SENATE—*Tuesday, April 29, 1997*

The Senate met at 9:30 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 of all time, keep us from being distracted from what's important today by the tyranny of the urgent. Help us prioritize the demands of this day. Give us the courage to live on what You will show us is on Your agenda. May we deem urgent what glorifies You, brings us into a deeper relationship with You, and serves the needs of people. Our desire is to live with an inner serenity about the pressures of the day. Rather than thrashing about to keep afloat, free us to float uplifted by the blessed buoyancy of Your power. Carry us by the currents of Your spirit. Guide us through the rocks in the river, some of which are hidden beneath the surface.

Lord, we want to be inner-directed people rather than those who are pulled in all directions. Make us so secure in You that we will have strength to discover and do Your will. Give us courage to say, "No" to some things and "Yes" to others on the basis of Your guidance in our minds and hearts.

We press on to this day with our only concern being that we might miss Your best in the busy schedule of the day. So now quiet any dissonance in us, overcome any resistance in our wills, and fill any emptiness in our hearts. Through our Saviour and Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will resume consideration of the motion to proceed to the consideration of S. 543, the Volunteer Protection Act. Debate on the motion to proceed will continue until 12:30 p.m., with the time equally divided between Senator COVERDELL, or his designee, and the ranking member, or his designee. From 12:30 p.m. to 2:15 p.m., the Senate will be in recess for the weekly policy luncheons. By a previous order, at 2:15 p.m., there will be a cloture vote on the motion to proceed to S. 543, the Volunteer Protection Act. If cloture is invoked, there will be 1 hour of debate, followed by a vote on the motion to proceed. As a reminder, a second cloture motion was filed last night on the motion to proceed to S. 543. Therefore, if cloture is not invoked at 2:15 p.m., there will be a second vote on Wednesday. Hopefully, cloture will be invoked today, and the Senate can begin consideration of this important bill.

I note again, this is debate on the motion to proceed on a bill that seems to me we would certainly want to pass in short order to provide some basic protection for volunteers who serve on boards of charitable organizations, volunteer organizations. That is the spirit of what we have seen in Philadelphia for the last 3 days, and yet, if you volunteer in America, you run the risk of being sued. Maybe we can work out some of the concerns that lawyers may have about this bill. But it seems like it is the fair thing to do.

We have other work we need to do. I am sure Senators would like to turn to the supplemental appropriations bill as soon as possible. We hope that bill will be ready for consideration Wednesday or Thursday, but we have to dispose of the Volunteer Protection Act first. There are other concerns that we think need to be addressed. So we will be working with the minority leader to see if we can come to some agreement on how we can conclude these very important pieces of legislation.

I yield the floor, Mr. President.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The time between 9:30 a.m. and 12:30 p.m. shall be equally divided between the Senator from Georgia [Mr. COVERDELL] or his designee, and the Senator from Vermont [Mr. LEAHY] or his designee. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, just for clarification, we are debating, in essence, whether the other side will allow us to move to the Volunteer Protection Act. That is the beginning of something we describe in the Senate as a filibuster, an attempt to block consideration of the Volunteer Protection Act.

I will take a moment just to describe the cast of characters here. What we have is a community that can perhaps be best described as Little League baseball that is trying to find relief from our current litigious society because they claim and can substantiate that it is having a chilling effect on the volunteer community.

We have a number of legislators—myself, Senators MCCONNELL, ASHCROFT, SANTORUM, and others—who have tried to frame legislation under the Volunteer Protection Act that would protect the unique creature of a volunteer in America. We have some trial attorneys who are apparently objecting to even these limited reforms to protect volunteers and their participation in what makes America so good.

The Volunteer Protection Act of 1997 is a bill, first to describe it in general terms, to provide certain protections to volunteers, nonprofit organizations, and Government entities from lawsuits based on activities of the volunteers. The findings are that potential volunteers are deterred from offering their services by the potential for liability actions against them; that many nonprofit organizations and Government entities that rely on volunteer service are harmed by the withdrawal of volunteers from boards of directors and other service; and that this, therefore, diminishes the contribution of these programs in this most important time in our history, of volunteer activity on behalf of communities and, therefore, our nonprofit organizations have fewer programs and they are experiencing higher costs.

The purpose of the Volunteer Protection Act is to promote the interests of social service programs beneficiaries and taxpayers by sustaining programs that rely on volunteers, by helping those entities, those organizations that encourage voluntarism in America.

This would reform the laws to provide liability protection for volunteers serving nonprofit organizations and Government entities. It would put a limitation on the liability for volunteers. No volunteer of a nonprofit organization or governmental entity would

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

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be liable for harm caused by the act or omission of the volunteer. It has certain protections, of course. The volunteer must be acting within the scope of his or her responsibilities in the organization. If required, the volunteer must be properly licensed, certified, or authorized in the State where the harm might have occurred. There is no protection for volunteers if harm caused was willful or criminal misconduct, if it was gross negligence or reckless misconduct.

The legislation does not affect any action brought by the organization itself against a volunteer, and it does not affect the liability of the organization itself for harm caused to any person.

Mr. President, in the area of punitive damages—this is an area of the law that goes beyond just direct costs and deals with punishing someone—punitive damages are awarded to punish or deter misconduct by a defendant, as opposed to compensatory damages awarded to pay the plaintiff for harm that he or she has suffered.

In this legislation, punitive damages may not be awarded against a volunteer, nonprofit organization, or government entity for harm caused by a volunteer without clear and convincing evidence that the harm resulted from willful or criminal misconduct or gross negligence.

No protection for volunteers or organizations for misconduct that constitutes a crime of violence, a hate crime, a crime that involves a sexual offense or a civil rights violation, or where the defendant was under the influence of drugs or alcohol. The legislation offers no defense or protection in these critical areas.

The legislation deals with liability for noneconomic loss. Noneconomic losses are such things as physical and emotional pain or suffering, inconvenience, mental anguish, or injury to reputation, et cetera.

The legislation requires liability for noneconomic losses to be proportionately assigned and paid by each defendant. So it is therefore abolishing joint and several liability where any defendant can be required to pay the whole judgment even if the defendant were only minimally involved or at fault.

The legislation, Mr. President, recognizes the State role in these affairs. It would preempt State law to the extent that State laws are inconsistent with the Volunteer Protection Act. But it does not preempt a State that provides greater protection for volunteers or any category of volunteers performing services for a nonprofit organization or governmental entity or for the organizations themselves.

A State, Mr. President, may elect to have the Volunteer Protection Act not apply in cases where all parties are a citizen of that State. So, in other words, it can elect to opt out from under this national law if it is a circumstance that involves just citizens of their State. To opt out, the State must declare its election to do so in a freestanding bill.

The Volunteer Protection Act would take effect 90 days after the date of enactment, and it applies to any claim filed on or after the effective date regardless of whether the underlying harm or the conduct that caused the harm occurred before the effective date.

Mr. President, you cannot see this, but this is two complete pages of the kinds of institutions that are asking for national policy to protect the natural resource, the Nation's resource, that are represented by the American volunteer. It ranges from the Air Force Association—which reminds me of a vignette, Mr. President, that occurred over the weekend.

I do not know if you can see this jagged scar above my eye here, but in running to get out of the inclement weather in my home State, in the middle of the State, I was jumping into an automobile owned by the U.S. Air Force, and misjudged and hit the corner of the door—it made for a rather interesting moment or two—and the first words from my Air Force companion were, "Gosh, I hope you're not going to sue the Air Force," which I have no intention of doing.

But it sort of reminded me of that. The first organization is the Air Force Association. And there is the American Camping Association, American Diabetes Association, American Hospital Association, American Red Cross, American Symphony Orchestra League, American Society of Association Executives, the B'Nai B'rith International, Big Brothers and Big Sisters, Boys Club, Little League, which I mentioned a moment ago, the Lupus Foundation of America, the National Association of Towns and Townships, the National Council of Jewish Women, the National Crime Prevention Council, the National Easter Seal Society, the National Military Family Association, the National PTA—and the list goes on.

Just to restate the nature of what these organizations are saying and the appeal they are making, it is well documented in a letter to me dated April 22, 1997. I want to read it again. It is directed to me from the office of the president and chief executive officer of the National Little League Baseball, Inc., from their international headquarters in Williamsport, PA.

Dear Senator COVERDELL: On behalf of the 1,000,000 annual Little League Baseball volunteers, I am writing to express Little League Baseball's support for the "Volunteer Protection Act."

Little League Baseball, played in 6,800 communities in all 50 States, exists today with volunteerism as its foundation strength. Each year this corps of 1,000,000 adult volunteers, mostly mothers and fathers who consider Little League as a healthy activity which strengthens families, give freely of their time to provide an athletic arena in which their children will learn valuable leadership lessons. To let this volunteer spirit erode or be eliminated through frivolous and expensive litigation would be a grave injustice to the present and future generations.

The time is now to reduce the chilling effect of liability exposure for those who [would] donate their time and services to Little League Baseball or any non-profit, charitable institution. If protection from nuisance suits is not provided, every community is at risk of losing those very people whose community service will mold the leaders of tomorrow.

We thank you and your colleagues for giving this important issue the attention it needs.

Sincerely, Stephen D. Keener, President and Chief Executive Officer.

Here is a letter dated April 15, directed to me from Gordon Banks, who is the executive director of the American Industrial Hygiene Association.

On behalf of the American Industrial Hygiene Association, I am pleased to convey our support for passage of. . .the "Volunteer Protection Act of 1997."

AIHA is the world's largest association of occupational and environmental health professionals. The membership of AIHA, nearly 13,000 members, comes from government, labor, industry, academia and private business. You would be hard-pressed to find a more diverse, professional organization dedicated solely to the prevention of workplace fatalities, injury, and illness. AIHA's goal is to bring "good science" and the benefit of our work place experience to the public policy process directed at worker health and safety.

Enactment of [the Volunteer Protection Act] would be of great benefit to AIHA.

This is testimony of John H. Graham IV, who is the chief executive officer of the American Diabetes Association on behalf of the American Society of Association Executives and the National Coalition for Volunteer Protection. This testimony, Mr. President, was before the House Judiciary Committee on April 23, 1997. This gentleman says that:

. . .on behalf of the American Society of Association Executives, an organization representing more than 23,500 individuals from more than 11,000 national, state and local trade and professional associations. As a member of the ASAE's board of directors, I can report that these associations are completely dependent upon volunteers who serve on their boards and committees and who perform direct service functions. . ..

The National Coalition for Volunteer Protection continues to coordinate and generate support for the passage of volunteer protection legislation. As of April 18, 1997, this coalition represents more than 300 national, state and local volunteer-dependent groups. These groups collectively utilize tens of millions of volunteers.

He goes on to say:

We have seen recently that otherwise qualified and willing individuals are withholding their services out of fear of liability and confusion concerning the different volunteer protection laws on the books in many states. These are individuals who would help

house and feed the homeless, who would treat and support the elderly, and who would clothe and care for the poor.

In his statement he cites a study done in 1988, a Gallop study. He says:

The study, "The Liability Crisis and the Use of Volunteers by Nonprofit Associations," was released by the Gallop Organization in January 1988. The study was sponsored by the American Society of Association Executives and funded by the Gannett Foundation. The study concentrated on director and officers liability. The results of the study revealed very interesting data on the effect of this crisis on direct service volunteers. According to the study:

Approximately one in ten nonprofit organizations have experienced the resignation of a volunteer due to liability concerns. If this figure were multiplied by the number of nonprofit organizations in America (600,000), then it would mean that 48,000 volunteers would have been lost during the past few years strictly due to liability concerns. Remember: these volunteers resigned. Resignation is a very drastic measure.

One in six volunteers report withholding their services due to fear of exposure to liability suits.

On that point, Mr. President, when we had a press conference in the House several days ago, it was attended by a very famous athlete with the Washington Redskins, Terry Orr, who remembered when he came to play for the Washington Redskins that it was a common practice for the senior members of the team to come to the rookies and say, "We need some help with this Boy's Club or another organization generally dedicated to youth and youthful activities." When it came his turn—he was no longer the rookie—he was going to the rookies and asking for support to get these famous role models before young people right here in the Nation's Capital City. And to his surprise, Mr. President, he was shocked that it was not, as in his day, the response, "Well, where do we go and what Saturday morning is it?" The response was, "What's the liability coverage and what is my risk and what kinds of forms do I have to complete in order to participate?" And, "I'm not sure that I can afford to do this kind of thing."

This is a dramatic change of events and a chilling experience that robs people of all walks of life, indeed, of an opportunity to be helped by the unique volunteer spirit that we know in America.

Mr. President, I see we have been joined by the other side on this issue. As I understand it, we have from 9:30 to 12:30 equally divided. I yield to the other side at this point.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Chair will observe the time between 9:30 and 12:30 is equally divided between the Senator from Georgia and the Senator from Vermont. The Senator from Vermont has 84 minutes remaining on his time. The Senator from Georgia has 64 minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, like many who have volunteered for everything from helping out libraries to volunteering on law enforcement matters, I support the idea of voluntarism, but I oppose the motion to proceed to immediate consideration of S. 543. The merit of this motion seems solely to be the fact that this may be an opportunity to jump aboard the train of the Philadelphia summit on volunteering in America.

I applaud President Clinton, General Powell, President Bush, President Carter, Mrs. Reagan, and others who were at the summit on voluntarism in Pennsylvania. I hope it will encourage people to continue beyond the time of the weekend.

We also have some things we are supposed to do in this body. We are supposed to pass a Federal budget. You and I, Mr. President, are required by law to file our income tax returns by April 15. If we do not, we get a knock on the door from the IRS. We are also, as Members of the Senate and Members of the House, required to pass a budget by April 15. The determination of when we start on a budget resolution is determined by the Republican leadership of the House and the Republican leadership of the Senate. Today is April 29 and they have yet to schedule 12 seconds of debate on the budget that the law requires us to have by April 15.

We have a number of members of the President's Cabinet and subcabinet that we cannot get 18 seconds of debate on, or to vote on them. We have 100 vacancies in the Federal courts. We have only found time—between a number of vacations this year—to confirm two members of the court, even though the Chief Justice has said that the vacancies have created a crisis in the courts of this country.

Now, America's 93 million volunteers, in the spirit of altruism, should get better treatment than to be used as unwilling partners in a partisan publicity stunt as a way to come up with the fact that the Senate is not doing the work the law requires us to do, the responsibility that we dictate we do. Instead, we have this.

Here we are, 2 weeks after the Senate missed its deadline to consider the budget, the legislative schedule again stretches before us as a vast desert of inactivity, but now in the vapor, also like a mirage, coming out of the desert, comes this bill.

Now, why was this particular bill suddenly brought to the floor without any notice, without any hearings, without a committee report? Why was careful scrutiny of this bill avoided by short circuiting the normal process of bringing bills through committee and to the floor of the Senate? Why is this bill being tendered to the Senate and the public like a stowaway, opportunistically cloaked in the camouflage of the week—voluntarism?

Mr. President, the answer is that this is a bill whose flaws would come to light under the scrutiny of our regular order. If we actually had 20 minutes of hearings, if we actually had a committee report, if we actually had a debate, we would find out the flaws.

Now, a commendable bill in the other body, which more precisely and thoughtfully addresses the issue which S. 543 purports to address on liability and volunteer work, has been introduced by Congressman JOHN PORTER. The Porter bill is being publicly examined through committee hearings, as it should be, and it is a better bill for the examination it is receiving.

The events this weekend in Philadelphia and for much of the rest of this week are a tribute to the spirit of American voluntarism. It is a magnifying glass that will help spark intensified efforts by all Americans to be better citizens and better neighbors; citizens who will be more willing to give of themselves to make life better in our communities and our Nation. The events in Philadelphia this week are designed to be nonpartisan and inclusive of the interests of all.

I mentioned those who were there, and I want to express again my gratitude to President George Bush and Barbara Bush for their longstanding leadership in this cause. I remember Mrs. Bush reading to children when they were at the White House and the example that set. It is time to recognize the personal commitment of Jimmy and Rosalynn Carter with Habitat for Humanity. They have gone out and worked and actually built houses for people to live in. They have done work around the world. It is time to heed and welcome the calls to action by national leaders such as Gen. Colin Powell, who, by his own life, set such a fine example to appreciate the vision of President Clinton and our First Lady. We see the President, even with his leg in a cast, hobbling over to set an example of helping.

We should all look forward to the results of the summit, and we should pledge to work in a bipartisan way to consider any recommendations—any recommendations—for legislation that may emerge from this national forum and accept the example of President Clinton and President Bush, of President Carter and Mrs. Reagan, of General Powell and others, to act in a nonpartisan fashion.

By contrast, the motion by the Republican majority to move to immediate consideration of S. 543, a bill rushed into the hop only days ago, reflects none of the spirit and instead actually is a narrow, partisan effort. Again, we find the Senate ignoring its own duties and responsibilities. We find

the Senate ignoring the April 15 date, which by law required the leadership to bring forward a budget resolution. We ignored our duties and responsibilities to confirm Alexis Herman as the Secretary of Labor. We have ignored our responsibilities and duties and allowed this lengthening backlog of judicial nominees to the Federal court—now almost 100 vacancies—in order to tell some others what they should be doing and how.

This time, what the majority in this body, the Republican leadership, has targeted are the legislatures of the 50 States. What the Senate is trying to tell the State legislatures is that they do not know how to do their business. Big Daddy is right here in Washington. We will tell you how to do it better. Frankly, that might not go over too well with the legislature in Vermont, and I hope it will not in Kansas, Georgia, or anywhere else. Over the last several years, the States have considered and passed a variety of statutes to provide protections they determined advisable to encourage and protect those who volunteer or work for charitable organizations.

In 1990, President Bush endorsed a model State law to protect volunteers from legal liability, but he did it the right way. President Bush said, "Here is a good law, here is a model law, but we are not going to impose it on the State legislatures. We in Washington are not going to tell the people of Missouri, Georgia, Vermont, Kansas, or anywhere else, how you must do it. We will make the suggestion but your own legislature can make that determination."

Amazingly, for once, the Senate of the United States or the House of Representatives was not trying to tell them what they had to do. They were delighted, and they endorsed it. Since 1990, when President Bush made what I thought was a very sensible call, and one I encourage, State legislatures across the country have moved to protect volunteers through enactment of State laws, not something imposed on them from Washington, but something they designed within their own States. At least 44 of the 50 States have enacted some form of volunteer protection from liability. But even though those 44 have been active, we want to come rushing in, with no hearings, no debate, no discussion, no consideration by the States or anything else of legislation, and we say, "Tough luck, your legislatures do not count. Here we are. We will tell you what to do."

Why does the Senate of the United States need to take up and pass Federal legislation on this subject on an emergency or expedited basis when we cannot even do the work we are supposed to do? We cannot even get the budget here on April 15 like we are required. We cannot confirm judges. We cannot do anything we are supposed to do. Why are we proceeding to a bill that was only introduced days ago? Why are we proceeding without any hearings or committee consideration? Why are we being forced to proceed without the benefit of a committee report, without an opportunity to study the recent actions of our State legislatures? Can we at least look at what legislatures do before we hit them over the head and tell all these States, "You are not smart enough to do this. We are so much smarter than you are."

Do we really want to do that when we have not even had 12 seconds of hearings on this bill? Why is the Republican leadership demanding the Senate consider a law to override the laws of each of our State legislatures designed to protect volunteers and charitable organizations in our States? Why are we being told to just wipe out all the things the State legislatures have done to protect volunteers in their States? The States of Vermont, Georgia, and many others, for example, have already provided protection for directors and officers of nonprofit organizations from civil liability. Do we, in the U.S. Senate, intuitively know better than our State legislatures what is needed?

Do we know whether the better approach is to require indemnification or mandate insurance or provide limited immunity or help properly to structure acceptance of limitations of liabilities so that State law can serve to encourage charitable efforts without leaving innocent citizens to suffer from wrongful conduct without legal recourse? Have we developed any kind of a record—a page, a paragraph, a sentence, one itsy-bitsy tiny word—on which to justify such a legislative judgment or to justify Federal intrusion into areas that are traditionally matters of local concern? Of course not.

For a group whose rhetoric is about reducing the role of the Federal Government and returning power to the States, the Republican Senate seems awfully sure it knows better than anyone else what the States should pass to encourage local volunteers. You go home and give a speech to the local Rotary Club and say, "We want to give the power back to the States. We want the people to make these decisions; however, we know better than you in the long run, so we will pass this." For a group that criticizes others for acting as if Washington has solutions to every local problem, the smell of cherry blossoms seems to have gotten to someone.

I do not know what is wrong with the partial immunity and limited liability laws passed in Georgia, Kentucky, Michigan, Pennsylvania, or Missouri. I have not seen convincing evidence that vast punitive damage judgments exist to a significant factor in voluntarism, yet we are about to enact a Federal law regime to alter State law and State common law traditions in one ill-considered swoop.

At least when we considered Senate Joint Resolution 22, the independent counsel resolution, it was only a patently partisan sense-of-the-Senate resolution. It was inappropriate. It demeaned the Senate. But it did not strip rights from individual Americans.

At least when we considered the substitute for the Taxpayer Browsing Protection Act on April 15 to distract from the Republican leadership's failure to produce a Federal budget by that statutory deadline, we at least had previously considered and passed the National Information Infrastructure Protection Act, we had a GAO report noting the continuing problem of IRS employees snooping into confidential tax records, and we limited our action to a Federal agency.

At least when the Senate discharged the Judiciary Committee from any consideration of S. 495 and engaged in an artificially abbreviated discussion of its provisions in order to get to debate on the Chemical Weapons Convention, it did so knowing that we would have an opportunity to reconsider and correct it in the context of implementing legislation for the chemical weapons treaty, and at least it concerned Federal law, not State law. But this matter is different. It is not a sense-of-the-Senate resolution. It is not about a Federal agency or a Federal law or a Federal law problem. Instead, it is a repudiation of federalism and the primary role of the States in defining liability laws for local activities. It can have serious repercussions. When we just slap down the States like that and say they don't know enough to do these things, so we will do it for you, we ought to at least consider it substantively.

There is a slight procedural twist in S. 543. It is technically not being discharged from the Senate Judiciary Committee because it wasn't referred to the committee at all. On April 9, the same group of Republican sponsors introduced the same bill twice, held it on the Senate calendar and allowed the identical twin to be referred to the Judiciary Committee as S. 544. I guess Chairman HATCH and I did not jump quickly enough for their purposes. They get impatient after less than 3 weeks, and here we are on the floor with this ill-considered legislation and, again, we ignored the statutory date to get important legislation out, like the budget, on April 15.

Now, of course, I did have a chance to read the bill over the weekend. That is a lot bigger opportunity for deliberation than was afforded the Senate when we voted on a substitute version of S. 495 the same afternoon it was offered. So we in the minority are grateful to actually have a chance to do our job.

I want to point to a couple of problems. I wish to alert the Senate to several aspects of the bill. It may not be apparent from the statement of the

sponsors. First, this bill is misnamed. It ought to be called the Ku Klux Klan Protection Act. That is as good an example as any of the nonprofit, "volunteer" organizations that will be the principal beneficiaries of premature consideration of this legislation. The bill's definition of "nonprofit organization" is overly broad and unnecessarily so. If we had had a hearing—something that apparently we no longer do in the Senate; we just bring bills to the floor—do you know what we would have found out about this bill, Mr. President? This bill is going to be supported, I assume strongly, by the Ku Klux Klan, because if you look at the web page of the Ku Klux Klan, look what they say on it: "The Knights of the Ku Klux Klan are a noncommercial, nonprofit, volunteer organization." And when we knock down all the State laws by passing this to give immunity, who are we giving immunity to? Noncommercial, nonprofit, volunteer organizations like—oh, I don't know, maybe the Ku Klux Klan. Well, if we had had 20 minutes of hearings on this bill, we might have known that. Isn't this special? In rushing this sucker through, we rush through something that wipes out State laws and imposes our feelings and our judgment to protect noncommercial, nonprofit, volunteer organizations like "the world's oldest, largest, and most professional whites' civil rights organization, the Knights of the Ku Klux Klan."

Mr. President, look at the picture taken off of the web page of the Ku Klux Klan: "The world's oldest, largest, and most professional whites' civil rights organization * * * a noncommercial, nonprofit, volunteer organization." But no matter what kind of laws we might have in Vermont or any other State, this bill would wipe those laws off the books and give them protection.

I am not suggesting for one moment that this is what the sponsors of this legislation want to do. There is not a single one of these sponsors of this legislation that want to do something to protect the Ku Klux Klan. I think we all know that. But what happens, Mr. President, is that we just rush legislation through because it sounds good and fits in for a good political sound bite for the day, and we haven't had any hearings, haven't done any of the work the Senate is supposed to do. This is what happens—something like this comes slipping through. This is why I oppose this moving forward like this.

This bill has been so hastily drafted as to provide legal protection to the Ku Klux Klan and its "volunteer members" as well as to all 501(c)(3) tax-exempt organizations under the Internal Revenue Code and to an untold variety of not-for-profit organizations.

Who is to decide which groups qualify for limited liability under such a definition? Is it a matter for the organization to declare in its purposes, such as when the Ku Klux Klan declares itself to be a "noncommercial, nonprofit, volunteer organization"? Is this a matter for the State courts to decide, or is it a Federal question that will be reserved for Federal courts to determine on a case-by-case basis? Is it a matter for the organization to declare its purpose, such as the Ku Klux Klan does when it designates itself to be a noncommercial, nonprofit, volunteer organization? Do we want Government to decide whether the organization's activities are such that it should be held to be engaged in "civic" or "educational" purposes? Are the State legislatures expected hereafter to pass lists of qualifying or nonqualifying groups or activities? Consistent with the first amendment principles, can Government be directed to make judgments on liability based on the political orientation of the group? Should the group on the left be allowed and a group on the right not be allowed, or vice versa? For that matter, how are State legislatures constitutionally permitted to make case-by-case determinations that avoid the constraints of this Federal preemptive statute, such as required by section 3(b) of S. 543?

I, for one, don't believe victims of hate groups should have to overcome the Federal law immunities that would be created by this bill in order to recover damages done to them. I don't think that somebody who wants to recover damages caused by actions of the Ku Klux Klan against them should have to overcome the prohibitions of this bill. Nor do I believe it is our job to encourage "volunteer" members of the KKK, street gangs, or violent militias, all of which might qualify for not-for-profit and nonprofit organizations under S. 543.

The overly broad definition of nonprofit in S. 543 might also shield many hospitals from legal liability for actions involving a volunteer. If a not-for-profit hospital uses a volunteer to take down patient information during the admittance process, or to wheel a patient down a hallway, should that hospital be shielded later from liability for medical malpractice? Do we really want to close off remedies for medical malpractice because a hospital used a volunteer and, thus, is insulated under this?

I don't know that victims of malpractice in not-for-profit hospitals need to overcome special federally imposed immunity rules to recover for their injuries and pain and suffering. In fact, for that matter, I am unaware of a rush to suits against volunteers or any circumstances that cry out for Federal preemption of State law on this subject. We don't have a mess of suits against volunteers going on around this country, where the States are saying: Please come in and save us from ourselves. You can do our jobs so much better than we can. You know so much better. You people are so much wiser in Washington than we are in the State legislatures. Please save us from ourselves.

I haven't heard a lot of that. Maybe others have, but I haven't.

When we want to encourage voluntarism to help others, we can do so as we did when we considered and passed legislation to encourage doctors to serve in medical clinics to provide medical services to people who would otherwise do without. Now, that actually helps.

Last year, we enacted a targeted bill to encourage the delivery of food to the poor and needy when we passed the Bill Emerson Good Samaritan Act. It provides food banks to people on the front lines in the war against hunger, with sensible liability protection. We thought it out and did it.

But this bill, S. 543, is not so targeted. I do not understand, for example, why the Republican sponsors insist on forcing victims of negligent driving by a volunteer for any nonprofit and not-for-profit activity to carry a heavier burden and be denied compensation for their disfigurement and pain and suffering. A victim of an auto accident does not care—if they are crossing the street and somebody goes barreling through a red light and nails you, when you are lying in traction in the hospital, you don't really care that that driver was speeding because he or she was late to a PTA meeting, or a meeting of some trade association. But if they are going to a PTA meeting and nailed you, you may not be able to recover. But if they are going to a trade association, you can. This might be enough to exempt the volunteer driver under volunteer in the bill.

Many States have excluded motor vehicle injuries from their laws protecting volunteers. The Senators pushing this through to override what the States think, do they really know better than the State legislatures? What makes them think that the potential of a lawsuit for negligent driving is impeding volunteer activity across the Nation? Is it the potential to be liable like any other driver, a liability that I believe all States require a driver to be insured against, which is so affecting national insurance rates, that the Federal Government has to step in and create a Federal immunity? I doubt it.

I will work with people who want to make a better law. We can do it. We ought to work together to correct the excesses of S. 543. I believe that nobody wants to exempt the Ku Klux Klan, but that is what the bill does. Why don't we find a way that we can work on something, as President Bush did when he put together a model law and passed it on to the States and said, here, use your wisdom and determine what you need in your State. That sets a better way.

The real volunteer protection act is H.R. 911, legislation introduced by Congressman PORTER. This actually has tripartisan support—Democrats, Republicans, and Independents—and almost 140 House cosponsors. It is endorsed by the American Heart Association; American Red Cross; Big Brothers/Big Sisters of America; Girl Scout Council USA; Little League; National Easter Seal Society; National PTA; Salvation Army; the United Way; American Diabetes Association; the National Coalition of Volunteer Protection, and a whole lot of others.

That bill seeks to respect State prerogatives and State law, and it says we are not going to just pound you over the head in Washington and say that we know better, no matter what you think; we are so much wiser than your State legislatures on whether to impose Federal immunities, preempting State law. It offers financial incentives for States to enact model language for limiting volunteer liability. That makes a lot more sense to me.

If we can achieve the objective in encouraging and protecting real volunteers in direct contact with those who need help, without Federalizing State law, we ought to consider the benefits of that. I know the Democratic leader, Senator DASCHLE, and I strongly support the Porter bill as a substitute to S. 543.

There is no record that our State courts are glutted with liability cases against volunteers. And there is no record that our State legislatures have fallen down on the job and have been ignoring a crisis that threatens voluntarism in our society. Frankly, Mr. President, I am far more comfortable to have the legislature, the general assembly in Vermont determine what makes a good law for Vermont than I am with a law rushed through the Senate with no hearings, virtually no debate. We don't have a Ku Klux Klan chapter in Vermont. At one time in our history, we did. I don't want anything that is going to encourage them to come back.

Indeed, the Wall Street Journal reported last week, on April 23, 1997: "Voluntarism, a classic American solution to social problems, appears to be on the rise." I think we should tread kind of lightly. The States seem to know what they are doing. They usually do. We should tread lightly before we jump in and give them a slap up alongside the head and take over.

This bill doesn't just apply to volunteers. In fact, immunizing the negligent conduct of volunteers is a small part of the bill. It also creates a regime of governmental entities, nonprofit organizations and not-for-profit organizations that changes the laws in our 50 States whenever a claim for personal injury is based on the action of a volunteer.

It would shield myriad organizations from being liable for damages for failing to properly supervise or train or screen their volunteers.

Suppose you say to the volunteers, take the car and drive down and pick somebody up. Are you screened from liability when they run over somebody? If a group that works with young people fails to investigate reports of sexual abuse by a volunteer and several young girls or young boys suffer abuse, should that organization be immune from sharing the damages for the trauma, suffering and psychological scars these young victims would carry with them the rest of their lives? Is that really a Federal immunity we want to pass? If the Senate wants to immunize them from any liability to those children who might be sexually abused, well, then, let us at least have a hearing on it and make that determination. I, for one, am not willing to give that immunity.

The House Judiciary Committee last week held a hearing on volunteer liability. They considered H.R. 911 as a proposal to provide exemptions from liability for volunteers, not the supervisory organizations. I do not perceive the compelling need to extend liability protection beyond such volunteers as S. 543 insists. We should be encouraging, not discouraging, nonprofit organizations to properly screen and train and supervise their volunteers. We ought to have fair and balanced legislation on this.

As a lifelong Vermonter, I am proud and profoundly appreciative of the thousands of volunteers in Vermont, and millions across the country in all our States, whose selfless acts make the world a better place for all of us. The people who spend their weekends preparing dinners for the homeless and the poor, the parents who organize a car wash to raise money for the local PTA, those filling sandbags in flood-threatened areas—these kinds of acts of voluntarism are an essential part of the American social fabric, the kind of voluntarism I learned from my parents growing up as a boy in Montpelier, VT, as so many of the rest of Americans did. Those who volunteer deserve our thanks and encouragement.

I think if we work together on this and actually have some hearings, we can have broad, strong consensus of Republicans and Democrats to give any needed protection and other helpful encouragement to our volunteers. These really are the heroes of America. These volunteers in service organizations are not asking for a free ride, for a license to behave badly. In fact, I imagine many of them, if they read what is in here, are going to be very offended to have any suggestion that they might want something like this. But S. 543 would encourage free rides and licenses to behave badly. Before we needlessly cut off rights of victims of harmful conduct, we ought to consider whether it is necessary or it is desirable.

I think what we ought to do is send this bill on for its normal hearings in the Judiciary Committee. Lord knows, we are not doing anything there to get judges out, notwithstanding our 100 vacancies. We could take some time to take a look at this piece of legislation. Let us do that, Mr. President. Let us not rush something through just because it is volunteer week. I would hate to think if next week became organ transplant week; we might find ourselves all being marched down to the Capitol physician's office to donate an organ before we had any—maybe then we would actually ask for a hearing if it affected us that way. This affects a lot more than 100 Members of the Senate. It affects 260 million of our American citizens, 260 million Americans who have gone to their State legislatures and assume their State legislatures know what they are doing. We are saying to those 260 million Americans, "You do not need your State legislatures. You have us." Well, I do not want us to make this decision without any kind of a hearing.

Mr. President, I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, in a moment I am going to yield to my distinguished colleague from Missouri, but I want to make a couple of comments regarding the remarks of the Senator from Vermont. I have long worked with the Senator from Vermont on issues relating to voluntarism in the Peace Corps when I was director. But I have to say to him that evoking the Ku Klux Klan is something I would not have expected from him. It is demeaning. It is an inaccurate portrayal of the legislation. There is regional arrogance in the context of the Senator's statement, and I do not appreciate it.

I will read to the Senator the exact sections of the bill.

Section 4(f). Exceptions to Limitations on Liability. The limitations on the liability of a volunteer, nonprofit organization, or governmental entity under this section shall not apply to any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(5) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

I refer the Senator to:

Section 6(4) Nonprofit Organization. The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under 501(a) of such code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare or health purposes.

Mr. LEAHY. Will the Senator yield for a question on that point?

Mr. COVERDELL. I do not yield just yet.

Mr. President, I might also say that the organizations to which the Senator from Vermont alluded, Little League and others, are supporting this legislation before the Senate, or hope to if we can get it before the Senate, if we can get it over the cloture and the filibuster that is being conducted by the other side. These organizations hardly constitute a force in our society of evil or ill repute.

Mr. President, I would like to yield at this time my time to the Senator from Missouri.

Mr. LEAHY. Will the Senator yield for a question on my time?

Mr. COVERDELL. I do not yield at this time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I am pleased to have this opportunity to address this problem. It is a problem that challenges the capacity of individuals in our culture to share with each other and to help one another. The fact that there are proposals that relate to this, in addition to this proposal, from a wide variety of perspectives, demonstrates that this is not an effort to address something that is not a problem.

Let me just give you a couple of examples of how this problem has manifested itself and what are the effects. First of all, I will give you some of the general effects. The Gallup organization conducted a survey entitled: "The Liability Crisis and the Use of Volunteers of Nonprofit Associations." What did the Gallup organization find? Approximately 1 in 10 nonprofit organizations has experienced the resignation of a volunteer due to liability concerns. One in six volunteers was reported to have withheld services due to a fear of exposure to liability suits.

Now, the question is, do we need more volunteers in our culture or do we need less? Our current system is stopping 18 percent of volunteers from doing some volunteer activity and resulting in 10 percent of the organizations having people resign from their boards of directors.

I might also indicate that mention has been made that some of the States have provided some protection for volunteers. I find it ironic that about half of all the States which provide protection do so only for the guy on the board of directors or the person at the top of the organization setting policy. The person who is the silk stocking guy in the boardroom gets protected, but the fellow out there on the field, the Little League coach, is the guy against whom the big judgment is rendered.

Our question has to be, are we going to tie the hands of the person who is actually going to deliver the help while we provide some cocoon of protection to the fellow in the boardroom? Or are we going to say to the average citizen, you can afford to get involved in your community without putting your house on the line, without jeopardizing your children's college education. You can afford to help the Little League because we are not going to make it so that you will be sued when someone does not catch a fly ball. You might laugh and say, wait a second, getting sued because a child doesn't catch a fly ball? I wish it were not so true.

Let me refer you to a 1982 case, and this is one of the first cases that started the run of liability cases against volunteers. In Runnemede, NJ, a Little League coach volunteer was sued because he repositioned his Little League shortstop to the outfield, and in the outfield the Little League shortstop misjudged a fly ball and sustained an eye injury.

A suit was filed on the allegation that the 10-year-old youngster was "a born shortstop" but not an outfielder, and the courts found the volunteer coach negligent. Over the next 5 years, liability rates for Little League baseball in that area went up 10 times—1,000 percent.

Here is another example. We are talking about real people, real folks who get up in the morning early, work hard all day, sometimes take time off their jobs to go out and volunteer to help the kids of America, some of the kids without moms or dads or who do not have time to help children, kids who need positive role models, and here is what we do to them. A boy in a scouting unit with the Boy Scouts of the Cascade Pacific Council—a national problem, Runnemede, NJ, on the one side of the country, Cascade Pacific Council on the other side. A Boy Scout suffers a paralyzing injury while playing in a touch football game. I remember being a Boy Scout. Touch football was as mild as the supervisors could possibly make it. We wanted to play tackle football or flag football, but touch football was a part of the curriculum we had to play.

A boy gets injured. What in the world happens when the volunteers are found personally liable for $7 million? What would a $7 million judgment do to your capacity to send your kids to college if you were the volunteer? What would it do to your capacity to have the kind of life you wanted? We are not making it difficult for volunteers; in many instances, we are saying to them, you cannot volunteer.

Frankly, this is not something any of us intend. This is not a partisan issue. This is an issue of compassion. It is an issue about the character of America. When Alexis de Tocqueville came to America—and they are having a wonderful series on de Tocqueville on C-SPAN; they are following his steps that he took across America 150 years ago—he talked about the greatness of this country, and he said greatness in America is not governmental. Greatness is not a matter of the law of this country. It is a matter of the people of this country. America is great because the people are good. But that was at a time when there was such a thing known as charitable immunity, when charities were simply held totally immune, so that if people were going to charities to get help, they got what help they could, and if a mistake was made or an injury, that is the way it was.

Now, we are not asking that it be restored to that condition. But we are saying that, when a volunteer, someone who is giving of her time or of his time, when they are giving that time generously and they are trying to help the Boy Scouts, they should not end up with a $7 million judgment.

I should add a correction. In that case, the judgment was reduced to $4 million by the courts. That would have been a great comfort to me and my family. We would not come any closer to paying a $4 million judgment than we would a $7 million judgment. The system, though, rewards those who try to help the youngsters with that kind of legal liability. The system is broken in that respect. If we want America to be great, it will be not because we have a governmental program that will fix everything. But we, at least, need to release the energy available in the American culture that comes from volunteers.

I indicate, as well, that the bill, which is being filibustered by the other side, is not a bill that relieves organizations of all their responsibility. This is a bill that relieves the volunteer of responsibility for economic damages that are suffered by individuals who are injured through simple negligence. Economic damages still can be recovered against the organization, but the fellow who works all day and works hard to keep his family together and sometimes takes a little time away from his family to help the rest of the world should not find himself looking down the barrel of a $4 million judgment because he has been a good Scout leader. And unfortunately that has happened too frequently.

Here is another example. From the Richmond Times-Dispatch, November 4, 1995. A Red Cross volunteer in Virginia "was driving a woman to a medical facility for routine care." I have volunteered for the Red Cross, done Meals on Wheels and things like that.

"The Red Cross-owned car was involved in a collision and the passenger was injured. She later died from causes unrelated to the crash. But the administrator of the woman's estate sought judgment against the volunteer and alleged that he negligently operated the vehicle."

We should not have people being hauled into court on things like that. The fact is that these volunteers are being asked to defend themselves.

Here is an interesting fact from the Washington Times, a May 2, 1995, article.

"A Legal System That Fails the Test of Charity," was the headline. "A Washington, DC, area Girl Scout council reports that it must sell 87,000 boxes of Girl Scout cookies each year just to pay for liability insurance." The first 87,000 boxes of cookies do not provide any help to any girls, do not provide any assistance, do not provide any of the reinforcement that these kids, without many of the benefits that you and I enjoyed as children, need. The first 87,000 boxes of cookies have to go to carry the liability insurance.

"We have no diving boards at our camps," the executive director said. "We will never own horses. And, many local schools will no longer provide meeting space for our volunteers," because of the liability crisis as it relates to volunteers.

Here is an interesting item from the Washington Times, May 1995. "A Legal System That Fails the Test of Charity," again.

> The Junior League in Evanston, IL, discovered a few years ago that, to set up a shelter for battered women, they would have had to go without liability insurance for three years. No directors would serve under these conditions, and the plans for the shelter were shelved.

We need people to drive people to the hospital for the Red Cross. We need the Junior League to help sponsor shelters for battered women. We need Boy Scout volunteers that will not operate under the threat of $4 million judgments against them and the assets of their families. We need Little League volunteers who have the ability to ask the kid to play left field instead of shortstop, in spite of the claims of the child's parents that the child is a born shortstop and not an outfielder.

We simply have to create an environment in this country where we do not rely on the Government for everything. And, in that context, we have to free up the energy of the goodness of the American people and not ask them to operate under the threat of judgments that would deprive them of their homes, their families' well-being, and their capacity to send their children to college.

Americans are sacrificial people. They are willing to give you the proverbial shirts off their backs. But we should not make it a situation where, if they give you the shirt and you do not like the shirt, you can sue them and take their house and deprive their kids of an opportunity to go to college. That is too much. It is too much to ask of these generous volunteers. And our system of Government simply needs to provide a little protection, a framework in which people can operate in decency and can beneficially extend themselves, one to another. The idea that somehow America is automatically good and the Government can handle all this stuff is a bankrupt concept. We understood that in the debate last year over welfare reform. We saw the kind of miserable response that has come from this culture to welfare. We were intensifying problems. The problem was growing rather than slowing.

If anything is going to help us recover, it will be our understanding that we can help each other. But we will have a hard time helping each other if we make it a condition of volunteering that you put your family's well-being on the line and you look down the barrel of that $4 million cannon every time you want to go and help a few Boy Scouts. That is why I think it is so important to have a discussion of these issues and to act on these issues. It is high time we do so. It is a matter in discussion in this country and has been a matter of public debate. This is not a surprise.

There are bills on the issue of voluntarism in both the House and Senate. Frankly, S. 543, Senator COVERDELL's legislation, is outstanding legislation designed to relieve the volunteer of liability. This bill does not relieve organizations of liability for economic damages. I find it troublesome to have it suggested that this bill is designed in some way to relieve the Ku Klux Klan from consequences against the organization for criminal acts, or acts that would somehow disparage the civil rights or dignity of Americans. It is simply not so.

I wonder if there are not any good arguments against this legislation when the only arguments that come up against it are arguments which do not hold water and which are designed to go to the most base emotions within us.

When we are talking about making it possible for Americans to help other Americans, it is particularly troublesome that in order to disrupt this discussion we try to talk about Americans hating other Americans. We should be careful never to do anything to promote hate. It would be a terrible thing if we allowed those who suggested that we were doing that to impair our ability to provide a framework in which people could promote love and care and concern. One of the real values of volunteer activity is what it communicates. When you get something from the Government you do it because you are entitled to it, so you take it. But when you get something from your neighbor you know that he or she cares for you and loves you. And that mutual sense of concern is what builds community. It is what binds us together; it is not what tears us apart. We are talking about providing a context for people to demonstrate a sense of community.

Two hundred years ago John Donne said it as eloquently as anyone has ever said it in his sonnet, on the fact that no man is an island. He said, "No man is an island." He started out saying we are all in this thing together. We are not by ourselves. And he ends his sonnet:

> . . . never send to know for whom the bell tolls; it tolls for thee.

And, in America, we have that sense. It is unique to America. It is what makes America what she is and what she will be in the future. And it is not that we want to try to promote organizations that would teach us to hate one another. This bill is designed and crafted and drafted to promote opportunities for people who want to demonstrate that they care for each other and respect one another.

The hyperlitigious nature of our civil justice system is creating a barrier, though, between the desire of Americans to help others and their ability to do so. It is empirically established. The data is there: The resignations from the boards of directors; the reluctance of volunteers to do what they wanted to volunteer to do; one out of six volunteers say they withhold services; the absence of programs that can no longer be offered; the program for battered women in Evanston that the Junior League wanted to have. You do not have diving boards at the camp. You do not have horses at the camp.

We must free this energy in America, this impetus that says I love you and I care for you and I would like to be active in helping you but I cannot afford to risk everything I own and have, and my children's education, to do so. I would like for that desire to be fostered and lifted up, and we ought to fan that ember of hope for America and we should not douse it.

So I believe we need the Volunteer Protection Act of 1997. I am proud to join as a cosponsor of this legislation. It will reinstate reason. It will reinstate rationality. It will reinstate certainty and fairness in a judicial system with regard to voluntarism. And I am grateful for that. The Volunteer Protection Act of 1997 covers nonprofit organizations which are defined as those organizations having a 501(c)(3) status, or nonprofit entities that are organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes. And, if any organization is involved in criminal activity, any protection for the volunteer in that endeavor is gone.

The volunteers are relieved of liability for simple acts of negligence, but it

does not relieve the volunteer organization from liability for economic damages. This bill establishes a standard for punitive damages so there could not be outrageous levels of damages without high standards of proof. And it eliminates joint and several liability for noneconomic damages. Economic damages are those that you actually have in a monetary sense: The hospital bills, the lost wages and the like. In those settings, there is no limitation on the ability of an injured individual to go against the organization.

This bill does say that the volunteer should not be held responsible unless she engages in criminal activity or acted in a willful and wanton way. And if that is the case, the volunteer is not protected at all, because we are not interested in protecting willful or wanton activity or criminal activity. We are trying to allow people to say to their communities and to their fellow citizens that we care enough to love you and to share ourselves with you but we do not think we ought to have to risk the entirety of our family or the well-being of our family to do so.

With that in mind, I am pleased to support this legislation. I think, when the President of the United States asks us to engage in volunteering, he calls us to the very best that is in us. He calls us to the character of America, to rekindle a spirit of community which could be lost. He needs to call us, though, in a context which makes our response reasonable and possible. Simply, we are trying to develop a framework for reasonable participation by volunteers, protecting them and their families from a litigious system which has found Scout leaders saddled with $4 million judgments because of a touch football game; which has found a Little League coach staring down the barrel of judgments because he shifted a boy from shortstop to left field; which has found people in court because they were good enough to drive a sick citizen in their community to the hospital.

I do not think that is the kind of community in which we want to live. We want to live in a place that puts reasonable limits on the exposure and risk to people who are actually giving of themselves so they can afford to extend their charity to others without destroying the future of their own families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, could I inquire as to the time remaining on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 39 minutes remaining. The Senator from Vermont has 51 minutes remaining.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I have listened to the comments of my friends and colleagues on the other side. I wish to recount for the body parts of a conversation I had with the distinguished Senator from Georgia, my good friend, Mr. COVERDELL, during the time when the other Senator was speaking.

I had the pleasure of working with Senator COVERDELL when he was in a position where he had to go not only around this country, but around the world seeking volunteers and help in some of the most important aspects of life. So I do not question his commitment to voluntarism. He has lived it and done it.

My concern, as I expressed to the distinguished Senator from Georgia, is that this bill came to the floor immediately in this fashion with no hearings. I should note for the RECORD, so there will be no confusion on that, that this is not the decision of the Senator from Georgia or the decision of the Senator from Vermont as to when the bill would come to the floor. That has to be done by the Republican leadership, and I have expressed my concern to the Republican leadership in the past, and will again in the future, that bills cannot come to the floor in that fashion, bills with significant repercussions, with no hearings.

Frankly, I took exactly the same position during the times I served here when the Democrats were in the majority and would determine what bills would come on the floor. I have been very consistent throughout my career in the Senate. If you have a significant matter, something that is going to affect all of us, take time to discuss it before it comes to the floor. We pass resolutions and sense-of-the-Senate resolutions all the time that say, "on the one hand" this, "on the other hand" that, "God bless America." Those can move through quickly. But this is a bill, at least the analysis that I have of it and the analysis of totally nonpartisan lawyers who have discussed it with me, which would, in effect, replace State laws.

I think that the 50 States of the United States should expect no less of the U.S. Senate. If we are going to fetch them a smack up alongside the head and knock their legislative work in the trash can, we ought to at least have a hearing about it and discuss what is involved in it.

I am perfectly willing to work with the Senator from Georgia and others—as he knows we have worked together on so many issues in the past—on a voluntarism bill, on the question, as I did and others did, with former President Bush on volunteers, but in the normal course of events, with discussion. I hope we will not proceed to this bill today, not to kill the bill, not to kill the act, but to send it back, to at least go through the normal process where we actually have hearings.

I have discussed the Ku Klux Klan and others. The Ku Klux Klan has had what I think is a vicious and long history in most States. It did in my State of Vermont during the time my parents were younger, and they saw directly the effect of the hate of the Ku Klux Klan. The church where my parents were married and where they were buried—one of them just a year from this coming Monday—the church where I was baptized had the cross of the Ku Klux Klan burned on its front steps. So I know the sense that they have, the sense that my mother of an immigrant family recounted to me of how she felt about that, the fear that was driven in to people who spoke a different language, as my mother and her family did, who practiced a religion very much in the minority in Vermont at that time.

None of us in this body, Republican or Democrat, wants to encourage in any way racism or the kind of things that the Ku Klux Klan and many other organizations similar throughout this country stand for. There are exceptions on limits and liabilities, those who have been found to violate Federal and States civil rights laws, and so on.

It is still too broad. If the Ku Klux Klan marches down a street carrying signs, they are not going to be convicted of international terrorism or a hate crime on that, but under the definition in here, they may still well qualify, under their definition, which is under section 6(4)(B):

> . . . any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

Because it does not state who is making these kinds of determinations.

Again, Mr. President, let me make it very clear what my concerns are about this bill. One, it is a major piece of legislation that is on the floor with no hearings, none whatsoever. I understand it is the majority leader who makes that determination, not the Senator from Georgia who was called to be here on the floor and discuss this matter. But we should not have that procedure. We did it once on a major piece of legislation, raising actually worldwide implications on terrorism, a week ago with a bill, a huge bill that everybody voted on, either for or against. I doubt there were three Senators who could honestly say when they walked off the floor of the Senate that they had read the bill, because it

was presented to us hours, some of us minutes, before we voted on it. But it affected everything from our international relations to our use of antiterrorism legislation, major criminal codes, treaties and everything else—a very thick bill—and we voted on it. I voted against it because it raised enough of a red flag, even though there were parts of the bill that were verbatim from parts of legislation I had written.

I suppose imitation is the sincerest form of flattery, but not when it is slapped together and handed to you to vote on matters that have major implications, and we whip it through. In fact, I encouraged the press actually to ask Senators who voted on it if they either read it or knew what was in it. To my knowledge, nobody was asked that question. It would have been interesting to hear the answers, because we all knew the answer. Nobody had.

Now we have a similar piece of legislation brought up, hurried, no hearings, and pass it, even though it is going to override the efforts of our State legislatures. I have heard so many speeches given about "give the power back to the States; let the States make the decisions. So much wisdom resides in the States." Why do we say we are the ones who know what is best for the States? Why not let the State legislatures have the ability to make some of these decisions? And then when we are given that chance, we say, "Not you, not you, State legislature, not this particular one." Actually, this other one, this other one, this other one—actually, not any of the 50 legislatures are smart enough to do the work that the U.S. Senate can do without hearings, without debates and without any kind of a markup on a piece of legislation on the day we come back to work.

Well, Mr. President, those who vote to go forward with this bill, I ask this question of them; maybe their State legislatures, maybe their State press could ask this question: Of those who vote to go forward with this, are you willing to go back to your State legislature and say that on a piece of legislation that overrides their work, you are willing to vote to do that, even though there have been no hearings on this bill, even though there has been no debate in committee, even though there is no report saying what it does? You are willing to on an act of faith, because the Republican leadership said we have to do this this week, because we have nothing else to do, you are willing to override the efforts of your State legislature? I wonder how many Senators are willing to go back home and say that. I am not. I have too much respect for the Vermont Legislature to do that. I think our general assembly can make this determination.

So I encourage my friend from Georgia, and others, maybe we can sit down together and try to put together a good piece of legislation, as the Congressman from Illinois, Mr. PORTER, has done in the other body, to find a way to do this without trampling on our States.

I understand there is some concern in the Republican leadership knowing that all Americans had to file their taxes on April 15 because the law requires it, but the Republican leadership in the House and the Senate did not bring forth a budget on April 15, as the law also requires. Maybe we should talk about other things, and with the sterling example of the President and Mrs. Clinton, of President and Mrs. Bush, of President and Mrs. Carter or President Ford or Mrs. Reagan and others, General Powell, who went to Philadelphia, why not just jump on this bandwagon because, politically, who can be against some idea of protecting volunteers? That is not the issue.

The issue is, do we draw it so broadly that we bring in organizations like the Ku Klux Klan that every single one of us in this body oppose? Do we draw it so broadly that we just knock down our State legislatures and say, "You're immaterial because we 100 Members of the Senate, in our collective wisdom, know a lot more than you do?" Do we draw it so broadly that we do not think of the rights of all individuals, not just a volunteer organization, but the rights of all individuals? Do we give blanket immunity to organizations we do not intend to, like hospitals and others?

These are questions that should be asked if we have a hearing, but these are the questions that will never be answered if we continue with what I find a very, very disturbing trend in this country to rush major pieces of legislation to the floor with no hearings, no debate and then just ask us to vote on it, especially when we do not have time to fulfill the backlog in the Senate Judiciary on judges. Chief Justice Rehnquist said we have a real crisis because we have about 100 vacancies in the Federal courts, and yet we have only filled two of those in 4 months.

We have taken several vacations, but we have not had time to fill more than two. We have almost a zero population growth in the Federal judiciary. We have not found time to have a minute of debate on the budget, even though the law requires it by April 15. We have a number of other Cabinet officials, from Alexis Herman on, to be blocked. But suddenly we have time to rush forward something that just slaps down our 50 State legislatures, tells them they do not know enough, certainly do not know as much as we do. And we are rushing through with no hearings and no debate. I think we should find a better way to do it.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum. I am sorry, I see the Senator from Georgia on his feet. I did not realize that. I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I am going to yield in a moment up to 10 minutes to the Senator from Alabama, but I would just make two or three very quick points.

No. 1, I believe the issues before us have been thoroughly debated over the last decade. This is not a piece of new legislation. No one in this body is surprised by any of the language in it.

No. 2, this language preempts the assertion that the other side has made that it would have protections for an organization like the Ku Klux Klan. That is just not so, as has been stated by myself and the Senator from Missouri.

No. 3, yes, it is an adjunct to the summit in Philadelphia. Here we had a bipartisan expression of Republican and Democrat Presidents calling on America to reinforce voluntarism, and it is an appropriate response. Yes, this is linked to that summit. It would be highly appropriate to respond aggressively to freeing up the American volunteer from a cloud hanging over his or her head.

Mr. President, I now yield up to 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President.

I take the floor today to offer my support as a cosponsor of S. 543, the Volunteer Protection Act of 1997.

As this week's volunteer summit clearly shows, there is a need throughout America for the kinds of services that are offered by selfless volunteers who are applying their time, their skills, and their labor toward bettering the lives of others.

Regrettably, however, the fear of lawsuits has become so pervasive that many people fail to follow through on their charitable impulses, or the charities themselves decide not to take on activities because of the fear of litigation. The legislation being discussed today will go a long way toward removing this artificial barrier to individual service.

I would also like to congratulate the drafters of the bill, Senator COVERDELL in particular, for recognizing the need to take this corrective action. In my own experience as a member of various boards and commissions for charitable organizations, I have witnessed firsthand the difficulties these organizations face in recruiting volunteers to undertake worthwhile activities. Fear of lawsuits is one of these reasons.

I remind my colleagues that there was a time in American tort law when

the doctrine of charitable immunity would have isolated many of the individuals subjected to lawsuits today from this type of liability. This doctrine was based in large part on the public policy premise that a society is bettered in the long run not by creating barriers to volunteer activity but, instead, by encouraging volunteer action. In recent years, this fundamental policy principle has been undermined.

I think it is time for this body to begin to address this problem. Few people will deny the need for unpaid, selfless volunteers in our society. These highly motivated individuals often will tackle problems that would have been impractical for anyone else, including the Government, to take on. In its purest form, every individual action taken by a volunteer in one area allows scarce resources to be used somewhere else. The efficient use of volunteers allows us to have more bang for our charitable buck.

These efficiencies and cost savings are being undermined, however, in higher insurance premiums and legal fees. Senators ABRAHAM, COVERDELL, and MCCONNELL pointed out this fact recently in a newspaper article. In their article they cite the example of a Little League baseball league that had its liability premiums go from $75 to $795 in just 5 years.

I have been involved in Little League baseball. My son has played, and I have coached. I know how hard those individuals work to sell hamburgers and hot dogs and peanuts to make money to buy ball caps and uniforms. These kinds of insurance rates are really detrimental to the public spirit in America—and the rate increases are driven by lawsuits.

I believe that this bill will strengthen the role of both volunteers and nonprofit organizations. It restores common sense to the way our courts treat volunteers by protecting them from tort liability for simple acts of negligence. It also retains penalties for egregious activities such as sexual abuse and hate crimes and civil rights violations. Individuals who commit these kinds of acts will still be subject to lawsuits.

It will not protect people who have done acts under the influence of drugs or alcohol, so that volunteers who commit illegal acts or improper acts under the influence of alcohol will still be liable. And, although the individual volunteer may not be liable for compensatory damages, the organizations who are utilizing the volunteer's services would remain liabile to compensate injured parties who have been wronged.

I support this bill's limitation on punitive damages. Under this bill punitive damages may not be awarded unless a claimant demonstrates through clear and convincing evidence—it is not impossible evidence; just clear and convincing evidence—that the harm arising from the actions of a volunteer was the result of conduct that was either willful or criminal in nature or that showed a genuine indifference to the safety of others.

By raising the legal bar for the award of punitive damages, we will accomplish two goals. We will help ensure that only the conduct that truly deserves such a penalty will be punished and we will reduce the amount of punitive damages awarded, thereby freeing up resources to be used for more productive purposes.

The bill's elimination of joint and several liability for noneconomic losses, such as pain and suffering, will advance these goals as well.

Let me say this, Mr. President. There has been a suggestion that the Ku Klux Klan would be covered under this bill. I do not believe that is correct. I do not believe the Klan would be covered by the definition of a charitable organization under this bill. I certainly would not want it to be covered. But in any case, in any circumstance, actions that are willful and unlawful would remain, under this bill, subject to lawsuits and punitive damages.

I had the opportunity, as U.S. attorney, to be involved in prosecuting a number of Klan members for an illegal action. It resulted in the death of a young black man for no other reason than because of his race. One of those individuals is serving life without parole and another one is on death row today. As U.S. attorney, just last year, that death sentence was upheld by the Eleventh Circuit Court of Appeals. I expect, as months go by, that he will be brought forward to execution, as he should be.

Arising out of that case, under the leadership of one of America's most capable lawyers, Morris Dees, a civil lawsuit was filed against the Klan. It resulted in the winning of that lawsuit because of the Klan's policies that encouraged violence. That organization itself was held responsible for the criminal actions of its members. As a result of that action, the Klan headquarters was forfeited and sold for the benefit of the family that suffered death in that case.

I will just say this, Mr. President. That lawsuit would not be prohibited by this bill, because it was illegal and a part of a hate crime. The activities that gave rise to that lawsuit are exempted from the protections offered by this bill. Those kinds of lawsuits would continue. It is disturbing to me to see individuals take this floor and suggest that a bill designed to protect people's charitable impulses, to allow them to participate freely in helping other people without fear of being sued, that that would somehow be a bill designed to protect that despicable organization, the Ku Klux Klan. I think that it is unfortunate that that suggestion has been made. It is not true and is not a legitimate basis to object to this bill.

Finally, I support the bill's respect for federalism. The inclusion of the State opt-out provision in this bill recognizes the role of individual States in setting the statutory boundaries of their own tort laws when citizens of the same State are the only parties to an action. States can opt out of this if they choose. It does not mandate that they concur in these activities.

So again, I would like to encourage my colleagues to support this bill. It is good legislation which will serve to reinvigorate the volunteer spirit that has been a traditional component of the American character.

There have been a number of shows and studies and reports done on Alexis de Tocqueville and his travels throughout America. One of the things he was most struck by was the volunteer community spirit of America. That is a good spirit. The President, former President Bush, Gen. Colin Powell, and others recognized that just this weekend. We need to make sure that the laws of this country are supportive and conducive to the volunteer spirit. I think we have lost some of that protection. It needs to be restored.

I congratulate Senators COVERDELL, ABRAHAM, and MCCONNELL for their efforts. I look forward to having the opportunity to vote for this bill's final passage.

Thank you, Mr. President.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I want to thank the Senator from Alabama for his outstanding remarks, and I appreciate his support of the measure, particularly in light of his experience. I commend him for his involvement in this important concept to help promote volunteering and to help foster and encourage the better impulses we have to help each other. That is what this bill is about.

I yield the floor.

Mr. DORGAN addressed the Chair.

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

Mr. DORGAN. My understanding is there are 36 minutes left on the time controlled by Senator LEAHY.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that the time be allocated as follows: That I be allowed to speak for 14 minutes; the Senator from the State of Washington, Senator MURRAY, for 14 minutes; the Senator from Massachusetts, Senator KENNEDY, for 8 minutes.

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

THE DISASTER IN THE NORTHERN GREAT PLAINS

Mr. DORGAN. Mr. President, I come to the floor today once again to talk about the disaster that has occurred in the northern Great Plains, specifically South Dakota, Minnesota, and North Dakota, and to talk just a bit about the need for us to proceed with a disaster appropriations bill.

Mr. President, this poster is of a North Dakota farmer standing in front of a 20-foot snowbank. This happens to be level ground. You could not tell that much by what the poster looks like. Three years of snow falling in 3 months in North Dakota, capped by the worst blizzard in 50 years, which in many parts of the State added 2 more feet of snow. That created a set of conditions that resulted in the disastrous flooding that now occurs.

This is a farmer standing in his yard, backgrounded by a 20-foot snowbank. Unless you are there and have seen it, have seen the 40- and 50-mile-an-hour winds with 60 and 80 below windchills that have created this kind of situation, you really do not understand how it results in this. This is the Wahpeton-Breckenridge area, right on the border of the Red River. You will see the downtown area, and you will see that the downtown is completely under water.

This is a picture just north of Fargo, ND, which gives a sense that in an area as flat as a table top, the Red River Valley, the flood waters expanded to cover virtually everything. This little city of Harwood built a ring dike, and you will see that this tiny town of Harwood is not inundated, but you will see the rest of the Red River Valley is flooded. As the rivers course through Fargo, first Wahpeton, then Fargo, and on up to Grand Forks, you see now a picture of downtown Grand Forks, ND, with a fireman up to his waist in water. This is a downtown street. He is fighting a fire that consumed an entire city block. Firefighters, experiencing hypothermia, in ice-cold sewage-infested water—because the sewers backed up throughout the city, and the system collapsed—were trying to fight a fire without equipment. A firemen named Randy said, "Normally, when we fight a fire, water is our ally. In this case, we did not have water to pump." They tried to fight fires in multistory buildings, standing up to their waist in water in some cases, with fire extinguishers. What a valiant and heroric effort they made. But of course this city was inundated.

I and some others have been in the downtown area of this city in a boat. One boat I was in, operated by the Coast Guard, ran into a car—ran over the hood of the car. The only thing you could see of the car was 2 inches of the radio antenna sticking above the water. That is how we knew the boat hit a car on a downtown street so deep with the water.

The reason I come to the floor to show you these pictures and to tell you about the people of my region is that it is important, as we have done in every other disaster—earthquakes, floods, fire, and tornadoes—to extend a helping hand by the American people to this region to say we know what is happening to you and we want to help you. You are not alone. The rest of the country extends a helping hand to try to help you through this crisis.

It is not about buildings and snowbanks. It is about little boys, about grandpas and grandmas, about wage earners, working couples. A little boy, 7 years old, sitting in front of an airplane hangar at the Grand Forks Air Force Base, lost his home, and was looking at the ground dejected when I came to him and visited the shelter where thousands of people had been evacuated. The little boy knew his home was under water and he had nowhere to go. Not much hope. Eyes filled with tears. An older woman named Vi, a wonderful woman, a wonderful woman, on the phone when I met her, calling FEMA for help. Her eyes were filled with tears talking about what she had lost. So many others who have lost so much. Everything they have built, everything they have invested in, everything they have saved, inundated and devastated by a flood that came and stayed.

