.

DELLUMS NATIONAL SECURITY BUDGET PROPOSAL SAVINGS

[050 Budget authority in billions]

	Fiscal year—					FH 1998–2002
	1998	1999	2000	2001	2002	
050 account—Administration's FY 98 budget proposal	$265.3	$269.2	$275.0	$281.5	$289.1	$1,642.3
Total savings 1998–2002	27.365	34.713	44.845	41.818	51.630	217.238

[1] I think especially of enhancing our abilities with, for example, AWACs, civic and public affairs units, water purification units and other types of units that are small, but for which there will continue to be an elevated level of demand.

DELLUMS NATIONAL SECURITY BUDGET PROPOSAL SAVINGS

[050 Outlays in billions]

	Fiscal year—					FH 1998–2002
	1998	1999	2000	2001	2002	
050 account—Administration's FY 98 budget proposal	$263.0	$266.3	$270.0	$269.0	$269.0	$1,601.4
Total savings 1998–2002	18.761	29.071	36.219	41.818	56.221	172.090

THE ROBERT C. BYRD STATUE UNVEILING IN THE WEST VIRGINIA STATE CAPITOL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. RAHALL. Mr. Speaker, I rise today in praise once again for U.S. Senator ROBERT C. BYRD, a man of grace, a man of conscience and compassion, and indeed a great West Virginian. On January 11, 1997, it was my high honor to have been present at the unveiling of the Robert C. Byrd statue in the West Virginia State Capitol in Charleston, WV, and to hear Senator BYRD's eloquent remarks regarding his "long journey through life encompassing 79 years" that brought him this far, and "about all those he met along the way" who helped him achieve the pinnacle of recognition in the form of a life-size bronze statue of himself being unveiled that day.

Mr. Speaker, I ask unanimous consent that Senator ROBERT C. BYRD's own personal remarks be reprinted in the CONGRESSIONAL RECORD as he acknowledged and thanked all those who made this historic day possible.

REMARKS BY U.S. SENATOR ROBERT C. BYRD—ON THE OCCASION OF THE ROBERT C. BYRD STATUE UNVEILING

During the course of my life, I have often been referred to as a "self-made" man. But, while one's ego might like to lay claim to such an august achievement, no mere mortal can, in reality, claim to be "self-made." Every person owes any success he or she might have in this life to hundreds of other persons. Tennyson said, "I am a part of all that I have met, . . ." Always profound, Tennyson may have been at his most profound with that line.

When I reflect upon my own 79 years, I am at once struck by the enormous debt which I owe to others: poor, but loving foster parents who taught me how to live and how to die; teachers who took the time to encourage a country lad who liked to memorize; friends who unselfishly gave guidance and counsel; adversaries who helped me to toughen and to preserve; my wife and family who sacrificed and, still and all, stood by me; colleagues who taught me what they had learned in the legislative areas; staff members who worked over the years to help me meet my goals for West Virginia; and the people of this magnificent state who have, time and time again, believed in me, trusted me, and honored me far beyond my wildest imaginings.

And now, I have come to this place in my road. But, I have not traveled alone. I have journeyed with all of you. I have never felt more keenly my deep ties to you, to this state and to all of those who have influenced my life. Blessings have been heaped upon me. And I stand before you humbled by this day and by the enormity of this occasion. Perhaps no one before me has ever known the unbelievable awe of gazing at their own form cast in bronze and standing ten feet high in one of the most beautiful state capitol buildings in the nation. What an experience! The boy who bugged the beans has certainly come a long mile. If my old mom were alive today, she would be surprised and proud, but she would also be quick to remind me not to be "gettin' above my raisin'," just like she always did. How I wish that she and my old pap could see this. But, then, I think they probably can.

I thank all of you who have worked to make this day a reality. Your generosity and gracious kindness are simply overwhelming. I thank Gaston Caperton, the best Governor West Virginia has ever had, for his cooperation and hard work. I thank Ann Brotherton and Judge Brotherton and Mike Perry for all they have done to make this day a reality. Your generosity and gracious kindness are simply overwhelming. I also thank each of you for the part you have played in my life—for what each of you has taught me and for your contribution to my work and to my personal enjoyment of my time on this planet.

Long after I am gone from this life, there will be left for future generations whatever good which may evolve from my work, and this remarkable statue. Cato the elder once observed that he would rather people ask why he had no statue than inquire why he had one. But, my hope for the totality of my work is well known—a better life and more opportunity for all West Virginians. My hope for this sculpture is that it will stand as an inspiration, especially to young West Virginians. I hope that it someday may serve as a beacon for anyone who may aspire to achievement. For, in this miracle of a country, anything is possible. And dreams do come true, even for a poor lad from West Virginia who gathers scraps to feed the hogs on a rough hillside farm.

Thank you and may God bless and keep each of you always safe from harm.

The woods are lovely, dark, and deep,
But I have promises to keep,
And miles to go before I sleep.
And miles to go before I sleep.

INTRODUCTION OF THE COMMON CENTS STOCK PRICING ACT OF 1997

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MARKEY. Mr. Speaker, I am pleased to join today with Chairman OXLEY and Chairman BLILEY in introducing the Common Cents Stock Pricing Act of 1997 and I appreciate the opportunity to put in my 2 cents on the reasons why this legislation is good for investors and good for our financial markets.

For over 200 years, stocks and bonds have traded in minimum price increments of one-eighth of $1 or 12½ cents. The origins of this practice are obscure, but some historians trace it back to the 18th century, when the Spanish dollar was a widely used currency in America. Stock traders would cut up these dollars into pieces of eight or bits and use them to pay for stocks and bonds. As our financial markets move into the 21st century, it's time we eliminate the eighth, which is little more than a relic of the days of knee breeches and powdered wigs. In recent months, we have already moved to force stock prospectuses to be written in plain English so they are more understandable to investors. Why not force stock quotes to be made in plain dollars and cents, so that investors don't have to convert from fractions every time they read the stock tables in the newspaper?

Four years ago, when I chaired the Finance Subcommittee, we held a series of hearings on the future of the stock markets. During those hearings, we heard many market participants raise concerns about certain trading practices, such as payment for order flow or preferencing, which they argued had the potential to compromise the fiduciary duty of brokers and other financial professionals to achieve best execution of their customer's orders. Many proposals were put forward to address abuses in these areas, ranging from banning such practices entirely, enhancing disclosures to customers, or stepping up regulatory oversight. While many of these proposals had merit, they merely address the symptoms while ignoring the underlying problem—the fact that the artificial requirement for stocks to trade in eighths establishes a fixed minimum spread between the prices quoted by buyers and sellers of stocks. This requirement prevents market forces from working to narrow the spread to 10 cents, 5 cents, or even 1 penny. As a result, market makers have resorted to practices such as paying for order flow.

I think that our markets would function better if we moved to a more transparent form of quote-based competition. Let stocks trade in dollars and cents, and then the market can more accurately determine what the prices and the spreads should be. Investors will get more opportunities for price improvement in the most actively traded and liquid stocks, and the spreads in such stocks should narrow. Investors will also be able to more readily comprehend how much the value of a stock is increasing or decreasing, as they will not have to constantly convert fractions to dollars.

At the time we held our hearings the stock exchanges resisted such an innovation. I believed then, as I believe now, that many of the objections raised to this proposal are ill-founded, while those which warrant consideration can be readily accommodated through the regulatory process.

Some might ask, why are we bothering about a few pennies? The answer is the golden crumbs that Wall Street extracts for each trade adds up to billions of dollars in costs to consumers each year. Estimates of the resulting savings for investors range widely—from $4 to $9 billion a year, depending on what

stocks are covered and where the minimum price increments are set. But even if investors only saved 1 penny per share, that would still mean over $1 billion in savings annually.

The bill we are introducing today is very simple. It directs the Securities and Exchange Commission to use its existing rulemaking authority to adopt a rule, within 1 year after the date of enactment, that would transition the stock and options markets away from trading in factions to trading in dollars and cents. We give the SEC the flexibility to determine what the appropriate minimum price increment or increments should be, and how to implement it in a fashion that does not impose undue burdens on trading and information systems.

The time for delay has ended. American investors want Wall Street to show us the money by moving away from trading in fractions to a more understandable stock pricing system. They also want more opportunities to get better prices and lower their transaction costs when they buy or sell stocks.

I congratulate Chairman OXLEY and Chairman BLILEY for their leadership in undertaking this initiative, and SEC Commissioner Steve Wallman for his outspoken advocacy on the merits of adopting this reform. I look forward to working with them, as well as with SEC Chairman Arthur Levitt, the leaders of our Nation's stock exchanges, individual and institutional investors, and the securities industry as we move to early hearings and a markup of this bill, which I believe may be the most important proconsumer legislation the Congress considers this year.

KEEP THE GLORY FOR OLD GLORY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. GREEN. Mr. Speaker, I would like to share with all a poem written by a constituent of mine, Harry E. Dearen, who is a member of the American Legion, Chaplain Post 594 and the American Legion Citizens Flag Alliance in Houston, TX. I believe his poem captures the sentiments we all feel about our flag.

KEEP THE GLORY FOR OLD GLORY

No matter who we are, or what we think
About our nation in which we live.
We are free and have a common link
And a duty to our colors and should give
Our very heart and soul to an alliance
To our fellow man and old glory.
The flag that we fought for in defiance
Of offenses aginst liberty. The history
Of our country lived by men at arms
And through our victories of the past
To protect our flag from ones that harm
It in any way, or try to burn, or trash
Our flag is stepping right on me.
I will not put up with that being done.
We must see that it is stopped you see.
It mocks the freedom that we have won.

—*H. Dearen.*

PERSONAL EXPLANATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. LEVIN. Mr. Speaker, I rise to indicate that on Thursday, March 6, I accompanied the President of the United States to my home State of Michigan where he discussed education and the challenge of moving people from welfare to work.

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.

CONDEMNING THE BOMBING OUTSIDE THE MERCER ISLAND JEWISH COMMUNITY CENTER

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Ms. DUNN of Washington. Mr. Speaker, last week a bombing occurred outside the Jewish Community Center on Mercer Island, a city located in the congressional district I represent. It was a rare and threatening display of criminal behavior on Mercer Island and a crime that will not go unpunished.

There is an extremely dangerous individual at large who is responsible for this bombing, a coward of the highest magnitude, and who remains a threat to the Jewish community. Whether a dangerously immature prank or a deliberately anti-Semitic effort to terrorize this peaceful community, I condemn this act in the strongest possible sense. Local community leaders and I are relieved that no one was hurt and the center went undamaged. Bringing those responsible to justice is my highest priority, and I publicly declare my intention to fully support law enforcement officials toward that end.

It is particularly ironic, having recently witnessed on Israeli soil the finalizing of the Hebron agreement, that despite the historic and committed peace underway in one of the most traditionally volatile regions of the world, the community of Mercer Island is living with violence. I am proud of my neighbors on Mercer Island who refuse to allow this violence to terrorize them into retreat. They have reacted with calm, and their composure is noble and to be greatly admired.

Mr. Speaker, this Congress, indeed all of us, should note that what could have been a disastrous situation characterized by loss of precious life and honored property is instead a reminder of the work that lies before us. The good, peaceful, and law-abiding citizens of our communities and our country are ready to take this country back from terrorists and vandals. They will apprehend the lawless, prosecute them, and protect their communities. That's what the people of Mercer Island and the Jewish community are doing. I stand ready to help.

INTRODUCTION OF THE DOMESTIC VIOLENCE LEGAL SERVICES ELIGIBILITY ACT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Ms. PELOSI. Mr. Speaker, today I am introducing legislation to ensure that no woman who is a victim of domestic violence will be denied legal services because of the economic status of her abuser.

The Domestic Violence Legal Services Eligibility Act states that in cases of domestic violence only, the Legal Services Corporation, in determining eligibility for services, will consider only the income of the client seeking services.

Legal services clinics report that women fleeing the home of a spouse or a partner comprise the majority of their domestic violence cases. Yet the Legal Services Corporation guidelines currently state that eligibility for services is determined by household income. In the case of a great number of legal services they provide, this is fair and appropriate in ensuring that people who live at or below the poverty level have access to legal services.

But for women fleeing abuse, the situation becomes complicated. Often these women do not have independent income, so the household income counted against her is that of the alleged abuser. This legislation would make certain that these women do not have to be denied legal services because of their spouse or partner's income.

As the new welfare law goes into effect, domestic violence victims will be among those hardest hit. More than 2 million women are abused by their husband or partner each year. It has been reported that more than half of the women currently receiving government assistance cite domestic violence as a factor.

We are responsible to do everything within our power to help victims of domestic violence escape abuse and start on the path to self-sufficiency. This is just one step on that path and I hope you will join me.