This region is just now finally beginning to start thinking about rebuilding. I was on the phone half an hour ago with a fellow who just got into his home and is pumping out his basement and trying to assess the damage.

Now, we have an opportunity in this Congress to pass a bill called a disaster supplemental appropriations bill. We have done that in the past. I, from North Dakota, have been pleased to vote for and support disaster supplemental appropriations for people who have been victims of earthquakes, floods, fires and tornadoes across this country because I think we need to say to them, "We offer hope, we want to help."

Let me say, as the Appropriations Committee begins this process, I am enormously grateful for the chairman and the ranking member of that committee, Senator STEVENS and Senator BYRD, and so many other members of the committee who have worked diligently on this issue and worked with us and cooperated in a manner that one can only hope for. Thanks to them, thanks for the wonderful work they have done in order to put together a supplemental appropriations bill. We need to do much more because we do not know the entire extent of the damages. In the coming days, we will continue to work to do much more, to add money for the community development block grants, EDA and others, so we continue to appreciate very much the cooperation of the chairman and the ranking members and others on a bipartisan basis.

Mr. President, I am worried now because we were told this morning that there are some who want to add four very controversial amendments having nothing at all to do with floods, fires, winter storms, and disaster. They want to add four very controversial amendments to this disaster supplemental bill. When President Clinton came to North Dakota last week, one of the things he said is, "Let us pass a disaster supplemental bill, let the Federal Government extend a helping hand, and let us make sure that no one in Congress is tempted to add extraneous or unrelated amendments that would hold it up." Well, I worry now, because what we were told this morning is that there are those who want to add four amendments, all very controversial, all of them or any of which could trip up this bill. Those people, with tears in their eyes but hope in their hearts because they feel that we are going to extend a helping hand, do not, do not, do not deserve to have anyone meddle with this kind of legislation.

Let us, all of us, decide when disaster strikes, when tragedy visits any region of this country, any group of Americans, that we must rise as one to say, "Let us help. You are not alone. Let us be there with you." That is what this bill is.

Again, I started by saying I so much appreciate the cooperation of the chairman of the Appropriations Committee, Senator STEVENS, the ranking member, Senator BYRD, and so many others, especially the staff and others, who worked so hard on this kind of legislation. Our job now is to get it up, out, and moving and get it to the President and get it signed and get the help moving to these folks in this region of the country to say to them, "We want to help you rebuild. We want to help in your recovery. We want to help you rebuild your dreams, your hopes. We want to help your family recover." That is our responsibility. That is our requirement. Let us not, any of us, let us not be tempted to decide that this is an opportunity to meddle with some kind of amendment that has nothing to do, at all, with disaster and tragedy.

I, today, call on all of my colleagues, each and every one of my colleagues, to decide this disaster supplemental bill ought to be passed, we ought to pass it soon, and we ought to get it signed into law to offer help and hope to those people who have suffered so much. If there are those who have other agendas, there is time, plenty of time, to address those agendas—the next day, next week, the next month. There is plenty of opportunity to bring any idea, any amendment, any agenda they have, to the floor of the Senate. But do not load this supplemental appropriations bill with extraneous and unrelated controversial amendments that

will either stop or slow down the help that we intend to send on the way to the victims of this disaster.

I hope in these coming hours, as we talk through the issues that were discussed this morning, proposed amendments to the supplemental appropriations bill, I hope that all of us in this Chamber will come to the same result: Passing a disaster appropriations bill, a supplemental bill, to respond to this disaster is critically important. It ought to be done and done now, without anyone in this Chamber using it as an opportunity to advance an agenda that has nothing to do with the disaster supplemental bill. I call on my colleagues for that level of cooperation. I thank all of them for their help. The people I represent in this region of the country will be enormously grateful for what this Congress will do in extending a helping hand to people who have suffered so much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

WASHINGTON STATE AND CHINA

Mrs. MURRAY. Mr. President, I rise to discuss an issue of tremendous importance to Washington State and the Nation. The issue is China and specifically, my trip to both Hong Kong and Beijing over the recent Easter recess.

My trip to Hong Kong and China was an opportunity for me to discuss candidly the issues to be confronted by the United States Senate; most-favored-nation trade status for China, the World Trade Organization, Hong Kong's reversion to Chinese sovereignty, the trade imbalance between the United States and China, my personal concerns on human rights, and numerous other issues.

Additionally, I took this trip intent on raising the profile of Washington State in both Hong Kong and China. In the early 1950's, Senator Warren Magnusson of the State of Washington whose seat I now occupy was the first United States Senator to promote closer ties between the United States and China.

Since that time, Washington State has led the way in advancing United States-China relations for both the American and Chinese people. No other State in the country is as engaged and involved in China as my State. We have strong trade and cultural ties to China and indeed to all of Asia.

Washington State's involvement in China is much deeper than trade and economics; educators and students, lawyers and judges, adoptive families, religious organizations, military personnel, and many others in my State have relationships across the Pacific with counterparts in China.

Several Washington cities including Tacoma, Seattle, Kent, and Spokane all have growing sister city relationships with cities or counties in China. Washingtonians are going to great lengths to foster change in China; participating in local elections, providing resources to counter cultural biases against young girls, and working with the Chinese to create a commercial and a civil legal system for that country.

A diverse group of Washington State interests traveled with me to China at their own expense. This group included representatives from agriculture, aviation, high technology, retail, financial services, heavy machinery, and ports.

In Hong Kong, we met with officials from the United States Consulate, the American Chamber of Commerce, the Hong Kong Government and others. On the street and in official meetings, I sought to determine the mood of the people of this British Colony as it speeds toward its new status as a Special Administrative Region of China.

Certainly there are concerns about the transition; concerns that we require the careful oversight of the United States and others who care about the Hong Kong way of life. I also found much optimism among Hong Kong's people and its leaders; a certain confidence that the people of Hong Kong will take it upon themselves to preserve the prosperous and beautiful enclave that they created from barren rock and the surrounding waters.

I particularly enjoyed a meeting with Ms. Sophie Leung, an appointed member of the Provisional Legislature that will replace the current Legislative Council following the transition. Though I question China's decision to replace the current democratically elected legislature, I was heartened by Ms. Leung's passion for Hong Kong, her background as a civic activist, and her intention to support and participate in upcoming direct elections. Ms. Leung is also a part-time resident of Washington State. Interestingly, a number of the leaders selected to govern Hong Kong following the transition are actually American citizens.

Like many in this body, I am following closely the transition and China's handling of the new Special Administrative Region. A heavy handed approach to the transition by the Chinese side will be disastrous for Hong Kong; disastrous for the mainland whose development is largely funded by and through Hong Kong; and disastrous for Pacific oriented States like Washington which utilize Hong Kong as a gateway to China and other parts of Asia.

Mindful of the threats to Hong Kong, it is important for all who want to influence change in China to recognize that Hong Kong's transition may be our best opportunity to further influence the mainland in such important areas like the rule of law, respect for individual rights, and the many democratic principles that we cherish in the United States.

As I traveled from Hong Kong to Beijing for additional discussions, I couldn't help but wonder which side would have a greater impact following the transition; 1.2 billion Chinese scattered throughout an area the size of the United States or 6 million Hong Kong capitalists occupying land that is similar in size to the Puget Sound area in Washington State.

In Beijing, I met with China's Vice Premier, Chinese Trade Ministry officials, and Chinese leaders involved in financial services, transportation, agriculture, electronics, and aviation.

United States Ambassador Jim Sasser, our former Senate colleague, was particularly gracious and giving of his time and experiences in China to me and the Washington State delegation. Ambassador Sasser hosted a dinner for me and the Washington delegation, and our group was delighted to be joined for the evening by former Speaker Tom Foley. At my suggestion, Ambassador Sasser invited a number of prominent Chinese women known for their advocacy work within China on issues relating to women and children.

In my meeting with Vice Premier Li Lanqing, I focussed on the trade imbalance between the United States and China, my concerns and those of my constituents on human rights, and the importance of China abiding by its commitments on Hong Kong.

Washington State exports to China grew by almost 40 percent in 1996 but overall United States exports to China did not grow at a rate comparable to the growth of China's exports to the United States.

I stressed to the Vice Premier my hope that the Chinese side would soon agree to allow the International Red Cross access to Chinese prisons and reinforced with him that the United States would continue to push for improvements in human rights. A commitment to human rights is part of our moral fabric; and I was encouraged by Vice Premier's acknowledgment of U.S. interest in this issue and of his offer to engage in a dialog on this issue.

Hong Kong's transition will clearly be the international event of 1997. The Chinese are well aware of this; I reminded the Chinese that the United States is watching closely; Taiwan is watching; indeed all of the world is watching China's handling of the Hong Kong transition.

In China, I had the opportunity to raise a number of other issues of importance to my State and my constituents. I encouraged the Chinese to increase access to their markets for Washington State goods with particular emphasis on resolving the TCK smut issue which keeps Northwest wheat out of China's marketplace and tariff reductions which would allow our horticultural producers to export significant volumes of apples, cherries, and pears to China.

The Chinese have made progress in combating piracy of intellectual property rights; I reminded them of ongoing problems and our continued interest in stopping both the production and export of pirated United States technology.

With the People's Bank of China, we discussed the importance of allowing more United States banks and insurance companies the opportunity to operate in China. This will provide new opportunities for small- and medium-sized firms seeking export to China.

We also discussed many other important issues including the growth of the Internet in China, the competitive advantages of Washington's ports and transportation infrastructure, the future energy needs of China, food security issues including China's ability to feed its people, problems associated with large, unproductive state-owned enterprises, and growth patterns in coastal and rural parts of China.

Numerous other high-profile congressional delegations also traveled throughout China and to Hong Kong during the recess. Vice President GORE visited the region with stops in Beijing and Shanghai. Several of my Senate colleagues including Senators LIEBERMAN, MACK, and JEFFORDS traveled to China during the recess as did Speaker GINGRICH and a large number of House Members. United States policy makers are visiting China and Hong Kong in record numbers. Close to 100 Members of Congress have visited China in the last few months. And more will follow as the Hong Kong return to Chinese sovereignty is now less than 100 days away.

I returned from my first visit to China convinced of the importance of engaging the Chinese, with heightened awareness of the difficult issues in the United States-China relationship, and very encouraged by the congressional interest in Asia and China. And I am certain Washington State will continue to be the bellwether State in gauging both the rewards and the pitfalls of the important United States-China relationship.

Already there is significant interest in the Nation's Capital in China. It is my hope that this interest will manifest itself in a genuine debate about good U.S. policy rather than good partisan politics. I certainly intend to represent forcefully the interests of my State and our country with a voice for good U.S. policy in the coming months.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe that, under the previous agreement, I was going to have 8 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I understood that the other side has some 22 minutes left.

The PRESIDING OFFICER. They have 26 minutes.

Mr. KENNEDY. That would bring us to the hour of 12:30. I have consulted with the floor manager of the legislation.

I ask unanimous consent that the recess time be extended from 12:30 until 12:40 and that the time therein be divided equally between the manager and Senator LEAHY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be recognized then for 7 minutes and that Senator HARKIN and Senator WELLSTONE each be recognized for 3 minutes each.

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

SUPPORTING THE CONFIRMATION OF ALEXIS M. HERMAN FOR SECRETARY OF LABOR

Mr. KENNEDY. Mr. President, I continue to be concerned about the failure of the Senate to act on the nomination of Alexis Herman to be the Secretary of Labor. President Clinton announced his intention to nominate Ms. Herman on December 20 last year, over 4 months ago. Her papers were officially received by the Senate Committee on Labor and Human Resources in early January.

During the Labor Committee's review of the nomination, Ms. Herman answered over 150 written questions from committee members. She dealt thoroughly with all the questions put to her at a lengthy Labor Committee hearing on March 18. The committee voted unanimously to confirm Ms. Herman on April 10. Senate confirmation was expected soon after that.

Instead, Ms. Herman's nomination has become a hostage in an exercise of political extortion that discredits the Senate. Those who are holding this nomination hostage admit that they are postponing a vote on Ms. Herman for reasons that have nothing to do with her qualifications for office. They object to President Clinton's intention to issue an Executive order on labor issues which they oppose. The proposed Executive order would direct Federal agencies to consider the use of so-called project labor agreements [PLA's] on Federal construction projects.

Such agreements have been used on large-scale construction projects, in the public and private sectors, for decades. Examples of Federal projects carried out under PLA's include the Grand Coulee Dam in the 1930's; atomic energy plants in the 1940's; Cape Kennedy in the 1960's; and today, the Boston Harbor cleanup project.

In the private sector, too, PLA's have been used on many projects across the Nation, including the construction of Disney World in Florida, the Toyota plant in Georgetown, KY, the trans-Alaska pipeline in Alaska, and the Saturn auto plant in Tennessee.

State governments use PLA's as well. Governor Pataki of New York issued an Executive order similar to President Clinton's proposal in January 1997. The Governors of Nevada and New Jersey recently issued similar orders.

What PLA's do is require contractors to comply with the terms of labor agreements for the duration of the project. The advantages of PLA's are numerous. Projects are more likely to be completed on time, because a skilled labor supply is always available. There are fewer cost overruns, because workplace disputes can be quickly resolved through grievance and arbitration procedures, instead of by strikes or lockouts.

Projects built under PLA's have lower accident rates, because contractors can hire highly skilled and well-trained employees. Productivity increases as well, because of the higher skills of workers.

Opponents of PLA's claim that such agreements unfairly deny contracts and jobs to nonunion firms and individuals. That charge is false.

Nonunion contractors can and do bid on jobs where PLA's are in effect. In the Boston Harbor project, 40 percent of the subcontractors—over 100 firms—are nonunion. Similarly, on the Idaho National Engineering Labs PLA, with the Department of Energy, 30 percent of the subcontractors were nonunion.

Nonunion workers can and do work on sites where PLA's are in place. Unions are required by law to refer nonmembers to jobs on the same basis as union members.

The NLRB vigorously enforces this provision of the labor laws. Unions know how to comply, and do comply. In the 21 so-called right-to-work States, no worker can be required to give financial support to a union. In the other 29 States, if the particular contract provides it, workers can be required to pay a fee to the union while workers are employed at the job site. However, no employee can be forced to join the union, or to pay for union activities that are not related to collective bargaining.

In all of these ways, PLA's are beneficial to project owners and workers alike.

Further, it is clear that President Clinton has the authority to issue an Executive order dealing with Federal procurement practices. President Bush did just that in October 1992, when he issued an Executive order prohibiting Federal agencies from requiring PLA's on Federal construction projects. Republican attacks on President Clinton's power to issue an order directing the consideration of such agreements are hypocritical at best.

President Clinton won the 1996 election. He is entitled to use his Presidential powers as he sees fit. It is unconscionable that Republican leaders in the Senate are holding Alexis Herman hostage to their antiworker bias. President Clinton has every right to issue his Executive order on Federal construction projects. The Herman nomination has nothing to do with that issue. Republicans should end this shameful tactic and let the Senate vote.

The Senate cannot faithfully discharge its constitutional responsibility to conform nominees if the process grinds to a halt for reasons that are obviously extraneous. The time has come to end this unjustified delay. It is long past time for the Senate to vote on Alexis Herman's nomination.

When a vote is taken, I am confident that Alexis Herman will be confirmed by the Senate and she will serve with distinction as our Labor Secretary. Ms. Herman's entire life has been dedicated to building coalitions and bringing people together, regardless of differences in race, class, or gender. She comes from a family of trail-blazers, and her own life, too, has been an extraordinary and inspirational story of commitment and achievement.

From childhood, her parents taught her the importance of helping others. Her mother, who once was Alabama's Teacher of the Year, brought Alexis with her as she taught reading to children and adults. Alexis' first summer job was teaching reading at an inner-city housing project.

Alexis also learned at home about the importance of standing up for your rights and participating in the political process. When she was only 5, her father faced down some members of the Ku Klux Klan who stopped the family car on Christmas Eve. In the 1940's, her father sued for the right to obtain an absentee ballot to vote in Mobile. Later, he was elected a Wardman of Mobile's 10th Ward, one of the first African-Americans elected in Alabama since Reconstruction.

In the early 1960's, her hometown of Mobile was still segregated. As a high school sophomore, unable to reconcile her Catholic faith with the segregation in the parochial schools, she confronted the Bishop of Mobile. His response was to suspend her from school. Undaunted, she continued to press for change. The following year, the first African-Americans were admitted to the white Catholic schools in Mobile.

After graduating from Xavier University, in New Orleans, she returned to Mobile as a social worker. She counseled delinquent youths, helped place children in foster homes, and worked to assist families in dealing with issues such as teenage pregnancy.

She saw that lack of skills and opportunities were keeping many of Mobile's black citizens from achieving their full potential. Working with the AFL–CIO and Catholic Social Services, she undertook a project to find work for unemployed, unskilled young men in Mobile's housing projects.

In the 1970's, with Professor Ray Marshall of the University of Texas, she began a pilot project in Atlanta to place African-American women in white collar positions. With grants from the Ford Foundation and the Department of Labor, she established and managed this highly successful program. As a result of her leadership, the first African-American women were hired in white collar jobs at Coca Cola and Delta Airlines. The pilot project was so successful that it was extended to 10 cities.

Alexis Herman then added public service to her many achievements in the community and private enterprise. In 1977, when Ray Marshall became Secretary of Labor under President Carter, he asked her to become head of the Department's Women's Bureau—the youngest Director ever. She worked hard and well on expanding employment and training opportunities for women, and co-chaired a Presidential task force to promote business ownership by women.

After returning to the private sector, she worked as a consultant for businesses seeking to hire, train, and keep minority employees. Once again, she demonstrated her life-long determination to extend opportunities to those who had long been denied jobs, careers, and, most important, hope.

When President Clinton took office in 1993, he named Alexis Herman to a senior White House position as Assistant to the President and Director of the Office of Public Liaison. In this capacity, she identified the concerns of individuals and families across the country on the issues, and communicated the President's priorities to them. Few would deny that over the past 4 years, she fulfilled these difficult and important responsibilities with remarkable skill and success.

All her life, as a young student, as a career woman, as a community leader and in public service, Alexis Herman has shown an extraordinary gift for bringing people together in a cooperative spirit. That skill will serve her well as Secretary of Labor.

Alexis knows from her own life and first-hand experience the very real obstacles that too many Americans still face in trying to achieve the American dream. Most important, she is dedicated to the cause of improving the lives of all working families. I'm confident she'll do an outstanding job as Secretary of Labor. I urge the Senate to act quickly to approve her nomination, and I look forward to working closely with her in the years ahead.

Ms. MOSELEY-BRAUN addressed the Chair.

Mr. COVERDELL. Mr. President, may I ask the Senator from Illinois how much time will she be using?

Ms. MOSELEY-BRAUN. No more than 3 minutes. It is very brief.

The PRESIDING OFFICER. All of the time of the Democratic side has been allocated.

Mr. KENNEDY. Mr. President, I believe we had 6 minutes that had been assigned to Senator WELLSTONE and Senator HARKIN.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I ask unanimous consent to have that 6-minute allocation changed and that the 6 minutes be evenly divided between all three speakers, and I will yield 2 minutes to the Senator from Illinois.

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

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, my message is very simple, following on the statement of the Senator from Massachusetts. That is, I call on the Senate to free Alexis Herman and liberate the Department of Labor. The fact is that her nomination is being held up for reasons that have nothing to do with her qualifications for office, or, more to the point, the need of the American people to have a captain of a ship, if you will, at the Department of Labor.

It is being held up because of some unrelated political issues and, quite frankly, it demeans and, I think, embarrasses some in the U.S. Senate to have this high-profile and important nominee held hostage for no reason.

So my message, in keeping with the message of the Senator from Massachusetts—and I associate myself with his remarks—is that I call upon the Members of the Senate to consider that Mrs. Herman's qualifications are exemplary. She has the leadership skills to lead this Department of Labor in the 21st century, to lead our country in addressing the needs of working men and women, as well as the transition that our business community is currently undergoing. I very much hope that our Members will come together to let this nomination go—free Alexis Herman and liberate the Department of Labor.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to consume about 1 minute, so I would ask the Chair to keep an eye on the clock for me so that I leave time for my colleague from Minnesota.

The PRESIDING OFFICER. At the current time, all the Democratic time has been divided between Senator HARKIN and Senator WELLSTONE.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. Each Senator has 2 minutes.

Mr. WELLSTONE. I will yield one of my minutes to the Senator from Connecticut and tell him that he owes me a big time forever.

Mr. DODD. I owe him 1½ minutes, a minute with interest.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. As a former Peace Corps volunteer and someone who was a Big Brother and served on the national board of Big Brothers, I commend the effort to focus attention on this. I would like to make note of the fact, with the Philadelphia Conference going on, we are 6 months almost to the day since election day and still there is a chair vacant around the Cabinet table, that of the Secretary of Labor. This is a critically important issue to millions of people, a substantive issue that must be addressed immediately. My hope is that the leadership would see to it this week that we would vote. Vote against Alexis Herman if people wish but give her the opportunity to be confirmed or not confirmed and give us a chair at that Cabinet table for the millions of people who do not have a voice at the table representing management and labor. So I urge that the leadership move on this issue. We brought up this issue. I understand that. But the issue of the nomination of the Secretary of Labor 6 months after the election is long overdue.

I thank my colleague for yielding.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is blatant politics at its worst. Alexis Herman was voted unanimously out of the Labor and Human Resources Committee. She is eminently well qualified. This is an extremely important position to working people, to working families. We have a lot of important legislation before us—the TEAM Act, comptime, flextime. We are supposed to be focusing on living wage jobs and educational opportunities for our citizens. The Secretary of Labor is a critical position. She should not be held hostage. If the majority party does not like an action taken by the administration, then oppose that action. Do not hold Alexis Herman hostage. Free her. Let her become Secretary of Labor and let her serve working families all across this country.

Mr. President, I am pleased to go on but I think I used up my minute.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 1 minute of our time to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Georgia.

I actually think that I was able to do this in a minute. Again, I think that it really behooves the Senate to move forward on this nomination. I do not think the Senate looks good as an institution. I think people really do not like this kind of inside politics where a particular party—in this case it is the majority party—does not agree with a particular policy or particular action taken by the President or the executive branch and then chooses to hold someone else, in this particular case Alexis Herman, hostage. It is not the way we should be conducting our business. It is not fair to her, an eminently well qualified candidate to serve our country and, quite frankly, it is not fair to families all across Minnesota and all across the Nation that are focused on good jobs, education, and safe workplaces. These are workaday majority issues. This is the Secretary of Labor—6 months without a Secretary of Labor. Again, do not hold her hostage. Free her and let us move forward. If my colleagues want to vote against her, vote against her, but she deserves a vote in this Chamber.

I thank my colleague from Georgia for his graciousness.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa for 2 minutes.

Mr. HARKIN. I thank the President.

Mr. President, I would like to make a brief comment about Alexis Herman. Recall that Ms. Herman was unanimously reported out of this committee. We should not be holding her hostage over an unrelated policy dispute—a disagreement with the President over project labor agreements. I hope that whatever one's views are on project labor agreements that her nomination can move forward.

The Secretary of Labor serves as the spokesperson for working families in this country. We are considering several pieces of legislation that will affect working families and it is important that the Secretary of Labor be at the table as these changes in our work places are being considered. Ms. Herman must be allowed to assume her responsibilities as Secretary of Labor without further delay. I think it is unfortunate that our colleagues continue to deny the Senate even a vote on this important member of the President's Cabinet.

Now, let us be clear on the proposed Executive order regarding project labor agreements [PLA's]. The Executive order only directs Federal agencies to consider using PLA's, it does not require them to do so. The Federal Government's interest in PLA's is to help ensure that public sector projects are completed efficiently, economically, and safely.

PLA's set wages, working conditions, and dispute-resolution procedures for the duration of the project. This makes it easier for agencies to avoid cost-overruns and delays, while ensuring high quality work and safety at the worksite. They guarantee that the project will be completed on time, without strikes or lockouts. I find it incredible that the majority is so offended by this commonsense initiative.

There is nothing new about project labor agreements—the Federal Government has used them on Federal projects since the 1930's. Examples include the Grand Coulee Dam, the Cape Canaveral Space Center, and the Nevada test site. Project labor agreements have been a very effective tool for Federal, State and local governments when faced with a major public works projects. PLA's have helped bring management and labor together to work out arrangements in terms of things like wages, benefits, and working conditions in return for a promise of no work stoppages or strikes.

Contrary to what has been said about project labor agreements, non-union contractors and nonunion workers would not be prohibited from working on Federal projects—they simply would have to abide by the terms of the project labor agreement for that particular project.

Republican Governors Christine Todd Whitman of New Jersey and George Pataki of New York issued similar executive orders authorizing state agencies to use project labor agreements. Also, State and local governments regularly use PLA's.

One notable example is the giant sewage treatment system now being built for metropolitan Boston as part of a court ordered clean up of Boston Harbor. Forty percent of the contractors on the Boston Harbor project are non-union. Furthermore, the projected cost of the project was $6.1 billion, the present estimate for completion is $3.4 billion. The Boston Harbor project is on schedule for completion by the year 2000 and safety, measured in lost time due to workplace injuries is below the industry average. During the 7 years of work on this project, there have been approximately 20 million hours worked without lost time due to strike or lockout. This is quite a record of success.

Lastly, contrary to the claim that President Clinton's proposed Executive order (EO) exceeds his constitutional authority, this action is legitimate and typical of actions taken by other Presidents with clear constitutional and statutory authority. For decades, presidents of both political parties have exercised their authority to issue executive orders to implement changes in Government contracting policies. Furthermore, when President Bush issued an Executive order in 1992 to prohibit Federal agencies and Federal contractors from entering into project labor agreements, there was no similar outcry.

The Executive order on PLA's and the upcoming regulations on procurement reform are not a pay off to labor. They are sound policies that will make

government operate more efficiently. The Federal Government should consider using project labor agreements when they increase efficiency, stability, and save taxpayer money.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, I yield up to 10 minutes of our allotted time to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, let me start by thanking my friend and colleague from Georgia, Senator COVERDELL, for his leadership on this important issue this year.

As the principal cosponsor of this bill in the previous Congresses, I am excited about the fact it is on the agenda and has an excellent chance of becoming law.

My wife Elaine, who many of my colleagues know is former head of the United Way of America, was up at the volunteer conference yesterday in Philadelphia and there is no question that the timing of this could not be better. I commend my colleague from Georgia and the majority leader for scheduling this important piece of legislation during the volunteer conference, obviously making it easier for more and more Americans to contribute their time to others. It is something that ought to be a high priority in America in 1997.

Unfortunately, volunteer service has become a high-risk venture. Our sue happy legal culture has ensnarled those selfless individuals who help worthy organizations and institutions through volunteer service. They try to do good and end up risking their fortunes. These lawsuits are proof that no good deed goes unpunished. In order to relieve volunteers from this unnecessary and unfair burden of liability, I am pleased to join in the reintroduction of the Volunteer Protection Act. I am particularly happy it is being considered today.

The litigation craze is hurting the spirit of voluntarism that is an integral part of our American society. From school chaperons to Girl Scout and Boy Scout troop leaders to Big Brothers and Big Sisters, volunteers, as we all know, perform invaluable services for our society. At no time is this value more evident than right now where organizations like the Red Cross are making such a big difference for the victims in flood ravaged North Dakota, just like they did for the folks in my home State of Kentucky during the floods there earlier this year.

So how do we thank the volunteers? All too often we drag them into court and subject them to needless and unfair lawsuits. The end result: too many people pointing fingers and too few offering a helping hand. Even Little League volunteers face major league liabilities.

In February 1995, Dr. Creighton Hale, the CEO of Little League Baseball, wrote in the Wall Street Journal that Little League had in fact turned into "litigation league." He pointed out that in one instance two youngsters collided in the outfield, picked themselves up, dusted themselves off, and then sued the coach. In another case, a woman won a cash settlement when she was struck by a ball that a player failed to catch. Incidentally, the player was her own daughter.

It is sometimes difficult to quantify exactly how much of an organization's time and money is spent on liability protection. But the Girl Scouts have been able to put it into terms we can all understand. The executive director of the Girl Scout Council of Washington, here in the District of Columbia, said in a February 1995 letter that "locally, we must sell 87,000 boxes of Girl Scout cookies each year to pay our liability insurance."

Very simply, this bill protects volunteers who act within the scope of their responsibilities—within the scope of their responsibilities—who are properly licensed or certified where necessary, and some places require that, and, third, who do not act in a willful, criminal or grossly negligent fashion.

We are not trying to insulate from liability those who may act in a wanton way. Let me emphasize this bill does not create immunity for the organizations themselves or for volunteers who act, as I said, in a willful or grossly negligent manner.

Let me also point out that our bill clearly spells out that there is no protection for individuals who commit hate crimes or violent crimes or who violate the civil rights of others. So the opponents of the volunteer protection bill who claim that this is a KKK bill are simply engaging in fear mongering and demagoguery at its worst. This is a bill about protecting our volunteers. That is what it is about, nothing more and nothing less. This bill creates a minimum standard for volunteer protection and then allows the States to add further refinements and protections to that standard.

In short, the bill gives States flexibility. It strikes a balance between the federalism interests on the one hand and the need to protect volunteers from unfair and unnecessary litigation on the other. Specifically, any of the following State law provisions would be—I say would be—consistent with our bill.

First, a requirement that the organization or entity be accountable for the actions of its volunteers in the same way that an employer is liable for the acts of its employees.

Second, an exemption from liability protection in the event that the volunteer is using a motor vehicle or similar instrument.

Third, a requirement that liability protection applies only if the nonprofit organization or Government entity provides a financially secure source of recovery such as an insurance policy for those who suffer harm.

Fourth, a requirement that the organization or entity adhere to risk management procedures including the training of volunteers.

Now, none of those would be inconsistent with our bill should they be the standards adopted by a given State. The bottom line: liability problems for volunteers is a national problem that deserves a national solution—a national problem that cries out for a national solution. My state of Kentucky just experienced devastating floods. During those floods, we also experienced an outpouring of compassion from volunteers all across the country. The volunteers were not just from Kentucky. They were from Ohio, Indiana, Illinois, just to name a few States from which people came to help us out in Kentucky. If a Red Cross volunteer from Ohio wants to cross the bridge and come into northern Kentucky and help on our flood relief, they cannot just put on their coat and boots and go to Kentucky. They need to do some legal research first. They need to do a survey of Kentucky and Ohio law to see if volunteers are protected and to what extent they are protected. Voluntarism is obviously a national issue and volunteers regularly and repeatedly cross State lines to help their neighbors.

That is why, among other reasons, this is a national problem calling out for a national solution. I urge my colleagues to move forward on this bill. The volunteer summit in Philadelphia is a testament to our country's strong efforts in this regard. And we think that clearly this is the time for action.

Today, in the cooperative spirit of the President's summit, I would ask our colleagues to set aside our differences on other issues like labor issues. I also would respectfully ask my colleagues not to try to suggest that this bill is about anything other than what it is about. It is not about the Ku Klux Klan. It is about protecting American volunteers.

I am amazed, I might say further, Mr. President, how one day we are criticized for moving too slowly and the next day we are criticized for moving too fast. It is pretty difficult here to figure out exactly what avoids criticism. These criticisms appear to be nothing more than attempts to divert this legislation which is obviously good for volunteers and good for our country.

Let me just summarize. What we are talking about here is a national problem crying out for a national solution

to make it more possible for American volunteers to go to the assistance of their neighbors. We are bringing this bill up in the middle of the national summit in Philadelphia to encourage voluntarism and some are saying we are moving too fast. This bill has been around for quite a while. I offered a measure similar to this in 1991, I believe it was. It got about 31 votes. But times have changed. There is a growing awareness that legal reform of a variety of different sorts is important to our country, and we are starting in this area with the volunteer protection bill because it is timely, it is important, and this is obviously the time to move forward.

So let me conclude by thanking my good friend from Georgia for his leadership on this important issue. I hope we will soon be past the motion to proceed and well onto sending this legislation down to the President for signature.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to consume about 1 minute, so I would ask the Chair to keep an eye on the clock for me so that I leave time for my colleague from Minnesota.

The PRESIDING OFFICER. At the current time, all the Democratic time has been divided between Senator HARKIN and Senator WELLSTONE.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. Each Senator has 2 minutes.

Mr. WELLSTONE. I will yield 1 of my minutes to the Senator from Connecticut and tell him that he owes me big time forever.

Mr. DODD. I owe him 1½ minutes, a minute with interest.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. As a former Peace Corps volunteer and someone who was a Big Brother and served on the national board of Big Brothers, I commend the effort to focus attention on the Philadelphia conference. I would like to make note of the fact, we are 6 months almost to the day since election day and still there is a chair vacant around the Cabinet table, that of the Secretary of Labor. This is a critically important issue to millions of people, a substantive issue that must be addressed immediately. My hope is that the leadership would see to it this week that we would vote. Vote against Alexis Herman if people wish but give her the opportunity to be confirmed or not confirmed. Give us a chair at that Cabinet table for the millions of people representing management and labor. So I urge that the leadership move on this issue. We brought up this issue. I understand that. But the confirmation of the Secretary of Labor 6 months after the election is long overdue.

I thank my colleague for yielding.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is blatant politics at its worst. Alexis Herman was voted unanimously out of the Labor and Human Resources Committee. She is eminently well qualified. This is an extremely important position to working people, to working families. We have a lot of important legislation before us—the TEAM Act, comptime, flextime. We are supposed to be focusing on living wage jobs and educational opportunities for our citizens. The Secretary of Labor is a critical position. She should not be held hostage. If the majority party does not like an action taken by the administration, then oppose that action, but do not hold Alexis Herman hostage. Free her. Let her become Secretary of Labor and let her serve working families all across this country.

Mr. President, I am pleased to go on but I think I used up my minute.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 1 minute of our time to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Georgia.

I actually think that I was able to do this in a minute. Again, I think that it really behooves the Senate to move forward on this nomination. I do not think the Senate looks good as an institution. I think people really do not like this kind of inside politics where a particular party—in this case it is the majority party—does not agree with a particular policy or particular action taken by the President or the executive branch and then chooses to hold someone else, in this particular case Alexis Herman, hostage. It is not the way we should be conducting our business. It is not fair to her, an eminently well qualified candidate to serve our country and, quite frankly, it is not fair to families all across Minnesota and all across the Nation that are focused on good jobs, education, and safe workplaces. These are workaday issues. This is the Secretary of Labor—6 months without a Secretary of Labor. Again, do not hold her hostage. Free her and let us move forward. If my colleagues want to vote against her, vote against her, but she deserves a vote in this Chamber.

I thank my colleague from Georgia for his graciousness.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 19 minutes and 40 seconds.

Mr. COVERDELL. Mr. President, I yield myself up to 5 minutes of my own time.

Mr. President, of course, the matter before the Senate is the Volunteer Protection Act which we had hoped would be a response to an historic bipartisan summit on voluntarism. The Volunteer Protection Act is designed to stop a circumstance developing in our country where volunteers are frightened to participate in the 600,000 volunteer organizations for fear that by participating they will have put their family and their family's assets at risk.

In the American Bar Association's section of business law recently a very balanced article occurs about the subject. It says:

> An analysis of the laws around the Nation uncovers two important facts.

This is not exactly a partisan outfit.

> Many volunteers remain fully liable for any harm they cause and all volunteers remain liable for some actions. Prior to 1980, the number of significant lawsuits filed against volunteers might have been counted on one hand—

Prior to 1980, lawsuits directed at volunteers could be counted on one hand—

> with fingers left over. But that all changed in the mid 1980's as several suits against volunteers attracted national media attention. Besides accounts of lawsuits against coaches, one of the most frequently publicized cases involved a California mountain rescue team which evacuated a climber who had injured his spine in a fall. The man later sued for $12 million alleging that rescuers' negligence had caused him to become paralyzed. With stories like this getting big play, volunteers were suddenly worrying about the possibility of personal liability.

In other words, stepping forward, being a good Samaritan, and then having your family's assets all at risk.

To meet the cost of higher insurance premiums, some nonprofit organizations cut back on services, that is, less attention to helping the elderly, the poor, and the children of our Nation. Others went without insurance, increasing the risk that an injured party would sue the organization's volunteers in search of a deep pocket.

As publicity about the lawsuits and insurance crunch raised volunteers' apprehension, their willingness to serve waned. Even though reports of actual judgments against volunteers remain scarce, the specter of a multimillion-dollar claim cast a deep shadow—and this is the point. This is not a 300-page bill. This bill is 12 pages long, double spaced. This is not rocket science law. This does not require 15 years of hearings. This bill is very simple. It begins to protect the volunteer from simple mistakes or errors or omissions, not from gross negligence. It does not protect hate organizations. It is disappointing, to say the least, that an attempt to respond to four Presidents, two Republican and two Democrat, calling on America to step forward, and trying to aid and abet that by a very narrowly focused proposition that says when they do step forward, they are

not stepping forward in front of a gun; they are free to step forward and volunteer without being unnaturally and unduly threatened from frivolous lawsuits or from an effort to seek a deep pocket.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. COVERDELL. In that I have consumed these 5 minutes in an effort to protect those coming to speak, I suggest the absence of a quorum. As I understand it, that will be equally divided, but it will fall on our time when theirs has expired.

The PRESIDING OFFICER. It will come out of the time of the Senator from Georgia.

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. COVERDELL. Mr. President, I see I have been joined by the distinguished senior Senator from Texas. In an effort to leave him as much of the remainder of the time—how much time remains?

The PRESIDING OFFICER. There is 12 minutes, 45 seconds.

Mr. COVERDELL. Twelve minutes remaining, and I yield as much time as necessary to the Senator from Texas.

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

Mr. GRAMM. Mr. President, there has been an extended debate here this morning about many different issues, about confirmation of Presidential nominees and about the protection of hate groups. What I would like to do is to get back to the point of this bill, to get back to a definition of what we are trying to achieve, what kind of safeguards we have in the bill, and to explain why it is critically important that we support this legislation.

The distinguished Senator from Georgia and those who have cosponsored his bill—and I am proud to be one of them—believe in voluntarism. We believe that there is no Government substitute for people being engaged in and trying to participate in the activities of their own communities. We do not believe there is any Government program that can substitute for genuine volunteers.

The President, numerous past Presidents, and General Powell are engaged at this very moment in trying to promote voluntarism. I see the bill of the Senator from Georgia as being a complement to that effort.

First, let me try to define the problem. When I was coaching little league football 25 years ago, I never thought about the fact that I might be liable had some player who was playing for me been hurt. I never thought about the liability implications because 25 years ago, at least in the very active central Texas league I coached in for 3 years, to my knowledge we never had a lawsuit filed against any volunteer.

The problem is that the world has changed dramatically in the last 25 years. It is now commonplace for volunteers who are trying to help people, for no pay, taking time away from their businesses, their professions and their families, to end up being attacked in a lawsuit. Furthermore, the volunteer frequently has very little, if any, involvement in the incident, has very little responsibility for the harm that has been alleged, and yet is often the only one with deep pockets.

Let me just give an example that I think is pretty easy to envision. Assume you have a volunteer working at a boys and girls club. Let us assume that the volunteer is working at the front entrance, checking people in as they come in to participate in the activities. This volunteer is critically important because, in trying to conserve the money we raise for the boys and girls club, we can hold down our costs if we can use volunteers.

The problem that Senator COVERDELL is trying to deal with is the following: You have a volunteer working at the front door checking people in. You have a professional staff person working in the back of the facility, say the weight room, who might not be providing sufficient supervision and as a result some young person who is lifting weights, drops the weights on his leg, breaks his leg, and sues.

The professional employee at the boys club probably does not have deep pockets. The boys club of Bryan-College Station, where I am from, is not a rich organization. But the volunteer, working in the front, who by definition of being a volunteer is able to give their time voluntarily might have substantial assets. Under Texas law, they could be held liable. In this situation, you might end up having a volunteer, who never went into the weight room and who simply was there helping check people in, be the only one with deep pockets. Some knowledgeable and aggressive lawyer could end up suing the volunteer for something they had nothing to do with.

Here is what the Coverdell bill does, and it does it very simply. No. 1, it recognizes the contributions that volunteers make and defines the reason we want to encourage voluntarism. Then it sets out some very simple principles about liability. That is, it relieves volunteers from liability for harm caused if: No. 1, the volunteer was acting within the scope of their responsibility; No. 2, if a license or training was required for the job the volunteer was doing and the volunteer indeed had the license or the required training; and, No. 3, if the harm was not caused by willful or criminal misconduct or gross negligence.

So, it sets out some simple commonsense criteria which requires that volunteers meet the training requirements and to be carrying out their function for which they volunteered in a responsible manner. The bill also bars the awarding of punitive damages against a volunteer and, in a very important provision of the law, it sets out proportional liability for noneconomic damages. Under this bill, if you have a volunteer who has deep pockets and who is simply checking people in at the front of the building, and has nothing to do with what is going on in other parts of the building, then if a lawsuit should be filed, they could be liable only for an amount proportionate to their involvement in causing the harm.

In addition, there are many safeguards in this bill which have been discussed at some length in this debate. States have the ability to opt out of this if they choose to do so. I do not believe they will choose to do this because basically what we are trying to do in this bill is to encourage voluntarism by limiting liability, by assuring people that if they are willing to put up their time and their talent and their money to help other people, and if they are willing to volunteer to try to help their community, as long as they do their job in a reasonable and responsible manner, then they are not going to end up being dragged into a courtroom.

I want to address one part of the opposition to this bill. This is a very tiny step, in my opinion, in the right direction toward legal liability reform. This is a tiny step in the direction of beginning to do something about runaway litigation in America. I believe that the opposition to this bill really springs from those who do not want any limits on legal liability. I would just simply ask my colleagues to look at the limited nature of this bill, to look at the fact that America is a great beneficiary from volunteer activity by our citizens, and that one thing that has tended to happen as Government has done more and more is that volunteers have been crowded out into doing less and less in our communities. I believe that we are all losers for that decline in voluntarism.

People who, 25 years ago, routinely volunteered to do things, now, in some cases, fear to do them because of legal liability. Two weeks ago I visited a school, a charter school in Texas, called the Dallas CAN Academy. This was the first charter school in my State. It is run almost exclusively by volunteers.

It has a very small professional staff which runs a mentoring program where business and professional people come in and serve as mentors to kids who have dropped out of school because they have had some sort of problem.

These kids have come back to this special charter school and, with the mentoring program, in about 80 percent of the cases are able to graduate from high school—and a not insignificant number of them end up going on to college. The secret of this program is voluntarism.

This little program in Dallas, TX, pays $15,000 a year in liability insurance to protect its volunteers. That is $15,000 a year that could go to helping kids. That is $15,000 a year that might make it possible for 15, 20, 30, or 50 more kids to graduate from high school and to have an opportunity to get on the playing field of life.

What the Coverdell bill will do is, by setting standards of reason and responsibility, it will dramatically reduce the liability cost of this charter school. It will make it easier to get people to coach youth soccer and little league. It will get more people involved, and I can say as a person who was very actively involved in volunteering in youth sports when I was a college professor, that the volunteer gets more out of it than the people who are the beneficiaries of voluntarism.

We are trying to make it possible for millions of Americans to help tens of millions of Americans, but the benefits do not just go to the people who are the targets of this voluntarism, the benefits go to the people who volunteer as well. The Coverdell bill tries to limit a real impediment to voluntarism. The legal costs of people being liable for things they did not cause is driving away hundreds of thousands of volunteers.

I want to congratulate Senator COVERDELL. This is a very important bill, and I hope our colleagues will not let this whole political issue of legal liability and the interests of lawyers versus people who are sued interfere with what is a straightforward, reasonable, and limited bill. I strongly urge that this bill be adopted.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas once again for making a very cogent statement on this piece of important legislation. I thank him for coming to the floor.

How much time is remaining?

The PRESIDING OFFICER. One minute.

Mr. COVERDELL. I yield the balance of my time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas has 1 minute.

Mrs. HUTCHISON. I ask unanimous consent to have 5 minutes in morning business rather than taking from Senator COVERDELL's time. So if the Senator wants to finish on his bill for a minute, then I would like to ask unanimous consent for 5 minutes.

Mr. COVERDELL. I yield back my time.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 5 minutes in morning business.

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

Mrs. HUTCHISON. Thank you, Mr. President.

WELFARE REFORM AND WAIVER REQUEST FOR TEXAS

Mrs. HUTCHISON. Mr. President, I want to talk today about welfare reform. Now you may say, "My goodness, why are you talking about welfare reform? We passed that last year."

It is true, Congress passed welfare reform last year. We said to the States, "We want you to run your own programs. We're going to send you less money so that you will have the ability to be more efficient and make up for the dollars that we are not sending you from the Federal Government by efficiencies in your State programs."

We said to the States, "We're going to cut the strings. You're not going to have to come to Washington every time you turn around. And that will give you the ability to enact the programs that your States need to operate in a more efficient way."

Mr. President, you would have thought that everyone would have said, "Hallelujah, we are going full steam ahead." Well, Mr. President, the States said, "Hallelujah, we're going full steam ahead." The problem is, this administration is thwarting the attempts of State after State to do the job we asked them to do.

Mr. President, today the State of Texas has been waiting for 170 days, 5 months, for a clearance to run its welfare program in a more efficient way. The Governor of Texas has said it is costing our State $10 million a month because they are waiting for Federal approval so that they can go out and get bids. Public sector, private sector, whoever gives the best bid for the taxpayers of Texas and America, would be able to bid on consolidating the administrative offices for welfare services so that a welfare recipient would be able to go in to one place and get whatever they needed for their particular needs at that particular time. They may be able to get food stamps, AFDC, Medicaid, disaster assistance, community care, in-home and family support. All of these things would be in one place.

The State of Texas is looking for public-private partnerships. They are looking to the public sector and the private sector to say, come in and bid on these programs. The State of Texas believes they can save 10 to 40 percent of the $550 million they now spend to administer these programs. That is $200 million a year for the taxpayers of Texas and the taxpayers of America.

Mr. President, I talked to the Secretary of HHS. I said, "What more can Texas do?" She was very forthright. She said, "Texas has done everything it was supposed to do. Everything is set. It is on the President's desk."

Mr. President, why is the President making this decision in the first place? I am afraid it is because a political aspect to this has emerged. And that is, some of the unions do not want the ability for our State to go out and get bids on public-private partnerships.

Mr. President, I am all for unions being able to have free market access and free ability to go out and get jobs. But when a union says, "We don't want you to be able to do things more efficiently because we might not be able to compete," I am saying that is wrong. It is time for the President of the United States to do what Congress said was the law of the land and which he signed into law, which he agreed to do, and that is let the States run the welfare programs. Part of the way welfare reform is going to work is for the States to be able to do the job more efficiently without strings from Washington. It saves taxpayer dollars for all Americans and for the States that are trying to do their job better.

Mr. President, we have a dilemma here. Congress has acted, and the President has signed the bill. He has agreed with Congress that it is in everyone's best interest for the States to run their own programs. The proposal of the State of Texas is along the lines of what many other States are looking at. Wisconsin, Arizona, and other States are looking at these kinds of efficiencies.

Mr. President, I hope they will be able to do this. I hope so, because Congress has spoken and the President has spoken, and we have said the same thing: "Be more efficient. Use taxpayer dollars more wisely." What is the holdup?

I ask President Clinton, what is the holdup? We have a reasonable proposal. It is innovative. It meets the needs of Texans. Why not approve it? Five months and Texas has lost $10 million for every month this has not been able to go forward.

Mr. President, this is an emergency for my State. Our legislature has 1 more month of its session. We must act if the President is not willing to do the job. So I am announcing that I am going to try to do this congressionally if the President does not act or if the President turns down the reasonable request by the State of Texas. Because, Mr. President, the President of the United States cannot thwart the will of Congress when he has signed a bill. When it is the law of the land, he cannot go around it with regulations, with Executive orders, thumbing his nose at what the law is. He was a Governor. The President of the United States understands how important it is for States to be able to have the ability to run their own programs.

I am going to ask today the President of the United States to approve the waiver request for the State of Texas which has been sitting on his

desk for 5 months. If he is unwilling to do that, I am serving notice that I will do everything in my power to congressionally require this approval.

The second choice is not the best. I would rather work with the President to do what is right here. But we are beginning to see a pattern: Wisconsin coming in, asking for legislative relief; Oregon coming in, asking for legislative relief. That is not the way to do it. But the buck stops here. Congress passed the law. If the administration is going to thwart the law of the land, Congress must act.

We must take these waivers one at a time and make these decisions. I would prefer that the President and the administration do what is right and do what is their responsibility to do and grant these waivers. If they do not, however, it is the responsibility of Congress to step in and say, this was our intent and it is the law of the land.

Mr. President, Texas is losing $10 million a month; $50 million to date. It is not right. We are doing in Texas what Congress told us to do. There should be no barrier to doing that. I ask the President today, grant the waiver. That is the proper way to work with Congress and with the States and it is in everyone's best interest.

Thank you, Mr. President.

I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the hour of 2:15 having arrived, the clerk will report the motion to invoke cloture.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, Robert Bennett, Mike DeWine.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on the motion to proceed to S. 543, the Volunteer Protection Act, shall be brought to a close?

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

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—53

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

NAYS—46

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

NOT VOTING—1

Bond

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I have said earlier today I do not think this is an appropriate response to the bipartisan appeal from Philadelphia, to be filibustering very narrow legislation to help volunteers respond to the call by four former Presidents and a former Chief of Staff. But there will be plenty of time to talk about that. I know that the senior Senator from Texas has 5 minutes on another matter. So I ask unanimous consent that he be allowed up to 5 minutes to cover that, and then we will return to the motion to proceed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas will be recognized for 5 minutes.

Mr. GRAMM. Mr. President, let me join my colleague in expressing my disappointment that at the very moment where we have our former Presidents urging voluntarism, the Senate, on a partisan vote, is blocking our effort to remove legal liability constraints that limit the willingness of people to volunteer. So I am very disappointed that we did not get the job done, and I trust that this will not be the end of this bill.

TEXAS WAIVER FOR WELFARE SERVICES CONSOLIDATION

Mr. GRAMM. Mr. President, I wanted to raise an issue today and in the process urge the administration to move ahead and grant a waiver to the State of Texas to consolidate their office whereby they provide access to services like AFDC, food stamps, WIC, Medicaid, and other public service programs.

In an effort to innovate and save money, the State of Texas, under the leadership of our Governor, has come up with the idea of allowing public/private partnerships, such as EDS and the Texas Department of Human Services and Lockheed/Martin and the Texas Workforce Commission, to bid for the opportunity to move toward a more efficient provision of welfare services in out State.

The bottom line is the State of Texas has put together a proposal to use private technology with the public sector to unify the eligibility and application processes for a number of welfare benefits. The State of Texas can save $200 million a year in State taxpayer funds that can be used for education or for public assistance or for law enforcement, and they have asked the administration to sign off on a waiver to let the State adopt this procedure, saving $200 million, and the President has steadfastly refused to grant a waiver. Over and over and over again, we are seeing delays from the White House.

If the White House does not move ahead and grant this waiver so that Texas can operate its AFDC and Medicaid programs efficiently, then Senator HUTCHISON and I are going to have to move on the floor of the Senate to pass a law to mandate that this waiver be granted.

It is outrageous for the President to continue to give speeches about welfare reform, to talk about giving States the ability to innovate and to try new methods to provide better services and to save costs, save money, and then turn right around and refuse to grant a waiver that would dramatically improve the efficiency of the system in Texas that would make it easier for people who are truly needy to get assistance.

What is the issue? By moving to a public/private partnership and saving

$200 million, some State bureaucrats and the unions who represent them are afraid they might lose their jobs. Even though Texas could save $200 million and even though millions of beneficiaries would benefit from greater efficiency, the President is afraid to take on a special-interest group by granting this waiver. In this case the special-interest group is organized labor.

This is exactly the kind of activity we encouraged in our welfare reform bill which passed on a bipartisan basis. This is exactly what the President says every time he speaks on welfare reform. The State of Texas is trying to be efficient and save money, and they cannot get the White House to say yes or no.

Basically, what I am saying to the White House today is this: say yes or no, and get on with making the decision. If you are not going to allow the State of Texas to carry out the mandate of welfare reform, if you are not going to allow them to save money, if you are not going to allow them to operate their programs efficiently, then the Congress is going to have to act to grant this waiver.

It makes absolutely no sense for the administration to refuse to say yes or no. This is a clear-cut question: Is the power of special interests within the White House so dominating and so overwhelming that when a State tries to operate under the new welfare reform bill, when a State tries to save $200 million annually of the taxpayers' money, and when a State tries to improve services by bringing the private sector into the process, it is prevented from doing so? Should we let one special interest keep all those good things from happening? That is the question that the President is going to have to answer in deciding whether to grant this waiver. I want to urge the President to grant the waiver and to do it soon.

I yield the floor. I thank the Senator from Georgia for yielding the time.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to proceed for 5 minutes as if in morning business.

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

Mr. REED. I thank the Chair.

NOMINATION OF ALEXIS HERMAN

Mr. REED. Mr. President, I rise today to speak on an issue that is important to many Rhode Islanders and I believe touches on the credibility of this body. I would like to add my voice to the voice of many of my colleagues in support of Alexis Herman as the Secretary of Labor. The appointment of Alexis Herman was approved by the Labor and Human Resources Committee unanimously on April 10, almost 3 weeks ago. This unanimous vote came after an appropriately arduous examination of Ms. Herman's record. She spent months successfully completing a far-reaching questionnaire submitted by the majority. She subsequently came before the committee and spent hours testifying as to her past accomplishments and her vision for the Department of Labor. She completed these tasks successfully, and a full vote of the Senate was originally scheduled for April 16.

Yet, that vote has now been placed on indefinite hold. I believe this reflects poorly on this body. We have asked Ms. Herman to defend her record and outline her agenda for the Department of Labor. She has done that. Indeed, she has performed that task well enough to gain the unanimous support of our committee. We now owe her the courtesy of consideration by the full Senate. Not only do we owe this courtesy to Ms. Herman, but we have a duty to hard-working men and women in this country to have their interests adequately represented in the Cabinet of the President of the United States. Every day policy decisions affecting workers go unaddressed because there is no Secretary.

While some may take financial stability for granted in today's economy, we in Rhode Island certainly do not. The Department of Labor has played a consistent and productive role in helping Rhode Island to cope with the economic challenges that it faces. We need a Secretary of Labor to help us continue in these efforts.

Economically, Rhode Island has been hard hit by changing economic conditions and defense downsizing.

In the late 1980's and early 1990's we lost over 10 percent of our manufacturing jobs due mostly to defense downsizing but also to changes in the economy. These effects continue to plague our economy. Thankfully, the Department of Labor, under the leadership of then Secretary Reich, was there consistently to provide assistance in lessening the burden of this impact on working Rhode Islanders. For example, in December of 1995, Rhode Island's largest grocery store, Almacs, declared bankruptcy immediately before Christmas. This bankruptcy resulted in Rhode Island's single largest layoff, over 2,000 workers, immediately before the 1995 holidays. The private sector committed what they could, volunteering food, holiday gifts and job placement services, but the former employees faced severe hardship.

Then the Department of Labor stepped in to assist. They provided a total of $4.3 million to retrain 90 percent of the former Almacs workers who did not find employment in other grocery stores. This assistance came about because I was able to directly share the hardship of my constituents with the Secretary of Labor. Indeed, because the Congress had shut down the Federal Government at that time, several additional hurdles had to be overcome to help the people from Almacs.

Thankfully, because of the work of the Secretary, those hurdles were overcome and my constituents were provided the services they desperately needed and, indeed, deserved.

Just as in 1995, I am afraid that we are again confronted with a callous disregard for the working people of this country. They deserve a Secretary of Labor. Ms. Herman deserves a vote. Let us get on with this process. If you will, vote against her, but give her the opportunity to have her case heard here on the floor of the Senate and the decision made, not by inaction, but by the votes of the men and women of this body.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, just for clarification, before the Senate is a motion to proceed to S. 543. I would like to clarify for my colleagues, given the scope of the legislation, the importance of it, and timeliness of it, I am not eager to turn the aftermath of this cloture vote into a time that we substitute for morning business. I hope the remarks—and we, of course, sanctioned the previous remarks of the Senator from Texas and the Senator from Rhode Island—but I would be inclined to object to remarks for the next hour or so, not relating to the subject before the Senate.

Mr. President, I might continue then, for a moment. The time for this debate ran out before our lunch recess. I was commenting on an article, a very balanced article that appeared in the ABA section of Business Law, with regard to what the Voluntary Protection Act is trying to accomplish. I had just read this point, that "As publicity about lawsuits and the insurance crunch raised volunteers' apprehension, their willingness to serve waned."

The point is, we have documented evidence that a growing number of citizens in our country who have traditionally engaged in something that is uniquely American, it truly is—and I might add that as a former Director of the U.S. Peace Corps I had a chance to witness this and listen to it and hear it reiterated around the world—that voluntarism, as we describe it in America, is unique and it is an invaluable treasure for American people.

Here we have a situation that developed in the 1980's, where, suddenly, lawsuits directed at a volunteer, in search of more financial means or whatever, became highly publicized.

So, obviously, it made a good Samaritan, somebody trying to step forward, someone trying to be a good American, nevertheless conscious of his or her prudent responsibility to protect their family, to protect the assets and the valuables that were there for the security of their family. As much as they wanted to volunteer, they had to suddenly be aware of, "Is this a threat to my own family?"

I mentioned earlier this morning Terry Orr, who played for the Washington Redskins, was in the Capitol the other day and recounted the experience of joining the team and of senior players immediately taking him and putting him in the breach, so to speak, of voluntarism. It is something he wanted to do. Then, as his career grew and he matured in it, he turned to the rookies coming behind him and said: "Look, this is important work for the youth of the Capitol city." And he was struck by the response.

The response was, "What is my liability? Am I putting my family at risk here?" It was a whole new sequence or reaction to asking for volunteers. That is what this sentence means, "As publicity about the lawsuits and insurance crunch raised volunteers' apprehension, their willingness to serve waned."

This 12-page piece of legislation—this is not a 1,500-page bill. This is not overhaul of Medicare. It is 12 pages. Its effort is directed at putting some protective buffer around people who want to step forward and be volunteers and reduce the level of fear that they would have with regard to the welfare of their own family.

It goes on to say, "Even though reports of actual judgments against volunteers remain scarce, the specter of a multimillion dollar claim casts a deep shadow." So what is being said here is you do not have to have a lot of judgments. You do not have to have a litany of cases that go against volunteers. You only have to have the specter or possibility of the risk to be public, and suddenly the volunteers are very, very cautious about what they do and what they do not do.

"Several surveys conducted during this period revealed that many organizations suffered board resignations"—which is what we alluded to earlier today—"and volunteer recruitment difficulties"—which I just talked about in the case of Washington Redskin player Terry Orr. "The lawyer on the board, a nonprofit's staff role, was often the first to resign." I have experienced this myself. My guess is the President has experienced this issue.

I told this story earlier today—over the weekend, I was down at Robins Air Force base and it was raining badly. So we were trying to get from the aircraft to the car. I misjudged where the corner of the car door was, which is what has caused this mark across my forehead. As I got on in the car, the Air Force Colonel say, "Gosh, I hope you are not going to sue the Air Force." Which is just—it permeates our society, the question of fear of lawsuits.

Faced with the prospect of charitable organizations closing their doors and potential volunteers staying home, legislators sought to offer protective warmth from the chill of potential liability. On the national level, U.S. Representative John Porter, Illinois, dramatized the problem.

This is the point I want to make. This morning the other side talked about how suddenly this new idea was thrust on the Senate. It had not had the appropriate length of debate or hearings and that sort of thing. Like this is a new idea that has been around. Listen to this:

"On the national level, U.S. Representative JOHN PORTER, Republican, Illinois, dramatized the problem in 1985"—Let's see, now, that is 12 years ago—"by assigning bill number 911 to his proposed Volunteer Protection Act." Eleven years ago, and Lord knows how many thousands of volunteers who have not shown up in the 12 years, or how many hundreds of thousands of dollars have been spent in an effort to try to respond to this that therefore did not go to help a child, an elderly person, a sick person, a person that has suffered from one of these floods that we have been talking about earlier today? Who knows how many people have not volunteered for that board or went out and coached Little League Baseball? Good grief, 1985, for a very narrowly defined effort to protect this unique quality in American government—or in American life, the volunteer.

"His proposal," Mr. PORTER's, "was a Federal bill designed to spur State adoption of volunteer protection laws. As has been mentioned by the other side, in 1990, President Bush released a model act and called for State-by-State adoption. By then, though, each State legislator had already addressed the matter at least once and few were eager to tackle it again."

The other side tried to allude to a lapse on our side of our role in federalism. They were suggesting we had forgotten our interest in State management of issues. But, as Senator MCCONNELL said when he came to the floor, this is a national issue. It has State ramifications, but it is a national issue. These hundreds of organizations, some of which I cited this morning that are supporting the Volunteer Protection Act, are national organizations and they are looking for national relief. They are interactive across State borders. They are dealing with organizations who represent multistate jurisdictions. Then it goes on to say, this article: "The blame falls largely on the patchwork nature of volunteer protection laws, which vary tremendously throughout the United States. To facilitate analysis and comparison, the nonprofit risk management center compiled them in a publication."

The article draws on that analysis. Mr. President, the Volunteer Protection Act does recognize the role of the States. And in those cases in which all the parties are of a single State, the State has the option and authority to opt out of this legislation if the case is at all related to citizens of the same State.

It also allows the States laws that are more protective of the volunteers to stay, in effect, without change or preemption. But this article itself points very directly at the difficulties faced by the patchwork nature of volunteer protection laws as they exist today.

Mr. President, I am going to yield the floor. I see the Senator from Indiana has arrived and would like to comment on the legislation.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator from Georgia for yielding and, more important, thank him for his leadership on this issue. I listened, as the Presiding Officer for the past hour, to his remarks about the irony of the voluntarism conference taking place in Philadelphia at the same time the U.S. Senate is attempting to secure approval to go ahead and debate—not vote on but just debate—the passage of legislation that will make voluntarism more acceptable to the American people and provide an incentive for people to volunteer.

I had the privilege of being designated as a delegate to that summit conference in Philadelphia, and as a delegate attended various meetings, shared time with the President and former Presidents who were there, along with Colin Powell, and Ray Chambers, and others who were instrumental in putting that together.

The whole thrust of the meeting, the whole thrust of the summit, the factor that drew all of our current living Presidents to this summit, was the idea that we needed to stimulate and do whatever we could to encourage Americans to take a more active role in solving some of the problems that our families face and in contributing their time and their resources on a volunteer basis to help particularly those in need.

The thrust was directed toward children, children that were falling into what we describe as an at-risk category, children without fathers at home, children without the opportunities that many children in America enjoy.

The goal—2 million children reached by the year 2000—is an ambitious goal, one which will require considerable commitment on the part of the American people. Yet a number of organizations were there that pledged their

commitment to reach that goal, a number of corporations pledging their efforts to ensure and help their employees participate in reaching that goal, whether it is mentoring a fatherless child in an organization like Big Brothers/Big Sisters or working through Boys Clubs, Girls Clubs, Boy Scouts, Girl Scouts, various literacy programs, teaching a child to read, juvenile delinquency, drug abuse, teen pregnancy, all of these human problems that require not the hand of big Government—we have tried that, and it has been wanting—but involves the personal commitment on the part of individuals working with those children.

One of the most encouraging things about that summit was that there was a widespread recognition on the part of people from both parties, different points on the ideological spectrum and political spectrum. There was a consensus that big Government was not the solution, that our, in many cases well-motivated, efforts in the past to reach out through the mechanism of Government to address these human needs had not succeeded, and that while no one felt comfortable with simply absolving ourselves of all responsibility, hoping that the so-called free marketplace of social interaction and community support would fill the gaps, clearly there was a consensus that the solution did not lie in more funding for various Government agencies, more Government involvement, but the solution lay in individuals making commitments to help kids in need, to help organizations in their communities that were helping children in need. And this was a very uplifting occasion.

As I said, our former Presidents and our current President was there. We had Republicans and Democrats speaking from the platform, organizations that are doing extraordinary work today in our communities all across America. But the bottom line was, in order to accomplish the task ahead, we need more volunteers. We need more people to commit time to join up with a child in need or a family in need or an organization that is there to serve those people in need. We need to recognize those who are already making those sacrifices in volunteering, and we need to encourage more to do it.

Anyone who has been involved in volunteer work understands that the benefit exceeds the sacrifice, if we can even label it a sacrifice; that the recipient of the volunteer's efforts obviously is supported and helped; but the rewards, not money rewards, but the intangible rewards that come to the volunteer are very, very significant.

So out of all of this, I am confident, we have come to a time when there is a renewed interest in supporting our neighbor, supporting those in need, providing effective compassion, expanding the role of volunteer community organizations and charitable organizations, expanding the role of the church and encouraging its work in dealing with some of these problems.

But one of the key impediments to that involvement of voluntarism that we are trying to encourage has been what I would call almost a tax on voluntarism. That tax is the result of lawsuits, many of which are frivolous, that have been filed against organizations or against boards of directors of organizations or of volunteers. It is a discouragement and a disincentive for individuals to volunteer.