MICHAEL MANLEY: PATRIOT OF JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. RANGEL. Mr. Speaker, I join Michael Manley's many friends and admirers who mourn his loss in paying tribute to his remarkable life. Michael was my friend for more than 20 years and I greatly admire his visionary and inspirational leadership. He was a delightful personality with wide ranging interests who was always aware of, and involved in, the issues of the day. He was a committed patriot of Jamaica, a man of the Caribbean, and a person who represented all who struggled for justice, equality, and opportunity.

Michael was a teacher and a leader on the issues which have defined the challenge facing developing nations as they move from political independence toward sustainable development and economic viability. Michael had

the capacity to envision a better world for all, the ability to articulate his vision, and the leadership to inspire us individually and collectively to aspire to goals beyond our reach.

Michael Manley's leadership was a global significance and impact. His struggle against apartheid in South Africa was internationally recognized by the award of the United Nations Gold Medal in 1978—the highest award of the Special Committee Against Apartheid. In addition, his work on economic issues, particularly the New International Economic Order, and the external debt problem of developing nations, marked him as one of the preeminent international political and economic thinkers of the contemporary era. His prolific writings on economics and politics include Poverty of Nations, 1991; Up and Down Escalator, 1987; Jamaica Struggle in the Periphery, 1982; A Search for Solutions, 1977; A Voice of the Workplace, 1973; and Politics of Change, 1973. He was a visiting professor at, and received honorary doctorates from, numerous institutions of higher learning in the Caribbean, Great Britain, and the United States.

Although retired from political life since 1993, he continued to be active in public affairs. Michael Manley played a pivotal role in the restoration of democracy to Haiti and the transition to majority rule in South Africa, to which he led the Commonwealth Observer Mission that won praise from the new Government of South Africa.

I had the opportunity to work particularly closely with Michael in recent years, in the restoration of Haitian democracy, and I can personally attest to his influence in mobilizing the Organization of American States and the United Nations to become engaged in negotiating the return of President Aristide to complete the term to which he was elected as President of Haiti. Michael Manley showed me his commitment to justice and his love for the Caribbean as he applied his formidable intellectual and persuasive powers to the cause of democracy in Haiti. He had similarly committed a good portion of his public life to the struggle for self-determination in Africa and especially was a leader in the effort to end apartheid and bring about majority rule in South Africa.

Michael's global view did not make everyone comfortable. In the 1970's, the United States Government opposed his friendship with Cuba and his support of the Cuban troops sent to Angola to stop the advance of the South African apartheid regime. Michael suffered the wrath of the United States for his independence and was labeled a Communist sympathizer.

Michael was more than a Jamaican, more than a man of the Caribbean; he was a man with a global reach and vision who saw the challenge of reducing the great and tragic gap between the rich and the poor through the creation of a new international economic order.

Michael had the capacity to learn and change, to adopt new tactics to accomplish his goals in recognition of new and different circumstances. His economic message changed from the 1970's when I first met him and defended him against charges that he was a Communist. In the 1990's he emphasized private sector-led growth and development. Throughout he was a prime minister beloved of his people because he opened opportunities for participation to the disadvantaged and removed historical disabilities of gender, class, and privilege.

His loss will be felt in Jamaica, the Caribbean, the hemisphere, and throughout the world. Michael Manley's intellect, energy, and passion were universal in their commitment to freedom, equality, and justice. His extraordinary impact will be forever remembered.

THE CHANGING ROLE OF ENERGY COMPANIES

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on the changing role of energy companies in the United States as we look forward to the 21st century. It is ever apparent that we, as a country, are in the process of change. Technology is shaping the future of not only the way we think, but also the way we act and react to information that we receive and put out.

There is no doubt that energy companies, like other industries that touch the lives of people across the globe, must change and adapt to meet the growing needs of people in a world that is affected by new technology daily. In fact, some may say that we are in the process of a new revolution; an information revolution.

Mr. Speaker, on this subject, I would like to introduce into the record an insightful speech by Philip J. Carroll, the president and CEO of Shell Oil Co., on Adapting to a Revolution: The Challenges Facing Energy Companies in the 21st Century.

ADAPTING TO A REVOLUTION: THE CHALLENGES FACING ENERGY COMPANIES IN THE 21ST CENTURY

(By Philip J. Carroll)

INTRODUCTION

I have been invited here today to talk to you about one man's view of energy companies as we near the close of the 20th century and begin looking forward to the 21st. It's somewhat awkward standing before an energy audience at the end of the 20th century. I feel a bit like a Trannosaurus Rex in a Gary Larson cartoon speaking before the Society of Late Cretaceous Dinosaurs on "How to Enjoy the Cooler Weather"—he had the idea right, but didn't fully understand the implications of what was going on in his environment.

While there are no meteors crashing down from the sky, we all know that we are nonetheless in the midst of a change in our environment—a true revolution. This particular revolution is the "information revolution" and I want to talk to you about how it will change our markets, our organizations, and most importantly, how it will impact you individually.

A revolution is a brief period of time where the whole nature of a system makes a radical transformation from the way things "are" to the way things "will be." A revolution usually begins when existing institutions fail to meet the present needs. When coupled with a vision of the way things "ought to be" from forces outside the establishment, a revolution results in great turmoil as the opposing sides struggle to define the future.

I believe that a dominant theme of this revolution will be to place less value on physical assets and much more value on human. This will mean that our organizational structures, and the people within them, will have to adapt rapidly to changing and increasingly competitive markets.

BACKGROUND

Allow me to go back in history a bit to try to set the stage. Humankind spent thousands of years making the first revolutionary transition from hunting to farming. This time scale was so long, that its study is relegated mostly to the field of archeology. Life during the agrarian age was simple, but quite hard. People toiled physically day in and day out, just to provide for the basic human needs of food and clothing. Change continued during this age as organizations moved from large feudal systems to single family farms. With each change came new responsibilities, but also new freedoms and opportunities. In spite of the drawbacks and tough conditions, the human welfare was nonetheless improved as civilization continued to grow.

The next revolution, the industrial revolution, was a phenomenon principally of the last century. It began at the dawn of the 19th century with the introduction of simple machines in the British textile mills, and the perfection of the steam engine in the British coal industry—both of which substantially reduced production costs. Although commerce itself had been around for thousands of years, these new industrial capabilities caused the birth of new industrial enterprises. The changes had a profound effect on society as people began to move away from the farms and into the factories. Although this revolution was also fraught with turmoil, once again the overall physical condition of humanity improved.