The Senator from Georgia referenced that. The first response to a bump on the head or a trip on a step is, "I hope you're not going to sue us," because we seem to be in a pattern of litigation in what has been described as the world's most litigious society. It seems that for many the first thought is, "How can I collect? Who can I sue?" Well, it is one thing if individuals are covered by insurance policies; it is another if they either are not covered or those insurance policy premiums have risen to the point where organizations are finding it difficult to pay the premium.

Over just the past few years, liability premiums for volunteer associations have risen 155 percent. So organizations like Little League and Big Brothers/Big Sisters, Girl Scouts, Boy Scouts, volunteer fire departments, and all the myriad number of volunteer associations and groups that provide so much important help to people in this country are finding themselves squeezed, squeezed by higher liability premiums, squeezed from their ability to attract people to serve on their boards, to attract volunteers to work in the work of the agency.

We need to recognize that every dollar that is devoted to increased liability premiums means that it is a dollar less that goes to meet the needs that the organization or the individual is attempting to address.

Congress has attempted to address this in piecemeal fashion. I was proud to lead the effort last year to pass the bill that provided liability protection for doctors and nurses that volunteered their time to those in poverty that did not have insurance. Senator SANTORUM passed a bill that provided restaurants that donate food to homeless shelters, food banks and soup kitchens some protection from liability.

But essentially what we are talking about here today is a bill that would expand the scope of liability protection to the numerous agencies and literally hundreds of thousands of volunteers who are not now covered or who find that the premiums are prohibitive for liability coverage.

Of course, there are protections in the bill here. We are not excusing people from negligence. We are not excusing people for willful injuries or criminal misconduct. If a suit is warranted, the suit can be brought. But what we are saying is that there ought to be some protection against frivolous lawsuits, there ought to be some protection against honest mistakes, there ought to be limitations on liability to those who actually bear the responsibility for the injury, and not this, what we call joint and several liability, that flows to every member of the organization, every member of the board which allows lawyers to simply find the deepest pockets or the richest pockets to sue, and so if one member of a board commits an act which warrants an action against that individual, all members of the board find themselves involved in the lawsuit.

As I said, liability insurance can be purchased, but the rising cost of that has been prohibitive, and it drains dollars away from the central purpose of that organization. In many cases we have people who are not covered by insurance, yet they want to volunteer their time.

Mr. President, just a little bit ago—I think it was just a week or so ago—Lynn Swann, who is a former member of the Pittsburgh Steelers and is in the National Football League Hall of Fame, testified before the House on the impact of increasing insurance premiums and the problem of liability coverage for Big Brothers/Big Sisters.

Lynn Swann is a national spokesperson for Big Brothers/Big Sisters of America. I had the privilege of serving on that national board with Lynn. He has dedicated an extraordinary amount of time and effort to promoting the concept of mentoring and promoting Big Brothers/Big Sisters as an organization that has been established now for nearly 100 years in mentoring children on a one-on-one basis.

Lynn testified before the House indicating that the inability to pass liability coverage for volunteers was providing a disincentive to attracting volunteers to be Big Brothers or Big Sisters. Currently, there are 100,000 individuals in this country who have volunteered their time on a consistent basis—not a one-time only, but a consistent basis—to mentor and be a Big Brother or Big Sister to a child from a fatherless family, to a child who needs someone to come alongside, to be with them, to help them with homework or just to listen to them on the phone or to incorporate them in some of their daily activities, to be a friend, to be a Big Brother, to be a Big Sister.

But there are 40,000 young people on the waiting list because we do not have enough Big Brothers, Big Sisters to match those on the waiting list. One of the reasons is that agencies have not been able to attract enough people because people are concerned about frivolous lawsuits or liability actions taken against them that they know they are probably going to have to pay or settle to some extent just to keep from having to spend 2 or 3 or 4 years in court

dragged out through an expensive legal process.

So we go back to the original point. At a time when this Nation's attention is focused on the concept of voluntarism and how it can support those genuinely in need, how it can provide help for children at a time when former Democrat and Republican Presidents and our current President are meeting in Philadelphia to promote and encourage and ask and plead with individuals and corporations and businesses and entities in America to do more, the U.S. Senate is voting to not allow debate on a strictly—I guess it was strictly a partisan vote. There was a clear division between the Republicans and Democrats on this issue. They were voting to not even allow debate and amendments to go forward to move to final passage of this particular legislation.

So on the one hand, our Nation's attention is focused on the plea of President Clinton, former President Bush, former President Ford, and former President Carter to get more involved, to volunteer, to support agencies that are reaching out to children in need, calling for 2 million additional volunteers by the year 2000.

Yet at the very same time the U.S. Senate is saying, no, we are not going to remove impediments to voluntarism, we are not going to adopt sensible measures to protect those who give voluntarily of their time to serve the needs of our communities and serve the needs of our fellow citizens, we are not going to do anything to take away any barriers that might be in place that are identified as limiting the size and the scope of the volunteer effort.

It is just such a disconnect, just such an irony that our President is in Philadelphia urging us to become more involved in that spirit of voluntarism that I was privileged to experience in Philadelphia over the last 2 days, and that it is now clouded over with a deep, dark cloud that basically says, no, we are going to protect the lawyers, we are going to give the lawyers more protection than we are going to give the volunteers, we are going to make somebody who volunteers for Girl Scouts or Boy Scouts or Big Brothers/Big Sisters or any of a number of organizations and wants to give their time to the board, we are going to say that you are jointly and severally liable, if somebody on that board makes a mistake, we are going after the guy with deep pockets, we are going after the guy with all the money.

So good people who want to give their time and effort to volunteer organizations and volunteer help find themselves restricted and limited because they may not have control over an individual on a board that does something that brings a lawsuit, that allows every member of that board to be swept up in that lawsuit.

We are providing a disincentive to those citizens and volunteers who want to give of their time, who want to provide the support that children need in this country by saying, "Do not forget about the lawsuit liability. Watch out for the trial lawyers."

We are losing people, 40,000 young people on the waiting list for a Big Brother or Big Sister, and we cannot reach out to volunteers with any assurance that they will be protected from sometimes some of the most frivolous, meaningless, but yet effective lawsuits filed against them.

Are we foreclosing the right of someone to go after criminal misconduct or willful actions? Absolutely not. That protection is provided in the legislation that we are debating. What we are trying to do is make it easier for people to be good neighbors, to be good citizens. What we are trying to do is to provide a recognition that as Government necessarily scales back its effort at providing help for humans in need—which has been an extraordinary effort. I am not questioning the motivation of those who attempted it. It just simply has not produced results.

There is a recognition across the spectrum now between Democrats and Republicans that we need to find better alternatives, that we need to support the role of the church, we need to encourage the role of the church, parish, and synagogue, of charity, of volunteer charity organizations, of volunteer associations, of PTA's, of all of the groups that are working now in our community—including the Salvation Army, on and on it goes—who want to do more but need help to do more. They need our involvement, No. 1. They need our funds, No. 2. But No. 3, the least we can do is remove an impediment to voluntarism when someone's lawyer says better not be involved with that group because, as you know, while it is purely a voluntary act, if something happens to some member of the board, this whole board can be sued. Every one of you will find your name on a summons. Every one of you will find your name as defendants in a lawsuit. Every one of you will have to pony up for money to pay the attorneys. These guys will squeeze us for years until we settle, and maybe there is no liability at all, but we cannot afford the time. We cannot afford the ultimate money. So we will simply put a settlement out and everybody has to kick in. So people are discouraged from exercising some of their best instincts.

This legislation makes a great deal of sense. I hope my colleagues who did not support the cloture motion, the motion to allow us to go ahead and proceed with this legislation, I hope they will weigh that action against what is taking place in Philadelphia. I hope they will take the opportunity, as I just did in our reading room back here, to go and look at the stories and pictures in a whole number of newspapers from across the country—the Los Angeles Times, the Boston Globe, the St. Louis Post-Dispatch, the Chicago Tribune, and on and on it goes, USA Today—on the front page of every paper out there. A lead item on all the news stories last night was the Philadelphia summit, the President's gathering, organizations pledging, individuals committing to a new spirit of voluntarism that, hopefully, will sweep across this country, hopefully will reach out to those 40,000 kids and Big Brothers and Big Sisters that are waiting for a match that can change their life, that can make a difference in their lives. For all those who want to expand the board, expand the participation and expand the number of volunteers, I hope they will go and read the headlines and look at the pictures. I hope they will look at the pictures of the kid waiting for the Big Brother/Big Sister match, for the involvement of organizations that can help their family, for the encouragement of groups like Habitat for Humanity and others that are making some an extraordinary difference in our world today. We want to do more. We want to do better. We want to expand that effort.

What is stopping us? The trial lawyers—the trial lawyers who will not even let us go ahead and debate the bill and vote on the bill. A cloture motion has to be filed to prevent a filibuster. Because of a strict party-line vote, which escapes me why every member of the other party feels it necessary to prevent this at the same time their President is urging, in an eloquent address—one of the best addresses I ever heard President Clinton give. I am not often standing at the lectern praising the President, but it was an extraordinary address to the thousands that were gathered yesterday in Philadelphia. It was a plea for support.

Here we are trying to provide one measure of support to remove one disincentive to voluntarism, to serving on a board of directors. As I said, I am on the national board of Big Brothers and Big Sisters. We have discussed this. Lynn Swann comes down and testifies and says we can put more kids together with more mentors, but one of the things that is holding us back is the liability we expose volunteers to and the extraordinary increase in insurance premiums over the past several years because of all these lawsuits. So every dollar that Big Brothers and Big Sisters worked so hard to achieve to provide a match between a Big Brother, Big Sister and a little brother and a little sister, every dollar that has to go to pay the increased liability premiums is a dollar that cannot go to provide for a match or support a match.

I hope my colleagues will reconsider and allow us to go forward with this. If it needs to be amended, we should

amend it. If it needs to be modified, we should modify it. But do not stop it from even being discussed, debated, and voted on, particularly at a time when our President and our former Presidents and our Nation is saying, "We want to do more. We need to do more. We must do more." We should not throw a bucket of cold water on what I think is a noble effort, a necessary effort, to address some of the basic human needs in this country.

Mr. President, I appreciate the generosity of the Senator from Georgia in allowing me to address the Senate. I again commend him for his efforts, and hope that when we get to the next cloture vote we can do better than we did today.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

First of all, let me just say to my colleague from Indiana that I really appreciate much of what he said, and I also appreciate his passion. I do not know anybody more committed to this whole idea of volunteer citizen action and helping people. I deeply respect him for it.

Mr. President, I think that one of the things I want people to know who are watching this debate is that there are some other things going on in the Senate right now that are extremely important. This piece of legislation, I think, can be debated and people can deal with the substance of it, but at the moment, just speaking for Minnesota, and I know there are other Senators that feel very strongly about this in the Dakotas, we have a disaster relief bill we are trying to get through the Senate.

Mr. President, I think one of the stumbling blocks right now—and I am really sorry that my colleague from Georgia is faced with this, because I think it has nothing to do with him at all—with the disaster relief bill, on the one hand you have people like Chairman STEVENS of the Appropriations Committee pushing hard to help. I am sure of that. But you now have a proposal—and I am not sure who exactly is playing this game, and it is a game—to attach a continuing resolution on to a disaster relief bill. Mr. President, I think that is the problem we are faced with.

The whole issue of liability, the whole question of what kind of tort reform there might be in relation to nonprofits and citizen volunteer efforts is important. We should get to that legislation. We should vote it up or down. I am pleased to debate it. But at the moment I say that I think the business of the Senate and the House is to get the assistance to people who have really been faced with a real disaster in their lives. People in Grand Forks and East Grand Forks, everybody that lived in the city had to vacate. People are not going to be able to get back on their own two feet. They will not be able to repair their homes. They will not be able to start their businesses again. This is a life-or-death issue. I do not think I am being melodramatic. We were so hopeful there would be action.

Again, I thank Chairman STEVENS for his work, and certainly Senator BYRD for his work, but now we have a development which, essentially, led to the committee today essentially having to call off its business. It is this proposal that comes from somebody, or somebodies, to attach a continuing resolution.

Now, for people who are listening to this debate and wondering what is that all about, let me just be clear about it. What this continuing resolution would do is, it would essentially attach on to a disaster relief bill 98 percent of this budget, although if you look to next year, it amounts to a 7-percent cut. In other words, rather than having up-or-down votes on appropriations bills, having an honest debate about what our priorities are or are not, some people would like to play this game of attaching on to what was supposed to be a disaster relief bill to provide assistance to families who were waiting for this assistance, who are hoping for this assistance, who are paying for this assistance, now we have this new effort which would put into effect cuts in the Pell grant program—I will not even go through all the statistics—work-study program, education for disadvantaged children, literacy programs, National Institutes of Health programs, Head Start, senior nutrition, the list goes on.

Mr. President, in all due respect, I do not know whose proposal this is, but I think it is a cowardly way—and I am pleased to debate anybody who wants to debate me—it is a cowardly way of loading junk on to a disaster relief bill.

Mr. President, again, I give all the credit in the world to people like Senator STEVENS, who is in there pitching for us, but I do not know who decided to do this, but it is really crass. Mr. President, the President has already said that he would veto such a piece of legislation because, as President of the United States of America, he cannot go back on a commitment he has made to people, the commitment he has made to Pell grants and higher education, the commitment he has made to Head Start, the commitment he made to nutrition programs for senior citizens, he cannot put, through the back door, cuts in those programs.

I make a plea, and I would like to have a discussion with my colleague from South Dakota about this. I would like to make a strong plea to colleagues. Please join the efforts of Senators like Senator STEVENS, who is in there pitching for us. Please understand there are people in the Dakotas and Minnesota who are really praying for help, who believe we will come through for them, who believe we will be able to help their families, who believe we will be able to help them get on their own two feet so they have a chance to rebuild their lives. Please do not attach this junk on to what is supposed to be a disaster relief bill. The business of the Congress right now ought to be to pass this disaster relief bill and get the assistance to people who need it.

I just ask my colleagues, the Senator from North Dakota and the Senator from South Dakota, what you are hearing from your own States?

Mr. DORGAN. Well, if the Senator from Minnesota would yield for a question. Mr. President, I spoke earlier this morning, and it is not my intention to upset anybody who might have another agenda, except to say that the most significant agenda at the moment is to deal with a lot of folks who have been put flat on their backs by an act of God they didn't expect or request—by floods, fires, and blizzards. In the State of North Dakota, for example, in Grand Forks, ND, an entire city evacuated. I was in the middle of a town in a boat, a town of 50,000 people in which nobody lived. Water was up to the eaves trough in some of the houses. You could barely see the tip of the roof. It was the most remarkable thing I have ever seen. It was a most devastating circumstance—except for loss of life. Thank God, we didn't have much loss of life.

Family after family are losing their homes, their personal property. Many of them lost everything they had. But they haven't lost hope. Part of the hope is that we will do what is necessary to extend a helping hand to folks, to say that you are not alone, the rest of the country cares about you. As we have done with others around this country, in fires, floods, tornadoes, earthquakes, and other disasters, we have said here is some significant help to get you on your feet and help rebuild and recover and give you some hope.

To the Senator from Minnesota, I ask this: We have had tens of thousands of people in North Dakota displaced as a result of the floods, and the resulting fires as well. I assume that the similar circumstance exists—in East Grand Forks, the entire city was evacuated. I know the Senator has some numbers on evacuations. But is it not the case that Minnesota, South Dakota, and North Dakota probably suffered the most significant natural disaster we have had in the history of our three States?

Mr. WELLSTONE. I say to my colleague—and I am pleased to take questions from both of my colleagues—he is quite right. It is a nightmare. It is something that nobody ever could have predicted, and everybody had to be evacuated from East Grand Forks. In other towns, like Breckenridge or Ada, not everybody in the town had to

leave, but in Ada, the school is destroyed and has to be rebuilt. People had to be evacuated from a nursing home. There was a tremendous amount of damage. The community center was essentially destroyed. In Breckenridge, I met small business people who said, "We need start-up grant assistance."

Again, I say to my colleagues, I understand the importance of this piece of legislation that is on the floor. But at this point in time, I think the first priority ought to be to get this disaster relief to people. I believe we operate by the rule, Mr. President—I always have as a Senator—that it is "there but for the grace of God go I." I have always voted for disaster assistance for other States because I know something like this could happen to people in Minnesota. We count on people being there with us. I don't want this to be something that is symbolic. We need to get assistance to people—not 100 percent replacement, but at least something to help them get back on their own two feet.

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

Mr. WELLSTONE. I am pleased to.

Mr. JOHNSON. First, the Senator from Minnesota has done yeoman work in trying to bring relief to the tremendous, catastrophic disaster that has taken place in Minnesota, North Dakota, and South Dakota over the recent months. We have 125,000 people rendered homeless in those States currently. I have visited all three States, and I have seen families, even those who can get back into their homes, who have no sewage, have no water, the roads are broken up. They are doing dishes in campers and using port-o-johns that are temporarily installed in the front yard, and sandbags are everywhere. It is chaos in so many of these areas. Livestock have been lost, equipment has been lost, buildings have collapsed under the weight of snow, culverts are out of place, bridges are down. The loss is a mess through this part of the northern Great Plains. It has been a disaster that has visited 22 States, although the Senator and I are most familiar with the problems, obviously, of Minnesota, North Dakota, and South Dakota. We have tremendous urgency for assistance, as this country has always done during times of this level of distress.

It appears that if extraneous language is added to this disaster legislation, for which there is broad-based bipartisan support, that will jeopardize the passage of the legislation and, even if it were to pass, would subject it to a veto and we would be back to square one. Timeliness will have been lost and we will have delayed the level of assistance that is so badly needed on an urgent basis.

I ask the Senator from Minnesota, does it appear to the Senator that among the most egregious things trying to be added or forced on to this legislation are proposals that, while they are referred to as a 98-percent CR, which to many people would sound reasonably innocuous, but the real consequence of that would be, would it not, over the coming year that we would in fact see college aid cut by $1.8 billion, 400,000 students would lose Pell grants, 52,000 children would be cut from Head Start, we would have to end the Crop Insurance Program—one of the very vehicles that is being used to provide some level of relief for the farmers and ranchers who have been badly hit by this disaster—200,000 veterans would lose medical care, 700,000 mothers and infants per month would lose Women, Infants and Children Nutrition Program services, Indian health services would be cut, there would be 500 fewer air traffic controllers and 173 fewer security officers hired for purposes of air security. Is it not correct that not only would we have to buy into this, but I would have to ask the Senator from Minnesota, procedurally, is it not also correct that we would not be permitted a vote up or down and there would be no debate on policy initiatives of such enormous consequence if we were to allow this kind of extraneous language onto the emergency legislation that we so badly need to pass immediately?

Mr. WELLSTONE. Well, Mr. President, in response to my colleague from South Dakota, first of all, he is quite correct about what this continuing resolution would mean in personal terms for people in our States. Actually, if you look at a 98-percent cut—we can see where other cuts have taken place. As a matter of fact—and my colleague outlined some of the figures—let's translate it into personal terms one more time. I do not believe that people in South Dakota or Minnesota or others across the country are interested in reductions in financial aid and Pell grants so that higher education can be more affordable. I do not believe that. We have been reading about and talking about the very early years being so important in the development of the brain, that we have to make sure children at a very young age have adequate nutrition. Do you know what? We can't play symbolic politics with children's lives. If we are going to be espousing that, we better make the investment. I don't think people want to see cuts in nutrition programs for children.

Mr. JOHNSON. If the Senator will yield, would the Senator agree that there is an appropriate time and place for a debate about whether Head Start should be continued or whether crop insurance should be continued or nutrition programs should be continued and at what level, and that the timeliness of that debate ought to be in the context of the appropriations process, rather than doing an end-run on the normal process and tying it to this badly needed legislation?

Mr. WELLSTONE. I say to my colleague from South Dakota that that is precisely the case. I was simply trying to make the argument that I believe these cuts are not acceptable to people in the country, and this is not an intellectually honest or policy-honest way of doing it. We can have the debate on all these appropriations bills and we can have up-or-down votes and be accountable. I think this is a very cowardly way—and that is a pretty strong word to use—or a back-door approach to try to make cuts in some of these programs that are so important to the lives of the people we represent, and it is just adding junk onto what should be a straight disaster relief bill.

Let's not play around with the lives of the people in the 22 affected States. I invite any of my colleagues, I say to my colleague from South Dakota, before you do something like this—and, again, I know Chairman STEVENS has tried to be in there pitching for the people in our States—before you play this kind of game, come on out and look into the faces and eyes of some of the people. They are like refugees. The people in our States are like refugees. They are homeless and are trying to get back home and are trying to repair their homes. They are trying to move back into their homes with their children. Why play this kind of game with their lives? Let's bring this disaster relief bill before the Senate, and let's get the assistance out there to people who need it.

If my colleagues then want to propose reductions in Pell grants and nutrition programs for senior citizens and reductions in the Women, Infants, and Children Program, and in all of the veterans benefits, go ahead and do it. We will debate it all. But this is an effort to essentially close off debate, not be accountable. I say to my colleague from South Dakota, the political part of it that I think is worst of all is those who are playing this game—and I hope it is very few, so they will back off—know the President will veto it. He would have no other choice. But then people are still waiting back in our States.

So we urge our colleagues to please not go forward with this proposal. I cannot say anything more important right now. I say to my colleagues from Georgia and Wyoming, it is not the debate you and I will really soon finish up. But I know if you were out here and it was your States, you would be saying the same thing. Please, just get a disaster relief bill through, and then whatever you want to add or debate by way of priorities on the budget, or wherever you want to cut, or whatever, we can debate that. But don't do it on a disaster relief bill. Please don't add this continuing resolution onto a disaster relief bill. Please don't junk it up. Leave it the way it is. Let's try to get the best possible assistance program through the Senate and the

House. Let's try to get relief to these people.

These people are really down. But in our States we have seen the worst of times bring out the best in people. It is just amazing. We were talking about volunteer efforts. It is amazing the number of people who were sandbagging and who have taken strangers into their homes, and the number of people who have done food drives, and the number of people who are helping in every possible way. But it is really hard; it is really hard when you have been flooded out of your home, when you have had to leave your community. We need to give these people some hope now. The best way to give them hope is to try to get some of this assistance to the people.

The reason I speak with some indignation is that I thought we were going to be able to move forward. I hoped we would be able to move forward Thursday in the Appropriations Committee. There are two different issues. No. 1, we have to make sure we have categories of assistance that provide the help to individual people. We have to have the flexibility and we have to give enough money to help people get on their own two feet to rebuild their lives. No. 2, we have the threat of adding a continuing resolution, which is a huge mistake. It is playing games with disaster relief. It is playing games with the agony of people. It is playing games with the pain of people. It is playing games with families in our States. It is profoundly mistaken, it is profoundly wrong, and I hope whoever is thinking about doing this will please not do it.

Mr. President, I thank my colleague from Georgia for letting me speak.

I yield the floor.

Mr. COVERDELL. Mr. President, I want to make it clear that the proposal that is before the Senate is a motion to proceed to S. 543, which is the Volunteer Protection Act. I will work right off the comment of my colleague from Minnesota that we should not be playing politics or symbolism for something that is as central and fundamental as trying to respond to people in need. The very volunteers he talks about, this legislation applies to them. In fact, the Senator from Kentucky earlier today referred to the problems involved with his floods. As you know, my State suffered a 500-year-level flood from Hurricane Alberto, 200 miles long and 200 miles wide, as it marched throughout the State. I hearken to the point that the Senator made, that sometimes the worst of times produces the best in people. I don't think anyone has ever been through any of these that have not seen, with great admiration, the spontaneous response of neighbor to neighbor, American to American.

The legislation before us ought to be managed, in my judgment, in about 2 to 4 hours. It is 12 pages long. Its concepts have been before the Senate for 12 years. Yet, we are in a filibuster over whether to even be able to debate legislation that, certifiably, is directed at the very people the Senator from Minnesota is talking about, and that is the thousands upon thousands of volunteers from his State and from other States. That is another key point. I know right now—I don't know the number—that there are thousands of volunteers in your State and others' that don't live there. They have come from other States, which is the very point that we have been making. The context of parameters around the protection of good people just trying to respond is a national issue.

Mr. WELLSTONE. If the Senator will yield for a question, I want to ask this question of the Senator because I have to leave soon. I didn't want to walk out because he makes a very important point. Would the Senator agree with me that it would be best if we could come together as two parties and work out these disagreements when it comes to what is going to be on the disaster relief bill or when it comes to Alexis Herman or judicial appointments, that we can work out an agreement and stop basically leveraging different pieces of legislation? I don't agree with the Senator on some substantive grounds. But I am sorry the Senator is caught up in this. I mean that sincerely. Would he agree with me that we really have to come together and work these things out? Because I understand the Senator's conviction about this particular piece of legislation, but I also hope that the Senator will understand my conviction about the mistakes of now adding a continuing resolution and trying to put into effect all sorts of budget cuts onto a bill that should be a disaster relief bill. Does the Senator agree that we need to get away from all of this?

Mr. COVERDELL. I think there has been great discussion in this 105th Congress, I say to my colleague from Minnesota, about a bipartisan effort. That does require a give and take. Right now, it would appear that in several quadrants that is difficult to achieve. I have served in the legislative body an extended period of time, and I think what the Senator points to is always the laudable goal and what all of its Members should reach for. I am sure the Senator from Minnesota will agree. I am not surprised that, from time to time, very powerful interests and emotions cause these kinds of strenuous areas. I commend the Senator for being attentive to the needs of his State. It is exactly what he should be doing. I have been there myself. I hope that as we move through the week, the resolution of the issue which he addresses can be accorded. I appreciate the interest in the legislation.

Mr. WELLSTONE. I thank the Senator from Georgia. I say that I am interested. I don't agree with him, but I understand exactly why he wants to move forward.

Mr. COVERDELL. I understand your caveat.

Mr. President, we have been joined by the Senator from Pennsylvania, who, I might say, has been at the forefront of a concept called the "renewal alliance." Even before this legislation was put together, the Senator from Pennsylvania and others—and I have been pleased to be a small part—have been engaged nationally, not just in Pennsylvania, in reaching out, just as this summit did in Philadelphia, and tapping the compassion of the American volunteer on all levels to confront some of the most difficult problems with which our country is beset. It is entirely appropriate, and I am very pleased that he would take time to come to the floor and talk about what the Volunteer Protection Act means and does for the very effort that he and these other Senators are pursuing.

I yield the floor to the Senator from Pennsylvania.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Chair recognizes the Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair. I thank the distinguished Senator from Georgia for his kind words and congratulate him on many counts. No. 1, for this piece of legislation. And while this piece of legislation has been around in various forms for quite some time, one thing it never had on its side was PAUL COVERDELL in a leadership role.

One thing I found out about this place is things happen when people have the energy, the enthusiasm, a good plan, a good game plan and a willingness to work hard to bring the issue to the fore, and PAUL COVERDELL does that with every issue I have ever seen him engage in. He has taken this issue and plucked it out of obscurity and driven it to the front here at a very appropriate time.

And so the Senator's sense of timing is magnificent in bringing it up here at a time when many of us, who just yesterday were in Philadelphia at the volunteer summit, were very moved by what was going on there, excited about the opportunity. I had a tremendous opportunity personally to have a good, long talk with Harris Wofford, who, as you know, I succeeded in the Senate. We had a really delightful conversation about how this is a project that, while we may be apart on very many things, we can find common ground on and work together on. In fact, we worked together a lot on the summit, to make sure that a lot of the small organizations, small charitable organizations and nonprofits were included. We understood the significant role that they play in the nonprofit community of

America, the volunteer community of America.

So we saw a lot of coming together—right, left, Republican, Democrat—in Philadelphia. It was a wonderful experience. Bringing this bill to the floor was a hope, I guess, on the Senator's part, and certainly on mine, that we would see that spirit continue in the new Capitol of the United States, not where it all started in Philadelphia.

It is unfortunate that we had a failure with this cloture motion today just to move to the bill. I think it is in some ways disturbing. We have in a sense solidarity going on on a subject that is at the core of who we are as America. I think we had a coming together, an understanding of the need for all of us to go beyond ourselves and look to each other and look at our brothers and our sisters and our neighbors, at their needs and the needs of our communities in fulfilling the promise of America. That was so clear in Philadelphia and yet becomes somewhat murky and cloudy here on the Senate floor, of all places, where it should be critically clear that is in fact the prerequisite to success in America.

It is disturbing, but I am confident, as I am sure the Senator from Georgia is, with continued effort we will bring to the American public, as we try to do this afternoon and hopefully will do in the next several days, the importance of this particular piece of legislation in making what is going on in Philadelphia a reality.

I heard the Senator from Georgia, the Senator from Indiana, the Senator from Kentucky, and others talk here about the importance of this legislation to so many nonprofit organizations all across this country. I could speak for Pennsylvania because that is where I have done the majority of visiting nonprofit organizations that serve the needs of communities, the team mission in the city of Chester in Delaware County, where I was just a few weeks ago, and I asked about the issue of the costs associated with liability insurance.

The director there told me that his costs have skyrocketed in the last few years and now he is paying tens of thousands of dollars for liability coverage for his board, just a nonprofit board of well-meaning people in the city of Chester who want to serve in a capacity of helping, promote, organize, run, operate a mission in the city of Chester which has gone under some very tough times over the last several years. They are expending thousands and thousands of dollars on liability coverage to protect themselves and their board members, and they have trouble getting board members and, frankly, have trouble sometimes, as I have heard from many other shelters and many other places, getting people to make a commitment, whether it is a volunteer commitment, whether it is a commitment of resources of some sort, whether it is equipment or loaning people a car or other things. They are scared to death of getting sued; we have become so litigious as a society.

The Senator from Georgia has come forward with a great idea of saying let us at least focus on something that is noncontroversial, the human capital involved in serving our fellow citizens, the volunteer, whether it is the volunteer board member or the volunteer out there, big brother or sister or someone else. I would think of all the proposals that we have put forward—in fact, just last year we put forward a proposal in the same kind of genre. We had a bill which was called the Emerson Good Samaritan Food Bank, named after Bill Emerson, a late Congressman from Missouri, who was a tremendous champion for hunger in America, for feeding of the children of America. Shortly before he died last year, the bill passed in the House, and I was privileged enough to carry that bill here to the Senate and finally pass it on the last day, but I will tell you it took weeks, maybe even months—my memory is a little faded right now, but maybe even months—to get that bill which passed unanimously in the House even to be voted on here on the Senate floor. One Senator or another kept putting holds on this bill.

This bill was very simple. It said if you give food to a food bank, we are going to raise the standard from negligence to gross negligence. A lot of States have done similar kinds of measures, some have not. This was a voluntary thing. We had a statute on the book—it was not a statute, but it was a suggestion to States with language to do this. It was not a law that required them to raise the standard from negligence to gross negligence. The special interests lobby that has been debated here often on the Senate floor today found one Senator after another to block it, to try to amend it, to gut it, to do everything they could. And finally several of us got together and said certain things aren't going to happen around here that did not happen before we left, that if it did not get through, we were going to get up on the floor and start exposing Members of the Senate who were putting holds on this bill and tell them, you want to feed the hungry but you do not want to allow those who process food and who sell food, whether it is in restaurants or grocery stores, to give it, because surveys showed 90 percent of the people, companies, organizations that refused to give food to food banks refused because they were afraid of legal liability, yet not one person had ever been sued, not one person had ever been sued or taken $1 out of any lawyer's mouth. And yet they still held the bill up.

Well, now we are talking about areas that people actually do get sued, and so we have the special interests out in force to stop this piece of legislation. And they were successful in convincing enough Members on the other side of the aisle to do just that. I think that is unfortunate.

This issue goes beyond the issue of just voluntarism in its broadest sense. I think you have to understand—and again this has been highlighted in Philadelphia but I think needs to be highlighted here—the importance of voluntarism and community organizations, what DAN COATS refers to as the mediating institutions in our society, those that are the buffer between the individual and the Government, those just in free association to help each other out in our own communities to solve our problems and to be that sort of close-knit group that really makes things happen on a local level. Those mediating institutions, those nonprofit groups, those civic associations are so important for our survival as a country.

We are a great country for a lot of reasons, but I can tell you that most people do not think we are a great country because we are the greatest superpower, we are the greatest economic power, we have the greatest, most powerful Government. Most people come to this country because they want to get out of a country that has a powerful government that dictates to them. They come to this country because they want to freely associate and raise their family and have the freedom to work where they want and solve their own problems in a community setting. Voluntarism is key to making that happen.

It is so important for us as a society to recognize, to lift up the volunteer as really the unique thing about America, the unique thing. The unique instrument by which we govern ourselves is that small organization that solves most of the problems in our community. Not the big Government, but those small, local organizations with the volunteer participating that solves the problem but does even something more. It brings out the best in the individual, the volunteer.

Most of the people here volunteer for one thing or another in their lives. How many people, when they volunteered, left that assignment, that mission, that duty, and as they are walking out say, "You know, I helped somebody. But, you know, I got more out of it, I am sure, than that person that I helped got out of it."

See, voluntarism is not just about helping somebody else. It is about understanding more about yourself, it is about broadening your own horizons. It is about a real fundamental understanding of what your purpose is as an individual in our society. So, to the extent that we put barriers up to people experiencing that growth, their own personal growth, as well as a barrier to meeting real human needs, we are all—

those who need the help and those who are not participating in helping—both lose. And what we have seen, and you have heard all the numbers and all the statistics—you have seen how this problem, this barrier, is a real barrier. This is not something that we cooked up and said, "Gee, let us just throw something out here to really honk off the other side." This is a real barrier.

We heard Lynn Swann talk about it from Big Brothers and Sisters. We heard Terry Orr, former Washington Redskin, talk about it from Little League. And Senator COVERDELL has read letter after letter at hearings, and others—we know the volunteer organizations tell us, plead with us to give them some breaks here. They need this relief if they are going to serve their duty, their mission, as well as ennoble the people who volunteer, get us to connect with each other.

One of the great things, and reasons I am so excited about the Project for American Renewal and the Civil Society Project that Senator COATS and Senator COVERDELL and Senator ASHCROFT and Senator ABRAHAM have been working on here in the Senate, and Congressmen WATTS and TALENT—I want to mention Senator HUTCHISON, who has been very involved—and Congressman PITTS—I could go on. But the most exciting thing, in focusing in on trying to empower the local communities, the nonprofit organizations, to do more, is—yes, they do it better. No question. They are more caring, more compassionate. They do it better, they do it cheaper, much more efficiently. They are volunteers. They have people who do this because of real motivation, inner motivation—in many cases spiritual—but true, true inner compassion, not because it is a paycheck. Not to say those who do it because it is a paycheck do not have compassion. But that volunteer spirit just comes through and people understand it. That is important.

But the most important thing that it does in my opinion is it reconnects us. One of the things I really fear about our society is we are becoming less and less connected to each other. You know, you can sit in front of a computer terminal right now and basically live your entire life without having to move. You don't have to go outside. You don't have to know who your neighbors are, or the people down the street, or go to church. You can do it all through television or through your computer.

So we end up, as a society, that people—I am all for individualism. I think individualism is great. But, you know, we hear so much about individual rights and individual freedoms and all that stuff, we forget about the responsibility that we have to each other and our neighbors. This is a way to begin.

All these things are in Senator COVERDELL's legislation. I have introduced several pieces of legislation along the same lines that I hope someday we can bring up. I have not brought them up on this bill because I think this is so important that we move this forward, but we have other pieces of legislation I have introduced to encourage people to participate, to connect again, to get outside of that door. There are people who need you and, whether you know it or not, you need them.

To the extent we, here, in the U.S. Senate can remove a barrier, can say: Look, don't be afraid of helping. Don't be afraid of asserting yourself. Don't be afraid that someone, Big Brother or big lawyer is over your shoulder, looking down at you, analyzing everything you say and do. Go out there and follow your heart, do what you know is right for your community and for the kids. The summit focuses so much on kids. A lot of the folks we are going to be helping are kids or the elderly—people in need.

So, what Senator COVERDELL is doing, what we are trying to do with the Renewal Alliance, is to empower those local groups to bring down the barriers that stop them from serving more people, to bring down the barriers that are almost in front of people's doors so they do not go out and minister to the needs of their neighbors much less—I should not even say that. In some cases they do not even bother to know who their neighbors are. They just do not want to get involved. "There are all sorts of things that can happen to me if I get involved."

We have to be a country that stops thinking like that. Look, I am not suggesting people do not have legal rights, that if they are harmed they should not have rights and recourses. And we preserve that in this legislation. We are saying, if you are grossly negligent or you are reckless in your conduct, you can be sued. And the organization, no matter whether the conduct was negligent or grossly negligent, could still be sued. It is just the individual volunteer, if they happen to do something maybe they should not have, or said—I said something I should not have. I did not mean any harm. It was not reckless, but I just threw a baseball at somebody and the kid didn't look.

Hopefully, I will not get sued. I did not mean to hit the kid. But, believe it or not, people get sued for that. It is those kinds of actions, those kinds of lawsuits that have such a chilling effect on the human nature that is so typically American, to give, to go out and meet the needs of the people.

So, I congratulate, again, the Senator from Georgia for his tremendous leadership. I cannot say enough, that this bill is where it is today and we are moving forward with this, because of his energy, his enthusiasm, his vision in moving this forward. I stand ready to help him every step of the way to make this happen. I think this is important in bringing down those barriers. It is important in building a better, more civil, more responsible, more compassionate, more connected society. To the extent we can make some little contribution here in the U.S. Senate, we should do so and we should do so immediately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. If the Senator will yield for a moment; earlier this morning there was discussion, almost because we are Republicans, about the national application of the act. And of course we have explained the national proportions of it, that volunteers are mobile. They are going into Minnesota and North Dakota right now. These organizations have national application.

The Senator mentioned the Emerson Act. For a point of clarification, that legislation, which you struggled through and you were fighting the same kind of forces that we are here, had national application.

Mr. SANTORUM. That is correct; it was.

Mr. COVERDELL. In other words, we have established the precedent in this area.

Mr. SANTORUM. In the past year, I might add, we passed it by unanimous consent; without an opposing voice, in the end, to getting this legislation passed. It had national application. The reason is it was clearly understood that these products travel, just like volunteers do, over State lines. There are companies that are multinational, not only multistate but multinational companies that produce goods, food products. If there was a chilling effect on one side, they would probably have a uniform policy against it. So we understood the nature of the goods involved and, obviously, Members on the other side of the aisle understood it also and went along on a unanimous vote and it was signed by the President.

So, it is now law. I can tell you from the experience that I have had, talking to those at the soup kitchens and food banks, contributions are up. And I am somewhat surprised, because most of the places I go to, oddly enough, do not even know we passed the law. Most of those at the soup kitchens and food banks do not even know they can now tell the grocery store or restaurant or pizza parlor, that maybe has some extra pizza there at the end of the day or whatever, that they can ship it over here and you do not have to worry about a serious legal liability.

It has gone up. It is just by some of the folks who happened to pick it up. I just suggest, for, hopefully, those listening here, and for those Senators in particular listening, we did something in Pennsylvania as a result of that just

recently, where we sent a letter out to all the different food banks and soup kitchens in my State to inform them of the legislation, to encourage them. And, in fact, I even offered to write the different grocery stores, food processors, and the like in my State, to encourage them.

We have a duty here, as leaders in our community, to try to effectuate that change. But, it was a long answer to the Senator's question, but I do so because I want to emphasize, not only did this pass bipartisanly, signed by the President, but it has already had a positive impact even in the first 2 months, the proportions of which I don't think we know yet because I don't think the information has been disseminated to all the parties who could benefit from this knowledge.

Mr. COVERDELL. The reason I asked the question was, first, to deal with the question brought up this morning about the importance of national policy with regard to—I mean, the summit was not about volunteers in Pennsylvania. The summit was about volunteers in America. This legislation is designed to protect volunteers in America.

I will close with this and yield to the Senator from Missouri. Imagine, if you would, Senator, what will happen when Little League Baseball and United Way and the American Red Cross can stand up and say, "come on, volunteers. We have removed a major impediment for you to come forward."

Given your example, you can imagine. We will be freeing up America to get back to what it has always done so well, volunteering, and responding to that eloquent address you heard in Philadelphia from President Clinton.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I commend the Senator from Pennsylvania and the Senator from Georgia for talking about very important things that relate to the way in which we will operate as a nation, whether we sink or swim, whether we survive or succumb in the next century. I do not think Washington is the answer to the problems of this country. I don't think it is Wall Street. I think it is Main Street. It is how we respond to issues as people, what the character of America is.

I believe we have the right character in this country. It is historically understood; it has been recognized by people around the world. Other countries don't solve problems the way Americans do, and, frankly, they don't solve them as well as we do. They reserve to Government, to the heavy hand of bureaucracy, so many things that we just like to roll up our sleeves and attend to ourselves.

We have to be careful that our system of resolving disputes does not impair our capacity to release the energy and the creativity of the problem-solving nature of the American people.

Over the last 30 or 40 or 50 years, we have seen a constant creep of Government and of rules about dispute resolution that has made it harder and harder for individual citizens to be involved in doing good, which is really the character of this great country.

Alexis de Tocqueville, whose ride through America 150 years ago is being celebrated by C-SPAN this year—as a matter of fact, they are duplicating it—put it this way: America was great because her people were good. It wasn't because we had the corridors of the bureaucracy in Washington well populated, or it wasn't because the Congress was a particularly strong or effective body. It was because people were good. He talked about the fact that people formed associations and formed groups and alliances for almost every purpose in this country because free people, when they see a need, meet the need. That is what we want America to be.

We have had so many problems recently where we found that our system for litigation has made it hard for people to solve problems. As a matter of fact, the Gallup organization conducted a poll in which it found that one out of every 10 charities surveyed said they have had trouble with litigation and it has caused people to refuse to serve on their boards of directors and the like.

Frankly, a number of States responded to that poll, and they enacted protection for the people who are on the board of directors of the Red Cross, or the board of directors of the United Way. That was an appropriate thing to do to protect those individuals. But the average neighbor of mine is not on the board of directors of the Red Cross. My average neighbor and my own activity have more often been just in the volunteering capacity, doing the work, driving the Meals on Wheels. I have driven Meals on Wheels routes over and over again. I wasn't on the board of directors.

It strikes me that it is appropriate to protect the folks on the board of directors, but how about the volunteer? It is OK to protect the silk-stocking folks in the boardroom, but how about the person on the front line? How about the coach of the Little League, one of the cases I previously mentioned, that was shocking to the conscience of the American people. As a matter of fact, it still almost strikes me as being humorous, the case in Runnemede, NJ, 15 years ago.

The coach sent the kid from shortstop to left field. The mom protested: "He's a born shortstop, not a left fielder." A fly ball came. The kid missed it, the ball hit him in the eye, and the coach got sued.

Mr. President, we cannot have the value of male role models —and we need them desperately in our cities and our communities —and the discipline and sense of teamwork that sports provide to help people develop and have a situation where a mom can say, "Well, my son plays only shortstop and not left field, and if you put him in left field, you'll be the victim of a lawsuit."

I have also talked about the fellow who was the Scout leader in the Northwest, with the Cascade Pacific Council, and the boys who were playing touch football. I suppose they must have proven he was negligent for allowing the boys to play touch football. I don't think our Scoutmaster could ever get us ratcheted down below flag football. We wanted to play tackle football. Here the restraint had been exercised to play touch football, and the scoutmaster ends up with a $7 million judgment against him, because he cared enough about the young people of his community to volunteer. Yes, the courts did reduce the judgment from $7 million to $4 million. Well, for most folks, $4 million isn't much better than $7 million.

It reminds me of the first time I got sued. I called my wife Janet. I said, "Good news and bad news."

She said, "What is the bad news?"

I said, "We've been sued."

She said, "What is the good news?"

I said, "Well, it is for $65 million."

It wouldn't make much difference if it was for $650, we didn't have it.

The point is, you have folks willing to volunteer, to extend themselves, to reach out and say, "We care for those beyond our own circle," and this is what makes America America. American communities are not defined by boundary lines and streets. They are not defined by geography and statute books. They are not defined in the property records. American communities are defined in the hearts of Americans because they are groups of people who love each other. That is probably a word some people would blanch at, someone saying on the floor of the Senate that we love each other. But that is what we mean when we say, "I'll help your son or daughter be a part of the team or scout troop," or "I'll help them be a part of the soccer team. I love this community, and I'm willing to invest myself in it."

What is the price tag for investing yourself in a community now? We have a legal system that may make the price tag your own children's college education, or your car, or your house. A $4 million judgment for being a Scout leader and for somehow not stopping a touch football game among boys? That is a pretty stiff price tag to pay.

I am reminded of the case in Evanston, IL. The Junior League wanted to set up a shelter for battered women. No insurance company would insure them. What happened? The shelter didn't happen. The insurance company said, "You have to run the shelter for 3 years before we will extend coverage. Because

of the litigious nature of our society and everybody suing everybody, even the people you are trying to help turn around and sue you, and since our court allows it, we won't insure you until you have had 3 years of experience showing us you can run the shelter and what the risks will be."

We are still waiting for the 3 years of experience, but we don't have the shelter. We are out of whack, and we need to readjust this. We need to put it back in a framework where ordinary citizens can offer themselves. This isn't something that is localized or just a tiny fraction of the country. It is all across the United States of America.

Here is a statement from the president of the United Way of San Francisco. I believe this was a couple of years ago:

As fear of lawsuits drives away volunteers, it does more than threaten or lower the number of people available to charity. It threatens to bureaucratize organizations known for their hands-on approach. It would replace the personal touch with the impersonal touch of organizations afraid to be different.

Here is an interesting article, entitled "A Thousand Points of Fright?" Not a thousand points of light. We do need for people to be points of light. I didn't think a thousand points of light was corny. I thought it was the character of America. I thought it reflected what is great about this country, the fact that we care for each other, we literally love each other enough to put aside some of our own ambitions, to set aside some of our own time to make some sacrifices. But should we make the sacrifice the ultimate sacrifice? Should we make it so that you have to risk everything that you and your family stand for?

The article says:

Lawsuit fears are dampening enthusiasm for volunteers, and the White House is beginning to take notice.

I am grateful the White House is beginning to take notice. I was in Philadelphia on Sunday and on Monday, and I commend the President. I think inspiring us to be the very best we can be and to help each other in this culture is inspiring us to be what we ought to be as Americans. But it takes more than inspiration, especially in the context of litigation, where we might face the potential that we would make it impossible to provide for our own families, to see to it that our children have what they need, just because we cared enough about our community to do something special, something extra.

The proposal before us says if you want to volunteer, we will provide an opportunity for you to do so in a context of reasonability. It simply says you are not going to be responsible for harm while you are delivering those services in a reasonable way. It does not relieve the organizations of responsibility. It just says that the volunteer himself or herself will not have to give up his or her family's potential in the next weeks, months, years, or decade or so, or whatever it is that would result from an extraordinary judgment.

Over and over again, whether it is the "A Thousand Points of Fright?" article, whether it is the president of the United Way of San Francisco, whether it is the story about Runnemede, NJ, and the Little League or the story about the Cascade Pacific Council and the Scoutmaster with the $4 million judgment, we know there is a problem, and we ought to do something about it.

We know there have been some things done, mostly to protect people in the board rooms and on the foundation governing bodies. But what happens to the average American who is not on the board but just a person who cares enough to give some of his own time or her own time, the most valuable thing?

Perhaps more, in terms of the children of America—and the conference in Philadelphia focused on children—the thing that we lack the most is not money. The thing we lack the most for children is relationships. The Government has been spreading a lot of money around for a long time, but the kids are without role models, they are without relationships, they are without the opportunity to learn from adults. I think it is time for us to begin to provide a context in which that relationship can reappear, and that is what this bill is all about.

This bill relieves volunteers of liability for acts which they would conduct in the course of doing what they were asked to do by charitable organizations. As it relates to the charitable organizations themselves, it establishes rules that would limit the kinds of cases in which there would be punitive damages and limits certain kinds of joint and several liability which provides a basis and a context in which we can expect to elicit far more help for people who need help in America.

It seems to me that that is something we ought to pursue, and I think it is consistent with what the business of this body, representing the people of America, ought to talk about.

So I am pleased to commend Senator COVERDELL of Georgia for submitting this outstanding legislation, and I hope, as we work to make it an avenue for helping people help each other, that we will do the kind of job which will allow us to look back with gratitude on people who are able to help one another without the threat of a legal system making it impossible for them to serve.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, what is the parliamentary status at the moment?

The PRESIDING OFFICER. The question before the Senate is the motion to proceed.

Mr. KERRY. I thank the Chair. I will speak for a few moments on the motion to proceed.

Mr. President, I would like to comment, if I can—I was sitting here actually thinking about some other remarks—but I want to comment on the remarks of the distinguished Senator regarding voluntarism and sort of the special spirit of America that we talk about, which many of our colleagues in the Senate fall back on as a place to suggest we can deal with a lot of these problems of children.

I heard my colleague say that it is really not a problem of money, it is not a problem of resources; what we need is this special spirit, we need to tap into this spirit.

Mr. President, I am all for tapping into that special spirit, but I have to tell you, in too many communities that I visited, it is also a question of resources.

I mean, I went to the middle school in Charlestown the other day with the drug czar and asked a bunch of kids in the middle school, aged 10 to 14 years old, what time they leave school. They said, "Well, we leave school at 1:30 or 2 o'clock in the afternoon." And then I asked them, "Well, how many of you are home alone with nothing to do, with nobody at home, no parent between the hours of 2 o'clock and 6 or 7 in the evening?" And 50 percent of the hands went up, Mr. President.

I then asked, "Well, how many of you have access to an afterschool program, Boys or Girls Club, parenting, or some sort of program?" Well, they did not. More than 50 percent of the very same kids who had to go to a home that had nobody home raised their hands.

You know, we can talk about the special spirit of America, and we can talk at great length about the capacity to be able to tap into voluntarism. But first of all, volunteers have to be organized. Volunteers have to be trained. I mean, volunteers cannot just show up one day and say, "Hey, I'm qualified to take care of a kid who is an infant or a toddler or kids in the middle school" and not know how to show up at the school, not know what to do, not even know if there is a program for them. Somebody has to work through that process.

In a lot of communities we are lucky enough to have some entities that try to do that. But I can show you a lot of communities where, despite the fact that they have the entities that are trying to do that, they are just absolutely overwhelmed by their lack of private resources and private commitment and private individuals to be able to reach out and grab these lives and bring them back from the precipice.

I do not want the Government doing it. I am not suggesting that we are better off having some big Government program come down and do this for those things. But I am suggesting that

unless you empower some of those entities at the local level with the resources necessary, this is all one great farce. It is a masquerade.

In Brockton, MA, we have 22,000 kids under the age of 18. We have a converted armory in Brockton that is their Boys and Girls Club. I have been there many times talking to their peer leaders who tell me that for the 2,000 kids who get access to it, it is very helpful. But then you ask the question, the really pregnant question, what happens to the 20,000 kids who do not get access to it? And the answer is, they are hanging around the streets.

So, you know, I mean, does anybody in America believe that voluntarism is going to rescue a generation where almost four-fifths are out there, outside of access to these kinds of entities? And to make matters worse, I can take you to school district after school district where they have shut the library or it is part time, where they no longer have a sports program, they no longer have arts and music, and they no longer have even some remedial programs for some of these kids. I can take you to schools where they Xerox materials because they do not have books.

So we can talk about sort of, you know, all this, quote, "thousands of points of light" and other kinds of things. But the fact is—I am going to say a lot more about this in the next days—the fact is, there are some fundamental responsibilities that we have to try to deal with on these things, and we are not living up to those responsibilities. I would like to empower the YWCA, the YMCA, the Boys Club, the YouthBuild, City Year, and thousands of organizations and entities out there.

But, Mr. President, we cannot meet the demand. And not one of them have sufficient resources—not one of them. You can go to YouthBuild in Boston and find 80-some kids coming out of the court program, coming out of gangs, coming off the streets, the very thing they are talking about. Some adult is finally coming into their life to give them some kind of affirmation, some kind of self-esteem for the first time in their lives, but it is happening because of a dollar that has been decided to be spent here. And for the 80 kids who are in the program, I will show you 400 who are not. So you can decide, you know, how you are going to decide telling which 400 get what, which 80 get what.

For all the rhetoric in this country, the bottom line is, Mr. President, we are not living up to our obligations in order to provide the fundamentals of child development and child growth. And that is the great debate for this country.

We have one child every 8 seconds who drops out of school.

We have one child every 10 seconds who is reported neglected or abused.

We have one child every 34 seconds born low weight.

We have one child every 2½ minutes arrested.

We have one child every, I think, 2 hours or 2½ hours shot by gunfire.

And we have one child every 4 hours who commits suicide.

And what do we do? Well, we kind of are talking about it. We have this big thing going on in Philadelphia that will heighten some participation, I have no doubt. Some additional people will come and take part in some additional alternatives.

But there is no way we will sufficiently rescue a generation where 33 percent of the children of this country are currently born out of wedlock. It will take a massive intervention in the lives of rural and urban dispossessed and disenfranchised in order to help pull that back from the brink. The alternative is, we can wait 10, 15, or 20 years and pay $55,000 per prison cell, or $25,000 per drug treatment program, or deal with the disabilities that come from children who do not get to see a doctor when they have asthma when they are young so they wind up with permanent disabilities here or any of the permanent disabilities that come from the lack of medical attention.

And 10 million kids in America have no medical care whatsoever. We are talking about children.

Half the kids who have no medical care who have asthma never see a doctor.

A third of the kids who have an eye infection or ear infection never see a doctor.

And we are the only industrial country on the face of this planet that treats its children this way. Notwithstanding the fact that we have seen the gross domestic product of this Nation double since 1969, we have seen child poverty increase by 50 percent.

So as we go on in this debate, Mr. President, I intend to come to this floor and make certain that we deal with the realities of what are happening to the children of this country. I cannot think of anything more important. And I think this is an important part of the debate.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Minnesota.

Mr. GRAMS. I want to take a little bit of time this afternoon to talk about voluntarism, the subject we are debating on the floor this afternoon, and to add to that a discussion about the supplemental disaster appropriations bill that we will hopefully take up this week, dealing with the flood waters of northwest Minnesota and northern North and South Dakota.

I think it is a shame a bill that is so plain and so simple and so necessary as the Volunteer Protection Act of 1997, or S. 543, has been stopped from coming to the floor of this Senate for debate. I think it is kind of ironic when you look at what has been going on in Philadelphia over the weekend, the talk of voluntarism.

You do not have to attend a conference in Philadelphia to find voluntarism, Mr. President. If you want to discuss that subject, you need to look no further than those Minnesota communities that have been so devastated by flood waters. In the Midwest we consider ourselves independent. We proudly celebrate our differences, yet we also take great pride in knowing that when our communities call on us, that we are very quick to come together. We have seen that happen so many times during the flooding.

I have heard some of my colleagues talk against this bill on voluntarism and how really we need a program of training because you have to have people trained in order to come in and perform adequate or good volunteer work. That might be true in some cases, but that does not get to the heart or the point of this bill. There is not much time to do on-the-job training when there is an accident, when somebody is caught in a burning car, when they have fallen off a bridge, or another disaster has befallen them such as the flooding of Minnesota.

In Moorhead, the dedication of our young people impressed me as they worked alongside their parents and neighbors in filling sandbags against the rising waters. They did not get training for that ahead of time. That was on-the-job training, something they had to do at the time. In East Grand Forks, an army of volunteers fed the hungry, found shelter for the homeless, and comforted thousands more as the Red River swallowed an entire community. People have been evacuated from their homes, people were moved out of nursing homes and hospitals. This was all done on an emergency basis, by volunteers who offered their help and their time. Again, they do not have time for training. They react to the situation that is needed.

In Ada, Mr. President, when the easiest thing in the world would have been to give up what seemed to be a hopeless battle against the rising river, nobody gave up. Over and over again, I witnessed simple acts of fellowship, demonstrations of stewardship, and above all, voluntarism, neighbors helping neighbors, and was reminded of the spirit that brought us together as communities and that will keep these communities together, I believe in the future.

Voluntarism is a lofty goal and it usually shows itself in times of emergency, but you cannot just pass it by mere legislation. The anguish that rose every day with the flood waters has not been confined to those communities along the Red River or the Minnesota River. That pain has been felt in every corner of my State, and Minnesotans have responded with a tremendous outpouring of not only sympathy, but real,

tangible offers of help. The volunteers were there when we needed them. The telephones at the Red Cross and the Salvation Army have been ringing constantly as people asked where can they send donations. Thousands have called the State's emergency operation center to sign up as volunteers for the long weeks of cleanup to come. Scout troops are also pitching in, churches are taking up special offerings, schools and families from parts of the State not touched by the floods have offered to host students without homes and teachers without classrooms. That is the spirit of voluntarism that Americans are capable of.

Mr. President, I have come to the floor to argue and to urge my colleagues to support the supplemental disaster appropriation, again, that we hope to take up yet this week in the Senate. The breadth of the flooding in Minnesota and the Dakotas has been difficult to comprehend. If you have not been there, if I had not seen it, I would not have believed that a pair of raging rivers could produce such widespread devastation. The cost has been enormous, both in the financial costs which may run well over $1 billion just on the Minnesota side, and the emotional and personal costs to our fellow Minnesotans, many of whom watched their homes, farms, businesses, and basically their possessions just literally washed away.

I inspected the flood damage last week with President Clinton and also the week before with Vice President GORE. Without hesitation, they all assured me that the taxpayers of this Nation would stand with the people of Minnesota today and they would be there and remain with us until every family that had lost a home would have a home, and every life that had been turned upside down would somehow be righted again. Again, we cannot make everybody whole, but we need to be able to be there with whatever help and assistance we can afford. Senate majority leader TRENT LOTT made a similar pledge last Friday when he met with Governor Carlson of Minnesota and myself to talk about the promises that Washington has made, and promises we will make sure it lives up to.

It is imperative we bring the disaster aid legislation to the floor and we pass it this week. There are thousands upon thousands of Americans who are depending on us to meet our responsibilities and also to deliver the aid that we have promised.

To avoid Government's possible disruptions in future funding, we should also have a good Government contingency plan in place to make sure that the Government has the ability to continue supporting in the areas that it can, with aid and other supports. This is the way to ensure that the needs of our flood victims in Minnesota will be met now and will be met in the near future and in the long run. After all, the aid we are promising, the aid that we will debate this week on the floor, $488 million that the President has requested for the Midwest flooding and the Red River Basin will only be 20 percent or 25 percent of what the long-term aid and dollars are going to be.

If we do not reach agreement that we will be able to keep the Government running to assure that the Government will be there in October, in November, they could be without the Government assistance they are depending on. This is good Government. It would help to take politics out of the process, because if we cannot come to terms on a budget agreement down the road, we cannot afford to have our flood relief efforts halted because of that.

Now, this is not playing games with the flood victims, as we have heard the charges here on the floor today. It would cost no money. We are not asking for additional money. We want to put in place a process, and this should have been there last year, it should have been there 2 years ago, and it should be there next year if it is needed, this is not playing games with any of the flood victims, with their families, or their possessions or their future. This is to help guarantee that the aid and the help and the supplies will be there.

It is an effort to take politics out of the process, because if the budget debate that we have this year does not result in a total budget, we do not want any part of this Government to shut down. We want to make sure that the Government is up and running and that nobody—no Government service, no Government program, no Government employee, no people relying on those type of services—will be held hostage.

I am right now disturbed by the political gamesmanship that is already being played, talking about this, going on, while our constituents are out there waiting for aid, emergency aid, short-term funds and long-term, that we need to pass this bill immediately this week. It is the responsible thing to do, again, because the disaster aid today nor the Federal services, and again the programs and employees that we should keep funding, must not be held political hostage in the near future. So we have to make sure that we pass some reasonable and some good Government contingency plans along with this. I hope it is part of this bill. I hope it has overwhelming support to ensure that these obligations are met.

I yield the floor.

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

Mr. ABRAHAM. I take a few minutes to talk about the Volunteer Protection Act and to respond to some of what I considered to be unjustified criticisms of the act which we have heard on the floor in recent hours.

As I mentioned yesterday when we began this debate, the Volunteer Protection Act will give our volunteers and nonprofit organizations who rely on volunteers some much needed relief from frivolous lawsuits that are filed based on the actions of volunteers.

All too often, while we ought to be protecting and encouraging volunteers—which President Clinton, Colin Powell, former President Bush, and others have done such a commendable job of encouraging in Philadelphia this week—we are, instead, permitting them to be subjected to baseless, abusive and unwarranted lawsuits. I spoke about many such lawsuits yesterday. I have also heard about others from community groups, nonprofit organizations, and volunteers in Michigan, and about various excesses along these lines.

Today, I respond to those who criticized this desperately needed legislation and to talk about some specific provisions of the bill which would address any concerns that might have been raised with respect to volunteer protection legislation.

Perhaps most disturbing to me is that some opponents of this legislation tried to characterize it by claiming it would protect white supremacist groups and other hate groups. That charge is entirely unfounded. It represents an attempt by those who oppose all civil justice reform to distort this legislation.

I have to ask, Mr. President, how people could reach this conclusion. Frankly, I have to say that I find it offensive, as an advocate of this legislation, to have anybody suggest that we would permit such legislation to be brought to this floor.

First, by its own limiting terms, this bill covers not-for-profit organizations that are organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes. Not every not-for-profit organization is organized for the public benefit and operated primarily for charitable purposes. I think it is clear that hate groups, even where they are not-for-profit organizations, are not organized for the public benefit and operated for charitable or civic purposes. Accordingly, they would not be subject to the limitations in this bill.

Second, the bill goes even further than that to ensure that hate groups will not be covered. The bill explicitly excludes from its coverage cases in which the misconduct constitutes a hate crime or in which the misconduct constitutes a civil rights violation. Thus, even if the defendant was associated with a group that was found to be a not-for-profit organization covered by the bill, there would be no limitation on the liability of the individual or the organization for hate crimes or civil rights violations.

Given the careful drafting of these provisions, it is simply a blatant mischaracterization to suggest that this bill would protect the Ku Klux Klan, hate groups, white supremacist groups, or any other horrible organization. Frankly, I find it very disturbing to even have this legislation associated with such hateful groups. Those groups would not be sheltered from liability, and any suggestion that they would, I think, is just plain wrong.

I also say, Mr. President, that using the kind of logic that could somehow link this legislation to such groups would allow us to say that if we provide benefits under Medicaid to people who belong to hate groups, we are trying to consciously subsidize white supremacist or hate group members. You could do that with any legislation. But we have gone the extra mile in this legislation to try to preclude those who are involved in hateful activity from being in any way protected by it.

I also want to respond to another criticism of this legislation. It has been suggested that we should leave this area to the States. I agree wholeheartedly that the States should be involved in offering legal shelter to voluntary and charitable activities. The Volunteer Protection Act has in fact been carefully drafted by Senators COVERDELL, MCCONNELL, myself, and others to ensure that we permit the States to do so and that we strike the right balance of federalism.

For example, in order to permit States to provide their own protections to volunteers, section 3 of the bill clearly provides that the Volunteer Protection Act will not preempt any State law that provides additional protections from liability relating to volunteers or nonprofit organizations. Thus, while the bill will set a standard in States without volunteer protections, it will permit the States to do more.

Section 4(e) of the bill further provides that a number of State laws concerning the responsibilities of volunteers and concerning liability for the actions of volunteers will not be construed as inconsistent with the act. I would like my colleagues to consider those limitations.

First, a State law that requires a nonprofit organization or Government entity to adhere to risk management or training procedures will not be inconsistent with the Volunteer Protection Act.

Second, State laws that make the organization or entity liable for the acts of the volunteer to the same extent that an employer is liable for the acts of its employees will continue to have full effect.

Third, any State law that makes a limitation of liability inapplicable if the volunteer was operating a motor vehicle, vessel, or aircraft will also continue in force.

Fourth, also continuing to have effect will be any State law making liability limits inapplicable in civil actions brought by State or local government officials pursuant to State law. That provision ensures that State and local officials will be permitted to enforce State law.

Fifth, the bill specifies that State laws will not be affected where they make a liability limitation applicable only if the nonprofit or Government entity provides a secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. That means that, in any example that opponents of this bill bring up and in any other case that occurs, the States will have the power to ensure that any injured parties will be compensated for those injuries.

I urge my colleagues to keep these points in mind as we debate the motion to proceed and when we get to the final point of actually considering the bill.

The Volunteer Protection Act, I also add, Mr. President, includes one other significant protection to ensure the proper respect for federalism. That is the State opt-out provision.

This bill explicitly provides that a State may opt out of the provisions of this bill in State court cases involving parties from the State. Under the opt-out provision, a State may elect to forego the volunteer protections in the bill, provided that a State enacts legislation in accordance with the State's constitutional and legislative processes. That legislation must cite the opt-out provision in the Federal legislation, clearly state an election to opt out, and contain no other provisions.

This ensures that States will opt out when they really do intend to do so and that volunteers will not be deprived of volunteer protections without the appropriate consideration of the issue by the State.

As I have stated before, I do not believe that any State will opt out of the provisions of this legislation, and I know of no State that intends to do so. Rather, the provision was included by the drafters, by those of us who support the legislation, as a matter of principle out of respect for the States.

Mr. President, I feel very strongly about litigation abuses in this country, and very strongly about fostering charitable and volunteer activities. President Clinton, General Powell, and others involved in the summit in Philadelphia are absolutely correct that we need to encourage the sense of community and charity that makes us so great as a nation.