The essence of the industrial age was the physical transformation and transportation of goods and services. It was characterized by big physical "machines" that changed raw materials into physical products. There was no missing this revolution—it changed the skyline of civilization around the planet and it changed it rapidly. The energy industry was central to this age because energy itself was at the very heart of the revolution, it was the common requirement for running the machines that changed and moved things.

NEW MARKETS

Now, the experts tell us we are in the midst of the "information revolution." It is a bit harder to see on the city skylines, but it is no less real. The industrial revolution was about applying physical leverage, a multiplier for the power of human muscle. The information revolution is all about intellectual leverage, a multiplier for the power of the human mind.

It is easy to see how the information technology industry itself will be central to this revolution. However, the information revolution will also profoundly affect the energy industry, just like the industrial revolution changed the way we farm.

The demand for food did not go away at the end of the agrarian age the means of production and delivery simply changed. The industrial age dramatically lowered the costs of food production. First farm machinery, and then new chemicals increased crop yields on both a manpower and acreage basis. We also saw a whole new service sector develop in the form of highways and supermarkets

for the transportation and delivery of food products. You could still get your green beans before and after the revolution, but now you could buy them fresh, frozen, or in a can.

Likewise, the basic need for energy will not dissipate in this revolution. However, energy products and services will change form as this current revolution has profound effects on the drivers of both supply and demand.

On the supply side, information technology will dramatically reduce the costs of finding and extracting conventional fossil fuels. 3D seismic, horizontal drilling, and deep water structure design are all examples where information technology has been a multiplier for the human mind. Information technology will also reduce the costs of transforming these raw materials into various conventional products such as gasoline and electricity. Furthermore, information technology could become the critical cost reduction enabler which finally makes renewable energy resources such as solar, wind, and biomass economically viable.

The very same forces will also cause fundamental changes to the demand side of the energy industry as well. We will see new demands emerge in both industrial and residential consumer markets. These demands will be driven by new work processes and lifestyles which are themselves influenced by the changes in information technologies.

For all the debate about electric versus gasoline cars, how many of us truly understand the ramifications of consumers who can choose between bringing to the theater, or bringing their next entertainment experience home with the click of a mouse? Even if motor transportation demand shifts away from gasoline and into electricity, will consumers choose to purchase it at a quick-charging station, or will they plug in at home? How will they prefer to pay for it?

One way or another, the marketplace will continue to demand energy. The question is simply one of form. Products will become replaceable with services. The information revolution means that the "value add" no longer has to be a physical product—it can be information, or the "service" that accompanies the "product."

I enjoyed a recent example from my colleague Robert Shapiro of Monsanto. He offers that the chemical products division of our industry could move away from producing chemical sprays for crop protection. In its place, we should be able to add value by inserting information directly into the plant to serve the same purpose. Thus, genetic engineering, or rearranging the information in a plant, becomes a competitive "service" to chemical "products."

Even the traditional "services we have provided will change. Although the industrial revolution brought us a broad diversity of service choices, when compared to the information revolution, the industry was characterized by relative sameness. The age was defined by mass replication of a particular product or service. You wanted gasoline in your car, there was only one means to get it, drive to a corner filling station. You could fill up at my pump or someone's else's, but for all practical purposes, the delivery system was the same.

In the future, some consumers will choose to purchase their energy in one form delivered in one particular way. At the same time, others may choose both a different product and a different delivery service. This diversity of demand will only increase the opportunities for a wide variety of businesses to enter and thrive in the marketplace.

As in the case of the genetically engineered plant, it also means that our competition will be harder to define. The "fully-integrated major" model which was well suited for the industrial age is already breaking apart. "Independents" are a major force in the upstream sector once dominated by majors. Likewise, they are a growing force in the downstream sector as well.

We also see changes in the traditional roles of the "operating" and "service" sectors as "service companies" begin to participate in investment risks for a share of the rewards. The change will continue as "operating companies" begin to offer services to the broader industry. Shell's newest independent subsidiary, Shell Service Company, is today offering a broad array of information technology and business processing solutions to the entire energy industry.

STRUCTURES

As the old adage goes, "form follows function." If the processes driving supply and demand in the marketplace change, then it stands to reason that the structural forms around which we organize ourselves are also subject to change. Organizations of the industrial age were modeled after machines they operated. We built clearly defined hierarchies with assigned responsibilities to carry out specific tasks in specific ways. This was well suited to machinery which, once constructed, would continue to produce the desired output in a very predictable way.

Allow me to present a new model for information age organizations through the use of a metaphor. Our conventional description of chemical compounds consists of the elements of which they are made. In the energy industry, our personal favorite compounds, hydrocarbons, are made of hydrogen and carbon atoms. Yet, they are more than just random mixtures of carbon and hydrogen. Their value is not contained in the physical particles of which they are made, it lies in the bonds that hold them together. Break the bonds or recombine them in different ways, and you get valuable substances which can be converted into either energy or products. Someone is willing to pay good money for these mixtures, not because of their raw carbon and hydrogen content, but rather because of the special nature of the bonds which hold them together.

A "bond" is truly "information" in its purest form. It is a rule by which two "things" are connected to create value. A system of bonds between many things may then be called a "network." A molecular "network" actually contains very little physical substance. That which appears to be a thing—is little more than a bit of substance connected by bonds in a very special way. The relationships, or networks, contain all the value. The information revolution can thus be thought of as focusing on the relationships between things, rather than the things themselves for that is where the "information" lies.

A study of "things" of the highest form, living creatures, yields two additional observations. First, the bonds in "living things" contain a great deal more information, DNA is a lot more complicated than polyester. Secondly, living things change, they are capable of adapting to changes in their environment. A living tree puts out new leaves when the weather warms up in the spring. A dead log simply decays on the forest floor.

I therefore propose that if the energy industry wishes to thrive—not decay—it must change and adapt. Specifically, I believe that we must alter our model whereby value is primarily extracted by finding or owning a physical asset. We must modify it to become a model where one can also add value by establishing relationships with an asset's owner which leverage one's human talent. The information age in our industry will increasingly be characterized by a shift away from the physical—and towards a focus on human assets. It's no longer just the things, refineries, chemical plants, or oil fields, but also the skills applied to them that creates value. How we build the bonds, relationships, and networks between organizations in order to add value to an asset—regardless of present ownership—will be the key to information age economic success.

The simplest forms of such new relationships would be alliances. Alliances can take the form of any partnership between suppliers, customers, and even competitors. An alliance can form any time there is an opportunity to survive or thrive which is enhanced by being together rather than remaining apart. A good alliance will be one which causes market information to flow more efficiently and effectively so that organization may adapt.

As you all know, Shell has a keen interest in alliances. We are already moving beyond the early stage of customer/supplier alliances and beginning to explore competitor alliances in both our upstream and downstream businesses. Our first E&P venture with Amoco in the Permian Basin should be closing very shortly now. We are developing a similar relationship with Mobil in California, and are working diligently on a new downstream alliance with Texaco covering the whole United States. These alliances are our first efforts towards creating flexible and adaptable business structures positioned to maximize value in the information age.

PEOPLE

Just as the industrial revolution changed the lives of people everywhere, so will the information revolution affect our lives as well. As the working class moved from the farms to the factories, they had to learn new behaviors and skills. Despite the similarity of human tasks involved with operating a plow and a machine, this transition was very painful. Early 19th century Britain had to deal with the Luddites, a group of people so concerned about the replacement of human labor by machines that they resorted to sabotage.

The Luddites did not succeed in stopping the last revolution, and none of us will be able to resist this one. We must make the choice to adapt or die.

First, each of us will need a more diverse set of business and technical skills than we presently employ. The skills needed at any given time will change rapidly depending on market opportunities. Second, we will need the ability to both attract and release talent dependent on the changes. Third, each of us must also realize that we must individually grow to meet the ever changing market demands. The capacity and willingness to learn will likely be the most important characteristics of successful people in the information age.

Finally, the behaviors suitable to these new organizations will be fundamentally different than in large industrial "machines." Incenting and compensating people for efficient repetition of prespecified tasks is not necessarily a winning proposition. Results-oriented variable compensation and portable benefits are almost certain to be part of our future.

You may take some comfort in knowing that all of these revolutions have been scary to the people experiencing them. Nonetheless, they have all improved society in the

end. Their common impact on people has been an increased role of choice, freedom, and responsibility. No longer will it be "the machine" which determined your future for you. You will have to make choices about where you think your talents will be the most valued. You will then have a greater role in educating yourself in order to aspire to these new opportunities. You alone will be responsible for the outcome. You will all have the freedom to choose your own destiny. Good choices will yield great rewards.

CONCLUSION

Soon, this dinosaur standing before you today will be gone. But many of you will remain behind. You will make many choices that will determine not only your own future, but that of the people and the organizations around you. I don't claim to have a crystal ball about what that future looks like, but I do believe that if you seize control of it, the opportunities for greatness are abundant.

No matter what the precise outcome, I expect to find that successful organizations and people of the future will be the ones who best adapted to this time of great change. The age ahead will be characterized by a declining focus on physical assets, and an increased emphasis on diverse human skills. The need for energy in the information age will not dissipate, but it will change form.

The road ahead is certainly fraught with peril, yet ripe with opportunity. If we remain rigid and resist, like the Luddites, the only place they will find us in the future is the history books. For those who choose to learn and grow, the future looks very bright from where I stand.

Thank you for having me here today, enjoy the revolution, and good luck with your future.

TRIBUTE TO MATHEW J. GABERTY

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 12, 1997

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to my good friend Mathew Gaberty. He is being honored on Wednesday, March 12, 1997, at The Daughters of Isabella, Queen of the Skies Circle No. 683 annual testimonial dinner in Mt. Clemens. This event is held each year to recognize a community leader for outstanding service and to raise funds for charity.

Taking an active role in one's community is a responsibility we all share, but few fulfill. Mat has dedicated much of his life to this endeavor. He found the Mat Gaberty Heart Fund in 1981 with the aim of fighting heart disease. The Mat Gaberty Annual Gold Classic has become the largest single day fundraiser to combat heart disease. The renowned Mat Gaberty Heart Institute of Mount Clemens General Hospital was opened in 1989 and has become a major center for open heart surgery. His time, talents, and energy are appreciated by all of us. I thank Mat for all his efforts and commend him for his good work.

Mat Gaberty has more than fulfilled his civic responsibilities. He was elected for four terms to the Macomb County Board of Commissioners. He served 11 years on the Macomb County Parks and Recreation Committee, and 9 years on the Macomb County Retirement Board. He has also served as a Macomb County Commissioner, 8 years as chairman and 5 years as vice chairman. He was cofounder of the Urban County Road Association and served as chairman of the Inter-County Road Commission. I deeply admire his strong values and outstanding example of civic involvement.

I applaud the Daughters of Isabella for recognizing Mat Gaberty. He has provided leadership to our community and I know he is proud to be honored by this fine organization. On behalf of the Daughters of Isabella, Queen of the Skies Circle No. 683, I urge my colleagues to join me in saluting Mathew Gaberty.

ITALY'S HIGH SCHOOL'S BOYS BASKETBALL TEAM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. FROST. Mr. Speaker, I rise today to pay tribute to the Italy Gladiators, an amazing high school basketball team located in my district. On Saturday, March 8, in Austin, TX, the Italy Gladiators defeated Vanderbilt Industrial 71 to 63 to capture the 2–A State championship.

The Italy Gladiators advanced to the State playoffs for the first time since 1968. Italy's record for the 1996–97 basketball season was an impressive 27–4, and senior guard Keith Davis led Italy in the championship game with 27 points and was named the game's most valuable player. Keith was also named to the all-tournament team, along with Kenneth Wallace and Jontae Anderson.

My congratulations to the 1996–97 Italy Gladiators: Don Clingenpeel—coach; Kyle Holley—coach's assistant; Josh Droll, Nick Clark, Dennis Copeland, Brian Weaver, Donnie Clingenpeel—managers; Jontae Anderson, Kenneth Wallace, Keith Davis, Dejuan Davis, Chris Boyd, Jordan Hugghins, Randy Johnson, Jason Uehlinger, Michael Shelby, Nick Cooper, David Weaver, Edwin Wallace, and Sam Owen.

RENEWAL ALLIANCE—A BETTER WAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. PACKARD. Mr. Speaker, today I will join 27 of my colleagues at the Washington, DC, Darrel Green Learning Center for Underprivileged Children to kick-off a series of events designed to promote charitable, community, and faith-based solutions to some of our Nation's most intractable problems.

Washington bureaucrats took their crack at it with dismal results, wasting billions of dollars and destroying lives. We know there is a better way. My colleagues and I formed the Renewal Alliance to take that message across the Nation.

Currently, the newly formed alliance comprises 28 Congressmen and Senators who plan to highlight community efforts to solve poverty, repair broken families, end substance abuse, and a host of other problems.