I encourage my colleagues to consider this legislation in all its detail. It has been crafted very carefully by those of us who developed the Senate bill. We sought to strike just the right balance with the States and to offer protection only to the many worthy activities that should be protected, while at the same time protecting the rights of those who are victims. I commend Senators COVERDELL and MCCONNELL, as I have from the beginning, for their efforts, in the hope that we can proceed to the consideration and passage of this bill.

Mr. President, I will close by saying, as I did yesterday, that we often talk in this country about the extent to which the sense of community that binds us together has eroded in recent years. I think that is the case, and it is why so many of our constituents ask us to try to take action to rebuild the fabric that binds us together. I think the sense of community in America breaks down in no small measure because we have stopped looking at one another as neighbors and friends and we look at each other as potential plaintiffs and defendants. I believe this would not be any greater a case than when it comes to the activities of charitable organizations, whom we seek to address with the Volunteer Protection Act. If we do not take action to try to give volunteer organizations a greater opportunity to do their good deeds, I think we really will have set back efforts to build a stronger American community.

For that reason, I sincerely hope our colleagues will join us in supporting this legislation.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Michigan for his many contributions—not just the comments today, but the many contributions he has made on behalf of the act and on behalf of the outreach I spoke of earlier to involve citizens, and the renewal alliance, and all of the other work he has done. I appreciate him being here.

Before he leaves, I want to thank him also for specifically referring to the suggestion, which I characterized as "very disappointing" this morning, that this legislation somehow gave undue protections to the Ku Klux Klan. I thought introducing that in an attempt to make some legitimate criticism of this legislation was inappropriate. I am appreciative that you would come with your legal background and point out, as I have tried to do—perhaps not as effectively as you have—how totally inaccurate that assertion was. I appreciate that.

Mr. President, if I might take a moment, we are discussing a proposal to bring the Volunteer Protection Act before the Senate. We are trying to get to the point where we can consider the legislation, and there is a filibuster being conducted to prohibit it.

It has been said all day long that it is of the utmost irony that the party of the President, who spoke so eloquently yesterday in Philadelphia on behalf of voluntarism, is consciously engaged in obstructing and preventing even the debate—we are not to the point of voting—about the Volunteer Protection

Act, whose sole purpose is to make it more possible for volunteers to respond to the request of President Clinton, President Bush, President Carter, and President Ford for America to step forward.

Mr. President, just to read from a press release, it says:

Together with President Clinton, former Presidents, 30 Governors, 100 mayors, participated in a conference on volunteering. General Powell said, "As many as 15 million young Americans need mentoring to help them overcome the adversities they face. They are at risk of growing up unskilled, unlearned, or even worse, unloved." General Powell said, standing outside Independence Hall, the birthplace of this Republic, "They are at risk of growing up physically or psychologically abused. They are at risk of growing up addicted to the pathologies and the poisons of the street. They are at risk of bringing children into the world before they themselves have grown up. They are at risk of never growing up at all."

Mr. President, we have heard from Little League Baseball, from the Red Cross, from boys clubs and girls clubs, from United Way, from former athletes who provide excellent role models for our young people. Just 2 weeks ago, Terry Orr of the Washington Redskins, standing before the world, said that he cannot get volunteers to do the very work that General Powell is alluding to here with inner-city kids, without first confronting a barrage of questions from the volunteer he is trying to recruit, the current rookies, without having to confront that rookie's attorney to determine how much risk is the volunteer going to face, how much threat is there to the assets of that volunteer's family.

This legislation before the Senate, being filibustered before the Senate—and just another word on that. We have heard all day long about the holding up of the nomination of Alexis Herman. We have heard about the supplemental bill. We have heard about everything except allowing us to move forward with a 12-page bill that very simply makes it possible for a volunteer not to be free of willful or reckless activity or gross negligence but to be free of making just a mistake or omission in the act of being a volunteer—12 pages long. You would think we were rewriting the Constitution of the United States.

It was suggested, well, this was brought up just because of the volunteer summit. Right. That is exactly why it is on the calendar today, so that there can be a congressional response to the call of the Nation's leaders, so that Americans can respond to the call of America's leaders. And I just find it unconscionable on two points, that we had an extended presentation which somehow would allege the authors of this legislation were protecting the Ku Klux Klan of all things. And I think a reading of any learned attorney would agree with the presentation by the Senator from Michigan that the legislation is carefully drafted. There would not be any protection to that kind of organization. And then that we would be confronted with a filibuster to keep us from trying to help fulfill the dreams and wishes of the summit and reinforce America's commitment to voluntarism.

CLOTURE MOTION

Mr. COVERDELL. With that, Mr. President, I regretfully—I say regretfully—send a cloture motion to the desk and ask for the clerk to report.

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Larry Craig, John Ashcroft, John McCain, Tim Hutchinson, Phil Gramm, Rod Grams, Craig Thomas, Jesse Helms, Wayne Allard, Pete Domenici, Slade Gorton, Pat Roberts, Ted Stevens, and Olympia Snowe.

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I send a second cloture motion to the desk and ask the clerk to report.

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Larry Craig, John Ashcroft, John McCain, Tim Hutchinson, Phil Gramm, Pete Domenici, Wayne Allard, Slade Gorton, Pat Roberts, Ted Stevens, Ben Campbell, Olympia Snowe, Mike Enzi, and Spencer Abraham.

Mr. COVERDELL. Mr. President, of course, the purpose of these motions is to try to break the filibuster.

Mr. President, for the information of all Senators, in light of the failed cloture vote that occurred today, on the motion to proceed to the Volunteer Protection Act, I have just filed two additional cloture motions which call for the cloture votes to occur on Thursday of this week. Senators should be aware that a second cloture vote on this issue will occur on Wednesday of this week. Assuming our Democratic colleagues choose to continue to filibuster the motion to proceed to the Volunteer Protection Act and the second cloture vote fails on Wednesday, April 30, then these two additional votes would be necessary on Thursday. As always, the leader will notify the body when these votes have been scheduled during Thursday's session of the Senate.

MORNING BUSINESS

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

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

TRIBUTE TO PATRICIA GRAY

Mr. KERRY. Mr. President, every one of us here in the Senate are very privileged to be able to do what we do at the request of the citizens of our State and with their trust. And we often get a lot of credit and occasional brickbats for it. But the truth is, none of us could do what we do without the capacity of able staff. We are all blessed with that. It is the way that we succeed, knowing what we know when we vote or being able to pursue some legislation that we pursue.

I have been particularly blessed to have an individual work on my staff since I arrived in the U.S. Senate, a person who came as my scheduler when I arrived in 1985, and who, until this day, was my scheduler. When I arrived here 12 years ago as a new Senator and began to assemble a staff, I was extraordinarily lucky to be introduced to a person by the name of Patricia Gray, Pat Gray as she is known to those who have worked with her here in the Senate.

She came to me as a professional's professional, Mr. President. She had come to Washington a number of years before having been initiated into public service by one of the all-time great Senators, Paul Douglas of Illinois. After arriving in Washington, she worked for Senator Douglas, for Senator Hubert Humphrey, for the Democratic Congressional Campaign Committee, for a host of Democratic Presidential campaigns over the years, and for some other congressional offices.

She took important time off during her career at various points to give birth to and to raise two sons, and worked in both nonprofit and for-profit private sector organizations.

A complete recitation of her extraordinary career would require a separate speech. But let me just say that it was my extraordinary good fortune 12 years ago to have Pat Gray be willing to take a place in my office and help to create order out of chaos.

I realize there are a lot of people on the outside who might wonder, not having worked in close proximity to someone in public life, or even somebody as a high private official, why somebody would need sort of a full-time professional scheduler, and in the case of some offices I suppose more than one person. But literally, as all my colleagues know, it is a very special talent to be able to make people feel good who you have to say no to. And you have to say no.

It is a very special talent to be able to balance the scores of invitations with the schedule here, which we can never quite determine, to be able to balance the when and if as a Senator—you might be able to appear—without making people feel somehow that you are either indifferent or lack caring with respect to their concerns or desire to have you come. And we, all of us, receive hundreds of invitations, not only by the week, but by the days sometimes.

It is extraordinarily hard to contend with the need to balance 5 or 10 committee meetings in the course of a week, overlapping with votes that occur whenever they might occur, and to keep all of the people happy who you are trying to balance as that schedule changes. I really cannot think of a tougher job, while simultaneously trying to enhance an individual Senator's ability to be able to meet their legislative agenda, not to mention as all of us struggle so much with a personal life, our home agendas. So the absence of that very, very special talent is literally the absence of order and capacity in a Senate office.

For these past 12 years, Pat has applied her remarkable storehouse of information that she brought with her to Washington about the Congress, about life here, about those who animate both this city and this institution. She readily acquired the same degree of sophisticated knowledge about my State of Massachusetts and those who animate our State and our politics and our lives. And she learned my preferences and patterns in personal and family needs and incorporated those into the schedule process. That is a very potent package, Mr. President. It is one for which many elected officials, for that competence, would give their right arm and leg in an effort to find that kind of person.

But I want to emphasize something. She brought a great deal more to the job than simply her capacity to be able to run the schedule. It is a special skill and it is a special knowledge. But I would like to just very quickly mention a couple of other very special traits.

First, she, among many people—and I have been blessed to have scores of people who have worked for me since I have been in the Senate—has a deep constitutional commitment to the principle that anything worth doing at all is worth doing well. No matter how long it took, no matter how early she had to come in in order to make it work, no matter what the complexity of the scheduling matter of which I or other staff members were depending on her to see us through, she saw it through.

I cannot begin to relate the number of days, Mr. President, on which when I arrived in the office—and I often arrive early—I found Pat there, the first person in the office and often, I might say, the last person to leave on the same day.

When I was flying out of Washington to Boston or elsewhere in the country, she was at her phone until she knew the plane had taken off, until she knew there was no delay, no cancellation, no crisis to rearrange. All who dealt with her and those who work in my office and those who work in other Senate or House offices or elsewhere in government, constituents in Massachusetts, and all others, knew her to be an utterly and remarkably dependable person.

It was her responsibility to make certain people understood. And because it was her responsibility, they did understand that they could depend on her. That is a very special brand of devotion, and I would respectfully suggest different probably from a lot of the mores that currently circulate at large in our country.

I also want to underscore that she did not just stumble into government by accident. This was not a place where she had to find a job. This was not a place where she wound up because she did not have the talent to find any kind of work anywhere else. This was a place that she worked for more than a quarter of a century with a purpose because she believed devoutly in the ability of this place to make a difference in the lives of other people and in the ability of the democratic government, and more importantly, the fundamental responsibility of a democratic government to serve people.

Unlike those who hold the philosophy that government is just somehow inherently incapable of ever helping somebody, she believes intently that bureaucracy aside, government has the ability, well delivered, efficient, and well thought out, to be able to help people to do things for themselves, not to do things for them. I think that she also shares a deep belief that corporately good things can happen that improve the quality of life that individuals sometimes simply cannot do on their own.

She believes that government has, just as individuals have, a very special obligation to those who do not share the good fortune that others enjoy, and she particularly always shared and I think her work for Hubert Humphrey and Muriel Humphrey and Paul Douglas, and I hope she will feel for me, were part of her commitment to the impoverished, the illiterate, sick, elderly, the disabled, and those for whom life is hard in many ways, that others never know or know only in mild terms.

This foundation energized Pat Gray, and I think over all the years they gave her a stamina and the ability to persevere even when others would have thrown up their hands and walked away. It led her to spend her entire career in public service, when she really could have chosen a dozen other courses.

Recently, and to my benefit, Mr. President, that commitment caused her to remain at her post even after she was entitled to full retirement benefits. Her dedication to improving government, to making it work better, for the benefit of those who need and depend on its wide variety of services, is visible to everybody who ever came in contact with her. She knows that every person who works in government, regardless of his or her specific position or responsibility is a part of the whole, and therefore the effect of the whole, and she has been determined that her contribution would be measured as positive.

Finally, Mr. President, Pat has been nothing if she has not been tenacious. Surrender is simply not a word in her lexicon. If she believes it is her duty to accomplish something, all of us in my office, or in offices around her—including I might say, at peril several times learned—it is best not to inadvertently be standing between her and her goal. When it came to keeping that schedule, despite the uncontrollable interruptions, despite all the forces that tugged at it, no one could have mustered or demonstrated greater energy or commitment than she did.

It is a blessing, Mr. President, at the right time, after a lifetime of work, to leave the workplace for the pleasures of her retirement. But that time has now arrived for Pat. So, no longer every week will she have to leave her husband Ken, himself a veteran of public service with Senator Douglas, Senator and Vice President Humphrey, Senator Stevenson, Senator Tydings, several Presidential campaigns, and a number of other posts, who has been retired for a couple of years, no longer will she have to leave him in their home on the side of Old Rag Mountain in the Blue Ridge in order to commute here for long days in the office and short nights in an Arlington apartment. No longer will she be unable to join him in Colorado at their mountain cabin for the few weeks of the summer that she gets, as she did forgo on occasion because of the Senate schedule. Ultimately her friends, her family, and above all, her garden that she cherishes will be the winners for this moment.

In my office, we will take a very, very special pleasure in knowing that

she will be enjoying this well-earned time so much. After her many years of contribution to the U.S. Senate and to the country and to my State and to my office personally, we wish her, as I know everyone who has come in contact with her in the Senate and in Washington does, we wish her well. She has made her mark and we should all wish that we could live a life as clearly committed and devoted as hers.

I ask unanimous consent that a letter from Muriel Humphrey be printed in the RECORD.

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

APRIL *29, 1997.*

DEAR PAT: How I wish I could be with you on this very special occasion. However, although I cannot be with you personally, I am pleased to have this opportunity to express to you my hearty congratulations and sincere best wishes as you retire after many years of dedicated public service.

Pat, I want you to know how grateful I am to you for all you have done for Hubert and me. We could always depend on your expertise, your loyalty, your friendship and support throughout the years, and that meant a great deal to us. You contributed substantially to whatever success we enjoyed and you were there to encourage us in times of struggle and challenge. You are truly a part of the Humphrey family!

It is certainly appropriate that your many friends and colleagues gather to honor you on this special occasion. I add my voice to theirs in wishing you all the very best for a long, happy and fulfilling retirement.

Again, Pat, congratulations!

Warm regards,

MURIEL HUMPHREY BROWN.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 28, 1997, the Federal debt stood at $5,347,125,099,434.10. (Five trillion, three hundred forty-seven billion, one hundred twenty-five million, ninety-nine thousand, four hundred thirty-four dollars and ten cents.)

Five years ago, April 28, 1992, the Federal debt stood at $3,884,477,000,000. (Three trillion, eight hundred eighty-four billion, four hundred seventy-seven million.)

Ten years ago, April 28, 1987, the Federal debt stood at $2,265,888,000,000. (Two trillion, two hundred sixty-five billion, eight hundred eighty-eight million.)

Fifteen years ago, April 28, 1982, the Federal debt stood at $1,062,161,000,000. (One trillion, sixty-two billion, one hundred sixty-one million.)

Twenty-five years ago, April 28, 1972, the Federal debt stood at $425,304,000,000 (four hundred twenty-five billion, three hundred four million), which reflects a debt increase of nearly $5 trillion—$4,921,821,099,434.10 (four trillion, nine hundred twenty-one billion, eight hundred twenty-one million, ninety-nine thousand, four hundred thirty-four dollars and ten cents), during the past 25 years.

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–1757. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing recordkeeping and reporting by political committees; to the Committee on Rules and Administration.

EC–1758. A communication from the Assistant Attorney General, Office of Justice Programs, transmitting, pursuant to law, a rule entitled "Grants Program to Indian Tribes" received on April 24, 1997; to the Committee on Indian Affairs.

EC–1759. A communication from the Acting Inspector General of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the annual Superfund report for fiscal year 1996; to the Committee on Environment and Public Works.

EC–1760. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96–07; to the Committee on Appropriations.

EC–1761. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions deferrals dated April 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on the Budget, to the Committee on Appropriations, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Energy and Natural Resources, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on the Judiciary, and to the Committee on Governmental Affairs.

EC–1762. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–1763. A communication from the Secretary of Defense, transmitting, a draft of proposed legislation to establish a small business loan program; to the Committee on Veterans' Affairs.

EC–1764. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Compensation for Certain Undiagnosed Illnesses" (RIN2900–AI77) received on April 28, 1997; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 662. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE; to the Committee on Commerce, Science, and Transportation.

By Mr. KERREY:

S. 663. A bill to enhance taxpayer value in auctions conducted by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEVIN, Mr. CLELAND, Mr. INOUYE, Mr. GLENN, Mr. DODD, Mr. WELLSTONE, Mr. KERRY, Mr. SARBANES, Mr. DASCHLE, and Mr. REID):

S. 664. A bill to establish tutoring assistance programs to help children learn to read well; to the Committee on Labor and Human Resources.

By Mr. KERREY:

S. 665. A bill to monitor the progress of the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 666. A bill to amend title 18, United States Code, with respect to States that do not give full faith and credit to the protective orders of other States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERREY:

S. 663. A bill to enhance taxpayer value in auctions conducted by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

THE RESERVE PRICE ACT

Mr. KERREY. Mr. President, for most Americans a buck doesn't go very far. A dollar will not buy a cup of coffee at Starbucks, it will not buy a comic book at the 7–11, it will not buy a package of batteries at the True Value store, or even a gallon of gas at the Amoco station. But, at the FCC, a buck will buy a radio license to serve the city of St. Louis.

On Friday, the FCC completed an auction of radio spectrum which should cause every American taxpayer to be concerned. This action yielded less than 1 percent of the amount anticipated. Rather than raising $1.8 billion as the Congress had expected, the FCC brought in only $13.6 million.

Perhaps worse of all, several licenses were awarded to bidders for the incredible sum of $1. That's well below the bargain basement. Mike Mills of the Washington Post aptly observed that a sign should be put in front of the FCC auction headquarters advertising "everything for a buck." One bidder won four licenses at a dollar a piece. Those licenses combined would allow services to reach 15 million people. Another bidder won the right to serve St. Louis, one of the largest cities in America for $1. It is as if we had returned to the days of license lotteries. That's one heck of a way to stretch a dollar.

Radio spectrum is a national asset. It must be prudently managed. The taxpayers count on the Federal Communications Commission to allocate spectrum among and between various uses

to assure that the public interest is served and to assure that those uses do not interfere with each other.

In 1993, the Congress enacted legislation which revolutionized the way radio frequencies are allocated. After years of debate, the Congress took the step to authorized the Federal Communications Commission to use auctions to allocate licenses for radio spectrum. It was built on the premise that investors would pay for the right to offer new wireless communications services.

Prior to 1993, licenses were awarded by lottery or by a comparative application process. In both cases, license winners would often sell their licenses soon after acquiring them to others for substantial sums.

To cut out the middle man and give taxpayers a return from the valuable rights they were awarding, the Congress ordered the FCC to conduct auctions to award radio spectrum licenses.

In general, this approach has worked very well. It has proven to be an efficient means of allocating scarce resources and it has reaped billions of dollars of deficit reduction for the American taxpayer.

Unfortunately, something went wrong in this last auction. One problem was that the auction rules did not establish a minimum bid or a reserve price. That's how some lucky bidders won valuable licenses for a buck.

Mr. President, I offer legislation today which will help ensure that taxpayers are protected in future FCC auctions. The importance of this legislation is heightened by the increasing congressional reliance on spectrum auctions in telecommunications and budget policy. The President's budget alone relies on $36 billion of revenues from spectrum auctions.

The Reserve Price Act requires the FCC to set a minimum price for each unit auctioned. If no one bids the minimum, then what is not sold will be reevaluated and placed in the next scheduled auction. With a reserve price system, taxpayers will be guaranteed that national assets are not sold for a song.

The Chairman of the FCC reportedly said that the reason for the disappointing return from Friday's auction was the "the Congress got to greedy" with spectrum revenues. Perhaps, this auction was rushed. But with reserve prices, even a rushed auction would not have to be a disastrous auction.

I urge my colleagues to review and support the Reserve Price Act. The American taxpayer deserves as much.

I also ask unanimous consent that the text of the Reserve Price Act and a copy of Mike Mills' Washington Post article entitled "Latest License Action Disappoints FCC" be inserted in the RECORD.

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

S.663

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reserve Price Act".

SEC. 2. RESERVE PRICE.

In any auction conducted or supervised by the Federal Communications Commission (hereinafter the Commission) for any license, permit or right which has value, a reasonable reserve price shall be set by the Commission for each unit in the auction. The reserve price shall establish a minimum bid for the unit to be auctioned. If no bid is received above the reserve price for a unit, the unit shall be retained. The Commission shall reassess the reserve price for that unit and place the unit in the next scheduled or next appropriate auction.

[From the Washington Post, Apr. 26, 1997]

LATEST LICENSE AUCTION DISAPPOINTS FCC

TOTAL COMES UP SHORT OF EXPECTATIONS IN BARGAIN-BASEMENT BIDDING

(By Mike Mills)

They might as well have changed the sign at the FCC Auction headquarters to "Everything for a Buck."

Congress had expected the Federal Communications Commission to pull in about $1.8 billion in its latest auction of a slice of the airwaves, this one for companies that want to offer wireless voice and data services. But when the bidding stopped yesterday, the FCC found it had raised less than 1 percent of that amount, only $13.6 million.

It was by far the most disappointing yield to date in the auction program. In other bidding since the program began in July 1994, winners have pledged about $23 billion to the Treasury Department, far higher than initial projections.

The FCC blamed yesterday's poor showing on Congress, saying it didn't give the agency or the industry enough time to prepare for the latest auction. But the low bids also might be a sign that the market for airwave licenses is becoming glutted, some analysts said.

Either way, bargain-basement prices awaited the handful of communications companies that cared to participate. McLeod Inc. of Cedar Rapids, Iowa, actually bid $1 each for four licenses in the Midwest covering areas with a 15 million population—and won. Nobody countered its bid in 29 rounds.

"It was a fortunate opportunity," said Bryce Nemitz, McLeod's vice president of corporate relations. "There wasn't any way for us to gauge the true value of those licenses, so we bid the minimum." The company plans to use the licenses for wireless utility meter reading, he said.

According to FCC Chairman Reed E. Hundt, Congress got too greedy last summer when it passed a law ordering the FCC to quickly auction this chunk of frequencies by April 15, and to make sure the money got to the Treasury by Sept. 30.

The deadline gave the industry little time to prepare, Hundt said. Equipment makers had no idea what the frequencies could be used for. Potential bidders had difficulty raising bidding money in capital markets.

"We were right when we told the industries and Congress there wasn't enough lead time for this auction," Hundt said.

But there were other problems. In February the FCC announced restrictions that limited users of those frequencies from offering certain mobile services because they might interfere with a new satellite-based radio service. And earlier this week, the FCC also said the new license owners would have to accept other restrictions to avoid interference with other services.

Those limitations might have curbed interest in bidding, but they didn't seem to bother the winners. BellSouth Corp. was the top bidder, spending $6 million for 22 licenses. It plans to offer wireless television service using the licenses.

Other firms aren't sure how they'll use the licenses. "It just got rushed to the market so soon that people just didn't have time to get themselves together," said Thomas Sullivan of TeleCorp, which won a St. Louis license for $1 and two others for $60,000.

For Congress, the $1.786 billion shortfall won't directly affect any spending programs. But it will be a factor when bean-counters next tally up the budget deficit, sources at the Congressional Budget Office said.

Some analysts suggest the auctions are a sign that the auction process may be running out of steam. Some bidders who paid surprisingly huge sums for wireless telephone licenses earlier last year are now having big troubles raising the money to pay for them. That spooked investors in a subsequent auction last year for similar licenses, in which bidding fell below expectations.

The broadcasting lobby, which has so far successfully avoided auctions of TV and radio licenses, and the results make their case for killing the auction program.

"These sub-par receipts confirm what we have been saying for months," said Dennis Wharton, spokesman for the National Association of Broadcasters. "Spectrum auctions have clearly reached a point of diminishing returns."

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEVIN, Mr. CLELAND, Mr. INOUYE, Mr. GLENN, Mr. DODD, Mr. WELLSTONE, Mr. KERRY, Mr. SARBANES, Mr. DASCHLE, and Mr. RIED):

S. 664. A bill to establish tutoring assistance programs to help children learn to read well; to the Committee on Labor and Human Resources.

THE AMERICA READS CHALLENGE ACT

Mr. KENNEDY. Mr. President, it is a privilege to introduce President Clinton's America Reads Challenge Act. Today is the closing day of the President's summit for America's future. The summit's organizers and participants have sent a clear call about the importance of volunteerism and community involvement. The America Reads Challenge Act responds to that call and will provide volunteer tutors to help all children read well by the end of the third grade.

Reading is a fundamental skill for learning, but too many children have trouble learning how to read. If students don't learn to read in the early elementary school years, it is virtually impossible for them to keep up later. According to one study, 40 percent of fourth grade students don't attain the basic level of reading, and 70 percent don't attain the proficient level.

Research shows that reading skills are developed not only in the home and

in the classroom, but also in communities and libraries. Sustained, quality reading experiences outside the regular school day and during the summer can raise reading levels when combined with high quality instruction. Only 30 minutes a day of reading aloud with an adult can enable a child to make real gains in reading. Adults also serve as role models for young children.

The America Reads Challenge Act is intended to help all students learn to read—and read well—by the end of the third grade. It would provide Parents as First Teachers challenge grants. Recognizing that parents are the best first teachers, it supports programs and activities that help parents increase the reading skills of their children.

In addition, the act will provide America's Reading Corps grants to States and communities to help them establish or enhance literacy tutor programs. Some 25,000 reading specialists and tutor coordinators, including 11,000 AmeriCorps members, will participate in programs to mobilize 1 million volunteers to tutor 3 million children.

The America Reads Challenge Act will provide $1.7 billion over the next 5 years to the Department of Education. It will also authorize the appropriation of $200 million a year from fiscal year 1998 through fiscal year 2002 to the Corporation for National Service. The act also builds on efforts of pre-school and elementary school programs, such as Head Start and title I, to help improve children's basic skills.

I strongly support President Clinton's America Reads Challenge Act, and I hope it will receive the broad bipartisan support it deserves. Every child can learn to read, and every child deserves a chance to learn how to do it. No child should be left out or left behind.

Ms. MIKULSKI. Mr. President, I join my colleagues Senators KENNEDY and MURRAY in cosponsoring this important new initiative.

The goal of this legislation is to launch a campaign to ensure that every child in our Nation can read independently by the end of the third grade. I believe that this is a worthwhile goal, which will have a wide-ranging impact on our Nation.

We need to help our young children learn to read. It's the responsibility not only of parents but of schools, communities, civic groups, libraries, and business leaders. Some 40 percent of all children are now reading below the accepted level on national reading assessments.

This is a national crisis. Tens of thousands of students cannot read at the basic level. If students can't read well by the third grade, their chances for later success fall dramatically. These same students are likely to drop out of school; they will have problems with delinquency; and they will have fewer job options.

I believe that the America Reads initiative will go a long way in providing much needed resources to parents, schools, and State and local communities to help our children learn to read.

This bill would establish a corps of 1 million volunteer tutors and give States additional resources to hire 30,000 reading specialists to coordinate the corps volunteer tutors who will work with teachers, principals, and librarians to help children succeed in reading.

I support mobilizing thousands of volunteers, but I also believe that the training and screening must be adequate, especially when we place anyone in our Nation's classrooms. These are issues that my colleagues and I will be addressing.

We also want to help parents. This bill establishes Parents as First Teachers challenge grants, which invests in success by supporting effective and proven local efforts that assist parents who request help to better work with their children.

The President has also called upon colleges and universities across the country to dedicate half of their new work study funds to support 100,000 college students to serve as reading tutors. Already hundreds of colleges and universities across the country have pledged to have their work study students help children learn to read. In my State of Maryland, Anne Arundel Community College, Bowie State University, Frostburg State University, and the University of Maryland at College Park have all committed to the America Reads initiative.

We also want accountability. This legislation will use the improvements in the National Assessment of Educational Progress [NAEP] to provide an annual measure of the reading performance of 4th graders and their progress toward meeting the reading challenge.

Both the Corporation for National Service and the Department of Education will oversee and manage this program. The Corporation for National Service has the expertise to pull together the AmeriCorps volunteers and has the infrastructure in place to help mobilize the volunteers. The Department of Education has the knowledge and resources to really make this program accountable.

I support utilizing the resources that we already have in place with AmeriCorps. I know that thousands of AmeriCorps volunteers across the country are already in the schools tutoring children. In Maryland, AmeriCorps volunteers are already in public schools tutoring and mentoring students.

And, companies too are leading the way with innovative methods of teaching our children to read. Sylvan Learning Center, which is headquartered in my State of Maryland, is a company that has been having great success with its methods to help children learn to read. Sylvan operates tutoring centers across the country. The centers have produced measurable results with children. The centers are community-based facilities. The student to teacher ratio never exceeds 3:1. Sylvan's approach consists of individualized instruction, variety, a creative motivational system, and parent and teacher involvement. It is an approach that works and can be one of the models that we use for the America Reads Program.

Why does this approach work? Because specialists can tailor a program to meet an individual student's needs. In many overcrowded classrooms across our country, it's simply impossible for a teacher in charge of 30 or 40 students to give one student who's having problems extra attention.

I don't believe that America Reads is a substitute for in-school instruction nor is it a substitute for parental involvement.

What we're talking about providing is individualized after school, weekend, and summer reading tutoring for nearly 3 million children a year from kindergarten through third grade [K–3] who want and need extra help. This will supplement the learning that is taking place during classroom hours. What's more important is that this tutoring will take place at no cost to parents and students.

I know that there has been criticism about having a literacy program directly aimed at children in K–3. I have to disagree with this criticism. Schools cannot do it alone. Many public schools simply do not have the resources to give students the one-on-one attention they need.

We have to launch a large-scale effort to tackle our Nation's youth literacy problem. I believe we need to mobilize and train volunteers to come into the schools to help our children learn to read. I believe we need to hire reading specialists to help our Nation's children. Teachers cannot do it alone. And parents need our help.

When 40 percent of our Nation's children cannot read on level by the third grade, we must ask ourselves as a nation what we're doing wrong and how we can correct it. This is a widespread problem that crosses gender, racial, and religious lines.

As the Nation begins to enter the 21st century, we cannot have our young people—our future—lagging behind in basic skills. This affects our Nation as a whole. It affects our Nation's productivity. It affects our work force. When these children become adults, they will not have the basic skills needed to survive.

Reading is an ongoing activity. And, if we want our children to succeed, if we want to promote work force readiness, and if we want to raise academic

standards in our schools, then we have to reach our children in their early stages of development.

I hear from teachers, administrators, and counselors in my State about the dismal crisis in public schools. Many children come to school from impoverished backgrounds. Many children come to school either abused themselves or the witness to domestic abuse in the home. With all of these obstacles, it's even more difficult for teachers to teach and for students to learn to read.

That's why I am supporting this bold, new initiative. The idea is to use the resources that our Nation already has—libraries, volunteers, students, businesses, and civic organizations—to help our most precious resource—our youth. I urge my colleagues to support this legislation.

By Mr. KERREY:

S. 665. A bill to monitor the progress of the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

THE TELECOMMUNICATIONS ACT PROGRESS REPORT ACT

• Mr. KERREY. Mr. President, the Department of Justice has approved the merger of the Bell Atlantic and Nynex Corporations. While this is a matter within the discretion and jurisdiction of the Department, I rise to express my concern and disappointment with this decision.

With this merger, two strong potential competitors with two vibrant, rich markets have combined.

Bell Atlantic/Nynex will control more than 25 percent of all access lines in the United States and would serve 26 million customers. The merger is the second largest in U.S. history and the new company will rank among the 25 largest U.S. companies.

A little more than a year ago, the Congress enacted landmark legislation to open telecommunications markets to competition, preserve and advance universal service and spur private investment in telecommunication infrastructure. Over the last year, the Federal Communications Commission has worked overtime to implement the new law. It has been a daunting task.

While the FCC struggles with implementation of the new law, it is important to remember that a key part of that legislation did not rely on regulation, it relied on the marketplace. The idea was to unleash pent up competitive forces among and between telecommunications companies.

This transaction replaces the urge to compete with the urge to merge.

To unshackle the restraints of the modified final judgment which controlled the break up of AT&T, the Congress gave regional Bell operating companies instant access to long-distance markets outside of their local service regions and access to long-distance markets inside their regions when they opened their markets to local competition as measured by the bill's competitive checklist.

In addition to responding to the lure of long-distance markets, regional Bell operating companies and other local exchange carriers were expected to covet each other's markets. The attraction of serving markets like New York City, Baltimore, and Washington, DC, with local and long distance products was to be a key catalyst for breaking down barriers to competition. Who knows better what is needed to compete for local exchange customers in a new market better than another local exchange company?

With this transaction, local competition and long-distance competition is lost. In addition, potential internet, video and broad-band competition has disappeared.

The promise of the new law was that competition, not consolidation would bring new services at lower prices to consumers. Where competition failed to advance service and restrain prices, universal service support would assure that telephone rates and services were comparable in rural and urban areas.

When large telecommunications companies combine, they not only eliminate the potential of competition with each other in each other's markets, but they create a market power which may be capable of resisting competition from others. They also create the possibility of an unequal bargaining power when they compete with or deal with small, independent and new carriers.

A strong role for the Department of Justice was my No. 1 cause when the full Senate considered the Telecommunications Act. I supported final passage of the law because the conference committee bolstered the Department's authority as compared to the Senate version of the bill. The legislation relied on the existing, strong antitrust powers of the Department of Justice. It also removed the FCC's ability to bypass Department of Justice antitrust review.

As we measure progress against promise, it is vitally important that the Congress have sufficient information to assure that those powers are sufficient to promote competition, affordable prices and universal service.

Mr. President, I am introducing legislation today to monitor the progress of the Telecommunications Act of 1996. This bill instructs the National Telecommunications and Information Administration, in consultation with the Federal Communications Commission, the Department of Justice, other executive branch agencies and State regulatory utility commissions to issue an annual report to the Congress on telecommunications services in America.

The report would review available information and consider at a minimum the level of competition, the provision of universal service in telecommunications markets, mergers among telecommunications providers and their effect, employment in the American telecommunications industry and the affordability of residential rates for telecommunications services. The report will also make legislative and policy recommendations to the Congress and the President.

Mr. President, I believe that if properly implemented, the Telecommunications Act of 1996 can deliver on its promises of competition, affordable rates, universal service, jobs, and investment. I am not prepared to recommend major change to the 1996 law, but I am prepared to argue for a higher level of competitive vigilance by this Congress and the executive branch.•

By Mr. LAUTENBERG:

S. 666. A bill to amend title 18, United States Code, with respect to States that do not give full faith and credit to the protective orders of other States; to the Committee on the Judiciary.

FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS ISSUED IN OTHER STATES LEGISLATION

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation that will help ensure that States live up to their responsibility to give full faith and credit to protective orders issued in other States.

In the 1994 Crime Act, as part of the Violence Against Women Act, Congress passed a provision requiring States to enforce the protection orders issued in sister States.

What this means, Mr. President, is that if a woman has secured a protective order against her husband in New Jersey, and then goes to Pennsylvania to stay with her parents and her husband follows her, Pennsylvania is obligated to enforce the New Jersey protective order.

This is common sense, it will protect the lives and well-being of countless threatened women, and is the law. However, for some reason States have been disregarding their legal obligation to enforce these orders.

Mr. President, it seems that the only way to get the States to live up to this obligation is to threaten some of their Federal funding.

Accordingly, the bill I am introducing today allows the Attorney General to withhold 10 percent of all formula Byrne grant crime fighting funds given to a State if it is failing to enforce out-of-State protective orders. Although I believe that these funds are an important crime prevention and crime fighting tool, it has become clear that there must be some mechanism to ensure that States live up to their responsibilities to victims of domestic abuse.

Mr. President, violence against women is one of our country's most heinous and pressing crimes. Every 12

seconds a woman is battered. About 10 times more women are victimized annually by domestic violence than are diagnosed with breast cancer. These figures reflect only reported crimes—the actual incidence rates are even higher.

According to the FBI, domestic violence is the single most common source of injury among women ages 15 to 44, more common than auto accidents, muggings, and rape by a stranger combined.

Protective orders are an important device in combating domestic violence, and protecting women who have already been battered from further harm. But they are only effective if they are enforced.

So, Mr. President, I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 666

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

SECTION 1. FULL FAITH AND CREDIT GIVEN TO PROTECTIVE ORDERS.

Section 2265 of title 18, United States Code, is amended by adding at the end the following:

"(d) FORMULA GRANT REDUCTION FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—Beginning with the second fiscal year commencing after the date of enactment of this subsection, and in each fiscal year thereafter, if a State is not in compliance with subsections (a) and (b), the Attorney General shall reduce by 10 percent the amount that the State would otherwise receive for that fiscal year under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.).

"(2) REDISTRIBUTION OF AMOUNTS.—In any fiscal year, the total amount remaining for distribution under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.) by operation of paragraph (1), shall be distributed on a pro rata basis among States that—

"(A) are eligible to receive a grant under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.); and

"(B) are in compliance with subsections (a) and (b) of this section.".●

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 61

At the request of Mr. LOTT, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from California [Mrs. BOXER], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 75

At the request of Mr. KYL, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 181

At the request of Mr. GRASSLEY, the name of the Senator from New York [Mr. D'AMATO] 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 Wyoming [Mr. ENZI] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Florida [Mr. GRAHAM] 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. 293

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 375

At the request of Mr. MCCAIN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 387

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 394

At the request of Mr. HATCH, the names of the Senator from Florida [Mr. MACK], the Senator from Louisiana [Mr. BREAUX], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 404

At the request of Mr. BOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 404, a bill to modify the budget process to provide for seperate budget treatment of the dedicated tax revenues deposited in the Highway Trust Fund.

S. 405

At the request of Mr. HATCH, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 528

At the request of Mr. CAMPBELL, the names of the Senator from Colorado [Mr. ALLARD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 618

At the request of Mr. SARBANES, the names of the Senator from Virginia [Mr. WARNER], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 618, a bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

S. 619

At the request of Mr. SARBANES, the names of the Senator from Virginia [Mr. ROBB], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 619, a bill to establish a Chesapeake Bay Gateways and Watertrails Network, and for other purposes.

S. 648

At the request of Mr. GORTON, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from Wyoming [Mr. ENZI], the Senator from Louisiana [Ms. LANDRIEU], the Senator

from Alaska [Mr. MURKOWSKI], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 51

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 51, a resolution to express the sense of the Senate regarding the outstanding achievements of NetDay.

SENATE RESOLUTION 64

At the request of Mr. ROBB, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Resolution 64, a resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week".

SENATE RESOLUTION 78

At the request of Mr. BURNS, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Idaho [Mr. CRAIG], the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Kansas [Mr. ROBERTS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Colorado [Mr. ALLARD], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. JOHNSON], the Senator from Hawaii [Mr. INOUYE], the Senator from Wyoming [Mr. ENZI], the Senator from Texas [Mrs. HUTCHISON], the Senator from Tennessee [Mr. FRIST], the Senator from New Hampshire [Mr. GREGG], the Senator from Nebraska [Mr. HAGEL], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Ms. MIKULSKI], the Senator from Kansas [Mr. BROWNBACK], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Resolution 78, a resolution to designate April 30, 1997, as "National Erase the Hate and Eliminate Racism Day."

At the request of Mr. DURBIN, his name was added as a cosponsor of Senate Resolution 78, supra.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Thursday, May 1, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Biomedical Research Priorities: Who Should Decide?". For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 29, 1997, to conduct a hearing on S. 621, the Public Utility Holding Company Act of 1997.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 29, 1997, at 2:30 p.m. on air bag safety.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, April 29, for purposes of conducting a hearing before the Full Committee which is scheduled to begin at 10:00 a.m. The purpose of this oversight hearing is to receive testimony from the General Accounting Office on their evaluation of the development of the Draft Tongass Land Management Plan.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 29, 1997, at 10 p.m. to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, April 29, 1997 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a business meeting on S. 459, a bill to amend the Native American Programs Act of 1974 to be followed by an Oversight Hearing on P.L. 102–575, the San Carlos Water Rights Settlement Act of 1992.

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

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 29, 1997 at 3 p.m. to hold a hearing on the nomination of Joel I. Klein to be an assistant attorney general.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on National Endowments for the Arts and Humanities, during the session of the Senate on Tuesday, April 29, 1997, at 10 a.m.

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Tuesday, April 29, at 2 p.m., hearing room (SD–406), on ozone and particulate matter standards proposed by the Environmental Protection Agency.

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

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ROLLAND C. LOWE

• Mrs. FEINSTEIN. Mr. President, today I commend Dr. Rolland C. Lowe, the new president of the California Medical Association. Dr. Lowe is the first Asian-American elected president in the organization's 147-year history.

Dr. Lowe started his distinguished career at the University of California at Berkeley, where he attended undergraduate school. After completing his undergraduate work, he studied medicine at the University of California at San Francisco. He completed a medical internship at San Francisco General Hospital and a surgical residency at UCSF.

Dr. Lowe has been a trailblazer for many years. In 1982, he was elected the first Asian-American president of the San Francisco Medical Society. For the past three decades, Dr. Lowe has been a distinguished member of the medical community. Since 1965, Dr. Lowe has served on the clinical faculty at UCSF and has practiced medicine in San Francisco's Chinatown. Dr. Lowe is a former chair of the board of trustees at Chinese Hospital in San Francisco and he continues to participate as an active board member. At Chinese Hospital, Dr. Lowe also served as the chief of surgery and the chief of staff. He has worked hard to provide low-income immigrants with high quality health care.

Dr. Lowe has a long history with not only the medical community, but with

the California Medical Association as well. He has been active in the CMA for many years, and has served on the board of trustees of the CMA since 1987, chairing it from 1994 to his election. He has been a tireless advocate of better health care for the Chinese American community.

Dr. Lowe's goal as president of the California Medical Association is to get physicians more involved in their communities. He has said, "In able to be good patient advocates, doctors need to understand their community." In this era of managed care, Dr. Lowe's commitment to re-establishing a personal relationship between doctor and patient is especially commendable. Looking at Dr. Lowe's history of service tells us that he is the right man to accomplish this goal. He has devoted his energies not just to medicine, but more broadly to his community. He has worked to provide decent housing for the elderly in San Francisco, through redevelopment of the old International Hotel for use as a senior housing and community center. Dr. Lowe is the founder and Chair of the Lawrence Choy Lowe Memorial Fund, which is a charitable and civic foundation in Chinatown. He has also served in many community organizations and foundations.

My fellow colleagues, please join me today in honoring my long standing friend, Dr. Lowe. He is a valuable asset to his community and to the State of California. His example of providing high quality health care and his dedication to his community deserve our admiration and our respect.•

TRIBUTE TO THE TOWN OF NOTTINGHAM ON ITS 275TH ANNIVERSARY

• Mr. SMITH OF NEW HAMPSHIRE. Mr. President, I rise today to pay tribute to the town of Nottingham on its 275th anniversary. On May 10, 1997, at the 275th anniversary celebration, the Nottingham Historical Society and the anniversary committee will be reading the Royal Charter of May 10, 1722, which founded the town of Nottingham.

When the charter was formally issued in 1722, there were 132 persons who were allowed to draw lots of land to establish the town. Now, Nottingham is a quaint New England town of 3,002 people, still dedicated to the Yankee ingenuity that formed the town in colonial times.

Nottingham was at the forefront of America's industrial history. In 1727, the townspeople decided to build the first sawmill on the Tuckaway River which was the beginning of 17 water powered mills for the purpose of sawing lumber, grinding grain, and fulling, a process of cleansing and working up a nap on rough, woolen homespun cloth.

The rugged land was too rocky for the planting of crops and the land had to be cleared to allow the family's provisions to be raised, and to provide winter food for the livestock. Charcoal was produced for sale in the seacoast towns like this one; it was used as the fuel in the furnaces for making iron and for heating and cooking in city fireplaces. The ironmills along the two-mile streak—also known as New Portsmouth—required large amounts of charcoal, too, for building furnaces and making iron. The name of today's Smoke Street still indicates how much charcoal was produced in the former Summer Street of the 1700's.

In spite of the hardships of nature in the cold northeast, Nottingham started to grow. By the late 1760's the Nottingham Square included a school house, a church, a meeting house, and a store. Landowners were building homes which were substantial. The Butler Inn, for example, and many other colonial and federal style homes remain in good condition today.

Nottingham also has a place of honor in our Nation's military history. Gen. Henry Dearborn led Nottingham in the march of the Minutemen to the Battle of Bunker Hill in the American Revolution. Three other brave Revolutionary War generals, Joseph Cilley, Thomas Bartlett and Henry Butler, remained in Nottingham to become leading citizens and many of their descendants are still actively involved in the improvement of Nottingham today.

During the Civil War, Nottingham residents provided many able-bodied men to fight and supplied the Union Armies with food and clothing. From the Civil War to the gulf war, many members of Nottingham's families have served their country proudly and honorably in all branches of our Nation's services.

Nottingham's residents today serve in professional, semiprofessional, trade, and service occupations. Though individualistic, these townspeople are family-oriented and prudent. They always strive for the betterment of their community and are willing to contribute their time and talents on behalf of their neighbors.•

I congratulate all the dedicated and patriotic residents of Nottingham on this historic milestone and wish them an enjoyable year of celebration and remembrance. They all should be very proud of the town's heritage and 275 years of distinguished history. I send them my best wishes for continued success and prosperity. Happy Birthday, Nottingham.

RABBI IRWIN GRONER AND ADAM CARDINAL MAIDA

• Mr. LEVIN. Mr. President, I rise today to pay tribute to two notable religious leaders from my home State of Michigan, Rabbi Irwin Groner and Adam Cardinal Maida. Rabbi Groner and Cardinal Maida are the recipients of the 1997 Dove Award, sponsored by the Ecumenical Institute for Jewish-Christian Studies.

The Dove Award was created in 1994 to recognize Christian and Jewish religious leaders who work to promote closer relationships between the two communities. I have worked closely with both men throughout my career, and have been grateful for their advice, guidance, and friendship.

Rabbi Groner leads Congregation Shaarey Zedek in Southfield, MI. An internationally recognized spiritual leader, Rabbi Groner serves as the president of the Michigan Board of rabbis and is a member of the board of governors of the Jewish Federation of Metropolitan Detroit and the Rabbinic Cabinet of the United Jewish Appeal. His writings on spiritual and social issues are published monthly in the Jewish News and appear regularly in periodicals of the Conservative Jewish Movement. From 1990 to 1992, Rabbi Groner served as the president of the Rabbinical Assembly, an international association of 1200 conservative rabbis. He was the first clergyman to be named to the Judicial Tenure Commission of Michigan.

Adam Cardinal Maida arrived in Detroit in 1990 as archbishop of the Archdiocese of Detroit. In 1990, he was elevated to the College of Cardinals by Pope John Paul II. Cardinal Maida has put commitment to youth into action by joining Baptist, Episcopalian, and Lutheran leaders in creating cornerstone schools, which offer interdenominational educational programs to children in Detroit. Cardinal Maida has continually attempted to break down the walls which exist in our society, emphasizing the importance of voluntarism, reaching out to Detroit's Hispanic community and working with political leaders to craft solutions to a number of social problems.

In 1992, Rabbi Groner, Cardinal Maida, and Episcopal Bishop R. Stewart Wood founded the Religious Leaders Forum, which encourages Christian, Jewish, and Muslim leaders to share their views on issues of concern. Activities like this have not only provided Rabbi Groner and Cardinal Maida with opportunities to work together, but they have cemented a personal friendship as well. Together, they are building bridges for people of the Christian and Jewish faiths to cross.

It is a real honor to recognize the achievements of these remarkable men. I know my colleagues join me in congratulating Rabbi Irwin Groner and Adam Cardinal Maida as they receive the 1997 Dove Award from the Ecumenical Institute.•

TRIBUTE TO DR. PAUL KAMINSKI

• Mr. LIEBERMAN. Mr. President, for the past 2½ years, members of the Senate Committee on Armed Services have

been privileged to work with Dr. Paul G. Kaminski, who is serving as the Under Secretary of Defense for Acquisition and Technology. Dr. Kaminski has led the Department of Defense through the most significant reform of the Nation's defense acquisition system in 50 years. I believe it is appropriate for the Senate to recognize the outstanding service rendered the Nation by Dr. Kaminski on the occasion of his retirement from Federal service later this spring.

During his tenure as the Defense Acquisition Executive, Dr. Kaminski established the broad outlines of the technologies and systems that will form the cutting edge of this Nation's defense capabilities well into the next century. His scientific counsel and leadership were instrumental in charting a course ahead for a system of systems including this Nation's national security space systems, heavy bomber force, air mobility force, ballistic and cruise missile defense, tactical air forces, and attack submarine fleet.

Dr. Kaminski ushered in a new era—a renaissance—in armaments cooperation with our friends and allies around the world. His vision, foresight and diplomacy have provided this Nation and our international partners with a broad spectrum of collaborative efforts and opportunities that include cooperation with Germany and Italy to develop a medium extended air defense system; cooperation with France, Germany, Italy, and Spain to develop, produce, and field an interoperable multifunctional information distribution system; and cooperation with the United Kingdom, Norway, and the Netherlands on the development of a revolutionary new joint strike fighter.

As steward of the Nation's defense acquisition system, Dr. Kaminski has guided the defense acquisition establishment through a period of revolutionary change and reform. He has changed the way our acquisition system supports America's soldiers, sailors, airmen, and marines. Through establishment of integrated product teams—composed of war fighters, testers, trainers, doctrine writers, acquirers, and their industry contractors—Dr. Kaminski has dramatically improved the way weapon systems are developed, produced, and fielded. Perhaps Dr. Kaminski's greatest accomplishment is the pride and professionalism he has reinvigorated in the acquisition work force supporting our war fighters. The American people can take comfort in the fact that the U.S. defense acquisition work force is the very finest in the world. Our people are willing to think "out-of-the-box" and pushing hard to be better.

Dr. Kaminski has been responsible for initiating a wholesale re-engineering of the DOD logistics system. He recognized that for the revolution in U.S. military affairs to proceed—the DOD needed a new, compatible logistics support concept. His approach was to substitute information and fast transportation for inventory. As a result of his leadership and vision, logistics response times have improved significantly and inventories have been reduced dramatically.•

His reputation is well known in Congress—to those who have worked directly with him and even many who have not. He is highly respected as an individual of integrity, vision, scientific brilliance, and that rare trait of objectivity about what he is involved in. His work will continue to have a very profound and lasting impact upon the Nation's security for many years to come. The Nation owes a debt of gratitude to Dr. Kaminski. It has been my distinct pleasure to be associated with this exceptional public servant in conjunction with my duties on the Armed Services Committee. I wish him well and anticipate that his coming years in the private sector will further contribute to the security of this Nation. My best wishes to Paul, his lovely wife Julia, and his two children Laura and Garrett, as they mark this special milestone.

SENIOR CITIZENS HOME EQUITY PROTECTION ACT

• Mr. KERRY. Mr. President, last Friday, April 25, the Senate passed by voice vote the Senior Citizens Home Equity Protection Act which will enable the Department of Housing and Urban Development to protect seniors against aggressive and unethical practices by firms who charge senior homeowners exorbitant fees for obtaining a home equity conversion mortgage. I was not able on that day to voice my support for this legislation, and I want to do so today. I commend Senator D'AMATO and the other cosponsors of this legislation for their swift and timely action on this important piece of legislation. I also want to thank Secretary Cuomo for bringing the problem which this legislation addresses to our attention.

The FHA home equity conversion mortgage program, implemented in 1989, has given 20,000 senior homeowners the opportunity to turn the valuable equity in their homes into direct cash payments. This borrowed equity can be used to satisfy any number of needs, and in the case of seniors, escalating medical costs colliding with fixed-incomes often make additional financial resources a necessity. Seniors who obtain reverse mortgages have median incomes of only $10,400. The ability of low-income seniors to access their home equity and increase their incomes is essential for enabling many seniors to continue living in their own homes.

This legislation is necessary to protect vulnerable seniors who have been unscrupulously targeted by certain estate planning services who charge fees of 6 to 10 percent of the cost of the reverse mortgage loan. Many homeowners are simply unaware that the process of receiving a reverse mortgage through the Department of Housing and Urban Development is actually free. HUD recently revealed that seniors have been bilked for thousands of dollars by unregulated companies that have taken a Federal program intended to serve one of our most vulnerable populations and used it for exploitation and financial gain. S. 562 will provide important safeguards for seniors by requiring that the mortgagor receives full disclosure of any costs pertaining to the origination of a reverse mortgage. Additionally, the Secretary of HUD will be empowered to impose restrictions and prohibit firms from charging excessive fees.

Again, I would like to extend my appreciation to Senator D'AMATO and the rest of my colleagues for their swift action that will ensure senior homeowners will be no longer be victimized by exploitive reverse mortgage tactics.•

ORDERS FOR WEDNESDAY, APRIL 30, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Wednesday, April 30.

I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then immediately resume the motion to proceed to S. 543, the Volunteer Protection Act.

I further ask unanimous consent the time from 10 o'clock to 11:15 be equally divided between Senator COVERDELL or his designee and the ranking member or his designee.

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

Mr. COVERDELL. I now ask unanimous consent that on Wednesday, at 11:15, the Senate proceed to vote on cloture on the motion to proceed to S. 543 and the mandatory quorum under rule XXII be waived.

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

PROGRAM

Mr. COVERDELL. For the information of all Senators, tomorrow morning the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. Senators are reminded that there will be a cloture vote at 11:15 on Wednesday on the motion to proceed to S. 543. The Senate could also be asked to turn to other Legislative or Executive Calendar items. Therefore, votes can be anticipated during the entire day on Wednesday.

ORDER FOR RECESS

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator MOSELEY-BRAUN of Illinois.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, the call of the quorum is dispensed with.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 o'clock tomorrow morning.

Thereupon, at 5:23 p.m., the Senate adjourned until Wednesday, April 30, 1997, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, April 29, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. BLILEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 29, 1997.

I hereby designate the Honorable TOM BLILEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

NUCLEAR WASTE CLEANUP COSTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Nevada [Mr. GIBBONS] is recognized during morning hour debates for 1 minute.

Mr. GIBBONS. Mr. Speaker, can this Nation afford the cost of cleaning up a nuclear waste accident? A 1975 DOE contractor report concluded that a severe accident involving rail casks could and would result in the release of radioactive materials sufficient to contaminate a 42-square-mile area. If it occurred in a rural area, the estimated cleanup cost of such an accident would range from $176 million to $19.4 billion, and would require up to 460 days. Cleanup after a similar accident in a typical urban area would be considerably more expensive and time consuming, perhaps $9.5 billion just to raze and rebuild the most heavily contaminated square mile. Realize these figures cannot include the intangible cost of a single human life or the disastrous effect it could have on the future of our children.

Much more detailed studies are necessary to safeguard against accidents and their cleanup costs before we decide to ship nuclear waste through our districts. Think about it. Could our cities, local communities and States afford these horrific impacts? Remember that safety and science equals a sound solution.

FEDERAL RESERVE RAISING OF INTEREST RATES HAS MAJOR IMPACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Massachusetts [Mr. FRANK] is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I am about to engage in an exercise which is clearly second best. The Federal Reserve Open Market Committee a couple of weeks ago decided that we were creating too many jobs too rapidly in America and, fearing that this would be destabilizing, they raised interest rates. The Federal Reserve Open Market Committee will meet again in May and July, and there is a very real prospect that they may do this again.

No single set of specific decisions taken, I believe, by anybody in the government so far this year or for the next few months, will have the impact on our economy that these decisions have had. Yet, they will be going largely undebated in this Congress because the Committee on Banking and Financial Services, which has under our rules jurisdiction over this matter, has refused to have a hearing.

Specifically, the gentleman from Iowa [Mr. LEACH], the chairman of the committee, has refused a request from all but one of the non-Republican members. Twenty-four of the Democrats and the one Independent have written to him and said, please, this is an essential issue, let us have a hearing. The chairman says to have a hearing, to have a hearing on whether or not they should continue to raise interest rates to choke off growth would be second-guessing the Fed and tampering with its independence.

I wish we could have that hearing, and I hope that the chairman will reconsider, and maybe some of the majority Members will join us. But until that time, we have no other option but this. I say that because I am about to engage in a one-sided debate with Mr. Laurance Meyer, who is a member of the Board of Governors of the Federal Reserve. I would much prefer to have Mr. Meyer in before us in a hearing room so we can engage in a two-sided debate. The chairman of the Committee on Banking and Financial Services has denied us that opportunity.

What I want to point out, however, is what now appears to me frankly the equivalent of a smoking gun in our understanding of why the Federal Reserve System decided consciously and deliberately to increase unemployment in America. Remember, that was their view. Unemployment, they said, at 5.2 percent was too low. They believed they needed to get it back up. I think 5.5 is their target.

But here is what Mr. Meyer says; he acknowledges that there was no evidence yet of inflation. He acknowledges that there was no excess utilization, there was nothing that led him now to see inflation. He thinks that it may appear in 6 months to a year, and that is why he wanted to cut it off. But acknowledging that he may have acted unnecessarily, he gives this justification; and this I think is central to this debate, and it is why so many of us want a hearing. He says: This involved comparing the relative costs of two potential policy mistakes, tightening when such a move turned out to be inappropriate or failing to tighten when a tightening would have been appropriate.

In other words, he says the better mistake to make, if you had to make a mistake, obviously you do not want to, but we all recognize uncertainty, better we should tighten when it is inappropriate.

Why? And here is what bothers so many of us about this decision. We are not talking hard economics here. We are talking values. We are talking social policy, and it is not a decision the Federal Reserve ought to be allowed to make without full debate. He says: If the Fed tightens and it turns out to have been unnecessary, the result would be utilization rates turn out lower than desired and inflation lower than what otherwise would have been the case.

In the context of the prevailing 7-year low of the unemployment rate, that translates into a higher, but still modest, unemployment rate, and further progress toward price stability, a central legislative mandate. He then says: This may not be the best solution. I would prefer trend growth and full employment. But then he says: But the alternative outcome just described is not a bad result. Indeed, it would be a preferred result for those who favor a more rapid convergence of price stability.

Think about what Mr. Meyer has said. An increase in the unemployment

rate is not a bad result, he says. It is not his preferred result, but it is not a bad result. That is hundreds of thousands or more unemployed Americans. That is a step that makes it much harder to absorb welfare recipients. When a Federal agency says that an increase in unemployment is not the preferred, but it is not a bad result, that is a serious problem.

He then goes on to acknowledge that this would be a preferred result for those who favor a more rapid convergence to price stability. In other words, he is acknowledging that some of his fellow members of the Open Market Committee, unlike him, not only do not think this is a bad result, they think this is a good result. We have here an acknowledgment from one of the Federal Reserve Board governors in a speech that really was meant, I think, as the official explanation that he does not think an increase in unemployment is a bad result, and that he acknowledges that many of his colleagues in fact think this is the preferred result. They have decided that a little bit of inflation is too much and, if we can get to zero inflation with higher unemployment, that is not a bad result. Congress must debate this policy.

REFORMING THE UNITED NATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to speak about a topic of much importance: Reforming and improving the United Nations. I think the time has come to look at this important agency and make some changes. We should not continue the status quo any longer.

In 1996, 134,281 tickets were issued by the New York City police to the United Nations diplomatic and consular vehicles. Almost all of those were unpaid. The Nation of Russia itself accounted for 31,000 unpaid tickets. Foreign United Nations officials have more of their salaries and pensions paid by the American taxpayers than from their own country.

There is sort of a elitism that is existing at the United Nations. And Americans are fed up with the elaborate spending without some kind of accountability at the United Nations. That is why I sponsored legislation, House Resolution 21, that expresses the sense of the House of Representatives that unless the United Nations adopts certain reforms, the United States should withhold financial support for the United Nations and its specialized agency until certain prudent things are done.

Now, let me tell you what this is about. I believe, first of all, we should have a comprehensive, independent audit of the United Nations and its specialized agencies. No. 2, an audit of its functions to determine if these functions can be carried out more efficiently by other organizations, or perhaps within the private sector. Prompt and complete implementation of the audit recommendations and the possible termination of New York City as a permanent headquarters of the United Nations should also be considered.

Mr. Speaker, perhaps we could rotate the location of the United Nations and allow it to go to other countries. Other nations could provide the headquarters. Implementing a rotation system like I have suggested could create a more efficient operation, I believe and allow other countries to help with the overhead costs. Prior approval by the primary donor member countries for peacekeeping operations is something we should have some control of. We now need a more careful definition and a more effective execution of the United Nations peacekeeping operations in itself.

Last, Mr. Speaker, a lot of Americans are concerned that the United Nations is going to implement a tax on the Internet, or perhaps a tax on worldwide banking transfers. We should clarify, completely clarify, for the American people that absolutely no taxing power or the right to raise revenues directly on the American people can be implemented by the United Nations.

My legislation is only the start of changing and improving the United Nations. I believe the time has come. The time is now. I believe even the leadership of the United Nations would agree with some of my ideas. The people of our country chose to change the party in power in the U.S. Congress for the first time in 40 years in 1994. I believe the overriding reason for the historic change was that the American people wanted a smaller, more responsive, and more efficient Federal Government. They wanted Congress to reevaluate every level and every aspect of our Federal Government, and I think the American people want the same thing done at the United Nations.

Another fundamental area that Americans wanted reevaluated of course is our overall national foreign policy. The world has dramatically changed with the downfall of the Soviet Union and the Warsaw Pact, but our foreign policy has failed to react properly to this change. There are different threats today in the world. The United Nations has created a response to horrors of the two world wars, but that has changed.

We now see a world that is overwhelmingly democratic, or implementing democratic change, and a world that is embracing free markets. It was the perseverance of the American people and the American leadership in combating the evils of communism that led to these changes. I think we provided to the world the American model of government and economics. Why not have the United Nations provide a new model, a new pattern, in diplomacy and fiscal responsibility. The United Nations should meet the new demands of the world today and set this pattern by reforming itself.

Outside of legitimate concerns with some terrorist nations and North Korean, Iraq, and the threat of programs from Communist China, the world has been working. It is working to solve problems on a day-to-day basis. It is obvious to me and to many Americans that we need a new pattern for the United Nations, less bureaucratic, more efficient, more fiscally responsible; like we are trying to do here in Congress. A permanent United Nations based in New York City may not be in the best interests of creating a new U.N. model. The American people, the American taxpayers, simply cannot subsidize a group of elite diplomats indefinitely without reform.

So, I urge my colleagues to cosponsor my House Resolution 21. It makes sense. The time is now.

JUVENILE CRIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina [Mr. ETHERIDGE] is recognized during morning hour debates for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to speak on an issue that is important to all of us. On Sunday, April 13, 20-year-old Kevin Pridgen stood outside a neighbor's house on Glenn Road in Durham, NC, in my district, just visiting like many folks do on Sunday afternoon. In an instant, after he had been there just briefly, after 15 rounds were fired by an assault rifle, Kevin Pridgen lay in critical condition with a gunshot wound to the stomach, a victim of a drive-by shooting two doors from his own home.

The alleged shooter in this terrible crime is reported to have been a 17-year-old juvenile whom police arrested and charged with assault with intent to kill. Sadly, episodes like this outrageous crime are no longer rare events but are increasingly part of the everyday routine in communities all across this country.

Over the past several weeks I have taken the opportunity to meet with police officials in Durham and across my district to discuss these disturbing trends. Our brave law enforcement officers put their lives on the line every day in service to the public interest.

They described to me the frightening details, the dangers they and the general public face with sharply increasing rates of violent juvenile crime. North

Carolina's finest tell me that the juveniles involved in these crimes are younger than ever, while the seriousness of their crimes has never been worse.

Statistics tell us that, despite the fact that overall violent crime in America is on the decline, youth violence is increasing. In fact, the latest numbers in my State show that overall violent crime is down by 5 percent, but youth violent crime is up by 6 percent.

According to the criminal justice experts, they have projected that the demographic changes will increase the problems of violent crime of young people in record numbers in the coming decade.

□ 1245

We must act now to protect our citizens today and address the long-term problems that are to come. I met with law enforcement officials across my district, sheriffs, police chiefs, small-town cops, juvenile detention officials and youth service providers. The message I received from these officials and from ordinary citizens comes through loud and clear: We must take aggressive action to stem the growing tide of violent juvenile crime, we must crack down on the most egregious offenders, and we must equip local law enforcement and youth services to meet the variety of challenges of our juvenile justice system. We must support Boys' and Girls' Clubs, YMCA's and other efforts to give our young people a positive alternative to the bleak choice of the streets. We must have a balanced approach of tough and smart efforts to deal with the complex and growing problem.

Mr. Speaker, the American people desperately need leadership from this Congress on serious issues like juvenile crime. The voters of North Carolina sent me to the people's House to help provide that leadership. I call on my colleagues to join on a bipartisan basis to fulfill that mission, in the name of Kevin Pridgen and all our citizens who look to us for leadership to address the urgent issues that confront us in America.