The welfare reform critics think one way—Washington's way or no way. The fact is, folks across the country work everyday to touch lives and restore hope with phenomonal results. A volunteer's compassion, dedication, and genuine desire go much further than a nameless, faceless check from Washington.

I have served at the local level as a mayor, a school board member, a chamber of commerce board member, part of the Cub Scouts and been active in my church. I can attest to the power of the individual, and to what we can do when we work together. Our Government must support rather than replace faith, family, work, and community.

TRIBUTE TO A GREAT CIVIL RIGHTS LEADER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. HOYER. Mr. Speaker, it gives me great pleasure to rise today with my colleague from Texas, Ms. JACKSON-LEE, to honor a lifelong crusader for civil rights, Arnold Aronson, as he celebrates his 87th birthday. His distinguished career in civil rights began nearly 60 years ago and he has been at the center of nearly every major civil rights fight since the New Deal.

Most notably, Mr. Speaker, Mr. Aronson was one of the founders of the Leadership Conference on Civil Rights in 1950. The single-most important event forming this conference was a historic gathering of over 4,000 delegates from 33 States in Washington, DC, to protest racial injustices throughout the Nation. Arnold Aronson and Roy Wilkins organized this, the national emergency civil rights mobilization, and many of the civil rights' accomplishments which we herald today resulted from this gathering.

The Leadership Conference on Civil Rights not only played a crucial role in organizing and mobilizing African-Americans throughout the Nation, it also framed the civil rights issue in a way that all Americans could relate to and understand. In fact, it is important to note, that most of Mr. Aronson's work on behalf of the civil rights movement was performed while he was the program director for the National Jewish Community Relations Council. He thus serves as a living symbol of the historic alliance between the Jewish and Black communities.

Many of the successes that we point to today in the area of civil rights is as a result of Arnold Aronson's hard work and dedication. He was directly involved in the development of President Roosevelt's Executive order barring discrimination on the basis of race, creed, or national origin, and in the drafting of the report issued by President Truman's Citizens Committee on Civil Rights in 1947, which became the basis for the 1957 Civil Rights Act.

Mr. Aronson once said, "the struggle for 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." One of the most impressive aspects of the work of Arnold Aronson has always been his commitment to peaceful demonstration, civility, and coalition building.

Mr. Speaker, I am honored to join with my colleagues to recognize the lifelong achievements of Arnold Aronson and to honor him today on his 87th birthday. This is a man who represents what is right in America, and while there is much work which remains in the area of civil rights, we must never forget the commitment and dedication of individuals like Arnold Aronson who were responsible for the historic progress of the civil rights movement in our lifetime.

Mr. Speaker, I would like to close with a quote from the late civil rights leader Clarence Mitchell, Jr., the former Washington director for the NAACP, who once referred to Arnold Aronson as "one of the giants who labored longer and earlier than many * * * none of our great achievements would have been possible without him." Our Nation is forever indebted to Arnold Aronson for his life's work and I am pleased to have been able to honor him today on the floor with my colleagues.

IN HONOR OF THE 75TH ANNIVERSARY OF THE PORTUGUESE INSTRUCTIVE SOCIAL CLUB

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an exceptional institution serving the residents of my district, the Portuguese Instructive Social Club, on their 75th anniversary. This momentous occasion will be celebrated on March 15, 1997, during an evening of festivities to be held at the Portuguese-American Hall in Elizabeth.

The Portuguese Instructive Social Club is an organization dedicated to the continuing promotion of the cultural heritage of the diverse community in Elizabeth. The 5,000 individuals connected with this exemplary group have committed themselves to the betterment of both children and adults. The children of Elizabeth are fortunate to have the Portuguese Instructive Social Club preparing them for their future achievements.

Among the numerous services provided by this unique organization is a Portuguese language school, teaching 300 children. The Portuguese Instructive Social Club also promotes the physical well-being of the young people of Elizabeth through its youth soccer program. Additionally, there is a youth division of the club, Nova Mocidade, serving young people up to the age of 18.

While youthful attainment is an important mission of the Portuguese Instructive Social Club, cultural awareness is its main focus. To accomplish this laudable goal, the group is dedicated to artistic endeavors. These commendable endeavors include "Dancarees E Cantres de Portugal," serving both adults and children, a theater group, an amateur soccer group, a newsletter focusing on issues of interest to the Portuguese community, and other cultural presentations, including one by the renowned Portuguese singer, Fado. Furthermore, the Portuguese Instructive Social Club is responsible for organizing the annual Portugal Day celebration which is attended by 10,000 ardent participants.

I ask that my colleagues join me in recognizing the outstanding work of the Portuguese Instructive Social Club. I heartily commend their accomplishments and all that they have done to pass on the rich culture of Portugal to future generations. It is an honor to have such an outstanding organization working on behalf of the constituents of my district.

MIDDLE EAST PEACE DEPENDS ON ECONOMIC DEVELOPMENT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. MORAN. Mr. Speaker, I rise to express my support for more projects like the new Marriott Hotel to be built on the beachfront in Gaza. I offer the recent essay by my constituent, Mr. Ralph Nurnberger, from the Christian Science Monitor, as an excellent recognition of the need for more targeted economic aid to the West Bank and Gaza. As Mr. Nurnberger states, "* * * the real test of the peace process is how it affects the daily lives of Israelis and Palestinians. If substantive and visible improvements do not result, no international agreements can succeed." He is absolutely right. Only the development of a strong economic infrastructure will progress and peace succeed.

[From the Christian Science Monitor, Mar. 6, 1997]

NOT A HEARTBREAK HOTEL—GAZA PROJECT SHOWS WAY TO REVERSE PALESTINIAN DESPAIR

(By Ralph Nurnberger)

The day before he left for his official visit to the United States, Yasser Arafat presided over the groundbreaking ceremony for a Marriott Hotel to be built on the beachfront in Gaza.

This project says, symbolically, that the Middle East peace process might, finally, produce tangible benefits for the people in the area, especially through direct involvement of the private sector. The construction and later operation of this hotel will provide employment for hundreds of Palestinians. It will contain a modern commercial center to enable international visitors and Palestinians to conduct business as it is done elsewhere in the world. The project will include a self-contained telecommunications center for international calls, faxes, and e-mail as well as excess telephone capacity for the local market.

This project will be the first major American private sector involvement in Gaza. The total investment will be approximately six times more than all other American investments in Gaza—combined!

While diplomatic achievements are essential, the real test of the peace process is how it affects the daily lives of Israelis and Palestinians. If substantive and visible improvements do not result, no international agreements can succeed. For the majority of Israelis, the key element is security. Israelis must feel safe riding buses, shopping in malls, and sending their children to schools. If random acts of violence occur, they must be assured that the Palestinian Authority will work with Israeli officials to find and prosecute the terrorists.