TEXAS WELFARE REFORM

The SPEAKER pro tempore [Mr. BLILEY]. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas, Mr. SAM JOHNSON, is recognized during morning hour debates for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, let us get the facts straight on Texas welfare reform. In the spring of 1995, the Texas legislature passed State welfare reform. In July of 1996, Texas tried to implement its welfare reform and sent a proposal to Health and Human Services. In April this year, 1997, still no answer from HHS. And guess who is holding it up? The President of the United States.

The State of Texas simply wants to enter into a public-private partnership to streamline, integrate and consolidate its welfare system into a one-stop center. This will not only help welfare recipients, but save taxpayer dollars. It is a forward-looking proposal that would take 21 different State and Federal programs and combine them into one.

No longer would welfare recipients have to go from agency to agency to sign up and receive benefits. It is one-stop shopping to receive all the help they need. It has been estimated that this would save Texas taxpayers over $10 million a month, or $120 million a year. That is enough money to provide additional health care to an additional 150,000 children in Texas each year.

Welfare reform in Texas has been stalled out because the President has been taken hostage by the labor unions. Labor bigwigs see any type of reform as antiunion regardless of whether it helps children or not.

The President appears to be losing support for his delay from his own Cabinet members. An April 4 memo to the President from the Secretary of Health and Human Services, the Secretary of Agriculture, and the President's head of domestic policy states,

> We must give Texas an answer immediately. The State has engaged in good-faith discussions with various agencies for 9 months.

It is now 10 months. It has been nearly a month since that memo, and still no answer. The reason the unions are holding the President hostage are illustrated in this memo. There is a chart at the bottom that lists three options. The first is the Texas proposal. The second is "the union proposal." And the third is the proposed administration compromise.

I was not aware and I am sure most Americans are not aware that welfare reform signed by President Clinton called for union approval of State welfare proposals. Since when do unions get to submit proposals on State welfare programs? I guess since they spent millions of dollars helping the President get reelected maybe.

It has also been reported that the Secretary of HHS was ready to release a letter of approval to Texas but was stopped short by the President. The request is now reportedly sitting on the Vice President's desk. What in the world is it doing there? We are all concerned that the administration is not worried about our children or how the program will help them; they are worried about the political relationship with the unions.

I think we all took the President at his word during the signing ceremony for the welfare reform bill last year when he said, "After I sign my name to this bill, welfare will no longer be a political issue."

What happened to that promise? If the administration puts the union's political agenda above the real concerns of the citizens of Texas, we will not hesitate to go forward with legislation to give Texas the approval it deserves.

Mr. Speaker, it is time for the President to do what is right. Many States are watching so they can make the same kind of commonsense changes to their welfare systems. The President should grant approval immediately so Texas and all of America can make welfare reform real and help the children and needy families in America.

INVESTIGATION OF ILLEGAL FUND-RAISING ACTIVITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Indiana [Mr. BURTON] is recognized during morning hour debates for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I come to the floor today to discuss with my colleagues serious issues which have come up in the investigation that Congress has launched into illegal fund-raising activities.

In the past few days, the White House has blurred the issues by claiming to have fully complied with our request for relevant documents. This is just not true, Mr. Speaker. The Committee on Government Reform and Oversight has not received all subpoenaed records, and the White House counsel has indicated that the President will be asserting executive privilege over an unspecified amount of documents.

The American people have a right to know. After weeks of seemingly good-faith negotiations with the White House lawyers in which the committee prioritized its request, the White House refuses to provide all documents to the committee. For weeks the White House counsel said documents would be forthcoming once a document protocol was adopted, yet the committee's April 10 adoption of a document protocol was met with continued White House resistance.

The White House proposed an alternative document protocol essentially putting control of subpoenaed documents into the hands of the White House that is being investigated. We are today involved in investigating allegations of illegalities of a very serious nature which must be addressed without delay:

Did the Clinton administration sell foreign influence overseas in return for campaign contributions? The American people have a right to know.

Was America's national security put in jeopardy by foreign money that may have found its way into the Democratic National Committee's campaign coffers? The American people have a right to know. Did foreign governments funnel foreign funds into the 1996 campaign to influence the outcome? The American people have a right to know.

How did a cast of characters, such as John Huang, Charlie Trie, Chinese

arms dealer Wang Jun, purported Russian mob figure Grigory Loutchansky, and convicted drug dealer Jorge Cabrera gain access to the highest levels of our Government? The American people have a right to know.

Were there unlawful disclosures of classified information to unauthorized Democratic National Committee employees as the CIA inspector general is now investigating? The American people have a right to know.

I was optimistic after my first meeting with White House counsel Charles Ruff in February that the White House's actions during the last Congress of delaying and withholding documents in the Whitewater, FBI files, and the Travelgate investigations would not be repeated. Yet, now, 6 months into this investigation and a month after the deadline for compliance with the committee's March 4 subpoena, the President is repeating the same dilatory tactics of the past.

Many of the subpoenaed documents which the White House has failed to produce pertain to close friends that the President has appointed to high Government positions, such as Webster Hubbell, John Huang, and Mark Middleton. These people have taken the fifth amendment to our committee. Other documents pertain to individuals who have fled the country, such as former Little Rock restaurant owner, Charlie Trie, another Presidential appointee.

Last week we sent the White House two narrowly targeted subpoenas for documents dealing only with John Huang and the Riady family, nothing else. These documents were first requested by the committee over 6 months ago. Mr. Huang is being investigated for alleged illegal activities involving foreign governments and interests while a Federal employee at the Department of Commerce and his DNC fund-raising practices. Of the $3.4 million Huang raised for the DNC campaign during the last election, the DNC has pledged to return nearly half of that.

These two subpoenas were a real test case of whether the White House was going to cooperate with Congress or not. The deadline was yesterday, and the White House has not produced the documents. My staff has spent hours working with the White House to respond to its concerns.

Mr. Speaker, I would like to enter into the RECORD the chronology of the Government Reform and Oversight Committee's efforts to get the White House to turn over the documents regarding John Huang, which has been going on since last October. My predecessor, Chairman Clinger, issued the first request for Mr. Huang's documents on October 3, 1996. Six months, numerous letter requests, and three subpoenas later, the committee has yet to receive all the documents from the White House pertaining to John Huang.

Now we still need to obtain more documents that are outstanding and past due that are related to Charlie Trie, Webster Hubbell, and others. These documents are also being withheld and are important records we will be pursuing in the coming days.

Mr. Speaker, the major purpose of a congressional investigation is to illuminate the facts and not hide them. Congressional investigations are by their nature far different from a judicial inquiry where a grand jury conducts all matters secretly. Public disclosure of the facts is the essence and in large part the purpose of congressional oversight. The American people have a right to know the facts in these matters. The President committed to provide all documents. I hope that all Members, both Democrat and Republican, will join me in asking the President to keep his word and comply with our lawful subpoenas and produce all documents to our committee.

The document referred to is as follows:

GOVERNMENT REFORM AND OVERSIGHT CHRONOLOGY OF WHITE HOUSE DOCUMENT/SUBPOENA REQUESTS 1996–97

October 31, 1996—Then Chairman Clinger requested "all records regarding Mr. Huang's activities" including Huang's involvement in trade or foreign policy matters, all of Huang's White House meetings and explanation for Huang's fund-raising activities.

November 13, 1996—Chairman Clinger renewed his request for documents pertaining to John Huang.

November 1996–January 1997—Former White House Counsel Jack Quinn sent out memos to collect documents pertaining to John Huang, Charlie Trie and other key players connected with the illegal fund-raising allegations. White House made limited production of documents pertaining to these individuals.

January 15, 1997—Chairman Burton did a letter request to the White House for records pertaining to John Huang, Charlie Trie, Pauline Kanchanalak, and others. The due date for this request was January 30, 1997.

February 6, 1997—Chuck Ruff met with Chairman Burton and informed him that the President was going to be fully cooperative in providing documents and the President wouldn't claim executive privilege.

February-March 1997—Limited document productions are made and much of information provided was previously provided or already made public. Substantive documents were produced in connection with certain Senate nominations.

March 4, 1997—Chairman Burton issued a subpoena to the White House due on March 24, 1997 for documents pertaining to John Huang, the Riadys, Charlie Trie, Webster Hubbell and others.

March 19, 1997—White House Special Counsel Lanny Breuer wrote to the Committee Chief Counsel: "I was heartened when you expressed an understanding that the White House anticipated making its production after the Committee had adopted governing protocols."

March 28, 1997—White House Special Counsel Breuer again wrote: ". . .the White House anticipated making its production after the Committee had adopted governing protocols."

April 10, 1997—Committee adopts a document protocol for the handling and storage of documents.

April 15, 1997—White House Counsel's office informed Committee that documents would not be provided despite the adoption of the document protocol. Documents pertaining to categories 1–8 of the subpoena were gathered at this point but the White House does not want to turn them over and refused to provide a privilege log outlining the documents that will be withheld. (Only limited production of non-sensitive documents was made).

April 16, 1997—White House Counsel attorneys and Committee attorneys met to discuss obtaining the outstanding documents. The White House objected to turning over "sensitive documents" and refused to commit to providing a privilege log.

April 18, 1997—After extensive discussions with the White House and the minority staff, the Committee sent a detailed letter to the White House prioritizing the March 4, 1997 subpoena. The Committee was told at this time that items 1–8 of the subpoena were gathered. Other priority items were identified pertaining to Webster Hubbell and Mark Middleton and were requested by April 28, 1997.

April 23, 1997—White House Counsel met with Chairman Burton to discuss documents that the White House had not produced. Charles Ruff committed to providing a privilege log for documents the President was going to withhold. Ruff was served at that meeting with two subpoenas specifically requesting all documents pertaining to John Huang and James Riady. (These subpoenas were a subset of previously subpoenaed records and were due to the Committee at noon on April 28, 1997.)

April 28, 1997—White House failed to provide documents pertaining to John Huang, the Riadys or Webster Hubbell and did not provide a privilege log detailing withheld documents, nor a letter from the President asserting privilege.

BALANCING THE BUDGET SHOULD BE OUR FIRST PRIORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Maine [Mr. BALDACCI] is recognized during morning hour debates for 5 minutes.

Mr. BALDACCI. Mr. Speaker, we have been from the beginning of time, seems like, trying to balance our budget, trying to work on problems that impact on American lives, trying to make sure that children have health care, that working families can be able to educate their children, provide health care, and be able to provide an opportunity for their futures.

We have many people within our State that have to go elsewhere because they cannot find the economic opportunities in our State. But this continual haranguing as it deals with this partisan fundraising as far as the political activities that are going on is derailing us from what our most important mission ought to be, which is to balance the Federal budget, to secure it for future generations, not just our generation, but our grandchildren's generation and thereafter.

But the continual sniping and partisanship that has been displayed by the House chairman of the committee doing the investigation is doing a disservice to all Americans who are trying to provide for their families.

I would encourage Members on the other side of the aisle, as we try to seek a balanced budget and try to do it in a bipartisan fashion, that these kinds of outrages and outbursts do not serve anybody's interest, especially the public's interest. And when I go home every weekend, the people in Maine are not asking me about the political fundraising that is going on at the White House or in Washington, they are asking me what am I doing to make college more easily accessible to them and their families so that they do not have to go to the poor farm.

In our State it has gone from 75 percent of the loan being a grant to 75 percent of the loan being a loan, so they get indebted and they do not go on to college.

□ 1300

We have got a lot of young people who cannot endure those expenses. We have got working families that are trying to make do on the minimum wage, but they cannot provide health care for their families. Those are the issues that are important to Americans. Those are the issues that are important to Maine people and those are the issues that we as Members of Congress that were elected to serve our people and be a voice for our people ought to be addressing.

I would encourage Members on the other side of the aisle and those that are interested in a bipartisan fashion to stop all this political partisan sniping and to focus on these issues so that we can really tell the people of America and Maine some of the more important things that are going on and what we are working on and that we truly are putting their interest, the public interest, before the Democratic or the Republican interest, the public interest, because that ultimately is the oath of office that we are sworn to.

These continuing partisan snipes and outbursts serve nobody's purpose. All they do is further polarize parties so it makes it that much harder to get together. In order for us to work with a Democratic President and a Republican Congress, we are going to need to reach across the aisle. So these continuing outbursts and investigations and partisan sniping is not going to serve anybody's interest. They may help partisan political interests, but that really is not the interests for which we are here and elected to serve.

So while our time is here, we have to remember that famous quote, that we are not extraordinary people doing ordinary things. We are ordinary people trying to do extraordinary things. In order to do it, we have to continue to remember that it is being done for the public interest, not for the Democratic interest, not for the Republican interest, but the public interest.

I would encourage and implore my colleagues on the Republican side to work together with me to balance the budget and put the interests of the people first, not the interests of their party.

ON THE BUDGET

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia [Mr. BLILEY] is recognized during morning hour debates for 1 minute.

Mr. BLILEY. Mr. Speaker, I would say to the gentleman from Maine who preceded me in the well that I appreciate his remarks. It is time that we get moving on the budget and that we reach agreement.

But I would suggest firmly that he address his comments to his leadership in both bodies who have criticized the President recently for his willingness to work with the Republicans and to reach compromise. I think that would be more productive.

TODAY'S APPOINTMENTS BY PRESIDENT CLINTON TO NATIONAL GAMBLING IMPACT STUDY COMMISSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia [Mr. WOLF] is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, today we just heard that the President made his appointments to the National Gambling Impact Study Commission. I would like to make a comment about it.

Today's appointments to the National Gambling Impact Study Commission by President Clinton, in my opinion, tilt the balance of the commission in favor of the gambling industry. The purpose of the commission is to conduct a study of gambling and provide America's communities with objective information so that they may make their own decisions about gambling.

The President personally told me that he supported the commission and appreciated its goals. In a letter to Senator Simon, the President wrote, and I quote, Senator Simon, former Senator from the State of Illinois who retired last year, he said:

> I deeply appreciate your efforts to draw attention to the growth of the gambling industry and its consequences. I have long shared your view about the need to consider carefully all of the effects of gambling, and I support the establishment of a commission for this purpose.

But that was before the casinos and the gambling interests began contributing to last year's elections. Today's appointments reaffirm how America feels about this administration. It appears to be for sale to the highest bidder and in cases like this is fundamentally corrupt.

The President of the United States today failed the American people. Today the President ignored all the problems related to gambling such as crime and corruption and cannibalization of business and the breakup of so many families.

The President turned his back on all those desperate Americans addicted to gambling who cheat, steal, or lie to fuel their habit. The President today willfully overlooked the suicides and the family dissolution that comes with gambling.

This is a sad day, I think, for America because the President's actions confirm the worst fears in that this administration has made a bad appointment and has, I think, poorly served the American people.

RECESS

The SPEAKER pro tempore (Mr. BLILEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 5 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all of those people whose attitude toward their lives and the lives of others, and indeed to Your whole creation, is an inspiration to us and to all who meet them or know them. We are grateful that Your gifts of faith and hope and love inspire people not only to talk about the opportunities and responsibilities of daily living, but whose lives are full of doing those good works and deeds that benefit people and strengthen our society. Bless them, O God, and bless all people whose constructive spirit helps them and us better understand and appreciate the hopes and the fears of each day. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentlewoman from Kentucky [Mrs. NORTHUP] come forward and lead the House in the Pledge of Allegiance.

Mrs. NORTHUP 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.

ONE MORE SPECIAL INTEREST RIP-OFF

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

Mr. CHABOT. Question: How many Federal directors does it take to run the National Sheep Industry Improvement Center? Answer: Nine.

Now, if this sounds like a bad joke, it is, and once again the joke is on the American taxpayer, because this sheep center is going to cost American taxpayers at least $20 million, maybe $50 million, and it is run by the very industries that it benefits.

Now, what is it supposed to do? Typical mumbo-jumbo. Listen: Promote strategic development activities and collaborative efforts; to maximize the impact of Federal assistance to strengthen and enhance the production and marketing; infrastructure development and on and on. Well, it gets my goat, that is for sure.

This is one more special interest rip-off that uses taxpayer dollars to do what corporate America should do for itself, and so the taxpayers keep getting fleeced.

Mr. Speaker, I am introducing a bill to eliminate this bad program. Let us end this ridiculous bit of shear nonsense.

AMERICA'S UNINSURED CHILDREN

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

Mr. PALLONE. Mr. Speaker, Mother's Day is fast approaching and there has been no committee action to date on passing legislation to cover America's uninsured children. Last week, the House Committee on Appropriations failed to pass an amendment to fully meet the President's funding request for the Women, Infants, and Children's Program.

According to the nonpartisan Center on Budget and Public Priorities, 180,000 participants will be cut off from this vital nutrition program by this September as a result of Republican actions. Even though the General Accounting Office has reported that each dollar invested in the prenatal component of WIC averts over $3.5 of Medicaid and other spending, Republicans felt that this prevention program did not warrant their full support.

Last week's vote on the Committee on Appropriations sends the wrong message to the American people. We should be working to ensure that our children are healthy and expand insurance options instead of rejecting proven preventive programs. Maybe the Republican leaders will surprise us by passing children's health care legislation through the committee process before Mother's Day. Democrats are waiting for Republican leaders to join us in helping our Nation's children.

CREATING A BETTER AMERICA

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

Mr. LEWIS of Kentucky. Mr. Speaker, now is the time for Congress to focus on our agenda. That agenda is aimed quite simply at creating a better America for ourselves and our children, creating a better tomorrow.

Mr. Speaker, that is exactly what generations of Americans have done for the past 200 years. Today, however, we must recognize two obstacles to the American success story. The first is the juvenile justice system that is broken. The second is a legal system that actually threatens volunteerism with absurd lawsuits.

Let us think about, Mr. Speaker, kids being safe, where every mother expects her government to provide a minimum of security for her children. As for the second, volunteerism, helping our kids in Little League, helping the poor and the elderly, volunteering our time at our churches, volunteerism is as American as apple pie.

But lawsuits and manipulation of the legal system threaten these activities everywhere. Let us start by passing reform of the juvenile justice system and volunteer protection legislation now.

HARSH NEW WELFARE LAW

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

Mr. GUTIERREZ. Mr. Speaker, in 94 days the new welfare law will rip apart the social safety net for hundreds of thousands of elderly, disabled, and vulnerable legal immigrants. But today, consider one such immigrant, just one, a woman in my district in Chicago.

Sophia is a 91-year-old Polish immigrant. She is in poor health and has little means of support besides her supplemental Social Security. During World War II, Sophia, then still in Poland, hid as many as a dozen Jews in her home, saved them from certain death at the hands of the Nazis.

Because of her compassion and courage, Sophia received a unique distinction from the Government of Israel. She received and was recognized as a righteous person because she had given others the chance to survive. Now Sophia has received a notice from our Government telling her that she is unworthy of Federal assistance, cutting off her only means of survival.

We have 94 days to restore benefits to legal immigrants like Sophia, to restore a sense of fairness and logic to the welfare debate, to restore the principles of compassion and justice. America should be proud to have immigrants like Sophia and ashamed of our harsh new welfare law.

COMMONSENSE FOREIGN POLICY

(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, America gives billions to Russia. With American cash, Russia builds missiles. Russia then sells those missiles to China, and China, who gets about $45 billion in trade giveaways from Uncle Sam, then sells those Russian-made missiles to Iran.

Now, Iran, with those Russian made missiles sold to them by China, threatens the Mideast. So Uncle Sam, who is concerned about Iran threatening the Mideast because of those Russian-made missiles sold to them by China that were financed by American cash, sends more troops and sends more dollars. Beam me up.

Now, if that is not enough to tax your rubles, check this out. Boris just signed a deal with those Chinese dictators that makes NATO look like the neighborhood crime watch.

Mr. Speaker, this is not foreign policy. This is foreign stupidity. I think a little common sense would go a lot further than all of these think tank experts and their advice.

WE MUST SAVE MEDICARE

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

Mr. KNOLLENBERG. Mr. Speaker, I may sound like a broken record, but just 1 year ago I stood here in this well and said we must save Medicare. I said we cannot let this program that helps so many senior citizens in our country go belly up. Yet as much as many things change, they sure seem to stay the same.

Medicare is still on the road to ruin and now we only have 4 years, 4 years before it is bankrupt. In fact, because of the President's inaction, it is now 2001. At that time Medicare will be $23.4 billion in the hole.

Perhaps the President may have had too much on his mind with all of those

fundraising distractions last year. But now the campaign is over, and it is time to worry about our seniors who need a healthy Medicare to survive.

So I would ask my friends, particularly those on the other side of the aisle, to join in this time to help us fight, stop the games, stop the demagoging. It will not help your campaigns to put our seniors at risk. Let us save Medicare.

HOUSE MUST ACT NOW

(Ms. JACKSON-LEE of Texas 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, as a member of the House Committee on the Judiciary and Subcommittee on Crime, I rise today to say to America, hatreds, no, terrorists, yes. The Republic of Texas this past weekend and the last couple of days held hostage two innocent Americans, two individuals who were guilty of nothing other than rejecting their terrorist activities.

Over 800 militia exist across the Nation. It does us no good to not respond to these unchecked fringe groups, violating the civil rights and constitutional rights of Americans.

This House must act now. Among the legislative inertia, we must respond to militia that are organized across this Nation to unseat this Government in a violent way. We must now have immediate hearings dealing with these types of groups. We must pass my House Resolution that indicates and asks for vigorous enforcement of U.S. laws against such militia and we must update the database. We cannot stand for these kinds of attacks on the constitutional and civil rights of Americans.

COMMONSENSE REFORMS TO REBUILD AMERICA

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

Mr. NEUMANN. Mr. Speaker, what American does not dream of creating a better life for himself, his family and his children. What American does not dream of living in a community where children are safe, the rights of all are respected and people feel a sense of belonging to that same community.

Mr. Speaker, I ask you what American who achieves success does not feel an obligation to give something back to his community and make a contribution to those who helped him get there. What American does not feel a duty to help those in need, a moral imperative to help those who face hardships, misfortunes, and struggles in their life.

Mr. Speaker, Americans have these dreams, feel these obligations and think about these challenges. The Republican agenda is aimed at addressing these very American ways of thinking about our society. It is an agenda aimed at commonsense reforms that will allow people to pursue their dreams, build strong families in safe communities, and create a better America for future generations. That is our agenda. It is time for this Congress to move forward and quickly act to implement that agenda.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNOWBARGER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

WELFARE REFORM TECHNICAL CORRECTIONS ACT OF 1997

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1048) to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.

The Clerk read as follows:

H.R. 1048

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 "Welfare Reform Technical Corrections Act of 1997".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—BLOCK GRANTS FOR TEMPORARY ASSISTANCE TO NEEDY FAMILIES

Sec. 101. Amendment of the Social Security Act.
Sec. 102. Eligible States; State plan.
Sec. 103. Grants to States.
Sec. 104. Use of grants.
Sec. 105. Mandatory work requirements.
Sec. 106. Prohibitions; requirements.
Sec. 107. Penalties.
Sec. 108. Data collection and reporting.
Sec. 109. Direct funding and administration by Indian Tribes.
Sec. 110. Research, evaluations, and national studies.
Sec. 111. Report on data processing.
Sec. 112. Study on alternative outcomes measures.
Sec. 113. Limitation on payments to the territories.
Sec. 114. Conforming amendments to the Social Security Act.
Sec. 115. Other conforming amendments.
Sec. 116. Modifications to the job opportunities for certain low-income individuals program.
Sec. 117. Denial of assistance and benefits for drug-related convictions.
Sec. 118. Transition rule.
Sec. 119. Effective dates.

TITLE II—SUPPLEMENTAL SECURITY INCOME

Subtitle A—Conforming and Technical Amendments

Sec. 201. Conforming and technical amendments relating to eligibility restrictions
Sec. 202. Conforming and technical amendments relating to benefits for disabled children.
Sec. 203. Additional technical amendments to title II.
Sec. 204. Additional technical amendments to title XVI.
Sec. 205. Additional technical amendments relating to titles II and XVI.
Sec. 206. Effective dates.

Subtitle B—Additional Amendments

Sec. 211. Technical amendments relating to drug addicts and alcoholics.
Sec. 212. Extension of disability insurance program demonstration project authority.
Sec. 213. Perfecting amendments related to withholding from social security benefits.
Sec. 214. Treatment of prisoners.
Sec. 215. Social Security Advisory Board personnel.

TITLE III—CHILD SUPPORT

Sec. 301. State obligation to provide child support enforcement services.
Sec. 302. Distribution of collected support.
Sec. 303. Civil penalties relating to State directory of new hires.
Sec. 304. Federal Parent Locator Service.
Sec. 305. Access to registry data for research purposes.
Sec. 306. Collection and use of social security numbers for use in child support enforcement.
Sec. 307. Adoption of uniform State laws.
Sec. 308. State laws providing expedited procedures.
Sec. 309. Voluntary paternity acknowledgement.
Sec. 310. Calculation of paternity establishment percentage.
Sec. 311. Means available for provision of technical assistance and operation of Federal Parent Locator Service.
Sec. 312. Authority to collect support from Federal employees.
Sec. 313. Definition of support order.
Sec. 314. State law authorizing suspension of licenses.
Sec. 315. International support enforcement.
Sec. 316. Child support enforcement for Indian Tribes.
Sec. 317. Continuation of rules for distribution of support in the case of a title IV-E child.
Sec. 318. Good cause in foster care and food stamp cases.
Sec. 319. Date of collection of support.
Sec. 320. Administrative enforcement in interstate cases.
Sec. 321. Work orders for arrearages.
Sec. 322. Additional technical State plan amendments.
Sec. 323. Federal Case Registry of Child Support Orders.
Sec. 324. Full faith and credit for child support orders.
Sec. 325. Development costs of automated systems.
Sec. 326. Additional technical amendments.
Sec. 327. Effective date.

TITLE IV—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

Subtitle A—Eligibility for Federal, State, and Local Benefits

Sec. 401. Alien eligibility for Federal benefits: limited application to medicare and benefits under the Railroad Retirement Act.
Sec. 402. Exceptions to benefit limitations: corrections to reference concerning aliens whose deportation is withheld.
Sec. 403. Veterans exception: application of minimum active duty service requirement; extension to unremarried surviving spouse; expanded definition of veteran.
Sec. 404. Correction of reference concerning Cuban and Haitian entrants.
Sec. 405. Notification concerning aliens not lawfully present: correction of terminology.
Sec. 406. Freely associated states: contracts and licenses.
Sec. 407. Congressional statement regarding benefits for Hmong and other highland Lao veterans.

Subtitle B—General Provisions

Sec. 411. Determination of treatment of battered aliens as qualified aliens; inclusion of alien child of battered parent as qualified alien.
Sec. 412. Verification of eligibility for benefits.
Sec. 413. Qualifying quarters: disclosure of quarters of coverage information; correction to assure that crediting applies to all quarters earned by parents before child is 18.
Sec. 414. Statutory construction: benefit eligibility limitations applicable only with respect to aliens present in United States.

Subtitle C—Miscellaneous Clerical and Technical Amendments; Effective Date

Sec. 421. Correcting miscellaneous clerical and technical errors.
Sec. 422. Effective date.

TITLE V—CHILD PROTECTION

Sec. 501. Conforming and technical amendments relating to child protection.
Sec. 502. Additional technical amendments relating to child protection.
Sec. 503. Effective date.

TITLE VI—CHILD CARE

Sec. 601. Conforming and technical amendments relating to child care.
Sec. 602. Additional conforming and technical amendments.
Sec. 603. Repeals.
Sec. 604. Effective dates.

TITLE VII—ERISA AMENDMENTS RELATING TO MEDICAL CHILD SUPPORT ORDERS

Sec. 701. Amendments relating to section 303 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
Sec. 702. Amendment relating to section 381 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
Sec. 703. Amendments relating to section 382 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TITLE I—BLOCK GRANTS FOR TEMPORARY ASSISTANCE TO NEEDY FAMILIES

SEC. 101. AMENDMENT OF THE SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Social Security Act, and if the section or other provision is of part A of title IV of such Act, the reference shall be considered to be made to the section or other provision as amended by section 103, and as in effect pursuant to section 116, of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

SEC. 102. ELIGIBLE STATES; STATE PLAN.

(a) LATER DEADLINE FOR SUBMISSION OF STATE PLANS.—Section 402(a) (42 U.S.C. 602(a)) is amended by striking "2-year period immediately preceding" and inserting "27-month period ending with the close of the 1st quarter of".

(b) CLARIFICATION OF SCOPE OF WORK PROVISIONS.—Section 402(a)(1)(A)(ii) (42 U.S.C. 602(a)(1)(A)(ii)) is amended by inserting ", consistent with section 407(e)(2)" before the period.

(c) CORRECTION OF CROSS-REFERENCE.—Section 402(a)(1)(A)(v) (42 U.S.C. 602(a)(1)(A)(v)) is amended by striking "403(a)(2)(B)" and inserting "403(a)(2)(C)(iii)".

(d) NOTIFICATION OF PLAN AMENDMENTS.—Section 402 (42 U.S.C. 602) is amended—

(1) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

"(b) PLAN AMENDMENTS.—Within 30 days after a State amends a plan submitted pursuant to subsection (a), the State shall notify the Secretary of the amendment."; and

(2) in subsection (c) (as so redesignated), by inserting "or plan amendment" after "plan".

SEC. 103. GRANTS TO STATES.

(a) BONUS FOR DECREASE IN ILLEGITIMACY MODIFIED TO TAKE ACCOUNT OF CERTAIN TERRITORIES.—

(1) IN GENERAL.—Section 403(a)(2)(B) (42 U.S.C. 603(a)(2)(B)) is amended to read as follows:

"(B) AMOUNT OF GRANT.—

"(i) IN GENERAL.—If, for a bonus year, none of the eligible States is Guam, the Virgin Islands, or American Samoa, then the amount of the grant shall be—

"(I) $20,000,000 if there are 5 eligible States; or

"(II) $25,000,000 if there are fewer than 5 eligible States.

"(ii) AMOUNT IF CERTAIN TERRITORIES ARE ELIGIBLE.—If, for a bonus year, Guam, the Virgin Islands, or American Samoa is an eligible State, then the amount of the grant shall be—

"(I) in the case of such a territory, 25 percent of the mandatory ceiling amount (as defined in section 1108(c)(4)) with respect to the territory; and

"(II) in the case of a State that is not such a territory—

"(aa) if there are 5 eligible States other than such territories, $20,000,000, minus ⅕ of the total amount of the grants payable under this paragraph to such territories for the bonus year; or

"(bb) if there are fewer than 5 such eligible States, $25,000,000, or such lesser amount as may be necessary to ensure that the total amount of grants payable under this paragraph for the bonus year does not exceed $100,000,000.".

(2) CERTAIN TERRITORIES TO BE IGNORED IN RANKING OTHER STATES.—Section 403(a)(2)(C)(i)(I)(aa) (42 U.S.C. 603(a)(2)(C)(i)(I)(aa)) is amended by adding at the end the following: "In the case of a State that is not a territory specified in subparagraph (B), the comparative magnitude of the decrease for the State shall be determined without regard to the magnitude of the corresponding decrease for any such territory.".

(b) COMPUTATION OF BONUS BASED ON RATIOS OF OUT-OF-WEDLOCK BIRTHS TO ALL BIRTHS INSTEAD OF NUMBERS OF OUT-OF-WEDLOCK BIRTHS.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended—

(1) in the paragraph heading, by inserting "RATIO" before the period;

(2) in subparagraph (A), by striking all that follows "bonus year" and inserting a period; and

(3) in subparagraph (C)—

(A) in clause (i)—

(i) in subclause (I)(aa)—

(I) by striking "number of out-of-wedlock births that occurred in the State during" and inserting "illegitimacy ratio of the State for"; and

(II) by striking "number of such births that occurred during" and inserting "illegitimacy ratio of the State for"; and

(ii) in subclause (II)(aa)—

(I) by striking "number of out-of-wedlock births that occurred in" each place such term appears and inserting "illegitimacy ratio of"; and

(II) by striking "calculate the number of out-of-wedlock births" and inserting "calculate the illegitimacy ratio"; and

(B) by adding at the end the following:

"(iii) ILLEGITIMACY RATIO.—The term 'illegitimacy ratio' means, with respect to a State and a period—

"(I) the number of out-of-wedlock births to mothers residing in the State that occurred during the period; divided by

"(II) the number of births to mothers residing in the State that occurred during the period.".

(c) USE OF CALENDAR YEAR DATA INSTEAD OF FISCAL YEAR DATA IN CALCULATING BONUS FOR DECREASE IN ILLEGITIMACY RATIO.—Section 403(a)(2)(C) (42 U.S.C. 603(a)(2)(C)) is amended—

(1) in clause (i)—

(A) in subclause (I)(bb)—

(i) by striking "the fiscal year" and inserting "the calendar year for which the most recent data are available"; and

(ii) by striking "fiscal year 1995" and inserting "calendar year 1995";

(B) in subclause (II), by striking "fiscal" each place such term appears and inserting "calendar"; and

(2) in clause (ii), by striking "fiscal years" and inserting "calendar years".

(d) CORRECTION OF HEADING.—Section 403(a)(3)(C)(ii) (42 U.S.C. 603(a)(3)(C)(ii)) is amended in the heading by striking "1997" and inserting "1998".

(e) CLARIFICATION OF CONTINGENCY FUND PROVISION.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) in paragraph (6), by striking "(5)" and inserting "(4)";

(2) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (5) the following:

"(6) ANNUAL RECONCILIATION.—

"(A) IN GENERAL.—Notwithstanding paragraph (3), if the Secretary makes a payment to a State under this subsection in a fiscal year, then the State shall remit to the Secretary, within 1 year after the end of the

first subsequent period of 3 consecutive months for which the State is not a needy State, an amount equal to the amount (if any) by which—

"(i) the total amount paid to the State under paragraph (3) of this subsection in the fiscal year; exceeds

"(ii) the product of—

"(I) the Federal medical assistance percentage for the State (as defined in section 1905(b), as such section was in effect on September 30, 1995);

"(II) the State's reimbursable expenditures for the fiscal year; and

"(III) 1/12 times the number of months during the fiscal year for which the Secretary made a payment to the State under such paragraph (3).

"(B) DEFINITIONS.—As used in subparagraph (A):

"(i) REIMBURSABLE EXPENDITURES.—The term 'reimbursable expenditures' means, with respect to a State and a fiscal year, the amount (if any) by which—

"(I) countable State expenditures for the fiscal year; exceeds

"(II) historic State expenditures (as defined in section 409(a)(7)(B)(iii)), excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994.

"(ii) COUNTABLE STATE EXPENDITURES.—The term 'countable expenditures' means, with respect to a State and a fiscal year—

"(I) the qualified State expenditures (as defined in section 409(a)(7)(B)(i) (other than the expenditures described in subclause (I)(bb) of such section)) under the State program funded under this part for the fiscal year; plus

"(II) any amount paid to the State under paragraph (3) during the fiscal year that is expended by the State under the State program funded under this part.".

(f) ADMINISTRATION OF CONTINGENCY FUND TRANSFERRED TO THE SECRETARY OF HHS.—Section 403(b)(7) (42 U.S.C. 603(b)(7)) is amended to read as follows:

"(7) STATE DEFINED.—As used in this subsection, the term 'State' means each of the 50 States and the District of Columbia.".

SEC. 104. USE OF GRANTS.

Section 404(a)(2) (42 U.S.C. 604(a)(2)) is amended by inserting ", or (at the option of the State) August 21, 1996" before the period.

SEC. 105. MANDATORY WORK REQUIREMENTS.

(a) FAMILY WITH A DISABLED PARENT NOT TREATED AS A 2-PARENT FAMILY.—Section 407(b)(2) (42 U.S.C. 607(b)(2)) is amended by adding at the end the following:

"(C) FAMILY WITH A DISABLED PARENT NOT TREATED AS A 2-PARENT FAMILY.—A family that includes a disabled parent shall not be considered a 2-parent family for purposes of subsections (a) and (b) of this section.".

(b) CORRECTION OF HEADING.—Section 407(b)(3) (42 U.S.C. 607(b)(3)) is amended in the heading by inserting "AND NOT RESULTING FROM CHANGES IN STATE ELIGIBILITY CRITERIA" before the period.

(c) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL WORK PROGRAM IN PARTICIPATION RATE CALCULATION.—Section 407(b)(4) (42 U.S.C. 607(b)(4)) is amended—

(1) in the heading, by inserting "OR TRIBAL WORK PROGRAM" before the period; and

(2) by inserting "or under a tribal work program to which funds are provided under this part" before the period.

(d) SHARING OF 35-HOUR WORK REQUIREMENT BETWEEN PARENTS IN 2-PARENT FAMILIES.—Section 407(c)(1)(B) (42 U.S.C. 607(c)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking "is" and inserting "and the other parent in the family are"; and

(B) by inserting "a total of" before "at least"; and

(2) in clause (ii)—

(A) by striking "individual's spouse is" and inserting "individual and the other parent in the family are";

(B) by inserting "for a total of at least 55 hours per week" before "during the month"; and

(C) by striking "20" and inserting "50".

(e) CLARIFICATION OF EFFORT REQUIRED IN WORK ACTIVITIES.—Section 407(c)(1)(B) (42 U.S.C. 607(c)(1)(B)) is amended by striking "making progress" each place such term appears and inserting "participating".

(f) ADDITIONAL CONDITION UNDER WHICH 12 WEEKS OF JOB SEARCH MAY COUNT AS WORK.—Section 407(c)(2)(A)(i) (42 U.S.C. 607(c)(2)(A)(i)) is amended by inserting "or the State is a needy State (within the meaning of section 403(b)(6))" after "United States".

(g) CARETAKER RELATIVE OF CHILD UNDER AGE 6 DEEMED TO BE MEETING WORK REQUIREMENTS IF ENGAGED IN WORK FOR 20 HOURS PER WEEK.—Section 407(c)(2)(B) (42 U.S.C. 607(c)(2)(B)) is amended—

(1) in the heading, by inserting "OR RELATIVE" after "PARENT" each place such term appears; and

(2) by striking "in a 1-parent family who is the parent" and inserting "who is the only parent or caretaker relative in the family".

(h) EXTENSION TO MARRIED TEENS OF RULE THAT RECEIPT OF SUFFICIENT EDUCATION IS ENOUGH TO MEET WORK PARTICIPATION REQUIREMENTS.—Section 407(c)(2)(C) (42 U.S.C. 607(c)(2)(C)) is amended—

(1) in the heading, by striking "TEEN HEAD OF HOUSEHOLD" and inserting "SINGLE TEEN HEAD OF HOUSEHOLD OR MARRIED TEEN"; and

(2) by striking "a single" and inserting "married or a".

(i) CLARIFICATION OF NUMBER OF HOURS OF PARTICIPATION IN EDUCATION DIRECTLY RELATED TO EMPLOYMENT THAT ARE REQUIRED IN ORDER FOR SINGLE TEEN HEAD OF HOUSEHOLD OR MARRIED TEEN TO BE DEEMED TO BE ENGAGED IN WORK.—Section 407(c)(2)(C)(ii) (42 U.S.C. 607(c)(2)(C)(ii)) is amended by striking "at least" and all that follows through "subsection" and inserting "an average of at least 20 hours per week during the month".

(j) CLARIFICATION OF REFUSAL TO WORK FOR PURPOSES OF WORK PENALTIES FOR INDIVIDUALS.—Section 407(e)(2) (42 U.S.C. 607(e)(2)) is amended by striking "work" and inserting "engage in work required in accordance with this section".

SEC. 106. PROHIBITIONS; REQUIREMENTS.

(a) ELIMINATION OF REDUNDANT LANGUAGE; CLARIFICATION OF HOME RESIDENCE REQUIREMENT.—Section 408(a)(1) (42 U.S.C. 608(a)(1)) is amended to read as follows:

"(1) NO ASSISTANCE FOR FAMILIES WITHOUT A MINOR CHILD.—A State to which a grant is made under section 403 shall not use any part of the grant to provide assistance to a family, unless the family includes a minor child who resides with the family (consistent with paragraph (10)) or a pregnant individual.".

(b) CLARIFICATION OF TERMINOLOGY.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended—

(1) by striking "leaves" the 1st, 3rd, and 4th places such term appears and inserting "ceases to receive assistance under"; and

(2) by striking "the date the family leaves the program" the 2nd place such term appears and inserting "such date".

(c) ELIMINATION OF SPACE.—Section 408(a)(5)(A)(ii) (42 U.S.C. 608(a)(5)(A)(ii)) is amended by striking "DESCRIBED.— For" and inserting "DESCRIBED.—For".

(d) CORRECTIONS TO 5-YEAR LIMIT ON ASSISTANCE.—

(1) CLARIFICATION OF LIMITATION ON HARDSHIP EXEMPTION.—Section 408(a)(7)(C)(ii) (42 U.S.C. 608(a)(7)(C)(ii)) is amended—

(A) by striking "The number" and inserting "The average monthly number"; and

(B) by inserting "during the fiscal year or the immediately preceding fiscal year (but not both), as the State may elect" before the period.

(2) RESIDENCE EXCEPTION MADE MORE UNIFORM AND EASIER TO ADMINISTER.—Section 408(a)(7)(D) (42 U.S.C. 608(a)(7)(D)) is amended to read as follows:

"(D) DISREGARD OF MONTHS OF ASSISTANCE RECEIVED BY ADULT WHILE LIVING IN INDIAN COUNTRY OR AN ALASKAN NATIVE VILLAGE WITH 50 PERCENT UNEMPLOYMENT.—

"(i) IN GENERAL.—In determining the number of months for which an adult has received assistance under a State or tribal program funded under this part, the State or tribe shall disregard any month during which the adult lived in Indian country or an Alaskan Native village if the most reliable data available with respect to the month (or a period including the month) indicate that at least 50 percent of the adults living in Indian country or in the village were not employed.

"(ii) INDIAN COUNTRY DEFINED.—As used in clause (i), the term 'Indian country' has the meaning given such term in section 1151 of title 18, United States Code.".

(e) REINSTATEMENT OF DEEMING AND OTHER RULES APPLICABLE TO ALIENS WHO ENTERED THE UNITED STATES UNDER AFFIDAVITS OF SUPPORT FORMERLY USED.—Section 408 (42 U.S.C. 608) is amended by striking subsection (d) and inserting the following:

"(d) SPECIAL RULES RELATING TO TREATMENT OF CERTAIN ALIENS.—For special rules relating to the treatment of certain aliens, see title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

"(e) SPECIAL RULES RELATING TO THE TREATMENT OF NON-213A ALIENS.—The following rules shall apply if a State elects to take the income or resources of any sponsor of a non-213A alien into account in determining whether the alien is eligible for assistance under the State program funded under this part, or in determining the amount or types of such assistance to be provided to the alien:

"(1) DEEMING OF SPONSOR'S INCOME AND RESOURCES.—For a period of 3 years after a non-213A alien enters the United States:

"(A) INCOME DEEMING RULE.—The income of any sponsor of the alien and of any spouse of the sponsor is deemed to be income of the alien, to the extent that the total amount of the income exceeds the sum of—

"(i) the lesser of—

"(I) 20 percent of the total of any amounts received by the sponsor or any such spouse in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred by the sponsor and any such spouse in producing self-employment income in such month; or

"(II) $175;

"(ii) the cash needs standard established by the State for purposes of determining eligibility for assistance under the State program funded under this part for a family of the same size and composition as the sponsor and any other individuals living in the same

household as the sponsor who are claimed by the sponsor as dependents for purposes of determining the sponsor's Federal personal income tax liability but whose needs are not taken into account in determining whether the sponsor's family has met the cash needs standard;

"(iii) any amounts paid by the sponsor or any such spouse to individuals not living in the household who are claimed by the sponsor as dependents for purposes of determining the sponsor's Federal personal income tax liability; and

"(iv) any payments of alimony or child support with respect to individuals not living in the household.

"(B) RESOURCE DEEMING RULE.—The resources of a sponsor of the alien and of any spouse of the sponsor are deemed to be resources of the alien to the extent that the aggregate value of the resources exceeds $1,500.

"(C) SPONSORS OF MULTIPLE NON-213A ALIENS.—If a person is a sponsor of 2 or more non-213A aliens who are living in the same home, the income and resources of the sponsor and any spouse of the sponsor that would be deemed income and resources of any such alien under subparagraph (A) shall be divided into a number of equal shares equal to the number of such aliens, and the State shall deem the income and resources of each such alien to include 1 such share.

"(2) INELIGIBILITY OF NON-213A ALIENS SPONSORED BY AGENCIES; EXCEPTION.—A non-213A alien whose sponsor is or was a public or private agency shall be ineligible for assistance under a State program funded under this part, during a period of 3 years after the alien enters the United States, unless the State agency administering the program determines that the sponsor either no longer exists or has become unable to meet the alien's needs.

"(3) INFORMATION PROVISIONS.—

"(A) DUTIES OF NON-213A ALIENS.—A non-213A alien, as a condition of eligibility for assistance under a State program funded under this part during the period of 3 years after the alien enters the United States, shall be required to provide to the State agency administering the program—

"(i) such information and documentation with respect to the alien's sponsor as may be necessary in order for the State agency to make any determination required under this subsection, and to obtain any cooperation from the sponsor necessary for any such determination; and

"(ii) such information and documentation as the State agency may request and which the alien or the alien's sponsor provided in support of the alien's immigration application.

"(B) DUTIES OF FEDERAL AGENCIES.—The Secretary shall enter into agreements with the Secretary of State and the Attorney General under which any information available to them and required in order to make any determination under this subsection will be provided by them to the Secretary (who may, in turn, make the information available, upon request, to a concerned State agency).

"(4) NON-213A ALIEN DEFINED.—An alien is a non-213A alien for purposes of this subsection if the affidavit of support or similar agreement with respect to the alien that was executed by the sponsor of the alien's entry into the United States was executed other than pursuant to section 213A of the Immigration and Nationality Act.

"(5) INAPPLICABILITY TO ALIEN MINOR SPONSORED BY A PARENT.—This subsection shall not apply to an alien who is a minor child if the sponsor of the alien or any spouse of the sponsor is a parent of the alien.

"(6) INAPPLICABILITY TO CERTAIN CATEGORIES OF ALIENS.—This subsection shall not apply to an alien who is—

"(A) admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act;

"(B) paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year; or

"(C) granted political asylum by the Attorney General under section 208 of such Act.".

SEC. 107. PENALTIES.

(a) STATES GIVEN MORE TIME TO FILE QUARTERLY REPORTS.—Section 409(a)(2)(A) (42 U.S.C. 609(a)(2)(A)) is amended by striking "1 month" and inserting "45 days".

(b) TREATMENT OF SUPPORT PAYMENTS PASSED THROUGH TO FAMILIES AS QUALIFIED STATE EXPENDITURES.—Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by inserting ", including any amount collected by the State as support pursuant to a plan approved under part D, on behalf of a family receiving assistance under the State program funded under this part, that is distributed to the family under section 457(a)(1)(B) and disregarded in determining the eligibility of the family for, and the amount of, such assistance" before the period.

(c) DISREGARD OF EXPENDITURES MADE TO REPLACE PENALTY GRANT REDUCTIONS.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by redesignating subclause (III) as subclause (IV) and by inserting after subclause (II) the following:

"(III) EXCLUSION OF AMOUNTS EXPENDED TO REPLACE PENALTY GRANT REDUCTIONS.—Such term does not include any amount expended in order to comply with paragraph (12).".

(d) TREATMENT OF FAMILIES OF CERTAIN ALIENS AS ELIGIBLE FAMILIES.—Section 409(a)(7)(B)(i)(IV) (42 U.S.C. 609(a)(7)(B)(i)(IV)), as so redesignated by subsection (c) of this section, is amended—

(1) by striking "and families" and inserting "families"; and

(2) by striking "Act or section 402" and inserting "Act, and families of aliens lawfully present in the United States that would be eligible for such assistance but for the application of title IV".

(e) ELIMINATION OF MEANINGLESS LANGUAGE.—Section 409(a)(7)(B)(ii) (42 U.S.C. 609(a)(7)(B)(ii)) is amended by striking "reduced (if appropriate) in accordance with subparagraph (C)(ii)".

(f) CLARIFICATION OF SOURCE OF DATA TO BE USED IN DETERMINING HISTORIC STATE EXPENDITURES.—Section 409(a)(7)(B) (42 U.S.C. 609(a)(7)(B)) is amended by adding at the end the following:

"(v) SOURCE OF DATA.—In determining expenditures by a State for fiscal years 1994 and 1995, the Secretary shall use information which was reported by the State on ACF Form 231 or (in the case of expenditures under part F) ACF Form 331, available as of the dates specified in clauses (ii) and (iii) of section 403(a)(1)(D).".

(g) CLARIFICATION OF EXPENDITURES TO BE EXCLUDED IN DETERMINING HISTORIC STATE EXPENDITURES.—Section 409(a)(7)(B)(iv) (42 U.S.C. 609(a)(7)(B)(iv)) is amended—

(1) in subclause (IV), by striking "under Federal programs";

(2) by striking subclause (III) and redesignating subclause (IV) as subclause (III); and

(3) in the 2nd sentence—

(A) by striking "(IV)" and inserting "(III)";

(B) by striking "an amount equal to"; and

(C) by striking "that equal" and inserting "that equals".

(h) CONFORMING TITLE IV–A PENALTIES TO TITLE IV–D PERFORMANCE-BASED STANDARDS.—Section 409(a)(8) (42 U.S.C. 609(a)(8)) is amended to read as follows:

"(8) NONCOMPLIANCE OF STATE CHILD SUPPORT ENFORCEMENT PROGRAM WITH REQUIREMENTS OF PART D.—

"(A) IN GENERAL.—If the Secretary finds, with respect to a State's program under part D, in a fiscal year beginning on or after October 1, 1997—

"(i)(I) on the basis of data submitted by a State pursuant to section 454(15)(B), or on the basis of the results of a review conducted under section 452(a)(4), that the State program failed to achieve the paternity establishment percentages (as defined in section 452(g)(2)), or to meet other performance measures that may be established by the Secretary;

"(II) on the basis of the results of an audit or audits conducted under section 452(a)(4)(C)(i) that the State data submitted pursuant to section 454(15)(B) is incomplete or unreliable; or

"(III) on the basis of the results of an audit or audits conducted under section 452(a)(4)(C) that a State failed to substantially comply with 1 or more of the requirements of part D; and

"(ii) that, with respect to the succeeding fiscal year—

"(I) the State failed to take sufficient corrective action to achieve the appropriate performance levels or compliance as described in subparagraph (A)(i); or

"(II) the data submitted by the State pursuant to section 454(15)(B) is incomplete or unreliable;

the amounts otherwise payable to the State under this part for quarters following the end of such succeeding fiscal year, prior to quarters following the end of the first quarter throughout which the State program has achieved the paternity establishment percentages or other performance measures as described in subparagraph (A)(i)(I), or is in substantial compliance with 1 or more of the requirements of part D as described in subparagraph (A)(i)(III), as appropriate, shall be reduced by the percentage specified in subparagraph (B).

"(B) AMOUNT OF REDUCTIONS.—The reductions required under subparagraph (A) shall be—

"(i) not less than 1 nor more than 2 percent;

"(ii) not less than 2 nor more than 3 percent, if the finding is the 2nd consecutive finding made pursuant to subparagraph (A); or

"(iii) not less than 3 nor more than 5 percent, if the finding is the 3rd or a subsequent consecutive such finding.

"(C) DISREGARD OF NONCOMPLIANCE WHICH IS OF A TECHNICAL NATURE.—For purposes of this section and section 452(a)(4), a State determined as a result of an audit—

"(i) to have failed to have substantially complied with 1 or more of the requirements of part D shall be determined to have achieved substantial compliance only if the Secretary determines that the extent of the noncompliance is of a technical nature which does not adversely affect the performance of the State's program under part D; or

"(ii) to have submitted incomplete or unreliable data pursuant to section 454(15)(B) shall be determined to have submitted adequate data only if the Secretary determines that the extent of the incompleteness or

unreliability of the data is of a technical nature which does not adversely affect the determination of the level of the State's paternity establishment percentages (as defined under section 452(g)(2)) or other performance measures that may be established by the Secretary.".

(i) CORRECTION OF REFERENCE TO 5-YEAR LIMIT ON ASSISTANCE.—Section 409(a)(9) (42 U.S.C. 609(a)(9)) is amended by striking "408(a)(1)(B)" and inserting "408(a)(7)".

(j) CORRECTION OF ERRORS IN PENALTY FOR FAILURE TO MEET MAINTENANCE OF EFFORT REQUIREMENT APPLICABLE TO THE CONTINGENCY FUND.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended—

(1) by striking "the expenditures under the State program funded under this part for the fiscal year (excluding any amounts made available by the Federal Government)" and inserting "the qualified State expenditures (as defined in paragraph (7)(B)(i) (other than the expenditures described in subclause (I)(bb) of that paragraph)) under the State program funded under this part for the fiscal year";

(2) by inserting "excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994," after "(as defined in paragraph (7)(B)(iii) of this subsection),"; and

(3) by inserting "that the State has not remitted under section 403(b)(6)" before the period.

(k) PENALTY FOR STATE FAILURE TO EXPEND ADDITIONAL STATE FUNDS TO REPLACE GRANT REDUCTIONS.—Section 409(a)(12) (42 U.S.C. 609(a)(12)) is amended—

(1) in the heading—

(A) by striking "FAILURE" and inserting "REQUIREMENT"; and

(B) by striking "REDUCTIONS" and inserting "REDUCTIONS; PENALTY FOR FAILURE TO DO SO"; and

(2) by inserting ", and if the State fails to do so, the Secretary may reduce the grant payable to the State under section 403(a)(1) for the fiscal year that follows such succeeding fiscal year by an amount equal to not more than 2 percent of the State family assistance grant" before the period.

(l) ELIMINATION OF CERTAIN REASONABLE CAUSE EXCEPTIONS.—Section 409(b)(2) (42 U.S.C. 609(b)(2)) is amended by striking "(7) or (8)" and inserting "(6), (7), (8), (10), or (12)".

(m) CLARIFICATION OF WHAT IT MEANS TO CORRECT A VIOLATION.—Section 409(c) (42 U.S.C. 609(c)) is amended—

(1) in each of subparagraphs (A) and (B) of paragraph (1), by inserting "or discontinue, as appropriate," after "correct";

(2) in paragraph (2)—

(A) in the heading, by inserting "OR DISCONTINUING" after "CORRECTING"; and

(B) by inserting "or discontinues, as appropriate" after "corrects"; and

(3) in paragraph (3)—

(A) in the heading, by inserting "OR DISCONTINUE" after "CORRECT"; and

(B) by inserting "or discontinue, as appropriate," before "the violation".

(n) CERTAIN PENALTIES NOT AVOIDABLE THROUGH CORRECTIVE COMPLIANCE PLANS.—Section 409(c)(4) (42 U.S.C. 609(c)(4)) is amended to read as follows:

"(4) INAPPLICABILITY TO CERTAIN PENALTIES.—This subsection shall not apply to the imposition of a penalty against a State under paragraph (6), (7), (8), (10), or (12) of subsection (a).".

SEC. 108. DATA COLLECTION AND REPORTING.

Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking clause (ii) and inserting the following:

"(ii) Whether a child receiving such assistance or an adult in the family is receiving—

"(I) disability insurance benefits under section 223;

"(II) benefits based on disability under section 202;

"(III) aid under a State plan approved under title XIV (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972));

"(IV) aid or assistance under a State plan approved under title XVI (as in effect without regard to such amendment) by reason of being permanently and totally disabled; or

"(V) supplemental security income benefits under title XVI (as in effect pursuant to such amendment) by reason of disability.";

(ii) in clause (iv), by striking "youngest child in" and inserting "head of";

(iii) in each of clauses (vii) and (viii), by striking "status" and inserting "level"; and

(iv) by adding at the end the following:

"(xvii) With respect to each individual in the family who has not attained 20 years of age, whether the individual is a parent of a child in the family."; and

(B) in subparagraph (B)—

(i) in the heading, by striking "ESTIMATES" and inserting "SAMPLES"; and

(ii) in clause (i), by striking "an estimate which is obtained" and inserting "disaggregated case record information on a sample of families selected"; and

(2) by redesignating paragraph (6) as paragraph (7) and inserting after paragraph (5) the following:

"(6) REPORT ON FAMILIES RECEIVING ASSISTANCE.—The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter the number of families and individuals receiving assistance under the State program funded under this part (including the number of 2-parent and 1-parent families), and the total dollar value of such assistance received by all families.".

SEC. 109. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) PRORATING OF TRIBAL FAMILY ASSISTANCE GRANTS.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by inserting "which shall be reduced for a fiscal year, on a pro rata basis for each quarter, in the case of a tribal family assistance plan approved during a fiscal year for which the plan is to be in effect," before "and shall".

(b) TRIBAL OPTION TO OPERATE WORK ACTIVITIES PROGRAM.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)) is amended by striking "The Secretary" and all that follows through "2002" and inserting "For each of fiscal years 1997, 1998, 1999, 2000, 2001, and 2002, the Secretary shall pay to each eligible Indian tribe that proposes to operate a program described in subparagraph (C)".

(c) DISCRETION OF TRIBES TO SELECT POPULATION TO BE SERVED BY TRIBAL WORK ACTIVITIES PROGRAM.—Section 412(a)(2)(C) (42 U.S.C. 612(a)(2)(C)) is amended by striking "members of the Indian tribe" and inserting "such population and such service area or areas as the tribe specifies".

(d) REDUCTION OF APPROPRIATION FOR TRIBAL WORK ACTIVITIES PROGRAMS.—Section 412(a)(2)(D) (42 U.S.C. 612(a)(2)(D)) is amended by striking "$7,638,474" and inserting "$7,633,287".

(e) AVAILABILITY OF CORRECTIVE COMPLIANCE PLANS TO INDIAN TRIBES.—Section 412(f)(1) (42 U.S.C. 612(f)(1)) is amended by striking "and (b)" and inserting "(b), and (c)".

(f) ELIGIBILITY OF TRIBES FOR FEDERAL LOANS FOR WELFARE PROGRAMS.—Section 412 (42 U.S.C. 612) is amended by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively, and by inserting after subsection (e) the following:

"(f) ELIGIBILITY FOR FEDERAL LOANS.—Section 406 shall apply to an Indian tribe with an approved tribal assistance plan in the same manner as such section applies to a State, except that section 406(c) shall be applied by substituting 'section 412(a)' for 'section 403(a)'.".

SEC. 110. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

(a) RESEARCH.—

(1) METHODS.—Section 413(a) (42 U.S.C. 613(a)) is amended by inserting ", directly or through grants, contracts, or interagency agreements," before "shall conduct".

(2) CORRECTION OF CROSS REFERENCE.—Section 413(a) (42 U.S.C. 613(a)) is amended by striking "409" and inserting "407".

(b) CORRECTION OF ERRONEOUSLY INDENTED PARAGRAPH.—Section 413(e)(1) (42 U.S.C. 613(e)(1)) is amended to read as follows:

"(1) IN GENERAL.—The Secretary shall annually rank States to which grants are made under section 403 based on the following ranking factors:

"(A) ABSOLUTE OUT-OF-WEDLOCK RATIOS.—The ratio represented by—

"(i) the total number of out-of-wedlock births in families receiving assistance under the State program under this part in the State for the most recent year for which information is available; over

"(ii) the total number of births in families receiving assistance under the State program under this part in the State for the year.

"(B) NET CHANGES IN THE OUT-OF-WEDLOCK RATIO.—The difference between the ratio described in subparagraph (A) with respect to a State for the most recent year for which such information is available and the ratio with respect to the State for the immediately preceding year.".

(c) FUNDING OF PRIOR AUTHORIZED DEMONSTRATIONS.—Section 413(h)(1)(D) (42 U.S.C. 613(h)(1)(D)) is amended by striking "September 30, 1995" and inserting "August 22, 1996".

(d) CHILD POVERTY REPORTS.—

(1) DELAYED DUE DATE FOR INITIAL REPORT.—Section 413(i)(1) (42 U.S.C. 613(i)(1)) is amended by striking "90 days after the date of the enactment of this part" and inserting "November 30, 1997".

(2) MODIFICATION OF FACTORS TO BE USED IN ESTABLISHING METHODOLOGY FOR USE IN DETERMINING CHILD POVERTY RATES.—Section 413(i)(5) (42 U.S.C. 613(i)(5)) is amended by striking "the county-by-county" and inserting ", to the extent available, county-by-county".

SEC. 111. REPORT ON DATA PROCESSING.

Section 106(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2164) is amended by striking "(whether in effect before or after October 1, 1995)".

SEC. 112. STUDY ON ALTERNATIVE OUTCOMES MEASURES.

Section 107(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2164) is amended by striking "409(a)(7)(C)" and inserting "408(a)(7)(C)".

SEC. 113. LIMITATION ON PAYMENTS TO THE TERRITORIES.

(a) CERTAIN PAYMENTS TO BE DISREGARDED IN DETERMINING LIMITATION.—Section 1108(a) (42 U.S.C. 1308) is amended to read as follows:

"(a) LIMITATION ON TOTAL PAYMENTS TO EACH TERRITORY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this Act (except for paragraph (2) of this subsection), the total amount certified by the Secretary of Health and Human Services under titles I, X, XIV, and XVI, under parts A and E of title IV, and under subsection (b) of this section, for payment to any territory for a fiscal year shall not exceed the ceiling amount for the territory for the fiscal year.

"(2) CERTAIN PAYMENTS DISREGARDED.—Paragraph (1) of this subsection shall be applied without regard to any payment made under section 403(a)(2), 403(a)(4), 406, or 413(f).".

(b) CERTAIN CHILD CARE AND SOCIAL SERVICES EXPENDITURES BY TERRITORIES TREATED AS IV-A EXPENDITURES FOR PURPOSES OF MATCHING GRANT.—Section 1108(b)(1)(A) (42 U.S.C. 1308(b)(1)(A)) is amended by inserting ", including any amount paid to the State under part A of title IV that is transferred in accordance with section 404(d) and expended under the program to which transferred" before the semicolon.

(c) ELIMINATION OF DUPLICATIVE MAINTENANCE OF EFFORT REQUIREMENT.—Section 1108 (42 U.S.C. 1308) is amended by striking subsection (e).

SEC. 114. CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) AMENDMENTS TO PART D OF TITLE IV.—

(1) CORRECTIONS TO DETERMINATION OF PATERNITY ESTABLISHMENT PERCENTAGES.—Section 452 (42 U.S.C. 652) is amended—

(A) in subsection (d)(3)(A), by striking all that follows "for purposes of" and inserting "section 409(a)(8), to achieve the paternity establishment percentages (as defined under section 452(g)(2)) and other performance measures that may be established by the Secretary, and to submit data under section 454(15)(B) that is complete and reliable, and to substantially comply with the requirements of this part; and"; and

(B) in subsection (g)(1), by striking "section 403(h)" and inserting "section 409(a)(8)".

(2) ELIMINATION OF OBSOLETE LANGUAGE.—Section 108(c)(8)(C) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2165) is amended by inserting "and all that follows through 'the best interests of such child to do so'" before "and inserting".

(3) INSERTION OF LANGUAGE INADVERTENTLY OMITTED.—Section 108(c)(13) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2166) is amended by inserting "and inserting 'pursuant to section 408(a)(3)'" before the period.

(4) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 464(a)(1) (42 U.S.C. 664(a)(1)) is amended by striking "section 402(a)(26)" and inserting "section 408(a)(3)".

(b) AMENDMENTS TO PART E OF TITLE IV.—Each of the following is amended by striking "June 1, 1995" each place such term appears and inserting "July 16, 1996":

(1) Section 472(a) (42 U.S.C. 672(a)).

(2) Section 472(h) (42 U.S.C. 672(h)).

(3) Section 473(a)(2) (42 U.S.C. 673(a)(2)).

(4) Section 473(b) (42 U.S.C. 673(b)).

SEC. 115. OTHER CONFORMING AMENDMENTS.

(a) ELIMINATION OF AMENDMENTS INCLUDED INADVERTENTLY.—Section 110(l) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2173) is amended—

(1) by adding "and" at the end of paragraph (6); and

(2) by striking paragraph (7) and redesignating paragraph (8) as paragraph (7).

(b) CORRECTION OF CITATION.—Section 109(f) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2177) is amended by striking "93-186" and inserting "93-86".

(c) CORRECTION OF INTERNAL CROSS REFERENCE.—Section 103(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2112) is amended by striking "603(b)(2)" and inserting "603(b)".

SEC. 116. MODIFICATIONS TO THE JOB OPPORTUNITIES FOR CERTAIN LOW-INCOME INDIVIDUALS PROGRAM.

Section 112(5) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2177) is amended in each of subparagraphs (A) and (B) by inserting "under" after "funded".

SEC. 117. DENIAL OF ASSISTANCE AND BENEFITS FOR DRUG-RELATED CONVICTIONS.

(a) EXTENSION OF CERTAIN REQUIREMENTS COORDINATED WITH DELAYED EFFECTIVE DATE FOR SUCCESSOR PROVISIONS.—Section 115(d)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2181) is amended by striking "convictions" and inserting "a conviction if the conviction is for conduct".

(b) IMMEDIATE EFFECTIVENESS OF PROVISIONS RELATING TO RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.—Section 116(a) of such Act (Public Law 104-193; 110 Stat. 2181) is amended by adding at the end the following:

"(6) RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.—Section 413 of the Social Security Act, as added by the amendment made by section 103(a) of this Act, shall take effect on the date of the enactment of this Act.".

SEC. 118. TRANSITION RULE.

Section 116 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2181) is amended—

(1) in subsection (a)(2), by inserting "(but subject to subsection (b)(1)(A)(ii))" after "this section"; and

(2) in subsection (b)(1)(A)(ii), by striking "June 30, 1997" and inserting "the later of June 30, 1997, or the day before the date described in subsection (a)(2)(B) of this section".

SEC. 119. EFFECTIVE DATES.

(a) AMENDMENTS TO PART A OF TITLE IV OF THE SOCIAL SECURITY ACT.—The amendments made by this title to a provision of part A of title IV of the Social Security Act shall take effect as if the amendments had been included in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at the time such section became law.

(b) AMENDMENTS TO PARTS D AND E OF TITLE IV OF THE SOCIAL SECURITY ACT.—The amendments made by section 114 of this Act shall take effect as if the amendments had been included in section 108 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at the time such section 108 became law.

(c) AMENDMENTS TO OTHER AMENDATORY PROVISIONS.—The amendments made by section 115(a) of this Act shall take effect as if the amendments had been included in section 110 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at the time such section 110 became law.

(d) AMENDMENTS TO FREESTANDING PROVISIONS OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—The amendments made by this title to a provision of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that, as of July 1, 1997, will not have become part of another statute shall take effect as if the amendments had been included in the provision at the time the provision became law.

TITLE II—SUPPLEMENTAL SECURITY INCOME

Subtitle A—Conforming and Technical Amendments

SEC. 201. CONFORMING AND TECHNICAL AMENDMENTS RELATING TO ELIGIBILITY RESTRICTIONS

(a) DENIAL OF SSI BENEFITS FOR FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.—Section 1611(e)(6) of the Social Security Act (42 U.S.C. 1382(e)(6)) is amended by inserting "and section 1106(c) of this Act" after "of 1986".

(b) TREATMENT OF PRISONERS.—Section 1611(e)(1)(I)(i)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(II)) is amended by striking "inmate of the institution" and all that follows through "this subparagraph" and inserting "individual who receives in the month preceding the first month throughout which such individual is an inmate of the jail, prison, penal institution, or correctional facility that furnishes information respecting such individual pursuant to subclause (I), or is confined in the institution (that so furnishes such information) as described in section 202(x)(1)(A)(ii), a benefit under this title for such preceding month, and who is determined by the Commissioner to be ineligible for benefits under this title by reason of confinement based on the information provided by such institution".

(c) CORRECTION OF REFERENCE.—Section 1611(e)(1)(I)(i)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(I)) is amended by striking "paragraph (1)" and inserting "this paragraph".

SEC. 202. CONFORMING AND TECHNICAL AMENDMENTS RELATING TO BENEFITS FOR DISABLED CHILDREN.

(a) ELIGIBILITY REDETERMINATIONS FOR CURRENT RECIPIENTS.—Section 211(d)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 1382c note) is amended by striking "1 year" and inserting "18 months".

(b) ELIGIBILITY REDETERMINATIONS AND CONTINUING DISABILITY REVIEWS.—

(1) DISABILITY ELIGIBILITY REDETERMINATIONS REQUIRED FOR SSI RECIPIENTS WHO ATTAIN 18 YEARS OF AGE.—Section 1614(a)(3)(H)(iii) of the Social Security Act (42 U.S.C. 1382c(a)(3)(H)(iii)) is amended by striking subclauses (I) and (II) and all that follows and inserting the following:

"(I) by applying the criteria used in determining initial eligibility for individuals who are age 18 or older; and

"(II) either during the 1-year period beginning on the individual's 18th birthday or, in lieu of a continuing disability review, whenever the Commissioner determines that an individual's case is subject to a redetermination under this clause.

With respect to any redetermination under this clause, paragraph (4) shall not apply.".

(2) CONTINUING DISABILITY REVIEW REQUIRED FOR LOW BIRTH WEIGHT BABIES.—Section 1614(a)(3)(H)(iv) of the Social Security Act (42 U.S.C. 1382c(a)(3)(H)(iv)) is amended—

(A) in subclause (I), by striking "Not" and inserting "Except as provided in subclause (VI), not"; and

(B) by adding at the end the following:

"(VI) Subclause (I) shall not apply in the case of an individual described in that subclause who, at the time of the individual's initial disability determination, the Commissioner determines has an impairment

that is not expected to improve within 12 months after the birth of that individual, and who the Commissioner schedules for a continuing disability review at a date that is after the individual attains 1 year of age.".

(c) ADDITIONAL ACCOUNTABILITY REQUIREMENTS.—Section 1631(a)(2)(F) of the Social Security Act (42 U.S.C. 1383(a)(2)(F)) is amended—

(1) in clause (ii)(III)(bb), by striking "the total amount" and all that follows through "1613(c)" and inserting "in any case in which the individual knowingly misapplies benefits from such an account, the Commissioner shall reduce future benefits payable to such individual (or to such individual and his spouse) by an amount equal to the total amount of such benefits so misapplied"; and

(2) by striking clause (iii) and inserting the following:

"(iii) The representative payee may deposit into the account established under clause (i) any other funds representing past due benefits under this title to the eligible individual, provided that the amount of such past due benefits is equal to or exceeds the maximum monthly benefit payable under this title to an eligible individual (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616 or section 212(b) of Public Law 93–66).".

(d) REDUCTION IN CASH BENEFITS PAYABLE TO INSTITUTIONALIZED INDIVIDUALS WHOSE MEDICAL COSTS ARE COVERED BY PRIVATE INSURANCE.—Section 1611(e) of the Social Security Act (42 U.S.C. 1382(e)) is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by striking "hospital, extended care facility, nursing home, or intermediate care facility" and inserting "medical treatment facility";

(B) in clause (ii)—

(i) in the matter preceding subclause (I), by striking "hospital, home or"; and

(ii) in subclause (I), by striking "hospital, home, or";

(C) in clause (iii), by striking "hospital, home, or"; and

(D) in the matter following clause (iii), by striking "hospital, extended care facility, nursing home, or intermediate care facility which is a 'medical institution or nursing facility' within the meaning of section 1917(c)" and inserting "medical treatment facility that provides services described in section 1917(c)(1)(C)";

(2) in paragraph (1)(E)—

(A) in clause (i)(II), by striking "hospital, extended care facility, nursing home, or intermediate care facility" and inserting "medical treatment facility"; and

(B) in clause (iii), by striking "hospital, extended care facility, nursing home, or intermediate care facility" and inserting "medical treatment facility";

(3) in paragraph (1)(G), in the matter preceding clause (i)—

(A) by striking "or which is a hospital, extended care facility, nursing home, or intermediate care" and inserting "or is in a medical treatment"; and

(B) by inserting "or, in the case of an individual who is a child under the age of 18, under any health insurance policy issued by a private provider of such insurance" after "title XIX"; and

(4) in paragraph (3)—

(A) by striking "same hospital, home, or facility" and inserting "same medical treatment facility"; and

(B) by striking "same such hospital, home, or facility" and inserting "same such facility".

(e) CORRECTION OF U.S.C. CITATION.—Section 211(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2189) is amended by striking "1382(a)(4)" and inserting "1382c(a)(4)".

SEC. 203. ADDITIONAL TECHNICAL AMENDMENTS TO TITLE II.

Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) in section 205(j)(4)(B)(i), by adding "and" at the end; and

(2) in section 215(i)(2)(D), by striking "He" and inserting "The Commissioner of Social Security".

SEC. 204. ADDITIONAL TECHNICAL AMENDMENTS TO TITLE XVI.

Section 1615(d) of the Social Security Act (42 U.S.C. 1382d(d)) is amended—

(1) in the first sentence, by inserting a comma after "subsection (a)(1)"; and

(2) in the last sentence, by striking "him" and inserting "the Commissioner".

SEC. 205. ADDITIONAL TECHNICAL AMENDMENTS RELATING TO TITLES II AND XVI.

Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended—

(1) by inserting "(or the Commissioner, with respect to any jointly financed cooperative agreement or grant concerning titles II or XVI)" after "Secretary" the first place it appears; and

(2) by inserting "(or the Commissioner, as applicable)" after "Secretary" the second place it appears.

SEC. 206. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect as if included in the enactment of title II of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2185).

(b) EXCEPTION.—The amendments made by section 205 shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1464).

Subtitle B—Additional Amendments

SEC. 211. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATIONS RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO DISABILITY BENEFITS UNDER TITLE II.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraphs:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME DISABILITY BENEFITS UNDER TITLE XVI.—Section 105(b)(5) of such Act (Public Law 104–121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by redesignating subparagraph (D) as subparagraph (F) and by inserting after subparagraph (C) the following new subparagraphs:

"(D) For purposes of this paragraph, an individual's claim, with respect to supplemental security income benefits under title XVI of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner does not perform the eligibility redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such eligibility redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's eligibility is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 1614(a)(4) of the Social Security Act shall not apply to such redetermination.".

(b) CORRECTIONS TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFICIARIES.—Section 105(a)(5)(B) of such Act (Public Law 104–121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME RECIPIENTS.—Section 105(b)(5)(B) of such Act (Public Law 104–121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose eligibility for benefits is based upon an eligibility redetermination made pursuant to subparagraph (C).".

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of section 201 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497, 1504) are repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

(2) REPEALS.—The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 212. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96–265; 94 Stat. 473), as amended by section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272; 100 Stat. 282), section 10103 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2472), section 5120(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–282), and section 315 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1531), is further amended—

(1) in paragraph (1) of subsection (a), by adding at the end the following new sentence: "The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under such program with impairments which may reasonably be presumed to be disabling for purposes of such experiment or demonstration project, and may limit any such experiment or demonstration project to any such group of applicants, subject to the terms of such experiment or demonstration project which shall define the extent of any such presumption.";

(2) in paragraph (3) of subsection (a), by striking "June 10, 1996" and inserting "June 10, 1999";

(3) in paragraph (4) of subsection (a), by inserting "and on or before October 1, 1998," after "1995,"; and

(4) in subsection (c), by striking "October 1, 1996" and inserting "October 1, 1999".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 213. PERFECTING AMENDMENTS RELATED TO WITHHOLDING FROM SOCIAL SECURITY BENEFITS.

(a) INAPPLICABILITY OF ASSIGNMENT PROHIBITION.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

"(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit or such persons' representative payee.".

(b) PROPER ALLOCATION OF COSTS OF WITHHOLDING BETWEEN THE TRUST FUNDS AND THE GENERAL FUND.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(2) by inserting before the period at the end of paragraph (1)(A) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(3) in paragraph (1)(B)(i)(I), by striking "subparagraph (A)," and inserting "subparagraph (A)) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee,";

(4) in paragraph (1)(C)(iii), by inserting before the period the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(5) in paragraph (1)(D), by inserting after "section 232" the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)"; and

(6) in paragraph (4), by inserting after the first sentence the following: "The Board of Trustees of such Trust Funds shall prescribe before January 1, 1998, the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to benefits paid on or after the first day of the second month beginning after the month in which this Act is enacted.

SEC. 214. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B)(i) The Commissioner shall enter into an agreement, with any interested State or local institution comprising a jail, prison, penal institution, correctional facility, or other institution a purpose of which is to confine individuals as described in paragraph (1)(A), under which—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, social security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

"(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally-assisted cash, food, or medical assistance program for eligibility purposes.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of such Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during" and inserting "throughout";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) INCLUSION OF TITLE II ISSUES IN STUDY AND REPORT REQUIREMENTS RELATING TO PRISONERS.—

(1) IN GENERAL.—Section 203(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended—

(A) in subparagraph (A), by striking "section 1611(e)(1)" and inserting "sections 202(x) and 1611(e)(1)"; and

(B) in subparagraph (B), by striking "section 1611(e)(1)(I)" and inserting "section 202(x)(3)(B) or 1611(e)(1)(I)".

(2) CONFORMING AMENDMENT.—Section 203(c) of such Act is amended by striking "section 1611(e)(1)(I)" and all that follows and inserting the following: "sections 202(x)(3)(B) and 1611(e)(1)(I) of the Social Security Act.".

(3) APPLICATION.—The amendments made by paragraph (1) shall apply as if included in the enactment of section 203(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193). The amendment made by paragraph (2)

shall apply as if included in the enactment of section 203(c) of such Act.

(d) CONFORMING TITLE XVI AMENDMENTS.—

(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)), as amended by section 201(b) of this Act, is amended further—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (ii))" after "$400" and after "$200";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv) respectively; and

(C) by inserting after clause (i) the following new clause:

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of such Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(e) EXEMPTION FROM COMPUTER MATCHING REQUIREMENTS.—

(1) IN GENERAL.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) by striking "or" at the end of clause (v) and inserting a semicolon;

(B) by inserting "or" at the end of clause (vi); and

(C) by inserting after clause (vi) the following new clause:

"(vii) matches performed pursuant to section 202(x), 205(j), 1611(e)(1), or 1631(a)(2) of the Social Security Act;".

(2) CONFORMING AMENDMENT.—Section 1611(e)(1)(I)(iii) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(iii)), as so redesignated by subsection (d)(1)(B) of this section, is amended—

(A) by striking "(I) The provisions" and all that follows through "(II) The Commissioner" and inserting "The Commissioner"; and

(B) by inserting "agency administering a" before "Federal or federally-assisted".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(f) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii)(IV), by striking the period and inserting ", or"; and

(C) by adding at the end the following new clause:

"(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of the enactment of this Act.

SEC. 215. SOCIAL SECURITY ADVISORY BOARD PERSONNEL.

(a) IN GENERAL.—Section 703(i) of the Social Security Act (42 U.S.C. 903(i)) is amended—

(1) in the first sentence, by striking ", and three" and all that follows through "Board,"; and

(2) in the last sentence, by striking "clerical".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 108 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 857).

TITLE III—CHILD SUPPORT

SEC. 301. STATE OBLIGATION TO PROVIDE CHILD SUPPORT ENFORCEMENT SERVICES.

(a) INDIVIDUALS SUBJECT TO FEE FOR CHILD SUPPORT ENFORCEMENT SERVICES.—Section 454(6)(B) of the Social Security Act (42 U.S.C. 654(6)(B)) is amended by striking "individuals not receiving assistance under any State program funded under part A, which" and inserting "an individual, other than an individual receiving assistance under a State program funded under part A or E, or under a State plan approved under title XIX, or who is required by the State to cooperate with the State agency administering the program under this part pursuant to subsection (l) or (m) of section 6 of the Food Stamp Act of 1977, and".

(b) CORRECTION OF REFERENCE.—Section 464(a)(2)(A) of the Social Security Act (42 U.S.C. 654(a)(2)(A)) is amended in the first sentence by striking "section 454(6)" and inserting "section 454(4)(A)(ii)".

SEC. 302. DISTRIBUTION OF COLLECTED SUPPORT.

(a) CONTINUATION OF ASSIGNMENTS.—Section 457(b) of the Social Security Act (42 U.S.C. 657(b)) is amended—

(1) by striking "which were assigned" and inserting "assigned"; and

(2) by striking "and which were in effect" and all that follows and inserting "and in effect on September 30, 1997 (or such earlier date, on or after August 22, 1996, as the State may choose), shall remain assigned after such date.".

(b) STATE OPTION FOR APPLICABILITY.—

(1) IN GENERAL.—Section 457(a) of the Social Security Act (42 U.S.C. 657(a)) is amended by adding at the end the following:

"(6) STATE OPTION FOR APPLICABILITY.—Notwithstanding any other provision of this subsection, a State may elect to apply the rules described in clauses (i)(II), (ii)(II), and (v) of paragraph (2)(B) to support arrearages collected on and after October 1, 1998, and, if the State makes such an election, shall apply the provisions of this section, as in effect and applied on the day before the date of enactment of section 302 of the Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104–193, 110 Stat. 2200), other than subsection (b)(1) (as so in effect), to amounts collected before October 1, 1998.".

(2) CONFORMING AMENDMENTS.—Section 408(a)(3)(A) of the Social Security Act (42 U.S.C. 608(a)(3)(A)) is amended—

(A) in clause (i), by inserting "(I)" after "(i)";

(B) in clause (ii)—

(i) by striking "(ii)" and inserting "(II)"; and

(ii) by striking the period and inserting "; or"; and

(C) by adding at the end, the following:

"(ii) if the State elects to distribute collections under section 457(a)(6), the date the family ceases to receive assistance under the program, if the assignment is executed on or after October 1, 1998.".

(c) DISTRIBUTION OF COLLECTIONS WITH RESPECT TO FAMILIES RECEIVING ASSISTANCE.—Section 457(a)(1) of the Social Security Act (42 U.S.C. 657(a)(1)) is amended by adding at the end the following flush language:

"In no event shall the total of the amounts paid to the Federal Government and retained by the State exceed the total of the amounts that have been paid to the family as assistance by the State.".

(d) FAMILIES UNDER CERTAIN AGREEMENTS.—Section 457(a)(4) of the Social Security Act (42 U.S.C. 657(a)(4)) is amended to read as follows:

"(4) FAMILIES UNDER CERTAIN AGREEMENTS.—In the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), distribute the amount so collected pursuant to the terms of the agreement.".

(e) STUDY AND REPORT.—Section 457(a)(5) of the Social Security Act (42 U.S.C. 657(a)(5)) is amended by striking "1998" and inserting "1999".

(f) CORRECTIONS OF REFERENCES.—Section 457(a)(2)(B) of the Social Security Act (42 U.S.C. 657(a)(2)(B)) is amended—

(1) in clauses (i)(I) and (ii)(I)—

(A) by striking "(other than subsection (b)(1))" each place it appears; and

(B) by inserting "(other than subsection (b)(1) (as so in effect))" after "1996" each place it appears; and

(2) in clause (ii)(II), by striking "paragraph (4)" and inserting "paragraph (5)".

(g) CORRECTION OF TERRITORIAL MATCH.—Section 457(c)(3)(A) of the Social Security Act (42 U.S.C. 657(c)(3)(A)) is amended by striking "the Federal medical assistance percentage (as defined in section 1118)" and inserting "75 percent".

(h) DEFINITIONS.—

(1) FEDERAL SHARE.—Section 457(c)(2) of the Social Security Act (42 U.S.C. 657(c)(2)) is amended by striking "collected" the second place it appears and inserting "distributed".

(2) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Section 457(c)(3)(B) of the Social Security Act (42 U.S.C. 657(c)(3)(B)) is amended by striking "as in effect on September 30, 1996" and inserting "as such section was in effect on September 30, 1995".

(i) CONFORMING AMENDMENTS.—

(1) Section 464(a)(2)(A) of the Social Security Act (42 U.S.C. 664(a)(2)(A)) is amended, in the penultimate sentence, by inserting "in accordance with section 457" after "owed".

(2) Section 466(a)(3)(B) of the Social Security Act (42 U.S.C. 666(a)(3)(B)) is amended by striking "457(b)(4) or (d)(3)" and inserting "457".

SEC. 303. CIVIL PENALTIES RELATING TO STATE DIRECTORY OF NEW HIRES.

Section 453A of the Social Security Act (42 U.S.C. 653a) is amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "shall be less than" and inserting "shall not exceed"; and

(B) in paragraph (1), by striking "$25" and inserting "$25 per failure to meet the requirements of this section with respect to a newly hired employee"; and

(2) in subsection (g)(2)(B), by striking "extracts" and all that follows through "Labor" and inserting "information".

SEC. 304. FEDERAL PARENT LOCATOR SERVICE.

(a) IN GENERAL.—Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (a)—

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

(B) by striking "to obtain" and all that follows through the period and inserting "for the purposes specified in paragraphs (2) and (3).

"(2) For the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations, the Federal Parent Locator Service shall obtain and transmit to any authorized person specified in subsection (c)—

"(A) information on, or facilitating the discovery of, the location of any individual—

"(i) who is under an obligation to pay child support;

"(ii) against whom such an obligation is sought; or

"(iii) to whom such an obligation is owed, including the individual's social security number (or numbers), most recent address, and the name, address, and employer identification number of the individual's employer;

"(B) information on the individual's wages (or other income) from, and benefits of, employment (including rights to or enrollment in group health care coverage); and

"(C) information on the type, status, location, and amount of any assets of, or debts owed by or to, any such individual.

"(3) For the purpose of enforcing any Federal or State law with respect to the unlawful taking or restraint of a child, or making or enforcing a child custody or visitation determination, as defined in section 463(d)(1), the Federal Parent Locator Service shall be used to obtain and transmit the information specified in section 463(c) to the authorized persons specified in section 463(d)(2).";

(2) by striking subsection (b) and inserting the following:

"(b)(1) Upon request, filed in accordance with subsection (d), of any authorized person, as defined in subsection (c) for the information described in subsection (a)(2), or of any authorized person, as defined in section 463(d)(2) for the information described in section 463(c), the Secretary shall, notwithstanding any other provision of law, provide through the Federal Parent Locator Service such information to such person, if such information—

"(A) is contained in any files or records maintained by the Secretary or by the Department of Health and Human Services; or

"(B) is not contained in such files or records, but can be obtained by the Secretary, under the authority conferred by subsection (e), from any other department, agency, or instrumentality of the United States or of any State,

and is not prohibited from disclosure under paragraph (2).

"(2) No information shall be disclosed to any person if the disclosure of such information would contravene the national policy or security interests of the United States or the confidentiality of census data. The Secretary shall give priority to requests made by any authorized person described in subsection (c)(1). No information shall be disclosed to any person if the State has notified the Secretary that the State has reasonable evidence of domestic violence or child abuse and the disclosure of such information could be harmful to the custodial parent or the child of such parent, provided that—

"(A) in response to a request from an authorized person (as defined in subsection (c) and section 463(d)(2)), the Secretary shall advise the authorized person that the Secretary has been notified that there is reasonable evidence of domestic violence or child abuse and that information can only be disclosed to a court or an agent of a court pursuant to subparagraph (B); and

"(B) information may be disclosed to a court or an agent of a court described in subsection (c)(2) or section 463(d)(2)(B), if—

"(i) upon receipt of information from the Secretary, the court determines whether disclosure to any other person of that information could be harmful to the parent or the child; and

"(ii) if the court determines that disclosure of such information to any other person could be harmful, the court and its agents shall not make any such disclosure.

"(3) Information received or transmitted pursuant to this section shall be subject to the safeguard provisions contained in section 454(26).."; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "or to seek to enforce orders providing child custody or visitation rights"; and

(B) in paragraph (2)—

(i) by inserting "or to serve as the initiating court in an action to seek an order" after "issue an order"; and

(ii) by striking "or to issue an order against a resident parent for child custody or visitation rights".

(b) USE OF THE FEDERAL PARENT LOCATOR SERVICE.—Section 463 of the Social Security Act (42 U.S.C. 663) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "any State which is able and willing to do so," and inserting "every State"; and

(ii) by striking "such State" and inserting "each State"; and

(B) in paragraph (2), by inserting "or visitation" after "custody";

(2) in subsection (b)(2), by inserting "or visitation" after "custody";

(3) in subsection (d)—

(A) in paragraph (1), by inserting "or visitation" after "custody"; and

(B) in subparagraphs (A) and (B) of paragraph (2), by inserting "or visitation" after "custody" each place it appears;

(4) in subsection (f)(2), by inserting "or visitation" after "custody"; and

(5) by striking "noncustodial" each place it appears.

SEC. 305. ACCESS TO REGISTRY DATA FOR RESEARCH PURPOSES.

(a) IN GENERAL.—Section 453(j)(5) of the Social Security Act (42 U.S.C. 653(j)(5)) is amended by inserting "data in each component of the Federal Parent Locator Service maintained under this section and to" before "information".

(b) CONFORMING AMENDMENTS.—Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (j)(3)(B), by striking "registries" and inserting "components"; and

(2) in subsection (k)(2), by striking "subsection (j)(3)" and inserting "section 453A(g)(2)".

SEC. 306. COLLECTION AND USE OF SOCIAL SECURITY NUMBERS FOR USE IN CHILD SUPPORT ENFORCEMENT.

Section 466(a)(13) of the Social Security Act (42 U.S.C. 666(a)(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "commercial"; and

(B) by inserting "recreational license," after "occupational license,"; and

(2) in the matter following subparagraph (C), by inserting "to be used on the face of the document while the social security number is kept on file at the agency" after "other than the social security number".

SEC. 307. ADOPTION OF UNIFORM STATE LAWS.

Section 466(f) of the Social Security Act (42 U.S.C. 666(f)) is amended by striking "together" and all that follows and inserting "and as in effect on August 22, 1996, including any amendments officially adopted as of such date by the National Conference of Commissioners on Uniform State Laws.".

SEC. 308. STATE LAWS PROVIDING EXPEDITED PROCEDURES.

Section 466(c) of the Social Security Act (42 U.S.C. 666(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by inserting ", part E," after "part A"; and

(B) in subparagraph (G), by inserting "any current support obligation and" after "to satisfy"; and

(2) in paragraph (2)(A)—

(A) in clause (i), by striking "the tribunal and"; and

(B) in clause (ii)—

(i) by striking "tribunal may" and inserting "court or administrative agency of competent jurisdiction shall"; and

(ii) by striking "filed with the tribunal" and inserting "filed with the State case registry".

SEC. 309. VOLUNTARY PATERNITY ACKNOWLEDGEMENT.

Section 466(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 666(a)(5)(C)(i)) is amended by inserting ", or through the use of video or audio equipment," after "orally".

SEC. 310. CALCULATION OF PATERNITY ESTABLISHMENT PERCENTAGE.

Section 452(g)(2) of the Social Security Act (42 U.S.C. 652(g)(2)) is amended, in the matter following subparagraph (C), by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)".

SEC. 311. MEANS AVAILABLE FOR PROVISION OF TECHNICAL ASSISTANCE AND OPERATION OF FEDERAL PARENT LOCATOR SERVICE.

(a) TECHNICAL ASSISTANCE.—Section 452(j) of the Social Security Act (42 U.S.C. 652(j)), is amended, in the matter preceding paragraph (1), by striking "to cover costs incurred by the Secretary" and inserting "which shall be available for use by the Secretary, either directly or through grants, contracts, or interagency agreements,".

(b) OPERATION OF FEDERAL PARENT LOCATOR SERVICE.—

(1) MEANS AVAILABLE.—Section 453(o) of the Social Security Act (42 U.S.C. 653(o)) is amended—

(A) in the heading, by striking "RECOVERY OF COSTS" and inserting "USE OF SET-ASIDE FUNDS"; and

(B) by striking "to cover costs incurred by the Secretary" and inserting "which shall be available for use by the Secretary, either directly or through grants, contracts, or interagency agreements,".

(2) AVAILABILITY OF FUNDS.—Section 453(o) of the Social Security Act (42 U.S.C. 653(o)) is amended by adding at the end the following: "Amounts appropriated under this subsection for each of fiscal years 1997 through 2001 shall remain available until expended.".

SEC. 312. AUTHORITY TO COLLECT SUPPORT FROM FEDERAL EMPLOYEES.

(a) RESPONSE TO NOTICE OR PROCESS.—Section 459(c)(2)(C) of the Social Security Act (42 U.S.C. 659(c)(2)(C)) is amended by striking "respond to the order, process, or interrogatory" and inserting "withhold available

sums in response to the order or process, or answer the interrogatory".

(b) MONEYS SUBJECT TO PROCESS.—Section 459(h)(1) of the Social Security Act (42 U.S.C. 659(h)(1)) is amended—

(1) in the matter preceding subparagraph (A) and in subparagraph (A)(i), by striking "paid or" each place it appears;

(2) in subparagraph (A)—

(A) in clause (ii)(V), by striking "and" at the end;

(B) in clause (iii)—

(i) by inserting "or payable" after "paid"; and

(ii) by striking "but" and inserting "; and"; and

(C) by inserting after clause (iii), the following:

"(iv) benefits paid or payable under the Railroad Retirement System, but"; and

(3) in subparagraph (B)—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(iii) of periodic benefits under title 38, United States Code, except as provided in subparagraph (A)(ii)(V).".

(c) CONFORMING AMENDMENT.—Section 454(19)(B)(ii) of the Social Security Act (42 U.S.C. 654(19)(B)(ii)) is amended by striking "section 462(e)" and inserting "section 459(i)(5)".

SEC. 313. DEFINITION OF SUPPORT ORDER.

Section 453(p) of the Social Security Act (42 U.S.C. 653(p)), is amended by striking "a child and" and inserting "of".

SEC. 314. STATE LAW AUTHORIZING SUSPENSION OF LICENSES.

Section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) is amended by inserting "and sporting" after "recreational".

SEC. 315. INTERNATIONAL SUPPORT ENFORCEMENT.

Section 454(32)(A) of the Social Security Act (42 U.S.C. 654(32)(A)) is amended by striking "section 459A(d)(2)" and inserting "section 459A(d)".

SEC. 316. CHILD SUPPORT ENFORCEMENT FOR INDIAN TRIBES.

(a) COOPERATIVE AGREEMENTS BY INDIAN TRIBES AND STATES FOR CHILD SUPPORT ENFORCEMENT.—Section 454(33) of the Social Security Act (42 U.S.C. 654(33)) is amended—

(1) by striking "and enforce support orders, and" and inserting "or enforce support orders, or";

(2) by striking "guidelines established by such tribe or organization" and inserting "guidelines established or adopted by such tribe or organization";

(3) by striking "funding collected" and inserting "collections"; and

(4) by striking "such funding" and inserting "such collections".

(b) CORRECTION OF SUBSECTION DESIGNATION.—Section 455 of the Social Security Act (42 U.S.C. 655), is amended by redesignating subsection (b), as added by section 375(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193, 110 Stat. 2256), as subsection (f).

(c) DIRECT GRANTS TO TRIBES.—Section 455(f) of the Social Security Act (42 U.S.C. 655(f)), as redesignated by subsection (b), is amended to read as follows:

"(f) The Secretary may make direct payments under this part to an Indian tribe or tribal organization that demonstrates to the satisfaction of the Secretary that it has the capacity to operate a child support enforcement program meeting the objectives of this part, including establishment of paternity, establishment, modification, and enforcement of support orders, and location of absent parents. The Secretary shall promulgate regulations establishing the requirements which must be met by an Indian tribe or tribal organization to be eligible for a grant under this subsection.".

SEC. 317. CONTINUATION OF RULES FOR DISTRIBUTION OF SUPPORT IN THE CASE OF A TITLE IV–E CHILD.

Section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "subsection (e)" and inserting "subsections (e) and (f)"; and

(2) by adding at the end, the following:

"(f) Notwithstanding the preceding provisions of this section, amounts collected by a State as child support for months in any period on behalf of a child for whom a public agency is making foster care maintenance payments under part E—

"(1) shall be retained by the State to the extent necessary to reimburse it for the foster care maintenance payments made with respect to the child during such period (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(2) shall be paid to the public agency responsible for supervising the placement of the child to the extent that the amounts collected exceed the foster care maintenance payments made with respect to the child during such period but not the amounts required by a court or administrative order to be paid as support on behalf of the child during such period; and the responsible agency may use the payments in the manner it determines will serve the best interests of the child, including setting such payments aside for the child's future needs or making all or a part thereof available to the person responsible for meeting the child's day-to-day needs; and

"(3) shall be retained by the State, if any portion of the amounts collected remains after making the payments required under paragraphs (1) and (2), to the extent that such portion is necessary to reimburse the State (with appropriate reimbursement to the Federal Government to the extent of its participation in the financing) for any past foster care maintenance payments (or payments of assistance under the State program funded under part A) which were made with respect to the child (and with respect to which past collections have not previously been retained);

and any balance shall be paid to the State agency responsible for supervising the placement of the child, for use by such agency in accordance with paragraph (2).".

SEC. 318. GOOD CAUSE IN FOSTER CARE AND FOOD STAMP CASES.

(a) STATE PLAN.—Section 454(4)(A)(i) of the Social Security Act (42 U.S.C. 654(4)(A)(i)) is amended—

(1) by striking "or" before "(III)"; and

(2) by inserting "or (IV) cooperation is required pursuant to section 6(*l*)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(*l*)(1)),'' after "title XIX,".

(b) CONFORMING AMENDMENTS.—Section 454(29) of the Social Security Act (42 U.S.C. 654(29)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "part A of this title or the State program under title XIX" and inserting "part A, the State program under part E, the State program under title XIX, or the food stamp program, as defined under section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)),"; and

(B) by striking clauses (i) and (ii) and all that follows through the semicolon and inserting the following:

"(i) in the case of the State program funded under part A, the State program under part E, or the State program under title XIX shall, at the option of the State, be defined, taking into account the best interests of the child, and applied in each case, by the State agency administering such program; and

"(ii) in the case of the food stamp program, as defined under section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)), shall be defined and applied in each case under that program in accordance with section 6(*l*)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2015(*l*)(2));";

(2) in subparagraph (D), by striking "or the State program under title XIX" and inserting "the State program under part E, the State program under title XIX, or the food stamp program, as defined under section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h))"; and

(3) in subparagraph (E), by striking "individual," and all that follows through "XIX," and inserting "individual and the State agency administering the State program funded under part A, the State agency administering the State program under part E, the State agency administering the State program under title XIX, or the State agency administering the food stamp program, as defined under section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)),".

SEC. 319. DATE OF COLLECTION OF SUPPORT.

Section 454B(c)(1) of the Social Security Act (42 U.S.C. 654B(c)(1)) is amended by adding at the end the following: "The date of collection for amounts collected and distributed under this part is the date of receipt by the State disbursement unit, except that if current support is withheld by an employer in the month when due and is received by the State disbursement unit in a month other than the month when due, the date of withholding may be deemed to be the date of collection.".

SEC. 320. ADMINISTRATIVE ENFORCEMENT IN INTERSTATE CASES.

(a) PROCEDURES.—Section 466(a)(14) of the Social Security Act (42 U.S.C. 666(a)(14)) is amended to read as follows:

"(14) HIGH-VOLUME, AUTOMATED ADMINISTRATIVE ENFORCEMENT IN INTERSTATE CASES.—

"(A) IN GENERAL.—Procedures under which—

"(i) the State shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request made by another State to enforce support orders, and shall promptly report the results of such enforcement procedure to the requesting State;

"(ii) the State may, by electronic or other means, transmit to another State a request for assistance in enforcing support orders through high-volume, automated administrative enforcement, which request—

"(I) shall include such information as will enable the State to which the request is transmitted to compare the information about the cases to the information in the data bases of the State; and

"(II) shall constitute a certification by the requesting State—

"(aa) of the amount of support under an order the payment of which is in arrears; and

"(bb) that the requesting State has complied with all procedural due process requirements applicable to each case;

"(iii) if the State provides assistance to another State pursuant to this paragraph with respect to a case, neither State shall consider the case to be transferred to the caseload of such other State; and

"(iv) the State shall maintain records of—

"(I) the number of such requests for assistance received by the State;

"(II) the number of cases for which the State collected support in response to such a request; and

"(III) the amount of such collected support.

"(B) HIGH-VOLUME AUTOMATED ADMINISTRATIVE ENFORCEMENT.—In this part, the term 'high-volume automated administrative enforcement' means the use of automatic data processing to search various State data bases, including license records, employment service data, and State new hire registries, to determine whether information is available regarding a parent who owes a child support obligation.".

(b) INCENTIVE PAYMENTS.—Section 458(d) of the Social Security Act (42 U.S.C. 658(d)) is amended by inserting ", including amounts collected under section 466(a)(14)," after "another State".

SEC. 321. WORK ORDERS FOR ARREARAGES.

Section 466(a)(15) of the Social Security Act (42 U.S.C. 666(a)(15)) is amended to read as follows:

"(15) PROCEDURES TO ENSURE THAT PERSONS OWING OVERDUE SUPPORT WORK OR HAVE A PLAN FOR PAYMENT OF SUCH SUPPORT.—Procedures under which the State has the authority, in any case in which an individual owes overdue support with respect to a child receiving assistance under a State program funded under part A, to issue an order or to request that a court or an administrative process established pursuant to State law issue an order that requires the individual to—

"(A) pay such support in accordance with a plan approved by the court, or, at the option of the State, a plan approved by the State agency administering the State program under this part; or

"(B) if the individual is subject to such a plan and is not incapacitated, participate in such work activities (as defined in section 407(d)) as the court, or, at the option of the State, the State agency administering the State program under this part, deems appropriate.".

SEC. 322. ADDITIONAL TECHNICAL STATE PLAN AMENDMENTS.

Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) in paragraph (8)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "noncustodial"; and

(ii) by inserting ", for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations, or making or enforcing a child custody or visitation determination, as defined in section 463(d)(1)" after "provide that";

(B) in subparagraph (A), by striking the comma and inserting a semicolon;

(C) in subparagraph (B), by striking the semicolon and inserting a comma; and

(D) by inserting after subparagraph (B), the following flush language:

"and shall, subject to the privacy safeguards required under paragraph (26), disclose only the information described in sections 453 and 463 to the authorized persons specified in such sections for the purposes specified in such sections;";

(2) in paragraph (17)—

(A) by striking "in the case of a State which has" and inserting "provide that the State will have"; and

(B) by inserting "and" after "section 453,"; and

(3) in paragraph (26)—

(A) in the matter preceding subparagraph (A), by striking "will";

(B) in subparagraph (A)—

(i) by inserting ", modify," after "establish", the second place it appears; and

(ii) by inserting ", or to make or enforce a child custody determination" after "support";

(C) in subparagraph (B)—

(i) by inserting "or the child" after "1 party";

(ii) by inserting "or the child" after "former party"; and

(iii) by striking "and" at the end;

(D) in subparagraph (C)—

(i) by inserting "or the child" after "1 party";

(ii) by striking "another party" and inserting "another person";

(iii) by inserting "to that person" after "release of the information"; and

(iv) by striking "former party" and inserting "party or the child"; and

(E) by adding at the end the following:

"(D) in cases in which the prohibitions under subparagraphs (B) and (C) apply, the requirement to notify the Secretary, for purposes of section 453(b)(2), that the State has reasonable evidence of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child; and

"(E) procedures providing that when the Secretary discloses information about a parent or child to a State court or an agent of a State court described in section 453(c)(2) or 463(d)(2)(B), and advises that court or agent that the Secretary has been notified that there is reasonable evidence of domestic violence or child abuse pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person of information received from the Secretary could be harmful to the parent or child and, if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure;".

SEC. 323. FEDERAL CASE REGISTRY OF CHILD SUPPORT ORDERS.

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended—

(1) in paragraph (1), by inserting "and order" after "with respect to each case"; and

(2) in paragraph (2)—

(A) in the heading, by inserting "AND ORDER" after "CASE";

(B) by inserting "or an order" after "with respect to a case" and

(C) by inserting "or order" after "and the State or States which have the case".

SEC. 324. FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

Section 1738B(f) of title 28, United States Code, is amended—

(1) in paragraph (4), by striking "a court may" and all that follows and inserting "a court having jurisdiction over the parties shall issue a child support order, which must be recognized."; and

(2) in paragraph (5), by inserting "under subsection (d)" after "jurisdiction".

SEC. 325. DEVELOPMENT COSTS OF AUTOMATED SYSTEMS.

(a) DEFINITION OF STATE.—Section 455(a)(3)(B) of the Social Security Act (42 U.S.C. 655(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by inserting "or system described in clause (iii)" after "each State"; and

(B) by inserting "or system" after "the State"; and

(2) by adding at the end the following:

"(iii) For purposes of clause (i), a system described in this clause is a system that has been approved by the Secretary to receive enhanced funding pursuant to the Family Support Act of 1988 (Public Law 100-485; 102 Stat. 2343) for the purpose of developing a system that meets the requirements of sections 454(16) (as in effect on and after September 30, 1995) and 454A, including systems that have received funding for such purpose pursuant to a waiver under section 1115(a).".

(b) TEMPORARY LIMITATION ON PAYMENTS.—Section 344(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 655 note) is amended—

(1) in subparagraph (B)—

(A) by inserting "or a system described in subparagraph (C)" after "to a State"; and

(B) by inserting "or system" after "for the State"; and

(2) in subparagraph (C), by striking "Act," and all that follows and inserting "Act, and among systems that have been approved by the Secretary to receive enhanced funding pursuant to the Family Support Act of 1988 (Public Law 100-485; 102 Stat. 2343) for the purpose of developing a system that meets the requirements of sections 454(16) (as in effect on and after September 30, 1995) and 454A, including systems that have received funding for such purpose pursuant to a waiver under section 1115(a), which shall take into account—

"(i) the relative size of such State and system caseloads under part D of title IV of the Social Security Act; and

"(ii) the level of automation needed to meet the automated data processing requirements of such part.".

SEC. 326. ADDITIONAL TECHNICAL AMENDMENTS.

(a) ELIMINATION OF SURPLUSAGE.—Section 466(c)(1)(F) of the Social Security Act (42 U.S.C. 666(c)(1)(F)) is amended by striking "of section 466".

(b) CORRECTION OF AMBIGUOUS AMENDMENT.—Section 344(a)(1)(F) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2234) is amended by inserting "the first place such term appears" before "and all that follows".

(c) CORRECTION OF ERRONEOUSLY DRAFTED PROVISION.—Section 215 of the Department of Health and Human Services Appropriations Act, 1997, (as contained in section 101(e) of the Omnibus Consolidated Appropriations Act, 1997) is amended to read as follows:

"SEC. 215. Sections 452(j) and 453(o) of the Social Security Act (42 U.S.C. 652(j) and 653(o)), as amended by section 345 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2237) are each amended by striking 'section 457(a)' and inserting 'a plan approved under this part'. Amounts available under such sections 452(j) and 453(o) shall be calculated as though the amendments made by this section were effective October 1, 1995.".

(d) ELIMINATION OF SURPLUSAGE.—Section 456(a)(2)(B) of the Social Security Act (42 U.S.C. 656(a)(2)(B)) is amended by striking ", and" and inserting a period.

(e) CORRECTION OF DATE.—Section 466(a)(1)(B) of the Social Security Act (42 U.S.C. 666(a)(1)(B)) is amended by striking "October 1, 1996" and inserting "January 1, 1994".

SEC. 327. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect as if included in the enactment of title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105).

(b) EXCEPTION.—The amendments made by section 302(b)(2) shall take effect as if the amendments had been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

TITLE IV—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

Subtitle A—Eligibility for Federal Benefits

SEC. 401. ALIEN ELIGIBILITY FOR FEDERAL BENEFITS: LIMITED APPLICATION TO MEDICARE AND BENEFITS UNDER THE RAILROAD RETIREMENT ACT.

(a) LIMITED APPLICATION TO MEDICARE.—Section 401(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(b)) is amended by adding at the end the following:

"(3) Subsection (a) shall not apply to any benefit payable under title XVIII of the Social Security Act (relating to the medicare program) to an alien who is lawfully present in the United States as determined by the Attorney General and, with respect to benefits payable under part A of such title, who was authorized to be employed with respect to any wages attributable to employment which are counted for purposes of eligibility for such benefits.".

(b) LIMITED APPLICATION TO BENEFITS UNDER THE RAILROAD RETIREMENT ACT.—Section 401(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(b)) (as amended by subsection (a)) is amended by inserting at the end the following:

"(4) Subsection (a) shall not apply to any benefit payable under the Railroad Retirement Act of 1974 or the Railroad Unemployment Insurance Act to an alien who is lawfully present in the United States as determined by the Attorney General or to an alien residing outside the United States.".

SEC. 402. EXCEPTIONS TO BENEFIT LIMITATIONS: CORRECTIONS TO REFERENCE CONCERNING ALIENS WHOSE DEPORTATION IS WITHHELD.

Sections 402(a)(2)(A)(iii), 402(b)(2)(A)(iii), 403(b)(1)(C), 412(b)(1)(C), and 431(b)(5) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(A)(iii), 1612(b)(2)(A)(iii), 1613(b)(1)(C), 1622(b)(1)(C), and 1641(b)(5)) are each amended by striking "section 243(h) of such Act" each place it appears and inserting "section 243(h) of such Act (as in effect immediately before the effective date of section 307 of division C of Public Law 104–208) or section 241(b)(3) of such Act (as amended by section 305(a) of division C of Public Law 104–208)".

SEC. 403. VETERANS EXCEPTION: APPLICATION OF MINIMUM ACTIVE DUTY SERVICE REQUIREMENT; EXTENSION TO UNREMARRIED SURVIVING SPOUSE; EXPANDED DEFINITION OF VETERAN.

(a) APPLICATION OF MINIMUM ACTIVE DUTY SERVICE REQUIREMENT.—Sections 402(a)(2)(C)(i), 402(b)(2)(C)(i), 403(b)(2)(A), and 412(b)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(C)(i), 1612(b)(2)(C)(i), 1613(b)(2)(A), and 1622(b)(3)(A)) are each amended by inserting "and who fulfills the minimum active-duty service requirements of section 5303A(d) of title 38, United States Code" after "alienage".

(b) EXCEPTION APPLICABLE TO UNREMARRIED SURVIVING SPOUSE.—Section 402(a)(2)(C)(iii), 402(b)(2)(C)(iii), 403(b)(2)(C), and 412(b)(3)(C) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(C)(iii), 1612(b)(2)(C)(iii), 1613(b)(2)(C), and 1622(b)(3)(C)) are each amended by inserting before the period "or the unremarried surviving spouse of an individual described in clause (i) or (ii) who is deceased if the marriage fulfills the requirements of section 1304 of title 38, United States Code".

(c) EXPANDED DEFINITION OF VETERAN.—Sections 402(a)(2)(C)(i), 402(b)(2)(C)(i), 403(b)(2)(A), and 412(b)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(C)(i), 1612(b)(2)(C)(i), 1613(b)(2)(A), and 1622(b)(3)(A)) are each amended by inserting ", 1101, or 1301, or as described in section 107" after "section 101".

SEC. 404. CORRECTION OF REFERENCE CONCERNING CUBAN AND HAITIAN ENTRANTS.

Section 403(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(d)) is amended—

(1) by striking "section 501 of the Refugee" and insert "section 501(a) of the Refugee"; and

(2) by striking "section 501(e)(2)" and inserting "section 501(e)".

SEC. 405. NOTIFICATION CONCERNING ALIENS NOT LAWFULLY PRESENT: CORRECTION OF TERMINOLOGY.

Section 1631(e)(9) of the Social Security Act (42 U.S.C. 1383(e)(9)) and section 27 of the United States Housing Act of 1937, as added by section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, are each amended by striking "unlawfully in the United States" each place it appears and inserting "not lawfully present in the United States".

SEC. 406. FREELY ASSOCIATED STATES: CONTRACTS AND LICENSES.

Sections 401(c)(2)(A) and 411(c)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)(2)(A) and 1621(c)(2)(A)) are each amended by inserting before the semicolon at the end ", or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99–239 or 99–658 (or a successor provision) is in effect".

SEC. 407. CONGRESSIONAL STATEMENT REGARDING BENEFITS FOR HMONG AND OTHER HIGHLAND LAO VETERANS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Hmong and other Highland Lao tribal peoples were recruited, armed, trained, and funded for military operations by the United States Department of Defense, Central Intelligence Agency, Department of State, and Agency for International Development to further United States national security interests during the Vietnam conflict.

(2) Hmong and other Highland Lao tribal forces sacrificed their own lives and saved the lives of American military personnel by rescuing downed American pilots and aircrews and by engaging and successfully fighting North Vietnamese troops.

(3) Thousands of Hmong and other Highland Lao veterans who fought in special guerilla units on behalf of the United States during the Vietnam conflict, along with their families, have been lawfully admitted to the United States in recent years.

(4) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193), the new national welfare reform law, restricts certain welfare benefits for noncitizens of the United States and the exceptions for noncitizen veterans of the Armed Forces of the United States do not extend to Hmong veterans of the Vietnam conflict era, making Hmong veterans and their families receiving certain welfare benefits subject to restrictions despite their military service on behalf of the United States.

(b) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that Hmong and other Highland Lao veterans who fought on behalf of the Armed Forces of the United States during the Vietnam conflict and have lawfully been admitted to the United States for permanent residence should be considered veterans for purposes of continuing certain welfare benefits consistent with the exceptions provided other noncitizen veterans under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Subtitle B—General Provisions

SEC. 411. DETERMINATION OF TREATMENT OF BATTERED ALIENS AS QUALIFIED ALIENS; INCLUSION OF ALIEN CHILD OF BATTERED PARENT AS QUALIFIED ALIEN.

(a) DETERMINATION OF STATUS BY AGENCY PROVIDING BENEFITS.—Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641) is amended in subsections (c)(1)(A) and (c)(2)(A) by striking "Attorney General, which opinion is not subject to review by any court)" each place it appears and inserting "agency providing such benefits)".

(b) GUIDANCE ISSUED BY ATTORNEY GENERAL.—Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended by adding at the end the following new undesignated paragraph:

"After consultation with the Secretaries of Health and Human Services, Agriculture, and Housing and Urban Development, the Commissioner of Social Security, and with the heads of such Federal agencies administering benefits as the Attorney General considers appropriate, the Attorney General shall issue guidance (in the Attorney General's sole and unreviewable discretion) for purposes of this subsection and section 421(f), concerning the meaning of the terms 'battery' and 'extreme cruelty', and the standards and methods to be used for determining whether a substantial connection exists between battery or cruelty suffered and an individual's need for benefits under a specific Federal, State, or local program.".

(c) INCLUSION OF ALIEN CHILD OF BATTERED PARENT AS QUALIFIED ALIEN.—Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

(1) at the end of paragraph (1)(B)(iv) by striking "or";

(2) at the end of paragraph (2)(B) by striking the period and inserting "; or"; and

(3) by inserting after paragraph (2)(B) and before the last sentence of such subsection the following new paragraph:

"(3) an alien child who—

"(A) resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial

connection between such battery or cruelty and the need for the benefits to be provided; and

"(B) who meets the requirement of subparagraph (B) of paragraph (1).".

(d) INCLUSION OF ALIEN CHILD OF BATTERED PARENT UNDER SPECIAL RULE FOR ATTRIBUTION OF INCOME.—Section 421(f)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(f)(1)(A)) is amended—

(1) at the end of clause (i) by striking "or"; and

(2) by striking "and the battery or cruelty described in clause (i) or (ii)" and inserting "or (iii) the alien is a child whose parent (who resides in the same household as the alien child) has been battered or subjected to extreme cruelty in the United States by that parent's spouse, or by a member of the spouse's family residing in the same household as the parent and the spouse consented to, or acquiesced in, such battery or cruelty, and the battery or cruelty described in clause (i), (ii), or (iii)".

SEC. 412. VERIFICATION OF ELIGIBILITY FOR BENEFITS.

(a) REGULATIONS AND GUIDANCE.—Section 432(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1642(a)) is amended—

(1) by inserting at the end of paragraph (1) the following: "Not later than 90 days after the date of the enactment of the Welfare Reform Technical Corrections Act of 1997, the Attorney General of the United States, after consultation with the Secretary of Health and Human Services, shall issue interim verification guidance."; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) Not later than 90 days after the date of the enactment of the Welfare Reform Technical Corrections Act of 1997, the Attorney General shall promulgate regulations which set forth the procedures by which a State or local government can verify whether an alien applying for a State or local public benefit is a qualified alien, a nonimmigrant under the Immigration and Nationality Act, or an alien paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act for less than 1 year, for purposes of determining whether the alien is ineligible for benefits under section 411 of this Act.".

(b) DISCLOSURE OF INFORMATION FOR VERIFICATION.—Section 384(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended by adding after paragraph (4) the following new paragraph:

"(5) The Attorney General is authorized to disclose information, to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.".

SEC. 413. QUALIFYING QUARTERS: DISCLOSURE OF QUARTERS OF COVERAGE INFORMATION; CORRECTION TO ASSURE THAT CREDITING APPLIES TO ALL QUARTERS EARNED BY PARENTS BEFORE CHILD IS 18.

(a) DISCLOSURE OF QUARTERS OF COVERAGE INFORMATION.—Section 435 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1645) is amended by adding at the end the following: "Notwithstanding section 6103 of the Internal Revenue Code of 1986, the Commissioner of Social Security is authorized to disclose quarters of coverage information concerning an alien and an alien's spouse or parents to a government agency for the purposes of this title.".

(b) CORRECTION TO ASSURE THAT CREDITING APPLIES TO ALL QUARTERS EARNED BY PARENTS BEFORE CHILD IS 18.—Section 435(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1645(1)) is amended by striking "while the alien was under age 18," and inserting "before the date on which the alien attains age 18,".

SEC. 414. STATUTORY CONSTRUCTION: BENEFIT ELIGIBILITY LIMITATIONS APPLICABLE ONLY WITH RESPECT TO ALIENS PRESENT IN THE UNITED STATES.

Section 433 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1643) is amended—

(1) by redesignated subsections (b) and (c) as subsections (c) and (d); and

(2) by adding after subsection (a) the following new subsection:

"(b) BENEFIT ELIGIBILITY LIMITATIONS APPLICABLE ONLY WITH RESPECT TO ALIENS PRESENT IN THE UNITED STATES.—Notwithstanding any other provision of this title, the limitations on eligibility for benefits under this title shall not apply to eligibility for benefits of aliens who are not residing, or present, in the United States with respect to—

"(1) wages, pensions, annuities, and other earned payments to which an alien is entitled resulting from employment by, or on behalf of, a Federal, State, or local government agency which was not prohibited during the period of such employment or service under section 274A or other applicable provision of the Immigration and Nationality Act; or

"(2) benefits under laws administered by the Secretary of Veterans Affairs.".

Subtitle C—Miscellaneous Clerical and Technical Amendments; Effective Date

SEC. 421. CORRECTING MISCELLANEOUS CLERICAL AND TECHNICAL ERRORS.

(a) INFORMATION REPORTING UNDER TITLE IV OF THE SOCIAL SECURITY ACT.—Effective July 1, 1997, section 408 of the Social Security Act (42 U.S.C. 608), as amended by section 103, and as in effect pursuant to section 116, of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and as amended by section 106(e) of this Act, is amended by adding at the end the following new subsection:

"(f) STATE REQUIRED TO PROVIDE CERTAIN INFORMATION.—Each State to which a grant is made under section 403 shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the State knows is not lawfully present in the United States.".

(b) MISCELLANEOUS CLERICAL AND TECHNICAL CORRECTIONS.—

(1) Section 411(c)(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(c)(3)) is amended by striking "4001(c)" and inserting "401(c)".

(2) Section 422(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1632(a)) is amended by striking "benefits (as defined in section 412(c))," and inserting "benefits,".

(3) Section 412(b)(1)(C) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1622(b)(1)(C)) is amended by striking "with-holding" and inserting "withholding".

(4) The subtitle heading for subtitle D of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended to read as follows:

"Subtitle D—General Provisions".

(5) The subtitle heading for subtitle F of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended to read as follows:

"Subtitle F—Earned Income Credit Denied to Unauthorized Employees".

(6) Section 431(c)(2)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(2)(B)) is amended by striking "clause (ii) of subparagraph (A)" and inserting "subparagraph (B) of paragraph (1)".

(7) Section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) is amended—

(A) in clause (iii) by striking ", or" and inserting "(as in effect prior to April 1, 1997),"; and

(B) by adding after clause (iv) the following new clause:

"(v) cancellation of removal pursuant to section 240A(b)(2) of such Act;".

SEC. 422. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this title shall be effective as if included in the enactment of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TITLE V—CHILD PROTECTION

SEC. 501. CONFORMING AND TECHNICAL AMENDMENTS RELATING TO CHILD PROTECTION.

(a) METHODS PERMITTED FOR CONDUCT OF STUDY OF CHILD WELFARE.—Section 429A(a) of the Social Security Act (42 U.S.C. 628b(a)) is amended by inserting "(directly, or by grant, contract, or interagency agreement)" after "conduct".

(b) REDESIGNATION OF PARAGRAPH.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting "; and"; and

(3) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19).

SEC. 502. ADDITIONAL TECHNICAL AMENDMENTS RELATING TO CHILD PROTECTION.

(a) PART B AMENDMENTS.—

(1) IN GENERAL.—Part B of title IV of the Social Security Act (42 U.S.C. 620-635) is amended—

(A) in section 422(b)—

(i) by striking the period at the end of the paragraph (9) (as added by section 554(3) of the Improving America's Schools Act of 1994 (Public Law 103–382; 108 Stat. 4057)) and inserting a semicolon;

(ii) by redesignating paragraph (10) as paragraph (11); and

(iii) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103–432, 108 Stat. 4453), as paragraph (10);

(B) in sections 424(b) and 425(a), by striking "422(b)(9)" each place it appears and inserting "422(b)(10)"; and

(C) by transferring section 429A (as added by section 503 of the Personal Responsibility and Work Opportunity Reconciliation Act of

1996 (Public Law 104–193; 110 Stat. 2277)) to the end of subpart 1.

(2) CLARIFICATION OF CONFLICTING AMENDMENTS.—Section 204(a)(2) of the Social Security Act Amendments of 1994 (Public Law 103–432; 108 Stat. 4456) is amended by inserting "(as added by such section 202(a))" before "and inserting".

(b) PART E AMENDMENTS.—Section 472(d) of the Social Security Act (42 U.S.C. 672(d)) is amended by striking "422(b)(9)" and inserting "422(b)(10)".

SEC. 503. EFFECTIVE DATE.

The amendments made by this title shall take effect as if included in the enactment of title V of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2277).

TITLE VI—CHILD CARE

SEC. 601. CONFORMING AND TECHNICAL AMENDMENTS RELATING TO CHILD CARE.

(a) FUNDING.—Section 418(a) of the Social Security Act (42 U.S.C. 618(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "the greater of" after "equal to";

(B) in subparagraph (A)—

(i) by striking "the sum of";

(ii) by striking "amounts expended" and inserting "expenditures"; and

(iii) by striking "section—" and all that follows and inserting "subsections (g) and (i) of section 402 (as in effect before October 1, 1995); or";

(C) in subparagraph (B)—

(i) by striking "sections" and inserting "subsections"; and

(ii) by striking the semicolon at the end and inserting a period; and

(D) in the matter following subparagraph (B), by striking "whichever is greater."; and

(2) in paragraph (2)—

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

"(B) ALLOTMENTS TO STATES.—The total amount available for payments to States under this paragraph, as determined under subparagraph (A), shall be allotted among the States based on the formula used for determining the amount of Federal payments to each State under section 403(n) (as in effect before October 1, 1995).";

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

"(C) FEDERAL MATCHING OF STATE EXPENDITURES EXCEEDING HISTORICAL EXPENDITURES.—The Secretary shall pay to each eligible State for a fiscal year an amount equal to the lesser of the State's allotment under subparagraph (B) or the Federal medical assistance percentage for the State for the fiscal year (as defined in section 1905(b), as such section was in effect on September 30, 1995) of so much of the State's expenditures for child care in that fiscal year as exceed the total amount of expenditures by the State (including expenditures from amounts made available from Federal funds) in fiscal year 1994 or 1995 (whichever is greater) for the programs described in paragraph (1)(A).";

and

(C) in subparagraph (D)(i)—

(i) by striking "amounts under any grant awarded" and inserting "any amounts allotted"; and

(ii) by striking "the grant is made" and inserting "such amounts are allotted".

(b) DATA USED TO DETERMINE HISTORIC STATE EXPENDITURES.—Section 418(a) of the Social Security Act (42 U.S.C. 618(a)), is amended by adding at the end the following:

"(5) DATA USED TO DETERMINE STATE AND FEDERAL SHARES OF EXPENDITURES.—In making the determinations concerning expenditures required under paragraphs (1) and (2)(C), the Secretary shall use information that was reported by the State on ACF Form 231 and available as of the applicable dates specified in clauses (i)(I), (ii), and (iii)(III) of section 403(a)(1)(D).".

(c) DEFINITION OF STATE.—Section 418(d) of the Social Security Act (42 U.S.C. 618(d)) is amended by striking "or" and inserting "and".

SEC. 602. ADDITIONAL CONFORMING AND TECHNICAL AMENDMENTS.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) in section 658E(c)(2)(E)(ii), by striking "tribal organization" and inserting "tribal organizations";

(2) in section 658K(a)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking clause (iv) and inserting the following:

"(iv) whether the head of the family unit is a single parent;";

(II) in clause (v)—

(aa) in the matter preceding subclause (I), by striking "including the amount obtained from (and separately identified)—" and inserting "including—"; and

(bb) by striking subclause (II) and inserting the following:

"(II) cash or other assistance under—

"(aa) the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

"(bb) a State program for which State spending is counted toward the maintenance of effort requirement under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7));"; and

(III) in clause (x), by striking "week" and inserting "month"; and

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

"(D) USE OF SAMPLES.—

"(i) AUTHORITY.—A State may comply with the requirement to collect the information described in subparagraph (B) through the use of disaggregated case record information on a sample of families selected through the use of scientifically acceptable sampling methods approved by the Secretary.

"(ii) SAMPLING AND OTHER METHODS.—The Secretary shall provide the States with such case sampling plans and data collection procedures as the Secretary deems necessary to produce statistically valid samples of the information described in subparagraph (B). The Secretary may develop and implement procedures for verifying the quality of data submitted by the States."; and

(B) in paragraph (2)—

(i) in the heading, by striking "BIANNUAL" and inserting "ANNUAL"; and

(ii) by striking "6" and inserting "12";

(3) in section 658L, by striking "1997" and inserting "1998";

(4) in section 658O(c)(6)(C), by striking "(A)" and inserting "(B)"; and

(5) in section 658P(13), by striking "or" and inserting "and".

SEC. 603. REPEALS.

(a) CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE ACT OF 1985.—Title VI of the Human Services Reauthorization Act of 1986 (42 U.S.C. 10901–10905) is repealed.

(b) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Subchapter E of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871–9877) is repealed.

(c) PROGRAMS OF NATIONAL SIGNIFICANCE.—Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended—

(1) in section 10413(a), by striking paragraph (4);

(2) in section 10963(b)(2), by striking subparagraph (G); and

(3) in section 10974(a)(6), by striking subparagraph (G).

(d) NATIVE HAWAIIAN FAMILY-BASED EDUCATION CENTERS.—Section 9205 of the Native Hawaiian Education Act (20 U.S.C. 7905) is repealed.

SEC. 604. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect as if included in the enactment of title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278).

(b) EXCEPTIONS.—The amendment made by section 601(a)(2)(B) and the repeal made by section 603(d) shall each take effect on October 1, 1997.

TITLE VII—ERISA AMENDMENTS RELATING TO MEDICAL CHILD SUPPORT ORDERS

SEC. 701. AMENDMENTS RELATING TO SECTION 303 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) PRIVACY SAFEGUARDS FOR MEDICAL CHILD SUPPORT ORDERS.—Section 609(a)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(3)(A)) is amended by adding at the end the following: "except that, to the extent provided in the order, the name and mailing address of an official of a State or a political subdivision thereof may be substituted for the mailing address of any such alternate recipient,".

(b) PAYMENT TO STATE OFFICIAL TREATED AS SATISFACTION OF PLAN'S OBLIGATION.—Section 609(a) of such Act (29 U.S.C. 1169(a)) is amended by adding at the end the following new paragraph:

"(9) PAYMENT TO STATE OFFICIAL TREATED AS SATISFACTION OF PLAN'S OBLIGATION TO MAKE PAYMENT TO ALTERNATE RECIPIENT.—Payment of benefits by a group health plan to an official of a State or a political subdivision thereof who is named in a qualified medical child support order in lieu of the alternate recipient, pursuant to paragraph (3)(A), shall be treated, for purposes of this title, as payment of benefits to the alternate recipient.".

(c) EFFECTIVE DATE.—The amendments made by this section shall be apply with respect to medical child support orders issued on or after the date of the enactment of this Act.

SEC. 702. AMENDMENT RELATING TO SECTION 381 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) CLARIFICATION OF EFFECT OF ADMINISTRATIVE NOTICES.—Section 609(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(2)(B)) is amended by adding at the end the following new sentence: "For purposes of this subparagraph, an administrative notice which is issued pursuant to an administrative process referred to in subclause (II) of the preceding sentence and which has the effect of an order described in clause (i) or (ii) of the preceding sentence shall be treated as such an order.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if included in the enactment of section 381 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2257).

SEC. 703. AMENDMENTS RELATING TO SECTION 382 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) ELIMINATION OF REQUIREMENT THAT ORDERS SPECIFY AFFECTED PLANS.—Section 609(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(3)) is amended—

(1) in subparagraph (C), by striking ", and" and inserting a period; and

(2) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical child support orders issued on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentleman from Michigan [Mr. LEVIN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

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

Mr. Speaker, I am pleased today to rise in support of H.R. 1048, the Welfare Reform Technical Corrections Act of 1997. Last year Congress passed and the President signed a new welfare law that substantially reformed the Nation's welfare policy, including Federal programs providing cash welfare, child care, child support and disability payments and welfare for noncitizens. That comprehensive legislation also included a provision requiring the Secretary of Health and Human Services and the Commissioner of Social Security to submit to Congress a detailed proposal for making technical corrections and conforming amendments to this law. The goal was to produce legislation that would facilitate the implementation of the new national welfare reform policy in the simplest, most sensible way. Thus we have the bill before us today.

My motion also includes a minor change since the Committee on Ways and Means acted. This change is necessary to address the concerns of appropriations and budget committees with section 214 of the bill regarding payments to the prisoners.

I understand that the minority is fully advised of this amendment and has no objection to that.