PEACE DIVIDEND: LOWER INCOMES

Although more Israelis have been killed through terror attacks since the Sept. 13, 1993, signing than in any comparable period, it appears that the Palestinians finally understand their responsibility to work with Israelis to enhance security concerns. The test for most Palestinians is whether the peace accords will result in an improved quality of life. Developing a thriving economy that provides new employment opportunities will not only minimize hatreds and tensions, but will also bring about the promise of a new life.

Economic divergence exacerbates political and religious tensions. Since the first Rabin-Arafat signing, Israeli per capita income has increased from $13,800 to over $15,000, while Palestinian incomes have dropped by a third to under $1,200.

Delays and reallocations of internationally pledged contributions, the reluctance of foreign investors to establish projects in Gaza and the West Bank, border closures, the slow pace of diplomatic negotiations, and difficulties encountered in setting up a viable Palestinian economy have contributed to growing frustration. Public infrastructure and services, including education, health care, sanitation, water, waste water disposal, and electricity continue to be inadequate. Despite a minor building boom, a housing shortage remains.

While the Netanyahu government has eased some limits on Palestinians seeking employment in Israel, the numbers able to cross the borders are significantly below the 120,000 able to find daily work in Israel in 1992.

Rather than growing to absorb these workers, the Palestinian economy has declined over the past two years. Thus, workers have fewer opportunities to find employment within Palestinian areas. The unemployment rate in Gaza, always high, is now estimated at approximately 50 percent, with the rate in the West Bank estimated at 30 percent. Unemployment is highest among young, single men—the most likely recruits for terror-oriented groups.

BIG AID PLEDGES, LITTLE FOLLOW-THROUGH

The US hosted an international meeting on Oct. 1, 1993, at which $2.4 billion in assistance to the West Bank and Gaza was pledged. Most of these funds have not been delivered or have been diverted from long-term projects to emergency programs and costs of running the Palestinian Authority.

The United States committed $500 million, of which $75 million annually for five years is managed by the Agency for International Development (AID). The other $125 million was to come from the Overseas Private Investment Corporation (OPIC) to assist American investors through a combination of loans, loan guarantees, and political risk insurance.

AID has assisted a number of worthwhile projects, including $12 million for construction of six housing units with 192 apartments in Gaza called Al Karam Towers. AID is also helping to improve uses of scarce water resources and assisting private sector economic growth through technical assistance, training, loans to local firms, and establishment of industrial parks. But AID funds have

been diverted from long-term projects to help in establishing Palestinian self-rule. For example, AID committed $2 million to support local elections in the West Bank and Gaza, and to assist Palestinians in promoting more responsible and accountable governance.

AID has minimized help for the agricultural sector, the one area where Palestinians could immediately develop profitable exports, especially under a new Free Trade Agreement with the US. Allocating additional funds to farm exports would be cost efficient.

OPIC made a major effort to seek private sector projects to assist or insure. But most private investors have avoided Gaza, so OPIC funds committed to date have been modest.

Mr. Arafat would be wise to stress the solving of such economic problems as a prime way to reduce tensions, improve the quality of life, and enhance opportunities for peace. He should build on momentum from the hotel project and stress the need for private sector involvement in the Palestinian economy.

THE 50TH WEDDING ANNIVERSARY OF JOHN AND EMMA SPANEDDA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of the 50th wedding anniversary of John and Emma Spanedda of Paterson, NJ.

It was 50 years ago on February 15, 1947, that John and Emma were happily married. The two were childhood sweethearts, growing up together in Seminole, a small coal mining community in western Pennsylvania when John, the oldest son of 4 children of Anthony and Elizabeth Spanedda, along with the former Emma Veronesi, the youngest daughter of 11 children of Peter and Julia Veronesi decided to finally marry.

After John served in the U.S. Air Force during World War II, the couple decided to move to New Jersey, taking up residence in the Riverside section of Paterson, where they have since lived for most of their married life.

Upon their move to Paterson, NJ, John became a business partner and manager of Pennsy Coat, Inc., in downtown Paterson, which manufactured women's coats and had employed 70 workers for 25 years. During this time, Emma was busy at home, raising their family of two sons and four daughters.

Both John and Emma have been active members of the community, especially through their involvement with Blessed Sacrament Church, where Emma had served on many committees of the church and was a leading participant in the Blessed Sacrament PTA. Even today, John and Emma remain faithful parishioners of the church.

Since their retirement, John and Emma's life has been occupied by church, friends, and family, including the activities of their 6 grown children, 14 grandchildren, and 2 great-children.

Mr. Speaker, I ask that you join me, our colleagues, John and Emma's family and friends, Blessed Sacrament Church, and the city of Paterson, in recognizing the truly momentous occasion of John and Emma Spanedda's 50th wedding anniversary.

THE MANDATES INFORMATION ACT

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mr. CONDIT. Mr. Speaker, along with our colleagues, ROB PORTMAN, NICK SMITH, WALLY HERGER, and J.C. WATTS, earlier this week I introduced the Mandates Information Act, H.R. 1010, legislation to protect consumers, workers, and small businesses by enhancing the quality of Congress' deliberation on proposed new unfunded mandates on the private sector.

The problem addressed by this bill is simple: Congress does not deliberate carefully enough before deciding whether to impose unfunded mandates on the private sector. Focusing almost exclusively on the benefits of unfunded mandates, Congress pays little heed to, and sometimes seems unaware of, the burden that unfunded mandates sometimes impose on the very groups they are supposed to help.

This burden is substantial. Economists of almost every stripe agree that the costs of unfunded mandates are primarily borne by consumers, workers, and small businesses. These costs take the form of higher prices for consumers, lower wages for workers, and hiring disincentives for small businesses.

The Mandates Information Act would create a process for the Congress to deliberate carefully on proposed new private-sector mandates before deciding whether to impose them. Specifically, the bill would direct the Congressional Budget Office to prepare a Consumer, Worker and Small Business Impact Statement for new private-sector mandates contained in bills reported out of committee. The bill would also establish a point of order against legislation containing private-sector mandates that exceed the $100 million cost threshold set for such mandates in the Unfunded Mandates Reform Act of 1995. Although this point of order could be waived, it would ensure that Congress actually considers the information set forth in the Consumer, Worker and Small Business Impact Statement. The result will be focused, high-quality deliberation on the wisdom of new unfunded private-sector mandates.

Mr. Speaker, we took a very important step in 1995 by passing the Unfunded Mandates Act to protect State, local, and tribal governments from having to pay for mandates placed on them in Washington. One of the unspoken truths of that act is that it has been a deterrent to imposing mandates. It has worked in several instances, notably keeping costly mandates out of the telecommunications and immigration bills.

While we should continue to be diligent in enforcing the rules that relate to intergovernmental mandates, it is time to apply the same rules to private sector mandates. Mr. Speaker, I urge our colleagues to join me in support of this important legislation.

H.R. 1010

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 "Mandates Information Act of 1997".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Before acting on proposed private sector mandates, the Congress should carefully consider the effects on consumers, workers, and small businesses.

(2) The Congress has often acted without adequate information concerning the costs of private sector mandates, instead focusing only on the benefits.

(3) The costs of private sector mandates are often borne in part by consumers, in the form of higher prices and reduced availability of goods and services.

(4) The costs of private sector mandates are often borne in part by workers, in the form of lower wages, reduced benefits, and fewer job opportunities.

(5) The costs of private sector mandates are often borne in part by small businesses, in the form of hiring disincentives and stunted growth.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To improve the quality of the Congress' deliberation with respect to proposed mandates on the private sector, by—

(A) providing the Congress with more complete information about the effects of such mandates; and

(B) ensuring that the Congress acts on such mandates only after focused deliberation on the effects.

(2) To enhance the ability of the Congress to distinguish between private sector mandates that harm consumers, workers, and small businesses, and mandates that help those groups.

SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.

(a) IN GENERAL.—

(1) ESTIMATES.—Section 424(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(2)) is amended—

(A) in subparagraph (A) by striking "and" after the semicolon; and

(B) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

"(B) the impact (including any disproportionate impact in particular regions or industries) on consumers, workers, and small businesses, of the Federal private sector mandates in the bill or joint resolution, including—

"(i) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on consumer prices and on the actual supply of goods and services in consumer markets;

"(ii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on worker wages, worker benefits, and employment opportunities; and

"(iii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on the hiring practices, expansion, and profitability of business with 100 or fewer employees; and".

(2) POINT OF ORDER.—Section 424(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(3)) is amended by adding after the period "If such determination is made by the Director, a point of order under this part shall lie only under section 425(a)(1) and as if the requirement of section 425(a)(1) had not been met.".

(3) THRESHOLD AMOUNTS.—Section 425(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)(2)) is amended—

(A) by striking "Federal intergovernmental mandates by an amount that causes the thresholds specified in section 424(a)(1)" and inserting "Federal mandates by an amount that causes the thresholds specified in section 424(a)(1) or (b)(1)"; and

(B) by inserting ", in the case of Federal intergovernmental mandates exceeding the thresholds specified in section 424(a)(1)" after "unless".

(4) APPLICATION RELATING TO APPROPRIATIONS COMMITTEES.—Section 425(c)(1)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(B)) is amended—

(A) in clause (i) by striking "intergovernmental";

(B) in clause (ii) by striking "intergovernmental";

(C) in clause (iii) by striking "intergovernmental";

(D) in clause (iv) by striking "intergovernmental";

(5) APPLICATION RELATING TO CONGRESSIONAL BUDGET OFFICE.—Section 427 of the Congressional Budget Act of 1974 (2 U.S.C. 658f) is amended by striking "intergovernmental".

(b) RULES OF THE HOUSE OF REPRESENTATIVES.—Clause 5 of rule XXIII of the Rules of the House of Representatives (as added by section 107 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1514)) is amended by striking "section 424(a)(1)" and inserting "section 424(a)(1) or (b)(1)".

(c) EXERCISE OF RULEMAKING POWERS.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of such House, respectively, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that any unfunded mandates that are determined by the Director of the Congressional Budget Office to exceed the applicable threshold under section 424(a)(1) or (b)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658f(a)(1), 658f(b)(1)) should be financed through reduced taxes, tax abatements, or direct compensation by the Federal Government.

THE NATIONAL SECURITY COMMITTEE'S INVESTIGATION OF SEXUAL MISCONDUCT IN THE MILITARY

HON. TILLIE FOWLER

OF FLORIDA

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 13, 1997

Mrs. FOWLER. Mr. Speaker, my colleague, Ms. HARMAN, and I appreciate the opportunity to apprise our colleagues about the ongoing congressional efforts to investigate the serious allegations of sexual misconduct that have been made in our Armed Forces.

As our colleagues know, the House National Security Committee, of which we are members, is the committee with primary responsibility over the Department of Defense, particularly with regard to policy issues. It has been tasked by Speaker GINGRICH to fully investigate the issue of sexual misconduct in the military services. Committee chairman FLOYD SPENCE has asked our colleague STEVE BUYER, chairman of the Personnel Subcommittee, and ourselves, the two most senior women on the committee, to lead the committee's efforts.

Mr. Speaker, we take seriously both the allegations of sexual misconduct and the allegations raised this week of possible investigative misconduct. Let us point out that the committee's focus is not on integrated basic training, not gender neutral performance standards, and not women in combat. Our focus is on sexual misconduct.

The committee's schedule of activities is designed to provide members with an independent basis with which to evaluate the Army Senior Task Force Report on sexual misconduct, due in mid June, and other testimony it will receive, while not interfering with ongoing criminal investigations and prosecutions.

More importantly, the committee's work will examine each of the military services, not just the Army.

During the course of the investigation, the committee will focus on the extent to which the guidelines and systems to protect against harassment and sexual misconduct have failed; whether the Army and the other branches of the Armed Forces can institute sufficient safeguards to protect against future misconduct or whether extraordinary avenues must be created to address allegations of sexual misconduct; the degree to which broad discretion as exercised in the chain of command contributes to a lack of faith in the military justice system; and as a result of the allegations raised Wednesday, whether investigative practices have led to inappropriate pressure if not coercion of individuals to make false allegations or to make admissions in violation of due process and fifth amendment rights against self-incrimination.

To date, we have not reached the conclusion that an investigation independent of the Army or the Department of Defense is necessary. We are concerned that an independent investigation may jeopardize planned criminal prosecutions.

Mr. Speaker, our Armed Forces have a proud history. They led the Nation in racial integration. We believe they fully appreciate what is at stake with these allegations and will respond to ensure that both women and men are respected as individuals and for the contribution each brings to making our military the best fighting force possible.

We look forward to providing progress reports to our colleagues on the committee's investigation of this important subject.