There is little in this bill that is flashy or that rises above the truly technical. In fact, most changes would either correct or clarify the law by changing cross-references or correcting grammatical or format errors. Nonetheless, this is an important legislative product for several reasons:

First, it is the result of cooperation between the administration, the Congress and the States. Most provisions of this bill stem from requests made by the administration and the States who are charged with swiftly and efficiently implementing the new welfare programs in accordance with new Federal law.

Second, this bill is thoroughly bipartisan. One of the basic ground rules used in crafting this bill is that if any side, House Republicans, House Democrats, Senate Republicans, Senate Democrats or the Clinton administration, objected to a provision, it would not be included in this bill. As a result, both the subcommittee and the full committee voted in favor of this legislation unanimously. I suspect that we will have a similar vote here on the floor today.

Finally, this effort shows that all sides want to make welfare reform work. Either side could have derailed the process at any time along the way, and this so-far-friendly process could still be halted in the Senate. But for today the interests of making the new law work have won out over partisanship and grandstanding.

Mr. Speaker, let me say a word about what is not in this bill, and it is not in this bill by design. This bill is not a vehicle to reopen the debate over fundamental welfare reform changes. These issues are settled, and all parties crafting this legislation accepted that fact at least for the moment. This legislation makes many changes that will allow welfare reform to work better, which is everybody's goal. While the changes made here are quite minor, this bill represents Congress at its best, fostering cooperation with the States, working in a bipartisan fashion and producing changes that make Government more efficient in its services to the people that we all serve.

I urge all Members to support this bill.

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

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

Today we are considering the Welfare Reform Technical Corrections Act of 1997. This legislation will correct technical problems that impact implementation of the Personal Responsibility and Work Opportunity Reconciliation Act.

Last year's bill carried out significant changes in the structure of our Nation's welfare system. As we all know, it is inevitable when we pass comprehensive legislation that we must go back and correct technical errors. The basis of this bill began with a list of recommended corrections submitted by the administration early in the year. From the outset, the process of formulating this bill was always open. States, municipalities and advocacy groups contributed extensively to the process to ensure that this bill clears up any ambiguities due to drafting errors or oversight.

By agreement among Republicans and Democrats on the committee, as mentioned by the distinguished chairman of the subcommittee, this bill only addresses strictly technical problems which have been identified since the bill's passage. Each of the measures in this bill is technical in nature and does not change the substance of the new law. If a proposed change was considered substantive or controversial by either Republicans or Democrats, it was not included in this legislation.

For example, the bill clarifies that Social Security benefits are denied to prison inmates and prohibits them from receiving Old Age Disability Insurance benefits. The bill also clarifies the sharing of the 35-hour work requirement and the provision for child care in cases of two-parent families who must work a combined 35 hours plus 20 hours, or 55 hours, per week to be counted toward meeting the work requirement.

Another example, the bill also extends until February 22, 1998, the deadline for the Social Security Administration to determine the eligibility of children for certain benefits and gives States an additional 3 months to submit their biennial welfare plans.

The noncontroversial nature of these corrections is reflected in the committee vote. The Welfare Reform Technical Corrections Act passed the Committee on Ways and Means unanimously, 33 to zero. All Members, those who voted for the Personal Responsibility and Work Opportunity Act and those who did not, supported this technical corrections legislation.

There are still substantive issues regarding the Personal Responsibility and Work Opportunity Reconciliation Act which very much need bipartisan attention. I would cite as examples disability benefits for elderly legal immigrants and certain food stamp benefits. Negotiations on these matters are taking place within the context of budget discussions. This bill was not the intended vehicle for these outstanding concerns.

This bill represents the culmination of a long process. I would like to thank the gentleman from Florida [Mr. SHAW], chairman of the Subcommittee on Human Resources, for the manner in which this bill was handled from beginning to end.

The staff also did an exemplary job in working together to keep the bill technical in nature, and the staff on both sides of the aisle is here with us this afternoon.

Finally, the administration should be commended for the stellar job done in assembling the technical corrections that form the basis of this bill, specifically the Department of Health and Human Services and the Social Security Administration.

Throughout this process, we have put aside our differences and focused on crafting a truly technical bill. In this spirit, as was true in the Committee on Ways and Means by unanimous vote, I urge my colleagues on both sides of the aisle to support this necessary technical correction legislation.

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

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I rise in support of this important legislation and I commend the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. SHAW] for bringing it to the floor.

Last year, when the Congress passed comprehensive welfare reform, the United States took a giant step in the right direction. By providing incentives for able-bodied Americans to leave welfare and move to private sector employment, we have given these Americans a chance to realize the American dream. But, Mr. Speaker, the administration has not received the message.

The hallmark of our welfare reform law is flexibility. Give the States the ability to design their own systems to give people a hand up, not just a handout, and the States will be more successful than the Federal Government has been in bringing and making welfare work for the American people. This has proven to be the case in State after State, places like Wisconsin and Michigan.

My home State of Texas wants to have that chance to help its people in ways unique to Texas. Texas has petitioned the Federal Government to approve its innovative welfare reform proposal. This proposal includes commonsense ideas such as one-stop benefits centers so that people who are on welfare do not have to waste time traveling from one center to another to collect benefits. This is a commonsense proposal and would save the American taxpayers millions of dollars while giving the welfare recipients more time to look for a job.

Unfortunately, the administration has refused to give Texas the flexibility it needs to implement this program. Texas has met every requirement asked of it by the Federal Government since last July when it first started the approval process. Still, the administration has not granted full approval. Without that approval, Texas cannot implement its program of getting people off of welfare and putting them to work.

So, Mr. Speaker, I urge the administration to stop stonewalling and give Texas a chance to move ahead with real welfare reform. What is good for the rest of the country should be good for the great State of Texas.

Mr. LEVIN. Mr. Speaker, I yield myself 30 seconds.

Let me just say in response to the gentleman from Texas [Mr. DELAY] that this matter is really not within the purview of this technical corrections bill. The administration is considering this matter and is taking time to make sure that it arrives at an appropriate answer.

Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman from Florida [Mr. SHAW] and the gentleman from Michigan [Mr. LEVIN] for their hard work. I know that there are some who might say there is more interesting work than technical corrections but nothing is more important across this country to people who really do not know exactly what is said in the statute and, therefore, have to interpret it and live by it. So I really thank these gentlemen for the hard work that they have done so that people could understand exactly what is expected of them and they can carry out their duties as they should.

I also as a ranking Democrat on the Subcommittee on Social Security am pleased to rise in support of this bill that has been so well crafted. The legislation includes several technical and miscellaneous changes related to Social Security. These changes clarify certain effective dates, extend demonstration project authority and improve the law which denies Social Security benefits to prisoners.

Mr. Speaker, some years ago we passed legislation denying Social Security benefits to incarcerated criminals. However, for some reason it has been difficult to get local jails and other institutions to notify the Federal Government they have custody of such inmates. As a result, the law's implementation has been somewhat spotty.

This legislation would provide a financial incentive for such reporting. I am hopeful that such an incentive will be effective in stopping benefits payments in a timely fashion.

□ 1430

Another provision of this bill would facilitate the implementation of voluntary tax withholding of Social Security benefits. The technical correction would remove an impediment to an already enacted law permitting this withholding. The law should have been effective in January of this year but the Social Security Act prohibits assignment of Social Security benefits.

Today's technical correction will eliminate the inconsistency between those two laws and allow the voluntary withholding to go forward. Many people have contacted many Members of the Congress urging swift enactment of this technical correction, and this will clarify exactly what can happen.

I expect we will find many beneficiaries who are anxious to utilize this option. I urge my colleagues to vote for this bill. I really thank the gentleman from Florida [Mr. SHAW] and the gentleman from Michigan [Mr. LEVIN] for the time and effort they have given to bringing this to the floor, and I am very glad to associate myself with it.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, I thank my colleague, the gentleman from Michigan [Mr. LEVIN], for yielding me the time and I rise today in support of H.R. 1048, the Welfare Reform Technical Corrections Act.

Incorporated in this bipartisan legislation is a provision that statutorily denies Social Security benefits to a group of individuals who have been convicted of serious sex crimes. This provision is based on H.R. 237, a bill that I drafted in response to an expose by investigative reporter Joe Bergantino of WBZ in Boston.

Mr. Chairman, in 1994 Congress amended the Social Security Act to close a host of loopholes which enabled prisoners and other dangerous individuals to receive Social Security benefits while incarcerated. Congress' intent was clear: Social Security benefits were denied on the grounds that these dangerous individuals sentenced to cost-free living in government institutions should not receive additional benefits.

This was not a punitive action, Mr. Speaker, but a simple recognition that in an era of limited resources, prisoners and other dangerous individuals should not be able to double dip.

By and large, the law succeeded. However, it had one glaring loophole. In at least 7 States, including the Commonwealth of Massachusetts, there have been a number of sexual offenders who have been committed civilly to various institutions, usually upon completion of a criminal sentence. These individuals are currently eligible for Social Security benefits because they do not technically fit into a specific classification under the 1994 law.

In Massachusetts, at Bridgewater Treatment Center, for example, there are about 20 men there, hardened sexual offenders, who receive more than $10,000 a month in benefits.

It is an outrage that some of the most dangerous criminals in society continue to receive payments at a cost to hard-working Americans. Today, by passing this bill, we can close a huge loophole that has been long overdue and send a message to prisoners still collecting Social Security benefits. The message is: Your benefits are denied.

I want to thank my colleagues on the Committee on Ways and Means, particularly the gentleman from Massachusetts, Mr. RICHARD NEAL, and the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, for their work on this legislation, and I strongly urge support of H.R. 1048.

Mr. LEVIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I want to thank my colleague from Michigan for his tremendous work and cooperation. This could

have developed into a circus, knowing of some of the controversies within welfare reform, but the Members all chose to be very professional and see this go through and go through in a very smooth way.

I would also like to thank the staff of the administration as well as the minority and the majority here in the House. To craft a technical corrections bill of this size is quite a job, and quite a laborious job to come through the legislation and find things that need adjustment, fine-tuning and correction, and take care of that. For that I am very appreciative to all of our staffs for having done so.

I also appreciate the cooperation we received from the Committee on Education and the Workforce, from the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from Arizona [Mr. STUMP], of the Committee on Veterans' Affairs, in cooperating in their jurisdiction within this bill.

Mr. Speaker, I include for the RECORD at this time a letter from the gentleman from Pennsylvania and the gentleman from Arizona as well.

COMMITTEE ON EDUCATION
AND THE WORKFORCE,
Washington, DC, April 25, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing regarding H.R. 1048, the Welfare Reform Technical Corrections Act of 1997 and have no objection to this bill being scheduled for consideration. The bill was introduced by Rep. Clay Shaw and was referred additionally to the Committee on Education and the Workforce. The Committee on Ways and Means ordered the bill favorably reported on April 23, 1997. While the bill includes amendments that affect programs within the jurisdiction of this Committee, specifically the Mandatory Work Requirements of Title I and the Child Care Provisions of Title VI, I do not intend to call a full Committee meeting to consider this bill; however, the Committee does hold an interest in preserving its jurisdiction with respect to issues raised in the bill and its jurisdictional prerogatives in future legislation should the provisions of this bill be considered in a conference with the Senate.

Additionally, I would indicate that I am currently working with Chairman Archer to include a technical amendment to the Employment Retirement Income Security Act (ERISA), during Floor consideration; this amendment is solely within the jurisdiction of the Committee on Education and the Workforce.

I thank you for your attention to this matter and look forward to swift passage of H.R. 1048.

Sincerely,

BILL GOODLING,
Chairman.

COMMITTEE ON VETERANS' AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR BILL: Thanks for working with me and the Department of Veterans Affairs to straighten out the few problems which had arisen with the payment of veterans benefits and the operation of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). I understand that the Welfare Reform Technical Corrections Act of 1997 addresses all of our concerns about the possible interruption of payment of veterans benefits as a result of technical defects in the Act. We very much appreciate your staff's willingness to get these issues worked out.

Sincerely,

BOB STUMP,
Chairman.

Mr. GOODLING. Mr. Speaker, I am pleased to support H.R. 1048, the Welfare Reform Technical Corrections Act of 1997. This legislation makes a number of technical and clarifying amendments to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996—the welfare reform law—that Congress passed and President Clinton signed last year.

I want to emphasize that these amendments are technical and clarifying in nature and do not change or undercut the important reforms of welfare that we made last year.

A number of the provisions in H.R. 1048 fall within the jurisdiction of the Committee on Education and the Workforce. Our committee has worked very closely with the Ways and Means Committee in putting this bill together, and I want to thank Chairman Archer and Chairman Shaw and their staffs for working with us in this process and accommodating our concerns along the way.

I want to particularly highlight provisions that fall within the jurisdiction of the Committee on Education and the Workforce regarding mandatory work requirements in section 105, child care provisions in title VI, and ERISA amendments relating to medical child support orders in title VII.

In the area of mandatory work requirements, H.R. 1048 makes the following technical and clarifying changes:

First, it allows States to count 2-parent families in which one parent is disabled as a 1-parent family for purposes of calculating the State work participation rate.

Second, it clarifies that States may exclude persons covered by a tribal work program from their calculation of work participation rates.

Third, it allows States flexibility in counting the ours of work by each parent in 2-parent families.

Fourth, it amends the conditions under which States may count up to 12 weeks of job search as meeting work participation requirements to better reflect the type of economic conditions that were intended by that provision of the welfare reform law.

Fifth, it addresses the work participation rate requirements for caretaker relatives for children under age 6 and makes those requirements consistent with those for parents.

Sixth, it clarifies language regarding the qualifying number of hours for teenage head of households.

In the area of child care, H.R. 1048 makes a number of drafting clarifications to the funding allocation language of the welfare reform law. In addition, H.R. 1048 repeals the authorization for four narrowly targeted child care programs which we had intended to repeal as part of the welfare reform law, and as part of the consolidation of child care programs in that law. Because of the rules of the Senate, the provisions to repeal these programs were dropped from last year's welfare reform law, but are now included in this bill.

Finally, title VII of H.R. 1048 contains four changes to the Employee Retirement Income Security Act [ERISA], each of which relate to medical child support orders.

Section 701(a) allows the name and mailing address of an official of a State or political subdivision to be substituted for the mailing address of an "alternate recipient" who is the custodial parent of a child covered under an ERISA group health plan. Section 701(b) allows an ERISA group health plan to make payment of benefits to an official of a State or political subdivision who is named in a qualified medical child support order. Together, these two provisions will facilitate the payment of benefits to the appropriate party and maintain confidentiality of information, particularly in the case of child abuse.

Section 702 clarifies that an administrative notice which is issued in an administrative process in connection with a qualified medical child support order shall have the same effect as the order itself. This will facilitate the payment of benefits to the appropriate party on a timely basis and without having to seek a new court order.

Section 703 deletes a requirement that a qualified medical child support order must contain the name of every plan to which the order applies. This will facilitate the time application of such an order when coverage changes from plan to plan.

Mr. Speaker, I believe that these are all good changes which help clarify the welfare reform law and will help the States implement that very important law. I urge my colleagues to join in support of this legislation.

Mr. DOOLEY of California. Mr. Speaker, as the House debates H.R. 1048, I rise today to express my continuing concern regarding the negative impact of the welfare reform bill on the Hmong veterans who served along with our soldiers during the Vietnam war. I am pleased that the bill before us today recognizes the importance of this issue. However, the sense of Congress language does not go far enough to address the real need facing the Hmong community. I believe that every possible effort must be made to restore the benefits that were promised to these veterans.

I agree that reform of the welfare system was necessary as a means to facilitate the transition from welfare to work and to encourage greater self-sufficiency for able-bodied adults. However, the legislation enacted last year will adversely affect the Hmong people of Laos who deserve special consideration because they cooperated and sacrificed for our Government and its Armed Forces during the Vietnam war.

Because of a provision in the welfare reform law, legal residents, with a few exceptions, are ineligible to receive SSI. As a result, many of the elderly and disabled Hmong veterans and their dependents will be discontinued from the SSI program by August 22, 1997.

During the Vietnam war, many of the Hmong people worked for our intelligence and Special Forces groups. It is wrong to abandon

these men and women who served as valuable allies to us during the Southeast Asian conflict.

Though not classified as veterans by our Government, the Hmong of Laos were engaged in covert operations directed by the Central Intelligence Agency. Since many served in non-uniformed units, it remains uncertain if "veteran" status can be proved. these Special Forces teams aided our efforts tremendously during the Southeast Asian conflict, but, at great cost and personal loss to themselves. Many of the Hmong lost their lives. They suffered innumerable casualties, and lost their homeland to Communist forces. After the war, the Hmong were forced to live in refugee camps, many in substandard conditions, and were later brought to our country as political refugees.

The process of assimilation to the United States has been especially difficult for the Hmong. One major setback for many, is that their command of the English language is insufficient to successfully complete the naturalization process. This is partly because, up until the 1950's, the Hmong did not have a written language, which has made learning to speak, read, and write the English language extremely difficult. Further, the English-learning process has been stymied by the high rate of illiteracy among the Hmong in their own native language. Educational opportunities in their homeland, for the majority of the Hmong who were brought to the United States as political refugees, were seriously undermined as a result of the war-ravaged years in Laos.

Aside from limited educational and work opportunities in the United States, the Hmong must overcome many other obstacles during their assimilation and adjustment process. First, many Hmong who survived the war are afflicted with physically-disabling conditions and mental disabilities such as post-traumatic stress syndrome. Second, they must adjust to a set of very different cultural practices and norms. Finally, the Hmong are subject to discrimination and prejudice in their new environment.

Mr. Speaker, today we are taking a first step toward restoring benefits to this deserving group. It is imperative that we follow through on the statement in the bill today and ensure further legislative action is taken. I am committed to working with the committee to develop a workable solution to this problem. The Hmong, who sacrificed much to fight by our Nation's side during the Vietnam war, should not be forgotten.

WAXAO XIONG

HMONG, AGE 70

Waxao served as a U.S. recruited soldier in the Luangprabang area of Laos beginning in 1964. Because of his leadership in the war, he was a special target of the communists in Laos. He ran for his life, narrowly escaping capture, but leaving behind his wife, mother and father in Laos. In 1987 he received a special reward for his exemplary military service in partnership with the United States.

Now he says he wants very much to be a citizen of the United States, especially because he was a leader in fighting against the communists for the U.S. "I want to work to help this country, but I don't speak English. I went to adult school for one year. Now I am studying in English and citizenship classes in my apartment complex, but learning is so slow. I do not know how I can pass the test."

LOR VANG

HMONG, AGE 74

Lor was once a well respected mayor of his village in Laos. Although Lor and his family had little formal education, he nevertheless owned and worked their own land. During the Vietnam War four of his six children and his parents were killed. Following the war he lived for 13 years in two refugee camps in Thailand and arrived in the United States in 1989 at age 66.

Now, through tears, he grieves his losses and wonders how American friends can assist him now. In Laos he was able to support his family, but arriving in the U.S. with no skills and no knowledge of English made him totally dependent on others. "The U.S. has been very good. But I had little education in Laos, and it is hard to learn English here. Because I can't pass the citizenship test, I am thinking about killing myself."

PAO DOUA VANG

HMONG, AGE 79

Pao Doua Vang served as a soldier allied with the United States in Laos during the Vietnam War from 1960–1975. His two sons served in the military as well, including one son who was only 13 when he was killed in battle. Pao was shot in the head by Communist soldiers and lost most of his hearing due to this injury. He also has a metal plate in his head from a bomb blast (although he does not remember the blast). He arrived in the United States in 1983 with his wife and daughters to live with his sister-in-law.

Due to the death of his mother and father when he was very young, Pao never had an opportunity to go to school. Through tears Pao says, "I have lost hope in my old country. Now America is my country and hope. My children are citizens. I want to be a citizen too—but I have failed the English part of the test. If I am not a citizen, I have no future. Please help. My family is doing all they can, but they have their own problems and not very much money. Please don't let welfare reform happen to me."

Mr. STENHOLM. Mr. Speaker, I rise in support of this bill. The welfare reform legislation enacted last year was a major step in the right direction of improving the welfare system, but all of us who supported this bill knew that it wasn't perfect and that we needed to continue to strengthen this bill. I want to commend Chairman Shaw for his sincere commitment to doing the hard work necessary to make sure welfare reform legislation works the way that we intended.

One of the key features of the welfare reform bill was the principle that States should be allowed to try innovative approaches to improve the welfare system. In that vein, I would like to take this opportunity to encourage the administration to approve the waiver allowing Texas to proceed with soliciting bids for the Texas Integrated Enrollment System.

The Texas Integrated Enrollment System would allow private vendors to compete with public agencies for a contract to develop and operate an integrated enrollment system. The Texas Legislature determined that a private contractor, working in partnership with a public agency, might be able to make the transition to a integrated process more efficiently than the current structure and achieve savings that could be used to assist needy individuals more directly.

I don't know if that assumption is correct. Some of my colleagues have raised valid concerns about the impact that privatization would have on the welfare system. I have some reservations myself about whether privatizing the welfare eligibility system makes sense. But we are not debating whether or not privatization is a good idea. All we are debating—or at least all we should be debating—is whether Texas should be allowed to explore the options of allowing private contractors to administer a part of the welfare system. It is not possible for anyone to know what impact privatization will have until the bids are submitted. I would say to those who oppose privatization as well as those who support privatization: Let's wait and see what proposals are made for privatization before we jump to a conclusion either way.

Injecting some competition into this process will produce a welfare system that is better for welfare recipients and taxpayers. I would hope that those who oppose privatization will put their energy into improving the current system instead of trying to prevent any competition.

Approving the Texas waiver request does not necessarily mean that Texas will privatize any part of the welfare system. The Federal Government still must approve any contract with a private company before any privatization can become final. We should wait until we see the proposals from private companies before we decide whether or not privatization makes sense. We can't honestly debate the merits of privatization until we know the facts about what privatization will mean.

If the bids by private contractors don't adequately address the concerns that have been raised about the impact that privatization will have on individuals applying for assistance and on the current employees, or if the public sector can demonstrate that they can administer welfare programs more efficiently and effectively than any of the private contractors, I will be the first to argue that we shouldn't go forward with privatization.

I regret that this issue has become so politicized. I would urge all parties involved to cool our rhetoric and try to work together to find a way to allow Texas to explore this option while providing safeguards against the concerns we all share. I know Governor Bush and Commissioner McKinney are committed to finding a constructive solution, and believe that the administration is willing to work with them as well. I hope that they will continue their dialog to find a solution that will allow Texas to move forward with this proposal.

Mr. VENTO. Mr. Speaker, I rise today in support of the move to make technical corrections to the welfare reform law, H.R. 1048. Although I was hopeful that the measure would include provisions to exempt Hmong veterans from benefit restrictions, I am pleased that the sense of Congress was included in the amendments offered. This sense of Congress would recognize the service of thousands of Hmong and other Highland Lao veterans who fought in special guerrilla units on behalf of the United States during the Vietnam war. I would also state that Congress should approve legislation for the purpose of continuing certain welfare benefits for these Hmong and Highland Lao veterans and their families based on their service to the United States.

I believe that we must go further than this sense of Congress language to recognize the

service of the Lao Hmong, however, this is an important step in the process of honoring the sacrifice of the Hmong patriots. The Hmong stood by the United States at a crucial time in our history; now we have an opportunity to repay that loyalty. Many of those who survived and made it to the United States are separated from other family members and are having a difficult time adjusting to life here.

I worked to include language in this bill that would make the treatment of Hmong veterans commensurate with that of other aliens who served in United States regular military forces. While this provision was not included, I am encouraged that this sense of Congress has bipartisan support and expresses a shared intent to amend this matter and am hopeful that this issue will be resolved in the near future to avert the August 1997 deadline. The loss of benefits to these legal immigrants that can't pass an English language test is unfair and works a special hardship on the Hmong, refugees and asylees nationally.

Mr. RADANOVICH. Mr. Speaker, I am pleased that the House of Representatives approved the passage of H.R. 1048, the Welfare Technical Corrections Act of 1997, which I supported. The bill makes a number of technical corrections to the 104th Congress' historic welfare reform bill.

I want to draw particular attention to section 407 of the bill. This section provides for:

> . . . the sense of the Congress that Hmong and other Highland Lao veterans who fought on behalf of the Armed Forces of the United States during the Vietnam conflict and have lawfully been admitted to the United States for permanent residence should be considered veterans for purposes of continuing certain welfare benefits consistent with the exceptions provided other noncitizen veterans under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The Hmong share a unique historic link with the United States and our objectives in the Vietnam war. It is because of their valiant service that these people deserve our concentrated attention. I want to thank Human Resources Subcommittee Chairman SHAW, Congressman KLECZKA, Congressman RAMSTAD, and the remaining members of the Ways and Means Committee for including this important language in the bill. I am pleased that my communication with the committee has in some measure contributed to raising awareness about the Hmong and their unique situation.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1048.

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

There was no objection.

Mr. SHAW. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and pass the bill, H.R. 1048, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADVISING MEMBERSHIP OF ISRAELI PRIME MINISTER NETANYAHU ADDRESS ON HOUSE CABLE TV

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

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to inform my colleagues of arrangements I have made for them to be able to view a major speech of Israeli Prime Minister Netanyahu on House cable channel 25.

Recently the Israeli Prime Minister addressed the membership of Voices United for Israel, an organization dedicated to a secure Israel, comprised of more than 200 Christian and Jewish organizations representing 40 million people across our Nation. Based on the attendance of that event, it is obvious that support for a strong United States-Israeli relationship can be found throughout our Nation.

Accordingly, I have arranged for the Prime Minister's remarks to be broadcast on our House cable channeling, channel 25, this Wednesday, April 30, and Thursday, May 1, at both 10 a.m. and 2 p.m. on both days, and have sent out a "Dear Colleague" letter to each Member of the House advising them of this event.

Mr. Speaker, I hope our Members and their staff will take the opportunity to view this important speech. It was well received and I highly recommend it.

EXPIRING CONSERVATION RESERVE PROGRAM CONTRACTS

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1342) to provide for a 1-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts, as amended.

The Clerk read as follows:

H.R. 1342

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

SECTION 1. ONE-YEAR ENROLLMENT OF LAND COVERED BY EXPIRING CONSERVATION RESERVE PROGRAM CONTRACTS.

(a) ELIGIBLE FARM LANDS.—This section applies with respect to a farm containing land covered by a conservation reserve program contract expiring during fiscal year 1997 if—

(1) the farm had a crop acreage base for wheat, oats, or barley at the time the conservation reserve program contract was executed;

(2) the farm is located in an area in which fall-seeded crops are regularly planted, as determined by the Secretary of Agriculture;

(3) the owner of the farm (or the operator with the consent of the owner) submitted, during the enrollment period that ended on March 28, 1997, an eligible bid to enroll all or part of the land covered by the expiring contract in the conservation reserve established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.); and

(4) the land designated in the bid satisfies the eligibility criteria in effect for enrollment of land in the conservation reserve.

(b) ONE-YEAR ENROLLMENT AUTHORIZED.—

(1) AUTHORITY OF OWNER OR OPERATOR.—Except as provided in subsection (g), the owner or operator of a farm described in subsection (a) may enroll in the conservation reserve for a one-year term to begin on October 1, 1997, the land covered by the expiring conservation reserve program contract and included in the owner's or operator's enrollment bid (as described in subsection (a)(3)) if—

(A) the owner or operator notifies the Secretary in writing, during the special notification period required under paragraph (2), that the owner or operator desires to enroll the land in the conservation reserve for one year under this section; and

(B) the Secretary does not accept, before October 1, 1997, the owner's or operator's enrollment bid (as described in subsection (a)(3)) to enroll the land in a long-term conservation reserve program contract.

(2) SPECIAL NOTIFICATION PERIOD.—Promptly upon the enactment of this Act, the Secretary shall provide a special period for owners and operators of farms described in subsection (a) to permit the owners and operators to provide the notification required under paragraph (1)(A) to enter into one-year conservation reserve program contracts under this section.

(c) RENTAL RATE.—The rental rate for a one-year conservation reserve program contract under subsection (b) shall be equal to the amount of the bid (as described in subsection (a)(3)) that the owner or operator submitted with respect to the land to be covered by the one-year contract.

(d) EFFECT OF ONE-YEAR CONTRACT ON SUBSEQUENT ENROLLMENT.—If an owner or operator who enrolls eligible farm land in a one-year conservation reserve program contract under subsection (b) submits a bid to enroll the same land in the conservation reserve under a long-term conservation reserve program contract that would commence on October 1, 1998, and the Secretary accepts the bid and enters into a long-term conservation reserve program contract with the owner or operator, then the one-year contract shall be considered to be the first year of that long-term conservation reserve program contract.

(e) MAXIMUM ENROLLMENT.—The maximum number of acres in the conservation reserve during fiscal year 1998, including land enrolled by the Secretary under one-year conservation reserve program contracts under subsection (b), may not exceed 30,000,000 acres.

(f) APPLICATION OF CONSERVATION RESERVE LAWS.—Except as specifically provided in this section, the terms and conditions of subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) shall apply with respect to one-year conservation reserve program contracts authorized by this section.

(g) EFFECT OF COMPLETION OF 15TH ENROLLMENT.—If, as of the date of the enactment of this Act, the Secretary has already acted on the bids submitted during the enrollment period that ended on March 28, 1997, to enroll

land in the conservation reserve, either by accepting or rejection the bids then the authority provided by this section for special one-year conservation reserve program contracts shall not take effect.

SEC. 2. SPECIAL EARLY TERMINATION AUTHORITY FOR CERTAIN CONSERVATION RESERVE PROGRAM CONTRACTS EXPIRING IN 1997.

(a) EARLY TERMINATION AUTHORITY.—A farm owner or operator described in subsection (b) who is a party to a conservation reserve program contract expiring during fiscal year 1997 may terminate the contract at any time after June 30, 1997. Notwithstanding section 1235(e) of the Food Security Act of 1985 (16 U.S.C. 3835(e)), the termination shall take effect immediately upon submission of notice of the termination to the Secretary of Agriculture and shall not result in a reduction in the amount of the rental payment due under the conservation reserve program contract for fiscal year 1997.

(B) ELIGIBLE OWNERS AND OPERATORS.—A farm owner or operator referred to in subsection (a) is a farm owner or operator with respect to whom one of the following circumstances apply:

(1) Nether the owner, operator, nor any other eligible person submitted, during the enrollment period that ended on March 28, 1997, an eligible bid to enroll all or part of the land covered by the expiring conservation reserve established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

(2) An eligible bid was submitted during the enrollment period to enroll all or part of the land covered by the expiring contract in the conservation reserve, but the Secretary of Agriculture rejected the bid and the owner or operator did not notify the Secretary, in the manner provided in section 1(b), that the owner or operator desired a one-year contract under section 1.

(c) CONSERVATION RESERVE PROGRAM CONTRACT DEFINED.—In this section, the term "conservation reserve program" means a contract entered into under subchapter B of Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) for enrollment of farm acreage in the conservation reserve established under such subchapter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. SMITH] and the gentleman from Texas [Mr. STENHOLM] each will control 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers H.R. 1342, a bill reported by the Committee on Agriculture on April 17 by voice vote.

This bill will provide a one-time legislative remedy to a problem that many of us have seen coming for many months, and that is a specific timing problem for winter crop producers whose current CRP contracts will expire this September.

Members of the Committee on Agriculture, the gentleman from Virginia, Mr. MORAN, who introduced the bill in February seeking to solve this matter, the gentlemen from Texas, Mr. COMBEST and Mr. STENHOLM, and many others in a bipartisan effort have been working diligently to find the correct fix for this problem. We believe H.R. 1342 is a limited remedy to a very real problem that many landowners are now facing.

As a matter of information, this bill is different from the committee bill adopted in that if the Secretary awards CRP contracts prior to enactment, this bill is void. If the bill is enacted prior to any Secretarial announcement, then eligible landowners will be offered a 1-year contract.

Many farmers who needed to know some time ago whether or not they were going to get another CRP contract, will not know in time and will not be able to plant a winter crop of wheat, barley, or oats. And, by the way, through CBO we understand that the loss to farmers is somewhere in the neighborhood of $600 million for a lost crop.

For those of my colleagues who may not know, producers do not just hop on the tractor and put a crop in the ground. Farmers with the major part of their operations currently in CRP need significant time for securing seed, fertilizer, pesticides and, yes, even a bank loan.

Those of us from arid areas of the country know that precious soil moisture is being consumed now by required CRP cover crop. That cover crop should have been removed some time ago in many of the areas of the country to save moisture for the coming winter crop planting.

As Deputy Secretary of Agriculture Richard Rominger pointed out to the Committee on Agriculture during hearings last year, the benefits of CRP to the U.S. environmental areas are substantial and quantifiable: 2.4 million acres planted in trees and 8,500 miles of filter strips along water bodies, 1.7 million acres of wildlife practices and more than 30 million acres of lands devoted to grass cover.

The Natural Resources Conservation Service estimates CRP contracts have saved nearly 700 million tons of soil annually. By any terms, the CRP has been a Federal policy success; from an environmental standpoint and from any budgetary standpoint. CBO now identifies this bill, if passed, to save $75 million.

Of course, the problem is here. Most of these producers cannot and will not gamble on waiting for the USDA to make a decision. Of course, should that occur, all the conservation benefits over the past 10 years will be lost. The huge blocks of land which conservationists have identified as bringing back our native bird populations in the Great Plains will be broken up into smaller segments, far less beneficial to wildlife. Miles of filter strips buffering water courses will be torn up. Millions of acres of grasslands will be returned to annual production. I do not believe we should let that happen.

Again, this bill seeks a technical fix that will allow winter crop producers to know if they have a CRP contract for the coming year. If they are eligible under the terms of the CRP bid process that concluded March 28, they would receive a contract at rental rates offered for this new enrollment.

If the Secretary awards them a contract later, this spring or early summer, then they will be provided a new 10-year contract. On the other hand, if they are not awarded a contract, the 1-year contract provided in this bill will expire next year, giving the landowner plenty of time to seed a crop in 1998.

This bill does not harm the current CRP program. There are no changes made in eligibility criteria or overall standards for entry or early exit. We believe landowners who have made a credible bid will be considered by the Secretary under the terms of the new rental rates and the new environmental benefits index.

As I said earlier, this bill is a technical remedy to a specific problem. Remember, this bill saves $75 million to the taxpayers, if enacted. Without it, farmers will lose $600 million. It is farmer friendly, it is budget friendly, and it is environmentally friendly. I urge its adoption.

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

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

Mr. Speaker, I rise in support of H.R. 1342.

Mr. Speaker, it has become apparent from meeting with farmers and discussing the situation with the chairman, that farmers in winter wheat States who have expiring Conservation Reserve Program [CRP] contracts will probably not have adequate time to react should those contracts not be reenrolled in the CRP.

In other words, these particular producers will not be able to prepare the ground and begin to summer fallow their acreage in time to ensure adequate moisture for fall planting. I am supporting the chairman's efforts to help these producers who were caught in a timing crunch through no fault of their own.

I would have preferred that we would have completed the farm bill in a reasonable time so that we wouldn't be in this position today. We have a large number of acres expiring in 1 year because a great deal of them received a 1-year extension due to the fact that the farm bill was not completed in 1995. Now the USDA is under tremendous pressure to make quick decisions on how many acres of the nearly 26 million bid into the program should be accepted.

There seems to be some question of fact as to how much time these farmers need to prepare their land. In addition, USDA has several concerns in regard to how this bill will affect the 15th sign-up. In any event, if USDA maintains its schedule to announce the results of the 15th sign-up, then this bill will become moot.

I look forward to working with the Department to ensure the integrity of the new CRP

remains intact. That is why I am supporting the chairman's legislation. This is a small fix for a major problem for a specific group of producers.

We also give some flexibility to producers such as those in Mr. Peterson's district who are going to have very limited options should there be remaining effects from this spring's flooding or a repeat during planting season next year. By allowing landowners who were not eligible to rebid existing contracts or whose bids to reenroll were not accepted to early out of their contracts, we are giving them maximum flexibility to ensure they will be prepared for planting in the spring of 1998.

Again, I rise in support of the chairman's legislation, and urge my colleagues to support the passage of H.R. 1342.

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

Mr. SMITH of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I rise in opposition to this bill, and I rise reluctantly because my good friend, the gentleman from Oregon [Mr. SMITH], knows that we are both interested in the same things, but this bill would prevent new environmentally sensitive land from being enrolled in the Conservation Reserve Program. Instead, it would allow farmers who have highly productive land currently in the program the opportunity to collect a Federal check for not producing for 1 more year. Those farmers who have land that they could enroll in the program, that would have very positive environmental benefits on the nearby communities by being in the program, would be shut out for another year.

I suggest if we want to do right by conservation programs and the environment, we should vote "no" on this bill. This bill goes backward in efforts to protect our environment, not forward. I must, with all due respect to my friend from Oregon, oppose the bill.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me reiterate again, as I mentioned in my statement, that this bill saves the taxpayers money. This is for farmers in America. Without this bill, farmers could lose $600 million in crops. This is environmentally friendly, as I have stated.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today in support of H.R. 1342. I do not intend to take a lot of time on this issue. However, I would like to share the Nebraska wheat growers support for this bill with my colleagues.

For quite a while, Nebraska's wheat growers have been concerned USDA would not decide which bids to accept into CRP until it was too late for fall-seeded crops. My wheat growers would have faced the difficult decision of planting on land that has the possibility of being enrolled in CRP, or waiting for USDA's decision which could be negative.

The bill will allow winter crop producers to know now that they can be enrolled in CRP for the coming crop year. This will solve a minor, but very serious timing problem.

H.R. 1342 makes this situation a little easier for all winter wheat growers. I'm pleased to support the 1-year CRP option for fall-seeded crops, and I urge my colleagues to support H.R. 1342.

Mr. MORAN of Kansas. Mr. Speaker I rise today in support of H.R. 1342, a bill to provide technical corrections for the Conservation Reserve program. I would like to first thank the chairman of the Agriculture Committee for bringing this legislation before the House of Representatives.

For those of us with producers caught by the timing of these new CRP regulations, this bill offers a sensible method of returning the ground to production agriculture and protecting the conservation benefits of the program for as long as possible. H.R. 1342 is a narrow solution to a real problem.

At a hearing on February 26, 1997, held by the Subcommittee on Forestry, Resource Conservation and Research, I shared my concerns on the timing of the new CRP regulations. On February 27, I introduced legislation, H.R. 861, that shares much in common with the bill before this Chamber. H.R. 1342 allows producers whose land is not accepted to extend their contract for up to 1 additional year at the owner's new bid. For producers in winter wheat country, this bill allows for a reasonable transition of land back into production.

Under the current CRP enrollment situation established by the USDA, producers are faced with the option of losing 11 years of production in a 10-year program or being told to tear up the ground prior to being notified of a CRP decision and then trying to receive cost-share funds to replant the land back into grass if that land was indeed accepted. Neither one of these situations made sense to Kansans whose land is in the program or to this Member of Congress.

The Conservation Reserve program is an extremely important, popular, and effective program for the people of the first district of Kansas and across the country. Nationwide, over 30 million acres of environmentally sensitive land have been enrolled in this important program. The benefits of this program are readily seen through reduced runoff and soil erosion, improved wildlife habitat, and better air quality by reducing wind erosion. These benefits are important and I am optimistic that through the efforts of this legislation, the conservation benefits can be extended and maintained.

Again, Mr. Speaker, I urge my colleagues to support H.R. 1342 and take a positive step in supporting one of this Nation's most successful conservation programs.

Mr. HILL. Mr. Speaker, I rise in support of H.R. 1342, a bill to allow farmland in winter wheat and fall-planted crops to remain in a conservation program for one more year.

This temporary measure would provide certainty to Montana farmers and ranchers whose Conservation Reserve Program contracts are expiring in September.

Frankly, I am very concerned about the situation Montana farmers face. They are caught between the rules of nature and those of the Department of Agriculture.

Nature tells them there is a time for preparing their land and the Department tells them to wait.

In last year's farm bill, we asked producers to manage risk; to produce for markets. The Department's delay makes that impossible. Clearly, the situation calls for correction.

The Congressional Budget Office indicates that the bill saves $75 million next year. Enacting this bill would also prevent the potential loss of $600 million in income for farmers nationwide. That's how much is at stake if farmers are unable to produce a viable crop while they wait for the Department's decision.

As I said earlier this year, Montana farmers need certainty. They need to know; should they prepare land for planting fall crops or for establishing a cover suitable for long-term enrollment in the Conservation Reserve Program.

If they aren't accepted in the Conservation Reserve Program, they're caught between nature's seasons and the Department's process. We can't change nature, but we can change the rules to help not hinder our farm families.

Mr. Speaker, my friends and neighbors look to Congress for help. And, that's what this bill would deliver. I agree with Chairman BOB SMITH and I'm a cosponsor of this important legislation. I urge Members to support this legislation. It's good for the environment, good for the farmer, and good for the taxpayer.

Mr. SMITH of Oregon. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1445

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Oregon [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 1342, as amended.

The question was taken.

Mr. SKEEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

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

There was no objection.

AWARDING CONGRESSIONAL GOLD MEDAL TO FRANK SINATRA

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 279) to award a congressional gold medal to Francis Albert Sinatra.

The Clerk read as follows:

H.R. 279

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

SECTION 1. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Francis Albert "Frank" Sinatra a gold medal of appropriate design, in recognition of his accomplishments as an entertainer and humanitarian, which include—

(1) having a career in the entertainment industry spanning 5 decades where he produced, directed, or appeared in more than 50 motion pictures, recorded thousands of songs with annual sales numbering in the millions, and won many major awards in American popular entertainment including 7 Grammys, a Peabody, an Emmy and a Best Supporting Actor Oscar; and

(2) earning the Life Achievement Award of the NAACP, the Academy of Motion Picture Arts and Sciences' Jean Hersholt Humanitarian Award, and the Presidential Medal of Freedom for his humanitarian and social justice efforts.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $30,000 to carry out this section.

SEC. 2. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 1 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 1 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 3. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

This afternoon, I rise in support of H.R. 279, the bill to award a Congressional Gold Medal to Francis Albert Sinatra, a man who is perhaps better known to many Americans as Old Blue Eyes, the Chairman of the Board, or simply the Voice.

Mr. Speaker, the standard for a Congressional Gold Medal is that the recipient must be someone who has performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement itself. Frank Sinatra's career in music and entertainment clearly meets and exceeds this standard.

Frank Sinatra is perhaps the greatest singer of popular American music of this century. His career spans over 6 decades. Sinatra's style, phrasing, timing and of course his voice have influenced and set the standard for American singers since World War II. In my home State of Delaware and across the country, there are radio stations that for years have devoted weekly shows of 3 hours or more to the music of Frank Sinatra.

There are few musicians or singers whose music can inspire and sustain that type of long-term interest and enthusiasm. From his big band days with the Harry James and Tommy Dorsey orchestras to his seminal work on the Capitol label with the Nelson Riddle orchestra in the 1950's, Frank Sinatra became the preeminent American popular singer.

He made the swinging Sinatra style of the 1960's and the 1970's the standard and continued to gain new fans in the 1980's and 1990's. Frank Sinatra helped define what Americans listen to and what people all over the world consider to be American music. From his own contemporaries to rock musicians today, everyone recognizes the impact Frank Sinatra has had on American popular music and culture.

Mr. Speaker, this legislation did not materialize overnight. It represents the hard work of a number of Members, particularly the gentleman from New York [Mr. SERRANO], the sponsor, with bipartisan help from his colleagues the gentleman from New York [Mr. KING], the gentleman from California [Mr. BONO], and others. The gentleman from New York [Mr. SERRANO] has been a longtime advocate of a Congressional Gold Medal for Frank Sinatra.

This legislation has not received any special treatment. I told the gentleman from New York [Mr. SERRANO] that it must demonstrate broad support by getting 290 cosponsors in the House. To their credit, the gentleman from New York [Mr. SERRANO], the gentleman from New York [Mr. KING], the gentleman from California [Mr. BONO], and other Members went to work to develop the support necessary to give Frank Sinatra the highest civilian honor this Congress can award. The bill has 302 cosponsors, including bipartisan support from Members of the House leadership, and the gentleman from California [Mr. HORN] wants to be a sponsor, too. He just asked me.

Mr. Speaker, before the ranking member of the subcommittee is recognized, I urge the House to show its high hopes, think of a summer wind, say I get a kick out of you and make 1997 a very good year by awarding this gold medal to the man who did it my way. I urge the immediate adoption of H.R. 279.

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

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

First of all, let me thank the gentleman from Delaware [Mr. CASTLE] for expediting getting this bill to the floor. As always, the gentleman has been most gracious with his time and flexibility to allow us to bring this bill out today. I also wish to congratulate the gentleman from New York [Mr. SERRANO] for his sponsorship, his diligence, his tenacity. I am grateful that the gentleman has expedited this bill coming, furthermore, because the gentleman from New York [Mr. SERRANO] has driven me crazy trying to make sure that at the point that he had his 290 signatures we would be willing to bring it to the floor.

So I think this is a great day for us and a great day for the Sinatra family, Frank especially, and a great day for the gentleman from New York [Mr. SERRANO] and the leadership that he has provided.

I do not intend to take much time. Several Members have comments and remarks about Mr. Sinatra to make. But let me just say that although Mr. Sinatra is from Hoboken, NJ, he has always identified with the State and city of New York. Everyone knows his rendition of "New York, New York."

Few, however, realize his accomplishments as a complete entertainer. He has won an Emmy, Grammy, Peabody, and an Oscar. He has also been honored with the Presidential Medal of Freedom, the Academy of Motion Pictures, Arts and Sciences Humanitarian Award and a Lifetime Achievement Award from the NAACP.

Other Members will undoubtedly comment on the more personal reflections about Mr. Sinatra, but from my viewpoint he is an American icon. His influence is still felt today as it was when he first entered into the entertainment field, and he represents an entire generation of complete and gifted entertainers that the younger generations would do well to emulate.

With that, Mr. Speaker, I will close and extend my support for unanimous passage of this great honor and look forward to giving whatever support is necessary in assuring that Frank Sinatra is given his just and proper due as an American citizen and as one who has contributed so much to us.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SERRANO], the sponsor of the bill.

Mr. SERRANO. I thank the gentleman from New York for yielding me this time.

Mr. Speaker, let me first of all thank the gentleman from Delaware [Mr. CASTLE], the gentleman from New York [Mr. KING], and the gentleman from California [Mr. BONO], the leadership of both Houses, the gentleman from New York [Mr. QUINN], and the gentleman from New York [Mr. FLAKE] for giving me the support necessary to bring this bill to the floor and certainly the 303 cosponsors to sign on to this bill.

I guess the best way to begin is the way I most like to start when I talk to

people about Frank Sinatra. When my father came back from the Army after World War II, he brought home with him to Puerto Rico a set of 78 RPM records. It was my introduction to the English language, and it was my introduction to the voice of Frank Sinatra. I immediately fell in love with both. The English language I try to perfect on a daily basis, and the Frank Sinatra singing I was smart enough not to try to imitate. But throughout all of these 40 odd years, the love affair between Mr. Sinatra's talent and this person born in Puerto Rico and raised in the Bronx has been something that as I step back today even I find extraordinary.

I own 290 Sinatra records, LP's, hundreds of CD's and tapes, pictures, books, over 30 films, on video of course. My e-mail address is Frank 2 even though my name is JOSE, and one can hear Mr. Sinatra on my answering machine. I have been influenced by his singing to the point which I suspect is the reason why I am a New Yorker who says Tuesday rather than Tuesday because Mr. Sinatra would have never sung Tuesday. His language and his style was used by many to perfect their English.

I do not remember the last day that I have not listened to a Sinatra record. I do not remember the last time that I passed up a radio station that was playing his music. His music to me is no different than his music to so many other people. It serves this incurable romantic with the ability to listen to the best music the world has ever heard. Whether it was a swinging ballad or a sad, tear-jerking ballad, Sinatra did it his way and did it better than anyone else.

In the other language that I operate in, from Julio Iglesias to local singers like Danny Rivera, when you talk to them, they all tell you that the master of them all is and has been Frank Sinatra. Who stays at the top of their game for 60 years? We have had a couple of people here who stayed past 50, and we knew what a record they set. Longevity for him has been something to really look at. But then there is Frank Sinatra the humanitarian, Frank Sinatra the American citizen, the one who raised money for so many different organizations, the one who sold war bonds at the beginning of his career and, may I say, this bill mandates that the Mint will sell replicas of this medal to the public, and I suspect that at the end of the career Sinatra once again will be part of pulling a lot of money into the Treasury.

For me personally, this is a very important day, because it is my way of saying thank you. It is my way of saying thank you to this individual who brought so much joy to the world through his singing and through his talent. It is my way, also, of saying thank you for not being afraid in a society that is pretty tough to cry in public, for, you see, Mr. Sinatra in his love songs cried on a daily basis, and we Americans are not supposed to cry.

My father once told me, in Spanish, that the English language had taken a bad rap, that some people had suggested that it was not a romantic language, and my father Jose, I will never forget this, said to me, but if the language is sung and spoken properly, it is as romantic as Spanish, French, or Italian. Well, my father was right. And Mr. Sinatra was the living example and is the living example of the fact that English is indeed a romantic language.

He is watching us today on TV at this very moment. His family is all watching the proceedings of the House. He has received the Presidential Medal of Freedom. He has received the NAACP Lifetime Achievement Award. He has received an Oscar for humanitarian work in addition to an Oscar for costarring in a movie. He has received every possible award you can receive in this country, in Israel and France, in Italy, in Brazil, all over the world.

But today as the people's representative, we are all saying that we are a grateful Nation. We say thank you, Frank Sinatra, thank you for singing, thank you for performing, thank you for being you.

I say personally, thank you, Frank Sinatra, for proving that my father was right. English indeed is a beautiful and romantic language and you showed the world how to do it right.

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

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

To my friend, the gentleman from New York [Mr. SERRANO], we have some time over here and if I could, if the Speaker would allow us to yield time to him to sing whatever he would like of Frank Sinatra's works. I even have a tape that my chief of staff said was his best, "Only the Lonely." We could put that on and the gentleman could sing for a while. We would appreciate that.

Mr. FLAKE. If the gentleman will yield, I think the gentleman ought to be made to sing it in Spanish and in English. I think that would be great for us.

Mr. CASTLE. Mr. Speaker, the gentleman from New York [Mr. SERRANO] has done an admirable job on this legislation. It is not easy to get 300 signatures of the Members of Congress to anything, for all that matters. We did sort of crack the whip on it, he has worked on it a long time, and I do congratulate him. This is a great day for him as well as the Sinatra family.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. KING].

□ 1500

Mr. KING. Mr. Speaker, I thank the gentleman from Delaware [Mr. CASTLE] for yielding this time to me, and I thank him for the tremendous job he has done in moving this to the floor, and of course the distinguished ranking member, my neighbor in the next-door community of Queens, NY [Mr. FLAKE] for always being such a worthy advocate of so many good causes, and most importantly of course we have to commend and congratulate the gentleman from Bronx, NY [Mr. SERRANO] for all he has done. And I fully concur with the gentleman from New York [Mr. FLAKE] in that the other gentleman from New York [Mr. SERRANO] drove us all crazy in getting this done. There was not a day that went by that he was not on the floor working it, making sure that I was working and making sure that the gentleman from California [Mr. BONO] was working, making sure that everything was in order to make sure that this was done and done properly. I just want to thank the gentleman from New York, [Mr. SERRANO] for once again showing the tremendous leadership that he shows on so many of the issues and, of course, to commend the gentleman from California [Mr. BONO] for his work, and also Senator D'AMATO, who has attained the passage of similar legislation in the U.S. Senate.

Mr. Speaker, Frank Sinatra is truly an American legend. Frank Sinatra, as much as anyone ever, deserves this gold medal which is being voted to him today. Frank Sinatra, as the gentleman from New York [Mr. SERRANO] has pointed out, was and is an amazing singer, a person who was able to touch the hearts of so many millions of Americans generation after generation. He was also an outstanding actor. He also, though, probably most importantly personified what it means to be an American. Frank Sinatra gave of himself to so many philanthropic causes and charitable causes, helped out so many people which most people do not even know about, always there, a helping hand, a person willing to help out and a person who fought his way up, a person who climbed out of poverty, a person who worked his way up all the way to the top to the very pinnacle of success, but never ever forgot where he came from.

Mr. Speaker, as the gentleman from New York [Mr. SERRANO] said, Frank Sinatra certainly did do it his way, and today this is a most fitting tribute to him and to his family for all that he has meant to so many generations of Americans. I know my father, my uncles and my mother and all of us always cherished the voice of Frank Sinatra and cherished what Frank Sinatra meant to so many people. And as a New Yorker, without any reflection on Chicago or whatever, I would say that "New York, New York" is the national anthem of New York. It was sung by Frank Sinatra and in many ways personifies the spirit of New York.

So I am very proud to be joining with all of my colleagues today in supporting this legislation, and again I want to thank my friends, the gentleman from New York [Mr. SERRANO] and the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] for their help, and I certainly urge the adoption of this resolution.

Mr. MENENDEZ. Mr. Speaker, I want to thank the sponsors of this resolution awarding the Congressional Gold Medal to Frank Sinatra. This honor is special for me since my congressional district is the birth place of the "Chairman of the Board."

Frank Sinatra has been the idol of generations of Americans from the 1930's onward. His unique voice has touched Americans of all races and nationalities. In addition to his talents as a singer, he has had a distinguished acting career, including earning an Academy Award for Best Supporting Actor in 1953 for his performance in "From Here to Eternity."

His countless musical hits will inspire Americans for generations. Although his accomplishments in the field of entertainment are legendary, he has also donated his time and effort to charitable and philanthropic work for organizations such as the Red Cross and the National Multiple Sclerosis Society among others.

With these accomplishments, he has distinguished himself as a great American. He serves as a notable example of the worthwhile contributions Italian-Americans have made to the Nation. From the Hoboken Four to Hoboken's No. 1, it is only fitting to honor Frank Sinatra, Hoboken's favorite son, with the Congressional Gold Medal.

Mr. MCGOVERN. Mr. Speaker, I stand before the House today to encourage each and every one of my colleagues to join me in recognizing the talents, accomplishments, and legacy of one Francis Albert Sinatra.

The world has been paying tribute to Frank Sinatra for more than 50 years, and I dare say will continue for another 550, so rather than try to top all the accolades that have already been heaped on this great artist, I will simply offer some thoughts on the impact Frank Sinatra has made on me and on the rich and diverse community that is the 3rd Congressional District of Massachusetts.

Mr. Speaker, I have had the great fortune to attend a number of Frank Sinatra's live performances at The Centrum in Worcester, MA. To walk into that great hall and see the wonderful diversity of Sinatra lovers is testament to the impact this man has had on American culture. White, Black, young, old and in-between, Democrats and Republicans, we were all brought together by the common thread of our love and appreciation for the music of Frank Sinatra.

Mr. Speaker, on a personal level, I owe much to the "Chairman of the Board." It is a fact, Mr. Speaker, that I first wooed my wife with the lyrics of a popular Sinatra ballad, "I've Got the World on a String." And I dare say, millions of my fellow Americans can track the progress of their romances through the lyrics and croonings of "Old Blue Eyes."

Sinatra is romance, Mr. Speaker, Sinatra is love. Just listen to the titles of some of Frank's love songs: "Almost Like Being in Love;" At Long Last Love;" "Can I Steal a Little Love;" "Don't Take Your Love From Me;" Everybody Loves Somebody;" "Falling in Love With Love;" "I Can't Believe That You're in Love With Me;" "I Fall In Love Too Easily;" "I Love Paris;" "I Love You;" "I Wish I Were In Love Again;" "I Would Be In Love Anyway;" "Let's Fall In Love;" "The Look of Love;" "Love's Been Good to Me;" "Love Walked In;" "Love and Marriage;" "Lover;" "Melody of Love;" "The One I Love Belongs to Somebody Else;" "Our Love is Here to Stay;" "This Love of Mine;" "This Was My Love;" "To Love and Be Loved;" and one of my favorites, "What is This Thing Called Love?"

Frank Sinatra did not invent American popular music; and he certainly was not alone among the many great artists, composers, arrangers, and musicians who—together—comprise the foundation of this most American of music forms. However, Mr. Speaker, it was Frank Sinatra who defined American popular music—from the moment he first appeared on the stage during the years of the Roosevelt administration—through the years of Mitch Miller, Elvis, the Beatles, heavy metal, disco, punk, rap, new wave, grunge, and everything in between. Sinatra endures, Mr. Speaker, because his music, his grace, his presence and his message are worth enduring.

Say what you like, Mr. Speaker, but when our children, and our children's children look back on this great century—the American century—the paramount cultural icon of the period will be Francis Albert Sinatra.

His voice, his style, his artistry, his class, all qualify him for this tribute today. As Frank's daughter, Nancy, put it: "He is a man with a public image built partly on fact and largely on myth. He is a man who embraces consistency, yet embodies contradiction. A man who treats the room to caviar and champagne and himself to a sandwich and Coca-Cola." Well, Mr. Speaker, it is time for this body to treat Frank Sinatra to some caviar and champagne. It is time to recognize the man and his music. Frank, God bless you, thank you, and on behalf of all of your friends and fans in the 3rd Congressional District of Massachusetts, thank you for sharing your many gifts with us.

Mr. FLAKE. Mr. Speaker, we have no further speakers and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I encourage the passage of the legislation, and I, too, yield back the balance of our time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 279.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the Senate bill (S. 305) to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the the Senate bill, as follows:

S. 305

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) Francis Albert "Frank" Sinatra has touched the lives of millions around the world and across generations through his outstanding career in entertainment, which has spanned more than 5 decades;

(2) Frank Sinatra has significantly contributed to the entertainment industry through his endeavors as a producer, director, actor, and gifted vocalist;

(3) the humanitarian contributions of Frank Sinatra have been recognized in the forms of a Life-time Achievement Award from the NAACP, the Jean Hersholt Humanitarian Award from the Academy of Motion Picture Arts and Sciences, the Presidential Medal of Freedom Award, and the George Foster Peabody Award; and

(4) the entertainment accomplishments of Frank Sinatra, including the release of more than 50 albums and appearances in more than 60 films, have been recognized in the forms of the Screen Actors Guild Award, the Kennedy Center Honors, 8 Grammy Awards from the National Academy of Recording Arts and Sciences, 2 Academy Awards from the Academy of Motion Picture Arts and Sciences, and an Emmy Award.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and numerous humanitarian activities.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged

against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 279) was laid on the table.

AUTHORIZING TRANSFER TO STATES OF SURPLUS PERSONAL PROPERTY FOR DONATION TO NONPROFIT PROVIDERS OF NECESSARIES TO IMPOVERISHED FAMILIES AND INDIVIDUALS

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals, as amended.

The Clerk read as follows:

H.R. 680

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

SECTION 1. TRANSFER OF SURPLUS PERSONAL PROPERTY FOR DONATION TO PROVIDERS OF NECESSARIES TO IMPOVERISHED FAMILIES AND INDIVIDUALS.

Section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting after "homeless individuals" the following: ", providers of assistance to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act),".

SEC. 2. TRANSFER OF SURPLUS REAL PROPERTY FOR PROVIDING HOUSING OR HOUSING ASSISTANCE FOR LOW-INCOME INDIVIDUALS OR FAMILIES.

(a) IN GENERAL.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following new paragraph:

"(6)(A) Under such regulations as the Administrator may prescribe, the Administrator may, in the discretion of the Administrator, assign to the Secretary of Housing and Urban Development for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for providing housing or housing assistance for low-income individuals or families.

"(B) Subject to the disapproval of the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer of property for the purpose of providing such housing or housing assistance, the Secretary, through such officers or employees of the Department of Housing and Urban Development as the Secretary may designate, may sell or lease such property for that purpose to any State, any political subdivision or instrumentality of a State, or any nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

"(C) The Administrator shall disapprove a proposed transfer of property under this paragraph unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms that require that—

"(i) any individual or family receiving housing or housing assistance constructed, rehabilitated, or refurbished through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and

"(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below prevailing market prices.

"(D)(i) In fixing the sale or lease value of property to be disposed of under this paragraph, the Secretary of Housing and Urban Development shall take into consideration and discount the value with respect to any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or nonprofit organization.

"(ii) The amount of the discount under clause (i) shall be 75 percent of the market value of the property except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.".

(b) CONFORMING AMENDMENTS.—Section 203(k)(4) of such Act (40 U.S.C. 484(k)(4)) is amended—

(1) in subparagraph (C), by striking "or" after the semicolon;

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

(3) by inserting after subparagraph (D) the following:

"(E) the Secretary of Housing and Urban Development, through such officers or employees of the Department of Housing and Urban Development as the Secretary may designate, in the case of property transferred under paragraph (6),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentlewoman from New York [Mrs. MALONEY] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

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

H.R. 680, originally introduced by the gentleman from Indiana [Mr. HAMILTON], is a bill for the transfer of surplus personal property for donation to providers of necessities to impoverished families and individuals. This bill would authorize the transfer of surplus personal property to organizations that provide assistance to impoverished individuals. Currently Federal agencies declare about $6 billion per year in excess Federal personal property. The property is screened by other Federal agencies to determine whether the property is needed by another Federal user. The remaining property is declared surplus and donated to State and local governments, law enforcement agencies, and other eligible groups. Agencies then sell the remaining property, generally the oldest and most obsolete property, generating very little in proceeds, about $8 million annually.

H.R. 680 would expand the list of entities eligible to receive surplus property by authorizing the donation of surplus property to charities that provide services to poor families. These groups would be eligible for the property on the same basis as State and local government agencies. This is especially important because State and local governments and charitable organizations are assuming an even greater role in social programs as Federal assistance policies are implemented. Private charities such as food banks and Habitat for Humanity are a major source of support for the poor. The administrator of General Services may establish under this legislation restrictions on resale as necessary to insure that any property transferred is used to promote the public purpose of assisting poor families.

A volunteer conference known as the President's Summit for America's Future is currently being held in Philadelphia. This worthy goal of community voluntarism will be assisted by the passage of H.R. 680.

In addition, H.R. 680 would make available surplus Federal real estate to self-help housing groups such as Habitat For Humanity. This would promote home ownership by providing a public benefit discount to such organizations.

It is not intended that real property transferred under this act shall be used for any purpose other than providing for the construction, rehabilitation, or refurbishment of housing for occupation by low-income individuals who provided some portion of the labor associated with the housing. Congress does not intend to authorize the transfer of real property under this section for subsequent sale by any self-help housing organization except to the owner-occupant. The administrator of General Services shall condition the donation of this real property upon several requirements: First, that the housing be occupied by the owner-occupant rather than any rental tenant of the owner for a period to be established by the administrator; and second, that the self-help housing organization limit the sale until after such reasonable period of time as the administrator considers necessary to promote home ownership while protecting the Federal financial interests. Through a contract or mortgage, the administrator shall require that the self-help housing organization ensure that any sale by the owner-occupant prior to the end of a 5-year period causes the property to revert to the self-help housing group.

Additionally, the administrator of the General Services Administration may require by contract or mortgage

the owner-occupant to repay any assistance given by the Federal Government or the self-help housing organization if the property is sold within a longer period of time determined by the administrator. It is expected that the administrator would phase out this requirement after a period of 30 years. Assistance under this authority is deemed to be the difference between the estimated fair market value and the amount which the self-help housing organization paid; that is, the public benefit discount.

Additionally, Congress expects that the public benefit discount shall be 75 percent of the estimated fair market value of the property in order to get at least a 25-percent return for the taxpayers who initially purchased the property. In setting the amount of the public benefit discount, the administrator should determine whether the amount of discount would interfere with or substantially defeat the intent of this act.

I look forward to the passage of H.R. 680, and, Mr. Speaker, I now yield to the gentlewoman from New York [Mrs. MALONEY], the ranking Democrat on the Subcommittee on Government, Management, Information, and Technology of the Committee on Government Reform and Oversight that developed this legislation in consultation with the gentleman from Indiana [Mr. HAMILTON].

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 680.

Mr. Speaker, we all know that one person's junk can be another person's jewel. That is why the Federal Government must, like any other well run organization, offer those goods, that it can no longer use, to people who need them.

Current law limits the Federal Government's ability to give. It allows donations only to homeless people. That is an admirable start. H.R. 680, as amended, extends the giving arm of government to people who may not have lost their homes but are needy. The change will allow food banks and other organizations to better serve those people who, according to local standards, are living in poverty.

In New York City, I am assured that organizations such as City Harvest, the Phoenix House, Day Top Village and local branches of the Salvation Army, where the real war on poverty is waged, will be better off with passage of this amendment.

In addition, we all know that land is one of America's most precious resources. When the Federal Government finds itself with more than it needs, it has a moral responsibility to use it to help others.

H.R. 680, as amended by the gentleman from Ohio [Mr. BOEHNER], would also allow the donation of Federal surplus land to nonprofit groups such as the Habitat for Humanity, which provides homes for low-income families. People will only have to contribute a significant amount of good old-fashioned sweat equity instead of dollars to the actual building of the home in order to qualify. Of course, all local building codes must be met. These provisions preserve the GSA central role in the disposal process and have been very carefully crafted to prevent abuse.

My thanks to the gentleman from California [Mr. HORN] for seriously considering the concerns of the minority and incorporating them in the manager's amendment; the gentleman from Indiana [Mr. HAMILTON], the author of this bill, also deserves all our thanks for his efforts to achieve this clearly needed change to help the impoverished; and also the gentleman from Ohio [Mr. BOEHNER].

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

Mr. HORN. Mr. Speaker, I thank the gentlewoman for her kind comments. She has been instrumental in developing most of the legislation that comes out of our subcommittee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. BOEHNER] who has had a major hand in developing this legislation.

Mr. BOEHNER. Mr. Speaker, I would like to congratulate my colleagues who serve on the Committee on Government Reform and Oversight for their work in moving this bill, and in particular the gentleman from California [Mr. HORN] and the gentlewoman from New York [Mrs. MALONEY] for the work that they have done in putting this package together, particularly the manager's amendment, to help deal with those who are in need in our society.

As we all know, President Clinton is in Philadelphia in an effort to promote volunteerism throughout the Nation, and I commend him for doing so. I think it is particularly appropriate today that we are considering H.R. 680. This legislation removes obstacles to volunteerism and literally puts tools in the hands of real people who want to make a difference in their own neighborhoods.

While current law allows Federal agencies to use surplus property to help low-income families, it prohibits private volunteer groups such as Habitat for Humanity from doing so. I learned about this firsthand in my own community when the Voice of America found surplus property in my district. The local community, putting together a plan to use that property, wanted to include a section for a local Habitat for Humanity group and were told clearly by GSA that they could not do so and were prevented from doing so by Federal law.

If our goal is to make it easier for individuals to do for themselves what Government cannot, then this simply does not make sense.

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Habitat for Humanity and other volunteer groups like it have proved that they often do a better job than Government in helping low income families, but in this case Washington has not let them. H.R. 680 will finally solve this problem by simply adding private volunteer groups like Habitat to the list of community organizations that qualify for land that the Federal Government no longer needs. By giving these groups access to the land and tools that they need, they will be able to make a difference in their communities. I think we take a positive first step toward helping ordinary Americans answer the President's bipartisan call to community service. I hope that the President and others will join us in this important effort.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to add that as we speak, as we are on this floor, the President and former presidents are holding a bipartisan conference on volunteerism. This legislation is a concrete tool that will help not-for-profits and private volunteer organizations really participate more in volunteer efforts by enabling them to gain surplus property, both land and other surplus property, to meet needs for the poor in our country. It is an important piece of legislation. It is creative, it does not cost taxpayers one cent, and yet it will help many, many people.

I congratulate my colleagues for working on this, particularly the gentleman from Indiana [Mr. HAMILTON], the original sponsor, and the gentleman from Ohio [Mr. BOEHNER], for the meaningful amendment which he added.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I think as most would agree from their comments, this is a very innovative, progressive piece of legislation, one that is bipartisan in nature, which will meet needs all over this country and help provide home ownership for a lot of our citizens who are at the poverty level in this country and cannot afford access to housing.

Mr. Speaker, I look forward to the passage of this legislation.

Mr. DOYLE. Mr. Speaker, I rise today to express my support for H.R. 680, which would give more community organizations the ability to draw resources from the Federal Surplus Program.

Families across the Nation donate unwanted but usable items to organizations such as Good Will and the Salvation Army who, in

turn, distribute them to families in need. The Federal Government also donates excess personal property, through the Federal Surplus Program. Usable items such as office equipment, vehicles, furniture, clothing, and other supplies are transferred to the States, who serve as collection points and distribute the items to community organizations who assist needy families and individuals.

However, current law limits the Government's donations through this initiative by restricting which organizations can receive the property. Subsequently, many organizations that could benefit from this program cannot participate. While the organizations currently taking advantage of this program are deserving of this benefit, so are many other entities that work to improve the safety and well-being of poor families in our communities. I would like to reiterate that this legislation does not give any organization or category of organizations priority to the donated items. It simply gives additional organizations the opportunity to participate in the Federal Surplus Program.

Throughout Allegheny County in my home State of Pennsylvania, there are organizations dedicated to helping those who are less fortunate, but they do not fit into categories currently eligible to participate in the Federal Surplus Program. For example, the Twin Rivers and Pittsburgh affiliates of Habitat for Humanity build affordable housing for families with low incomes. Constitution equipment has been available through the Federal Surplus Program in the past, which could go a long way in helping these groups serve more families. However, under current law, Habitat affiliates are not eligible to receive such items. Additionally, food banks, such as the Hunger Services Network, the Lutheran Service Society, and the Greater Pittsburgh Community Food Bank, which provide vital nutritional support to so many families and individuals, would become eligible for the program if this legislation were passed.

Many organizations, in addition to those I have mentioned today, would be helped by the passage of this important measure. For all of these organizations, and the individuals and families they serve, it is my hope that the 105th Congress can approve this legislation, and it is enacted into law.

Mr. HAMILTON. Mr. Speaker and Members of the House. I rise today to express my strong support for H.R. 680, a bill I introduced that would amend the Federal Property Act to make Federal surplus personal property available for donation to nonprofit, tax-exempt organizations that serve the poor.

I would like to take this opportunity, first, to thank Congressman STEPHEN HORN, chairman of the Subcommittee on Government Management; Congresswoman CAROLYN MALONEY, ranking Democrat on the subcommittee; Congressman DAN BURTON, chairman of the Government Reform and Oversight Committee; and Congressman HENRY WAXMAN, ranking Democrat on the full committee. I appreciate their support for and prompt consideration of H.R. 680 this year.

I also would like to thank Congressman JOHN BOEHNER for his leadership on this measure. His amendment relating to surplus real property has improved the bill, and I appreciate his involvement.

I introduced this bill in previous Congresses and again this year to fill a significant gap in the donation program for Federal surplus property. The House approved an identical measure in the 103d Congress, and I am pleased the House is considering the measure again today.

In 1976 Congress authorized the General Services Administration [GSA] to transfer surplus personal property to States so that it could be donated for public purposes. States established surplus property agencies to serve as central collection and distribution points for eligible recipients, including public entities and certain nonprofit, tax-exempt organizations, such as schools, hospitals, and groups whose sole mission is providing services to the homeless.

This program has been successful in States throughout the country. Personal property made available through the program has included tools, office machines and supplies, furniture, appliances, medical supplies, clothing, construction equipment, communications equipment, and vehicles.

There is, however, a major gap in the existing program. Under current law, surplus property cannot be made available for donation to many nonprofit organizations that serve the poor. Habitat for Humanity and good banks, for example, do provide services to the homeless, but this is not their exclusive mission. They also provide services to needy individuals who are not homeless, and, consequently, are ineligible for the donation program.

Making Federal surplus property available to these organizations would greatly assist them in aiding the poor. It would help the food banks that provide food to shelters, soup kitchens, and food pantries, as well as groups that recycle building materials for use in the repair and construction of homes for low-income families.

H.R. 680 would amend current law to make these organizations eligible for the Federal Surplus Program. The proposed change in law would not give these organizations preference, but just make them one of many eligible nonprofit entities.

H.R. 680 is not controversial. The House approved an identical bill—H.R. 2461—in the 103d Congress with bipartisan support. The CBO concluded at the time that the bill would result in no cost to the Federal Government or State and local governments. GSA supports this proposal. Senator LUGAR has introduced an identical bill in the other body this year.

Federal, State, and local governments have been looking to nonprofits to assume more responsibility for providing needed services to the poor, particularly in an era of budget constraints. H.R. 680 will help nonprofits provide those services more effectively by granting them access to donated Federal surplus property.

I strongly support H.R. 680, and urge my colleagues to approve the measure.

Mr. HORN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore Mr. SNOWBARGER. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 680, as amended. The question was taken.

Mr. HORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING THE ELECTRIC AND MAGNETIC FIELDS RESEARCH PROGRAM

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 363) to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program, as amended.

The Clerk read as follows:

H.R. 363

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

SECTION 1. AMENDMENTS.

Section 2118 of the Energy Policy Act of 1992 (42 U.S.C. 13478) is amended—

(1) in subsections (c)(5), (e)(5), (g)(3)(B), (j)(1), and (l) by striking "1997" each place it appears and inserting in lieu thereof "1998"; and

(2) in subsection (j)(1), by striking "$65,000,000" and inserting in lieu thereof $46,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 363 extends for a period of 1 year the Department of Energy's authorization to conduct research on electric and magnetic fields. In 1992 it became clear to Congress that there was a need for more research and more coordination within this particular area and more public dissemination of the information, mainly on the health effects of EMF, and thus the 5-year DOE-EMF RAPID program was authorized.

Since its creation, the RAPID program has added a great deal to our understanding on the effects of EMF. Unfortunately, however, the authorization to conduct the 5-year EMF RAPID program will expire before the program is scheduled to conclude. At the subcommittee hearing we learned this is not because the program is behind schedule, but because money was not appropriated for the program until after the first year's authorization had already passed. We want to now extend that authorization for one year to get this concluded in a logical manner.

Importantly, this program has been cost effective. Industry stakeholders have matched the Government dollar for dollar in funding this particular program. This has allowed the Government to do more with less, a concept which both Republicans and Democrats certainly can support. In fact, when the program is concluded, it is expected to cost nearly $20 million less than what was originally contemplated. The cost to the Federal Government of extending this program another year is $4.5 million.

Mr. Speaker, I would urge my colleagues to support H.R. 363.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise today in strong support of H.R. 363. It is a bill to reauthorize the Electric and Magnetic Fields Research and Public Information Dissemination Program. This important 5-year program, this very important 5-year program was first authorized by Congress in 1992 in response to public concerns about the possible adverse health effects of exposure to electric and magnetic fields.

The program first received appropriations in fiscal year 1994 rather than 1993, yet the authorization will expire at the end of this year. Now, this reauthorization for fiscal year 1998 is necessary to complete the fifth and final year of funding and to fulfill the program's original objectives. These objectives are to determine whether or not exposure to electric and magnetic fields affects human health, to conduct research with respect to technologies to mitigate any adverse human health effects, and to disseminate this information to the public.

Without this funding, the risk assessment portion of the program would be completed without the research due to be provided in mid-1997. More importantly though than that, the National Institute of Environmental and Health Sciences, which is conducting this program jointly with the Department of Energy, will have to produce risk assessment through a closed process rather than through the public process currently planned.

The program's cost will be much less than originally projected. It was authorized at $65 million over the 5-year period, but it is now projected to cost nearly $20 million less than originally estimated, about $46 million. Fifty percent of the funding comes from non-Federal sources, including electric utilities, electrical equipment manufacturers and realtors. The cost to the Federal Government will be $23 million over the 5-year period. Supporters of the reauthorization include the American Public Power Association, Edison Electric Institute, National Electrical Manufacturers Association, and the National Rural Electric Cooperative Association, among others.

Mr. Speaker, the program's research is on target and will be successfully completed by 1998, at which time the final report will be issued concerning potential health effects of exposure to electric and magnetic fields. Our citizens are depending on us to give them complete and accurate information, and the credibility of the final report would be compromised without this 5th and final year of funding.

Mr. Speaker, I ask my colleagues to vote yes on H.R. 363 so that this important program can achieve the objectives that Congress intended and provide the public with the information they deserve to have.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the full Committee on Science.

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of H.R. 363 to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program.

This bipartisan bill is designed to fulfill the intent of legislation enacted in 1992 to conduct a 5-year research and public information dissemination program on the health effects of electric and magnetic fields.

Section 2118 of the Energy Policy Act of 1992 directed the Secretary of Energy to establish a 5-year, cost-shared program, the EMF RAPID Program, starting on October 1, 1992, and expiring on December 31, 1997. The EMF RAPID Program objectives are: To determine whether or not exposure to EMF produced by the generation, transmission, and use of electric energy affects human health; to carry out research and development and demonstration with respect to technologies to mitigate any adverse human health effects; to provide for the dissemination of scientifically valid information to the public.

Under the act, the Department of Energy and the Department of Health and Human Services National Environmental Health Sciences Institute are jointly responsible for directing the program. DOE has responsibility for research, development, and demonstration of technologies to improve the measurement and characterization of EMF and for assessing and managing exposure to EMF, while NIEHS has sole responsibility for research on possible human health effects of EMF. EPACT also authorized $65 million for the period encompassing fiscal years 1993 through 1997. At least 50 percent of the total authorized funding must come from non-Federal sources, and before the Federal funds can be expended in any fiscal year, they must be matched by non-Federal contributions. In addition, not more than $1 million annually may be spent for the collection, compilation, publication, and dissemination of scientifically valid information.

The act also established two advisory committees to help guide the program: The Electric and Magnetic Fields Interagency Committee, composed of 9 members, and the National Electric and Magnetic Fields Advisory Committee, a 10-member body.

Finally, EPACT establishes a number of reporting requirements, including the following: By March 31, 1997, the director of NIEHS is to report to the Congress and to the agency his or her findings and conclusions on the extent to which exposure to EMF affects human health.

Not later than September 30, 1997, the committee, in consultation with the other committee, is to report to the Secretary and to Congress on its findings and conclusions on the effects, if any, of EMF on human health and remedial actions, if any, that may be needed to minimize any such health effects.

Periodically, the National Academy of Sciences is to submit reports to both committees that evaluate the research activities under the program and to make recommendations to promote the effective transfer of information derived from such research projects.

Although the act authorized the EMF RAPID Program to begin in fiscal year 1993, no funds were appropriated because the 1993 energy and water development appropriation bill was enacted before EPACT. Consequently, the first year of available appropriations was fiscal year 1994. In 1996, DOE submitted legislation to extend the EPACT authority for the EMF Rapid Program through 1998, and former Committee on Science Chairman Walker introduced this proposal in the last Congress. However, the last Congress adjourned sine die without taking action on the measure.

The President's fiscal year 1998 budget contains $8 million in funding for the fifth and final year of the EMF RAPID Program and completion of the DOE long-term commitment to EMF research. The Department continues to believe the 1-year extension is appropriate in the interest of completing the work contemplated by EPACT, and the DOE and non-Federal participants testified at a hearing conducted by the Committee on Science's Subcommittee on Energy and Environment that a total authorization of $46 million will be sufficient to complete the 5-year effort.

As amended by the Science Committee, H.R. 363 amends section 2118 of

the Energy Policy Act of 1992 by extending by 1 year: First, the EMF RAPID Program, the Electric and Magnetic Fields Interagency Committee, and the National Electric and Magnetic Fields Advisory Committee to December 31, 1998; second, the Environmental Health Sciences' report to the EMFIAC and to Congress is extended by 1 year, to March 31, 1998; and third, the deadline of the EMFIAC's final report to the Secretary of Energy and to Congress is extended by 1 year, to September 30, 1998.

Finally, the bill, as amended, reduces the EMF RAPID Program 5-year authorization from $65 to $46 million, consistent with the testimony by DOE and the non-Federal participants on the funding requirements needed to complete the program.

In closing, I wish to thank the gentleman from California [Mr. CALVERT], the chairman of the Subcommittee on Energy and Environment of the Committee on Science, and the gentleman from Indiana [Mr. ROEMER], the subcommittee's ranking member, for their hard work on this legislation. I would also like to thank the Committee on Science's ranking member, the gentleman from California [Mr. BROWN], for his bipartisan support.

I also want to commend the efforts of the gentleman from Virginia, [Mr. BLILEY], chairman of the Committee on Commerce; the gentleman from Michigan, [Mr. DINGELL], the ranking member of the Committee on Commerce; the gentleman from Colorado, [Mr. DAN SCHAEFER], chairman of the Committee on Commerce's Subcommittee on Energy and Power, the gentleman from Texas, [Mr. HALL], the subcommittee's ranking member; and also the gentleman. from New York [Mr. TOWNS], the bill's author, for their work on this legislation.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BROWN], the ranking member on the Committee on Science, and a very venerable former chairman of Science, Space, and Technology.

Mr. BROWN of California. Mr. Speaker, what did the gentleman call me venerable?

Mr. Speaker, I rise in support of H.R. 363, which provides a 1-year extension with no extra funding to the electromagnetic field and health effects research and development bill and information dissemination program with the Department of Energy.

□ 1530

As we heard from testimony before the Subcommittee on Energy and Environment of the Committee on Science on March 19 of this year, this 5-year program seeks to clarify the risks to public health posed by electromagnetic fields.

Mr. Speaker, in an effort to be brief, I would just point out that other speakers have already indicated the adverse effects of terminating this program 1 year before it is completed. I certainly join in my own feelings with regard to that.

The issue of health effects of electromagnetic fields, such as those created by high voltage electric lines, was a very highly emotional and politically potent issue a number of years ago, and it was this increasing public concern that led to the original enactment of this legislation. Families that live near such high voltage lines have wondered whether their children are at greater risk for contracting leukemia or a host of other maladies, and there has been research conducted, some of it in other countries, in Europe, for example, which lent credence to the possibility that such might be the case.

The issue, therefore, had to be put to rest with an authoritative and complete research program which would deal with that issue, and that is what this program has done. It has accomplished its goal so far well under budget and ahead of schedule, and we think it deserves to move ahead to completion.

I am also glad to say that the Committee on Science has been able to move expeditiously on this bill in a bipartisan manner, and this is due in large part to the efforts of the subcommittee chairman, the gentleman from California [Mr. CALVERT], and to the ranking member of the subcommittee, the gentleman from Indiana [Mr. ROEMER], as well as to the efforts of the full committee chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER], whose efforts as chairman I have commended on previous occasions and I will continue to do so.

I have enjoyed working with each of them as well as other members of the committee and they enjoy my highest respect.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I want to thank the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from Texas [Mr. HALL] and the Committee on Science. I know that they have made a special effort to move this bill as an early priority. Since the authorization expires at the end of 1997, the program will terminate after 4 years instead of the 5-year period originally envisioned.

The need for the extension is plain and very clear. It will ensure that the original program's objectives set by Congress are met and enhance the credibility of the RAPID final report regarding potential human health aspects of exposure to electric and magnetic fields.

During consideration of H.R. 363, the Committee on Commerce received testimony from industry stakeholders who all agreed that a 1-year extension was necessary to complete the risk assessment through an open, public workshop approach that was originally planned by the National Institutes of Environmental Health Sciences.

Upon completion of the 5-year study, a final report to Congress on the electromagnetic field effects, if any, on human health will be submitted. The report will allow the Federal Government to confidently speak to the American people with one voice on this very important issue. Anything less than a 1-year extension would render the study incomplete and jeopardize the credibility developed over the last 4 years with EMF issue stakeholders and the public as well.

The RAPID Program has been very successful to date. In addition to the research initiated, the program has distributed 180,000 copies of questions and answers about electric and magnetic fields associated with the use of electric power to the public. Additionally, RAPID has published EMF in the work force and EMF InfoLine, managed by the Environmental Protection Agency and funded by the RAPID Program. It has also responded to the thousands of calls from the general public.

The program conducts research jointly with the Department of Energy and the National Institute of Environmental Health Sciences and is funded equally by the annual appropriations and matching contributions from the electric utilities, electrical equipment manufacturers, and realtors.

This 1-year extension has the support of the administration, Congress and the industry stakeholders such as the Edison Electric Institute, the American Public Power Association, the National Rural Electric Cooperative Association, and the National Electrical Manufacturers Association.

Mr. Speaker, I would like to again thank all of the participants in making this possible. I would like to thank the subcommittee chairman, and of course the ranking member as well, and all of the staff that worked very hard to move this legislation very quickly.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. ROEMER. Mr. Speaker, I rise in support of H.R. 363, which provides a 1-year extension, with no extra funding, to the electromagnetic fields and health effects R&D and information-dissemination program at the Department of Energy. As we heard in March 19, 1997, in testimony before the Subcommittee on Energy and Environment, this 5-year program seeks to clarify the risks to public health posed by electromagnetic fields.

The authorization for this program currently ends in 1997—5 years after passage of the Energy Policy Act of 1992. However, with this termination date, the program will have actually had only 4 years to complete its tasks, because, through no fault of its own, the program began a year late due to the logistics of the budget cycle.

If the program were to terminate at the end of fiscal year 1997, important tasks assigned to the program by the Energy Policy Act of 1992 would go undone. With a 1-year extension, however, these essential functions will be completed and presented to the public in a concise manner.

As many Members are well aware, the issue of the health effects of exposure to electromagnetic fields, such as those created by electric high wires, have been controversial and emotional issues. Families that live near such wires have wondered whether their children are at greater risk for contracting leukemia or a host of other maladies. And, unfortunately as is often the case with research, the answers have been a long time coming, and have wrought their own controversies at times.

As directed by the Energy Policy Act of 1992, the Department of Energy has nevertheless pursued a complete airing of the issues in an open process that solicits public opinion and lets any expert challenge the results of their work. Learning from past mistakes, the Energy Policy Act required that the data and final analysis be shared in order to gain the trust and confidence of the public. Without this openness, the study would be just another Government study over which opposing factions bicker.

In fact, just such a closed study was recently completed by the National Academy of Sciences, and it found no credible evidence for a significant public health threat due to exposure to electromagnetic fields. While I fully respect the work of the academy and this study did reassure many of us, skeptics remain concerned with these results and their views also need to be considered in a public forum.

As promised in the Energy Policy Act, the EMF program at DOE will provide such a forum and analyze the opinions of skeptics and mainstream researchers alike. I look forward to the results of this work, and I think that it is an important step in public understanding of these health risks.

I am also glad to say that the Committee on Science has been able to move expeditiously on this bill in a bipartisan manner. This is due, in large part, to the efforts of the subcommittee chairman, Mr. CALVERT, and the full committee chairman and ranking member, Mr. SENSENBRENNER and Mr. BROWN. I have enjoyed working with each of them, as well as the other members of the committee, and they enjoy my highest respect.

Mr. CALVERT. Mr. Speaker, I thank the chairman of the Commerce Committee for yielding me this time.

I also thank the chairman of the Committee on Science and the ranking member, Mr. BROWN, for their support in expediting passage of this bill.

As Chairman SENSENBRENNER has pointed out, this bill will allow the Electric and Magnetic Fields research program to complete its original 5-year authorization. At the same time, we will save the taxpayers money by reducing the authorization some $19 million to the $46-million-agreed-upon budget for the program. I should add that 50 percent of this budget is cost-shared by industry.

Mr. Speaker, at the time of the markup of this bill in the Energy and Environment Subcommittee, the distinguished vice-chairman of the full Science Committee, Mr. EHLERS, made the point that all the research to date on this issue has failed to find a significant link between electric and magnetic fields and serious health problems. I agree and I doubt that will change.

Nevertheless, this program was agreed to by both Government and industry to put to rest public concern and, once started, I think it's worth finishing.

Finally, I want to particularly thank my friend from Indiana, our ranking minority member of the subcommittee, Mr. ROEMER, for cosponsoring this bill and working closely with us to expedite the process. Mr. Speaker, this bill has strong bipartisan support and I urge its passage. I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 363, as amended.

The question was taken.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 363, the bill just considered.

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

There was no objection.

PERMISSION TO INSERT EXTRANEOUS MATERIAL DURING CONSIDERATION OF H.R. 1271, FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997, IN THE COMMITTEE OF THE WHOLE TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent during the debate on the bill H.R. 1271, the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1997, that I be able to insert extraneous material into the RECORD, specifically, an exchange of correspondence between the gentleman from Pennsylvania [Mr. SHUSTER] and myself.

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

There was no objection.

FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 125 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1271.

□ 1539

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. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes, with Mr. STEARNS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Tennessee [Mr. GORDON] each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

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

Mr. Chairman, H.R. 1271 authorizes the FAA to carry out its research, engineering, and development program for fiscal years 1998, 1999, and 2000. The objective of the RE&D program is to develop and validate the technology and knowledge required for the FAA to ensure the safety, efficiency, and security of our national air transportation system. Advances developed through the RE&D program are helping transform the FAA into a modern air traffic management system capable of meeting the increased aviation demands of the coming century.

I would like to thank the Chair of the Subcommittee on Technology, the gentlewoman from Maryland [Mrs. MORELLA], and the ranking member of the subcommittee, the gentleman from Tennessee [Mr. GORDON], for the hard work they have done in crafting H.R. 1271. The legislation was reported out of the Committee on Science with strong bipartisan support.

Overall, H.R. 1271 authorizes $217 million in fiscal year 1998, $224 million in fiscal year 1999, and $231 million in fiscal year 2000 for the FAA to carry out the critical projects and activities of the FAA RE&D program, including research and development in the areas of capacity management, navigation, weather, aircraft safety, systems security, and human factors.

While including some increases for critical FAA research activities such as weather and computer security, H.R. 1271 does not provide a blank check to

the FAA. The legislation contains language that restricts noncompetitive research grants and prohibits funding of lobbying activities.

Further, as chairman of the House Science Committee, I plan to work in a bipartisan fashion with the ranking member, the gentleman from California [Mr. BROWN], and other members of the committee to provide responsible FAA oversight that protects our Nation's investment in aviation research and development. I have also notified the FAA that the Committee on Science intends to take an active role this year in the development of the agency's overall strategic plan as required by the Results Act.

At this point, I insert into the RECORD an exchange of correspondence between the gentleman from Pennsylvania [Mr. SHUSTER] and myself relative to jurisdictional concerns that will be addressed in a few minutes by an amendment that the subcommittee chair, the gentlewoman from Maryland [Mrs. MORELLA] will propose.

The correspondence referred to follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 23, 1997.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR BUD: On April 16, 1997, the House Committee on Science marked up and reported out H.R. 1271, FAA Research, Engineering, and Development Authorization Act of 1997.

Traditionally, provisions in this bill have been incorporated into the FAA Authorization Acts when considered on the House Floor, indicating your substantive interest in the research components of the FAA.

Because of our Committee's desire to expeditiously consider H.R. 1271, it is my understanding that you will not object to its consideration by the House.

I acknowledge that H.R. 1271 in no way impacts the traditional jurisdictional lines under which the Committee on Science and the Committee on Transportation and Infrastructure have operated for years. Under the Rules of the House, the Science Committee only has jurisdiction over civil aviation research and development funded through the Research, Engineering, and Development account. The Committee on Transportation and Infrastructure has jurisdiction over FAA's other functions. Historically, the Transportation and Infrastructure Committee has had exclusive jurisdiction over the Facilities and Equipment account. H.R. 1271 is not intended to change that.

I appreciate your willingness to work with us to expedite the consideration of H.R. 1271. I look forward to continuing to work with you on these issues.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1997.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science,
Rayburn Building, Washington, DC.

DEAR JIM: Thank you for your letter of April 23, 1997 concerning H.R. 1271, the FAA Research, Engineering, and Development Act of 1997 which your Committee has reported out. This legislation authorizes funding for FAA's R&D programs for fiscal years 1998–2000.

As you correctly point out, the Transportation and Infrastructure Committee has traditionally taken a great deal of interest in the research components of FAA. This letter is to confirm that because of your willingness to accommodate our concerns about the bill and because of your desire to take the bill to the Floor expeditiously, I have no objections to its consideration. Also, I appreciate your acknowledgment that the bill in no way impacts the traditional jurisdictional lines under which our Committees have operated, especially with regard to the Transportation and Infrastructure Committee's exclusive jurisdiction over the Facilities and Equipment Account.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter.

With warm personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Mr. Chairman, I strongly urge my colleagues to support H.R. 1271, which continues to demonstrate our Nation's commitment to aviation research and development. H.R. 1271 will enable our country to continue to lead the world in developing and implementing new aviation technologies that make aviation more efficient while improving safety.

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

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

Mr. Chairman, I rise in support of H.R. 1271, the FAA Research, Engineering, and Development Act of 1997. H.R. 1271 is a product of a bipartisan process to strengthen the research and development activities of the FAA.

Chairman SENSENBRENNER and Subcommittee Chairman MORELLA and I are in complete agreement that the FAA's R&D programs will be the key to increasing the capacity and efficiency of the airspace system while ensuring its safety and security.

H.R. 1271 reverses the downward trend in the FAA's Research, Engineering and Development Account, which has declined by 20 percent in the last 2 years. The fiscal year 1998 funding levels are at the President's request in 6 of the 10 accounts. The remaining four accounts are funded at a higher level than the President's request. These funding increases also improve research in such areas as noise abatement and weather prediction, areas identified by outside advisory panels that need increased support.

Finally, I would like to thank Chairman MORELLA for her support of my proposal establishing a competitive research grants program for primarily undergraduate institutions. This program will support research relevant to FAA's technology needs and, perhaps more importantly, will help develop the technical expertise to address FAA's future technological requirements. I urge my colleagues to support H.R. 1271.

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

□ 1545

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I wish to engage in a colloquy with the chairman.

It is my understanding that because H.R. 1271 would authorize $672 million over the next 3 fiscal years for the Federal Aviation Administration's research, engineering and development programs, some of the functions of the FAA technical center in Pomona, NJ, are within that authorization.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman is correct. The FAA does conduct some of the research projects and activities authorized by this legislation at the technical center in New Jersey.

Mr. LOBIONDO. Mr. Chairman, as the gentleman may be aware, this facility, located in the congressional district which I represent, is the FAA's premier research and development center. Perhaps the gentleman is also aware that this facility has performed and is performing cutting-edge research and testing in the areas of advanced air traffic control and navigation technology, airport security, fire safety technology and runway safety and pavement durability systems.

Mr. Chairman, I should note for the RECORD that the Hughes Technical Center maintains and operates the only configuration managed lab in the world capable of testing new equipment and systems without disrupting or compromising the safety of air traffic. In other words, these labs allow the FAA to test all equipment and systems in an environment that is identical to the actual air traffic control facilities so we know how the equipment will work together and otherwise function with existing systems before it is fielded.

This work and capability is largely responsible for the unparalleled record of aviation safety in this country.

For purposes of clarification, Mr. Chairman, I ask the gentleman if there is anything in the bill to require consolidation of the functions and activities of the Hughes Technical Center

with any other Federal Aviation Administration facility?

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will continue to yield, H.R. 1271 does not include language to require the consolidation of any technical centers.

Mr. LoBIONDO. Mr. Chairman, I thank the chairman of the Committee on Science and the staff of the Subcommittee on Technology for the opportunity to clarify for the RECORD the impact of H.R. 1271 on the Hughes Technical Center.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. EWING] for purposes of a colloquy.

Mr. EWING. Mr. Chairman, I wish to engage in a colloquy with the esteemed chairman of the Committee on Science.

The Center of Excellence for Airport Pavement Research at the University of Illinois Champaign-Urbana is a unique partnership between the University of Illinois, the FAA and the aviation industry. The state-of-the-art pavement research that takes place at this center will create economical and reliable new pavement design to accommodate all aircraft, including heavier next generation aircraft. The improved materials and construction methods tested at this facility are of crucial importance to the future of the Nation's airport runways and facilities.

Mr. Chairman, it is my understanding that the airport technology account of H.R. 1271 is authorized at $5,458,000, more than double the fiscal year 1997 enacted level of $2,654,000. Is this a correct statement?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. EWING. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from Illinois is correct. H.R. 1271 fully funds the administration's request for the airport technology account at $5,468,000 for fiscal year 1998.

Mr. EWING. Mr. Chairman, would it also be correct to state that there is nothing in the airport technology section of the FAA Research, Engineering and Development Authorization Act of 1997 that would preclude the FAA from fully funding the Center of Excellence for Airport Pavement Research at the University of Illinois Urbana-Champaign?

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will continue to yield, again, the gentleman is correct.

Mr. EWING. Mr. Chairman, I thank the gentleman.

Mr. GORDON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman from Tennessee for yielding me the time.

I support the provisions of H.R. 1271, the FAA Research, Engineering, and Development Authorization Act of 1997. The gentlewoman from Maryland [Mrs. MORELLA], working with the ranking member, the gentleman from Tennessee [Mr. GORDON], has developed legislation which strengthens the RE&D activity of FAA.

H.R. 1271 takes steps to reverse the downward trend in FAA's research, engineering and development account, which has decreased 20 percent during the last 2 years. These increases will allow additional research in areas which have been identified as needing increased support by the National Research Council and other outside advisory bodies, including the research just referred to by the previous speaker.

Mr. Chairman, as a result of active bipartisan cooperation on this bill, the Committee on Science has developed a strong and effective piece of legislation, and I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA], chair of the Subcommittee on Technology.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me the time, the chairman of the Committee on Science.

First, I want to compliment the gentleman from Wisconsin [Mr. SENSENBRENNER] for the Committee on Science's remarkable accomplishment of reporting out all 10 of the civilian science authorizations in such a timely and fair manner. Of course our committee's ranking member, the gentleman from California [Mr. BROWN], deserves his share of credit for his cooperation in this endeavor.

As chair of the Subcommittee on Technology, I am certainly pleased to support H.R. 1271, the FAA Research, Engineering, and Development Act of 1997. It has been a pleasure working on this bill with the ranking member, the gentleman from Tennessee [Mr. GORDON]. It is indeed bipartisan legislation. It authorizes the FAA to conduct research, engineering, and development projects and activities over the next 3 fiscal years to improve the national aviation system by increasing efficiency and safety.

The Federal Aviation Administration has developed a national aviation system that universally is recognized as the safest and most technologically advanced system in the world. Each day the aviation system supports 1.5 million passengers. The agency's research, engineering, and development programs have produced many of the advances in aviation that have taken us from an era of vacuum tube radios and beacon lights to the satellite based communications, navigation, and surveillance systems of today.

H.R. 1271 recognizes the critical role RE&D programs play in the FAA's mission to provide safe and efficient air travel by authorizing $217 million in fiscal year 1998, $224 million in fiscal year 1999, and $231 million in fiscal year 2000 for the programs.

In fiscal year 1998, the legislation restores funding for the capacity and air traffic management account to the fiscal year 1997 enacted level primarily to safeguard sensitive computer and information system data from unauthorized disclosure. The weather account is authorized above the request to reflect recommendations by the FAA RE&D Advisory Committee and the National Academy of Sciences that the FAA assign a higher priority to weather research projects and activities.

The environment and energy account is authorized above the request to bolster research activities helping the FAA to meet its goal of reducing aircraft noise, 80 percent, by the year 2000. The innovative cooperative research account is authorized above the request to establish a new undergraduate research grants program. Finally the authorization fully funds the fiscal year 1998 budget request for both aircraft safety and security projects and activities.

Mr. Chairman, I am pleased to offer this legislation which demonstrates our continued strong commitment to aviation research and development. It was crafted in a bipartisan fashion, is cosponsored by the ranking member of the Subcommittee on Technology, the gentleman from Tennessee [Mr. GORDON], along with the gentleman from California [Mr. BROWN], the gentleman from Michigan [Mr. EHLERS], the gentleman from Virginia [Mr. DAVIS], and the gentlewoman from Texas [Ms. JACKSON-LEE].

I encourage all my colleagues to join me in supporting H.R. 1271. I want to offer my thanks also to the committee staff on both sides of the aisle working on this bill, particularly Jim Wilson on the minority staff and Michael Quear, and on the majority staff my wholehearted thanks to Richard Russell and to Jeff Grove.

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

As we bring this bill to a conclusion, let me just briefly say thanks to the chairman, the gentlewoman from Maryland [Mrs. MORELLA] for her sincere effort to bring this bill as well as other bills to the floor in a bipartisan manner with good cooperation. I concur with her accolades for the staff. Mike Quear particularly, with the minority, has done an excellent job for us.

And let me also say that the Committee on Science now, through no fault of its own, was the last committee to organize yet the first committee to present all of its authorizing bills to the floor with virtual unanimous support. If not unprecedented, it is at least very rare, and much congratulations should go to our chairman, the gentleman from Wisconsin

[Mr. SENSENBRENNER], for the really no nonsense bipartisan approach he has taken. It has translated down to the staff, to the subcommittee chairs and ranking members as well as the rest of the members. I am pleased to be a part of this team. I think it is good legislation for the country.

On a personal note, I get enough fighting during elections. I get enough squabbling here on other types of issues. I did not come to Washington, I did not run for Congress to squabble about a lot of petty issues. I came here to try to work together to get things done for this country. I think this committee, with the leadership of the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN] really has shown how that can work. I thank them for their cooperation. I look forward to continuing this partnership.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

I thank the gentleman from Tennessee for his good words. I think it shows that, when we confine our arguments to genuine disputes over policy, which are fairly narrow on the Committee on Science, rather than arguing over procedure or perceived or real unfairness, we can get a lot accomplished in a very short period of time. The fact that this is the 6th of the 10 authorization bills to come up, all of which have been relatively noncontroversial, I think is proof of that.

The other four bills are of shared jurisdiction with other committees, and the Committee on Science will be working with the chairs and the leadership of the other committees in order to eliminate the jurisdictional problems so that we can complete the job as expeditiously as possible.

Mr. SKAGGS. Mr. Chairman, I commend the chairman of the Science Committee, Mr. SENSENBRENNER, and its ranking member, Mr. BROWN of California, as well as the subcommittee chairman, Mrs. MORELLA, and its ranking member, Mr. GORDON, for working together to produce this important legislation. The committee has set a good example, not just on this bill but also on the other science authorization bills that it has recently reported.

One modest but crucial element of H.R. 1271 is the authorization for the Federal Aviation Administration's Aviation Weather Research Program. There are more than 500 weather-related aviation accidents in the United States each year, and billions of dollars are lost due to weather delays. Although we may never be able to get those figures down to zero, we know that the FAA's research efforts are playing a critical role in limiting such accidents and losses.

Weather-related research has indeed been instrumental in improving aviation safety and efficiency. This research is designed to protect airplane passengers and the rest of the aviation community against weather-related hazards such as thunderstorms, in-flight icing, turbulence, ceiling and visibility problems, and ground conditions that cause de-icing problems.

While the FAA conducts its weather research in close coordination with other agencies such as the National Oceanic and Atmospheric Administration [NOAA] and the National Weather Service, much of the work is done at federally funded research centers.

The National Center for Atmospheric Research [NCAR] in Boulder, CO, performs substantial research for the FAA. One such item of NCAR research allows researchers from NCAR and NOAA to fly research aircraft through high winds to study the kind of mountain-area turbulence that may have caused the tragic accident near Colorado Springs in 1991.

FAA funding of NCAR and other research centers has resulted in the development of the Terminal Doppler Weather Radar, which alerts air traffic controllers to dangerous wind shear and microbursts. TDWR is operating or scheduled for deployment at some 50 airports around the country. This is a technology that will reduce the loss of life and property. It is just one example of the value of FAA's funding of weather-related research.

The Aviation Weather Research Program authorized by H.R. 1271 is modest when measured by its cost, but it is extraordinarily valuable and cost-effective. Perhaps we should expand the program in the near future, but in the meantime I commend the Science Committee for recognizing the significance of the program in this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and, pursuant to the rule, each section is 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:

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 "FAA Research, Engineering, and Development Authorization Act of 1997".

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2)(J);

(2) by striking the period at the end of paragraph (3)(J) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(4) for fiscal year 1998, $217,406,000, including—

"(A) $75,550,000 for system development and infrastructure projects and activities;

"(B) $19,614,000 for capacity and air traffic management technology projects and activities;

"(C) $15,132,000 for communications, navigation, and surveillance projects and activities;

"(D) $9,982,000 for weather projects and activities;

"(E) $5,458,000 for airport technology projects and activities;

"(F) $26,625,000 for aircraft safety technology projects and activities;

"(G) $49,895,000 for system security technology projects and activities;

"(H) $10,737,000 for human factors and aviation medicine projects and activities;

"(I) $3,291,000 for environment and energy projects and activities; and

"(J) $1,122,000 for innovative/cooperative research projects and activities;

"(5) for fiscal year 1999, $224,000,000; and

"(6) for fiscal year 2000, $231,000,000.".

SEC. 3. BUDGET DESIGNATION FOR RESEARCH AND DEVELOPMENT ACTIVITIES.

Section 48102 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(g) DESIGNATION OF ACTIVITIES.—(1) The amounts appropriated under subsection (a) are for the support of all research and development activities carried out by the Federal Aviation Administration that fall within the categories of basic research, applied research, and development, including the design and development of prototypes, in accordance with the classifications of the Office of Management and Budget Circular A-11 (Budget Formulation/Submission Process).

"(2) The President's annual budget request for the Federal Aviation Administration shall include all research and development activities within a single budget category. All of the activities carried out by the Administration within the categories of basic research, applied research, and development, as classified by the Office of Management and Budget Circular A-11, shall be placed in this single budget category.".

SEC. 4. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c)(2)(B) of title 49, United States Code, is amended—

(1) by striking "and" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(v) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.".

SEC. 5. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) PROGRAM.—Section 48102 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(h) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—

"(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a program for awarding grants to researchers at primarily undergraduate institutions who involve undergraduate students in their research on subjects of relevance to the Federal

Aviation Administration. Grants may be awarded under this subsection for—

"(A) research projects to be carried out at primarily undergraduate institutions; or

"(B) research projects that combine research at primarily undergraduate institutions with other research supported by the Federal Aviation Administration.

"(2) NOTICE OF CRITERIA.—Within 6 months after the date of the enactment of the FAA Research, Engineering, and Development Authorization Act of 1997, the Administrator of the Federal Aviation Administration shall establish and publish in the Federal Register criteria for the submittal of proposals for a grant under this subsection, and for the awarding of such grants.

"(3) PRINCIPAL CRITERIA.—The principal criteria for the awarding of grants under this subsection shall be—

"(A) the relevance of the proposed research to technical research needs identified by the Federal Aviation Administration;

"(B) the scientific and technical merit of the proposed research; and

"(C) the potential for participation by undergraduate students in the proposed research.

"(4) COMPETITIVE, MERIT-BASED EVALUATION.—Grants shall be awarded under this subsection on the basis of evaluation of proposals through a competitive, merit-based process.".

"(b) AUTHORIZATION OF APPROPRIATIONS.—Section 48102(a) of title 49, United States Code, as amended by this Act, is further amended—

"(1) by inserting ", of which $500,000 shall be for carrying out the grant program established under subsection (h)" after "projects and activities" in paragraph (4)(J);

"(2) by inserting ", of which $500,000 shall be for carrying out the grant program established under subsection (h)" after "$224,000,000" in paragraph (5); and

(3) by inserting ", of which $500,000 shall be for carrying out the grant program established under subsection (h)" after "$231,000,000" in paragraph (6).

SEC. 6. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by the amendments made by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Administrator of the Federal Aviation Administration for fiscal years 1998, 1999, and 2000 for the Federal Aviation Administration Research, Engineering, and Development account, unless such sums are specifically authorized to be appropriated by the amendments made by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall exclude from consideration for grant agreements made by that Administration after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 7. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide notice to the Committees on Science, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Federal Aviation Administration for which funds are authorized by this Act.

SEC. 8. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Federal Aviation Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Federal Aviation Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Federal Aviation Administration is unable to correct in time.

SEC. 9. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to the amendments made by this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under the amendments made by this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under the amendments made by this Act, the Administrator of the Federal Aviation Administration shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MORELLA: Page 8, line 4, before "after" insert "from the Research, Engineering, and Development account".

Mrs. MORELLA. Mr. Chairman, my amendment simply clarifies that the limitations in section 6 apply only to grants funded through the research, engineering and development account.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, I am pleased to support the amendment on behalf of the committee leadership. Let me say that this amendment was for the sole purpose of alleviating the concerns of the Committee on Transportation and Infrastructure that our legislation does not infringe upon their jurisdiction whatsoever.

Mr. GORDON. Mr. Chairman, I move to strike the last word. Let me just quickly concur that the minority has been consulted on this amendment, and we also concur with its passage.

□ 1600

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. MORELLA].

The amendment was agreed to:

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 5, line 11, after "institutions" insert ", including primarily undergraduate Historically Black Colleges and Universities and Hispanic Serving Institutions,".

Ms. JACKSON-LEE of Texas. Mr. Chairman, I too would like to add my appreciation, first of all, to the chairman of the Committee on Science and the ranking member for their cooperative spirit throughout the time of both our hearings and markup sessions.

Let me acknowledge as well the chairperson of this subcommittee, the gentlewoman from Maryland, Mrs. MORELLA, and the ranking member, the gentleman from Tennessee, BART GORDON, for cooperating with me on this amendment and assisting my staff.

Mr. Chairman, I want to also thank the staff members as well.

I invite my colleagues to join with me in encouraging research by undergraduate students at our Nation's historic black colleges and universities and Hispanic serving institutions. As many may know, the majority of our HBCU's and Hispanic serving institutions are primarily undergraduate institutions.

First of all, this legislation is good legislation and I applaud the work of the committee. Particularly in light of Pan Am 103, the ValuJet crash in Florida, and TWA 800, safety issues and research issues regarding flight safety for our consumers are extremely important. This is a good bill.

This amendment, however, affects section 5 of the bill dealing with research grants involving undergraduate students by simply including the words "Historically Black Colleges and Universities and Hispanic Serving Institutions" after undergraduate institutions. Section 5 targets researchers at primarily undergraduate institutions, which most of our institutions are.

I must add that I am pleased to note that under this subsection grants are awarded based on the evaluation of proposals through a competitive merit-based process. The ranking member, the gentleman from Tennessee, Mr. BART GORDON, was successful in including this overall undergraduate section in the bill, and this is a good section.

This bill authorizes a total of $672 million over 3 years, through fiscal year 2000, for the FAA's research, engineering, and development program; $217 million for fiscal year 1998, $224 million for fiscal year 1999, and $213 million for fiscal year 2000. Section 5 of the bill authorizes $500,000 for overall undergraduate student research grants.

Let me emphasize that this particular amendment, by the CBO estimates alone, does not add any cost to this legislation at all.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I appreciate the gentlewoman's interest in this issue and commend her for offering this amendment.

Although the language in H.R. 1271 in no way restricts the FAA's ability to award research grants to historically black colleges and universities and Hispanic serving institutions, we will accept her amendment to clarify that point that the FAA has the authority to make such grants, and I support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the chairperson very much.

Might I just, as I conclude, and before I offer some time to the ranking member, say that according to the President's Board of Advisers on Historically Black Colleges and Universities our minority universities are often an untapped resource for research, technological, and analytical competence. Although many HBCU's are underfunded in laboratory equipment, HBCU's and Hispanic serving institutions have an overwhelming success rate in producing the Nation's top minority mathematicians, scientists, and physicians.

And let me simply say that when we are called by name, we will most likely respond. This amendment does that. It does clarify and allows for minority universities to recognize their involvement in this important area. It also will help, I hope, to increase the numbers of applications and, therefore, grants so that we can be, of course, in the loop.

This is a good amendment because it is inclusive and it states to our population that we want all people involved in this very important research.

Mr. Chairman, I rise in order to amend H.R. 1271—the Federal Aviation Administration Research and Engineering, and Development programs for fiscal years 1988 through 2000.

I invite my colleagues to join with me in encouraging research by undergraduate students at our Nation's historically black colleges and universities and Hispanic serving institutions. As many may know, the majority of our HBCU's and Hispanic serving institutions are primarily undergraduate institutions.

This amendment to H.R. 1271, affects section 5 of the bill; research grants program involving undergraduate students, by simply including the words "historically black colleges and universities and Hispanic serving institutions" after the "undergraduate institutions" language of the bill.

Section 5 targets researchers at primarily undergraduate institutions that involve undergraduate students in their research on subjects of relevance to the Federal Aviation Administration.

I must add that I am pleased to note that under this subsection, grants are awarded based on the evaluation of proposals through a competitive, merit based process. My good colleague, BART GORDON of Tennessee, was successful in including this overall undergraduate section in the bill.

This bill, authorizes a total of $672 million over 3 years, through fiscal year 2000, for the FAA's research, engineering, and development program; $217 million for fiscal year 1998, $224 for fiscal year 1999, and $213 million for fiscal year 2000. Section 5 of the bill authorizes $500,000 for the overall undergraduate student research grants.

There is no doubt that there is an overwhelming need for research dollars to be awarded to historically black colleges and universities, as well as Hispanic serving institutions. For the FAA, the numbers speak for themselves.

In 1996, the Federal Aviation Administration awarded a total of $15 million to institutions of higher education for research and development activities. Of that total $15 million amount for 1996, only $120,000 was awarded to historically black colleges and universities, and $130,000 was awarded to Hispanic serving institutions. That is less than 1 percent.

For fiscal year 1997, of the $10 million awarded to institutions of higher education, the overall amount awarded to minority institutions doubled, but where no less impressive. Of the $10 million, $260,000 was awarded to HBCU's and $200,000 was awarded to Hispanic serving institutions. This is a sad and telling story on the state of research and development within our minority universities and colleges.

This is why this amendment is necessary. It is a good first step in reaching out to minority institutions that can and must compete in the research and development arena.

My amendment serves to unquestionably reflect that undergraduate students at minority institutions should aggressively compete for grant awards within the FAA. This amendment seeks to promote minority university awareness of research opportunities.

According to the President's board of advisors on historically black colleges and universities, our minority universities are often an untapped resource for research, technological, and analytical competence. Although many HBCU's are underfunded in laboratory equipment, HBCU's have an overwhelming success rate in producing the Nation's top black mathematicians, scientists, and physicians.

Mr. Chairman, when you are called by name, you are more likely to respond. This amendment does just that. It calls minority universities by name in an effort to highlight and bring to the attention of the FAA the fact that HBCU's and Hispanic serving institutions are alive and well and should be included in the research efforts of the FAA. It aids our minority institutions and others in understanding that minority universities and undergraduate students should effectively compete for research opportunities with the Federal Government.

Hispanic serving institutions are colleges and universities that educate mostly Hispanic students. I am proud to announce that my new district, the 18th Congressional District, includes a good portion of the heights in Houston, TX. In the heights are people of all racial and ethic backgrounds including Hispanics. Many of the residents of the heights attend both HBCU's and Hispanic serving institutions as well as majority colleges and universities. I am proud to be a representative of each.

Mr. Chairman, while some may correctly state and understand that the classification of undergraduate students should include historically black colleges and universities as well as Hispanic serving institutions, it is important to note that there are some in our country who do not appreciate this view. Consequently, our minority universities are often overlooked or forgotten.

My amendment allows undergraduate students at HBCU's and Hispanic serving institutions to definitively know that they too can participate in research that benefits the FAA and compete for research and development dollars that will help build a better America.

For these reasons, I ask that my colleagues support my amendment to H.R. 1271.

Mr. GORDON. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, I rise in support of the gentlewoman's amendment and offer my compliments for her bringing this amendment, her diligent efforts to bring this before us, and again point out that, again by CBO's scoring, this will add no cost to the Federal budget.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much.

Mr. HINOJOSA. Mr. Chairman, I move to strike the last word, and I rise

in support of the gentlewoman's amendment to the H.R. 1271, the FAA Research, Engineering, and Development Authorization Act of 1997.

This amendment serves to highlight Hispanic serving and minority institutions' participation in the undergraduate FAA research grants program established by the bill.

There is no doubt that an overwhelming need exists for more research dollars to be awarded to these institutions. In 1996 they received less than 1 percent of available funds. That is simply not satisfactory. I encourage all my colleagues to today address and rectify this problem and to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GOSS) having assumed the chair, Mr. STEARNS, 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. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes, pursuant to House Resolution 125, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. GOSS). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. 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. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 8 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GILLMOR] at 5 p.m.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, April 29, 1997 to file a privileged report on a bill making emergency supplemental appropriations for recovery from natural disasters and for overseas peacekeeping efforts for the fiscal year ending September 30, 1997, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXI, all points of order are reserved on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, and then on passage of the bill, H.R. 1271, the FAA Research, Engineering, and Development Authorization Act of 1997.

Votes will be taken in the following order:

H.R. 1342, by the yeas and nays;

H.R. 680, by the yeas and nays;

H.R. 363 by the yeas and nays;

H.R. 1271, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

EXPIRING CONSERVATION RESERVE PROGRAM CONTRACTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1342, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 1342, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 325, nays 92, answered "present" 1, not voting 15, as follows:

[Roll No. 92]

YEAS—325

Abercrombie
Ackerman
Aderholt
Allen
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Luther
Manton
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Molinari
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts

Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—92

Archer
Barrett (WI)
Becerra
Bonior
Boucher
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clement
Conyers
Coyne
Davis (IL)
Davis (VA)
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dixon
Dooley
Eshoo
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Gejdenson
Gephardt
Gordon
Hall (OH)
Harman
Hinchey
Jackson (IL)
Johnson, Sam
Kaptur
Kennedy (MA)
Kennelly
Kilpatrick
Kind (WI)
Kucinich
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
Meehan
Millender-McDonald
Miller (CA)
Moakley
Moran (VA)
Nadler
Neal
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rivers
Roybal-Allard
Sanchez
Sanders
Schumer
Serrano
Sherman
Skeen
Stabenow
Stark
Strickland
Taylor (MS)
Thurman
Tierney
Torres
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weygand

ANSWERED "PRESENT"—1

Ensign

NOT VOTING—15

Andrews
Berman
Capps
Engel
Gallegly
Green
Hefner
Herger
Hoekstra
Lantos
Matsui
McKinney
Mollohan
Schiff
Yates

□ 1727

Messrs. DeLAY, TAYLOR of Mississippi, FORD, SCHUMER, McDERMOTT, BARRETT of Wisconsin, WAXMAN, WATT of North Carolina, Ms. VELÁZQUEZ, Mr. BROWN of Ohio, Ms. ESHOO, Mr. LEVIN, Ms. PELOSI, Mr. STRICKLAND, and Ms. RIVERS changed their vote from "yea" to "nay."

Messrs. JEFFERSON, HOYER, SCARBOROUGH, and DAVIS of Florida changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 695

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 695.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motions to suspend the rules on which the Chair has postponed further proceedings.

AUTHORIZING TRANSFER TO STATES OF SURPLUS PERSONAL PROPERTY FOR DONATION TO NONPROFIT PROVIDERS OF NECESSARIES TO IMPOVERISHED FAMILIES AND INDIVIDUALS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 680 as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 680, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 418, nays 0, not voting 15, as follows:

[Roll No. 93]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus

Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Andrews
Berman
Capps
Engel
Ensign
Green
Hefner
Herger
Hoekstra
Lantos
Matsui
McKinney
Mollohan
Schiff
Yates

□ 1738

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.".

A motion to reconsider was laid on the table.

EXTENDING THE ELECTRIC AND MAGNETIC FIELDS RESEARCH PROGRAM

The SPEAKER pro tempore (Mr. GILLMOR). The pending business is the question of suspending the rules and passing the bill, H.R. 363, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 363, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 35, not voting 11, as follows:

[Roll No. 94]

YEAS—387

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—35

Blunt
Cannon
Coble
Collins
Cox
Duncan
Ehlers
Ensign
Foley
Hefley
Hulshof
Johnson (WI)
Johnson, Sam
Jones
Kingston
Linder
Manzullo
Neumann
Norwood
Pappas
Paul
Rohrabacher
Royce
Salmon
Sanford
Scarborough
Schaffer, Bob
Shadegg
Snowbarger
Solomon
Souder
Stump
Talent
Tiahrt
Watts (OK)

NOT VOTING—11

Andrews
Engel
Green
Hefner
Herger
Hoekstra
Lantos
Matsui
Mollohan
Schiff
Yates

□ 1747

Messrs. SCARBOROUGH, FOLEY, DUNCAN, and JONES changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore (Mr. GILLMOR). The pending business is the question of the passage of the bill, H.R. 1271, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 7, not voting 12, as follows:

[Roll No. 95]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker

Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
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
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
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
Young (AK)
Young (FL)

NAYS—7

Blunt
Hulshof
Neumann
Paul
Royce
Sanford
Schaffer, Bob

NOT VOTING—12

Andrews
Engel
Green
Hefner
Herger
Hoekstra
Lantos
Matsui
Mollohan
Schiff
Spratt
Yates

□ 1758

Mr. ROYCE changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1031, the American Community Renewal Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services may file a supplemental report, Part II, to the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, Report No. 105–76.

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

There was no objection.

□ 1800

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 680.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PASS PRODUCT LIABILITY REFORM

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mrs. NORTHUP. Mr. Speaker, a couple of weeks ago, a number of female trial lawyers approached Members of Congress to press the message that product liability reform is bad for women

As the House Committee on Commerce begins to hold hearings on product liability reform tomorrow, I want to enter into the RECORD information and documents that show not only is that message false, but it is being organized by the Association of Trial Lawyers of America, a group that strongly opposes even modest product liability reform.

In fact, Mr. Speaker, there is no group that is more harmed by the current product liability laws than women. This is true for two reasons. First of all, in terms of health, the fear of lawsuits has halted research and kept products off the market that would give many women better opportunities and remedies, things like contraceptives, breast reconstruction, and other products that are badly needed for women's health.

Second, the majority of newly created small businesses today, for the first time, are women owned. There is no group that is more impacted by product liability than small business owners. So this system is a threat to women who are beginning small businesses.

Mr. Speaker, I hope for these reasons that we will soon be able to consider and pass product liability reform.

HOW PRODUCT LIABILITY REFORM HELPS WOMEN

Federal product liability reform legislation includes modest reforms on key issues

of product liability. These reforms will help to solve some of the problems inherent in our current liability system. The reforms apply across the board and do not impact any one group—especially women. Women will benefit in many ways from the enactment of these fair and well-reasoned reforms.

FEDERAL PRODUCT LIABILITY REFORM WILL REDUCE GENDER BIAS IN RESEARCH AND PRODUCT INNOVATION

Women in America have been deprived of a drug (Bendectin) approved everywhere in the world to prevent morning sickness because of a liability system out of control.

Contraceptive research is often put on hold due to liability concerns. The Committee for Contraceptive Development, jointly staffed and administered by the National Research Council and the Institute of Medicine, notes that only one major U.S. pharmaceutical company still invests in contraceptive research due to liability concerns. The Committee cited a hostile legal climate as the reason contraceptive manufacturers are abandoning this market.

Reports published in the New England Journal of Medicine (July 22, 1993) concluded that manufacturers' liability concerns are contributing to the exclusion of women from clinical studies.

Phyllis Greenberger, Executive Director of the Society for the Advancement of Women's Health Research, testified before the Senate Commerce Committee in the 104th Congress that "liability concerns are stifling research and development of products for women."

PRODUCT LIABILITY REFORM WILL HELP WOMEN IN BUSINESS

Women-owned businesses increased by almost 58 percent from 1982–1987 and currently account for 30 percent of all U.S. firms. The U.S. Small Business Administration predicts that women will own 40 percent of all small businesses by the year 2000.

Small businesswomen will run up against the same insurance and liability pressures that face all small businesses. Federal product liability reform legislation will help ease those barriers to commerce and competition.

In Senate Commerce Committee testimony, Schutt Sporting Group CEO Julie Nimmons—one of two remaining U.S. manufacturers of football helmets—stated: "our employees hold their breath every time a case goes to the jury, because a runaway award could mean the end of our company."

In House testimony, Livernois Engineering Co. President Norma Wallis stated that her company and the entire U.S. machine tool industry as a whole "is made less competitive by the product liability system."

VICTIMS OF DES WILL BE HELPED, NOT HURT BY FEDERAL PRODUCT LIABILITY REFORM

In over 20 years of litigation, punitive damages have never been awarded in a DES case. In fact, because DES manufacturers have not been shown to have acted in conscious or flagrant disregard of public safety, no judge has even put the question of punitive damages before a jury in a DES case. Consequently, the punitive damages reforms will not have an adverse effect on DES plaintiffs.

On the other hand, DES victims who discovered their injuries after expiration of their state's statute of limitation would have court house doors opened to them. Under the proposed federal legislation, a woman would have up to two years to file a lawsuit after she discovers or should have discovered both the injury and its cause. Because many effects of pharmaceuticals used by women may not be readily apparent, this provision is especially important in preserving the rights of women to recovery for injuries.

THE PROPOSED BILL DOES NOT DISCRIMINATE AGAINST WOMEN

Federal product liability reform legislation follows a provision of California law on the topic of joint liability. The provision was voted into California law by over 60 percent of those voting in 1986. It has been argued by opponents that the provision is "anti-women" because their economic damages may be lower than men and, for that reason, they depend on noneconomic or so-called "pain and suffering" damages. However, there has been absolutely no showing in California, a large and litigious state, that the California approach discriminates against any sex or any group. In fact, noted California trial attorney Suzelle Smith has testified that the California law is fair and has worked well for consumers. The California Supreme Court has upheld the California law on equal protection grounds under the California and the United States Constitutions. Nebraska enacted the same reform in 1991 after carefully studying various joint liability reform alternatives.

Several states have enacted limits on punitive damages and those laws have never been challenged by women's groups because they do not discriminate. The proportionality requirement in the proposed federal legislation is similarly gender-neutral.

Phyllis Greenberger, Executive Director of the Society for the Advancement of Women's Health Research, testified before the Senate Commerce Committee in the 104th Congress that U.S. companies are shying away from the contraceptive market because of the unpredictable nature of litigation combined with the enormous cost and limited availability of liability insurance.

INCREASE FUNDING FOR PELL GRANTS

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. McGOVERN. Mr. Speaker, I rise today to applaud the 12 national organizations who recently wrote this Congress endorsing H.R. 744, a bill I introduced in February to increase Federal funding and eligibility for Pell grants.

The McGovern bill increases the maximum Pell grant from its present level of $2,700 to $5,000, which brings the award to the level in which it was created adjusted for inflation. My bill permits more students from modest income families to access higher education and allows more middle-income families with multiple children in college to qualify for financial aid.

□ 1415

I would also like to commend over 40 of my House colleagues from both sides of the aisle who have signed on as cosponsors of H.R. 744. As the drive to pass this bill continues to gain momentum, I am confident that many more of my colleagues will join the effort to make college more affordable for working families across this Nation. In today's competitive global economy, education is the key to America's success. My bill will help lead the way toward a stronger economy and a brighter future for our children. Let us pass it today.

I include for the RECORD a letter signed by more than 12 major national organizations urging passage of the McGovern-Pell-Grant bill.

APRIL *21, 1997.*

DEAR REPRESENTATIVE: We write to express our strong support for HR 744, The Affordable Higher Education Through Pell Grants Act. By restoring much of the value of Pell grants, HR 744's passage and funding offers this Congress its best opportunity to narrow the college participation gap between low-income students and students from affluent families. This gap threatens not just the well-being of the individual students who, due to high cost, will be denied access to higher education and the opportunities that it offers; it also jeopardizes our collective future as a democracy that promotes upward mobility through education and effort.

The gap in college participation rates between the poor and the well-off is growing. Between 1980 and 1993 the gap in the college-going rate of students in the lowest income quartile and of students in the three higher income quartiles grew by 12 percent. Thus, 18 and 19 year olds from families with incomes in the top income quartile are now three times as likely to be enrolled in college as those in the bottom quartile. Similar gaps can be found in graduation rates. While nearly 48% of the young adults raised in families in the highest socio-economic quartile obtain BA's, only 7% of those from families in the lowest socio-economic quartile do.

A major cause of the growth in the gap is the soaring cost of higher education coupled with the deteriorating value of the primary form of assistance to low-income students—Pell grants.

Between 1980 and 1994 the cost of tuition, room and board at public postsecondary institutions jumped by 44%. Over approximately the same period, Pell grants lost about 50% of their purchasing power. In FY 1979 the maximum Pell grant covered 77.4% of the average cost of a public university; by FY 1997 the maximum Pell grant covered only 33.2% of those costs.

The unchecked growth of the college participation gap will lock hundreds of thousands of students out of college and into limited lives at the margins of our society. And it will cost our nation dearly. Individuals with only a high school diploma earn only half what college graduates earn, are three times more likely to be unemployed, and are five times more likely to live in poverty than are college graduates. Unless narrowed, the growing gap will make college access a destructive wedge, further dividing income groups, rather than the bridge to greater prosperity and productivity that it has been for so many Americans.

Passage of HR 744 alone is not enough to close the college participation gap, but it will certainly narrow it. Carefully constructed progressive tax policies in addition to HR 744 could narrow the gap even more. However, passage of HR 744 must be the first priority of those who wish to increase access to higher education and narrow the college participation gap.

HR 744 is a modest, common sense step toward closing the gap. We urge you to cosponsor this legislation and to work actively for its passage.

Sincerely,

The American Jewish Committee, The Center for Law and Education, The

Education Trust, The Mexican American Legal Defense and Education Fund, The NAACP, The National Association of Social Workers, The National Council of Educational Opportunity Associations (NCEOA), The National Council of Jewish Women, The National Council of La Raza, The National Puerto Rican Coalition, Inc., The Rainbow/Push Coalition, The US Student Association.

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.

MEDICARE TRUSTEES' REPORT

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, last week four Cabinet-level members of the Clinton administration and the rest of the Medicare trustees released their annual report on the future of the Medicare Program, something of great interest to a great many Americans, and unfortunately the forecast is very bleak. The condition of the part A trust fund has gone from serious to critical, with only a few years left before flatlining altogether in this very important entitlement program. It is time for the White House to get its act together.

Mr. Speaker, 2 years ago, for the first time in the history of the program, the trust fund paid out more in expenses than it received in revenues. That was a pretty good indicator something was wrong. Last year the program lost $25 million a day every day and $9 billion over the course of the year, another indicator something might be wrong. This year that figure will climb to at least $40 million a day lost and almost $14.5 billion for the whole year. We are on the fast track to bankruptcy, with only a small window of opportunity to avoid a serious disaster in Medicare part A which so many Americans depend on.

While this projection is undisputed, the call to action from the White House has not been forthcoming. Yes, the President has moved toward us in terms of raw numbers, but he has avoided making the tough choices necessary to truly reform and improve Medicare. In fact, the President's prescription involves no heavy lifting at all. It just ambushes the American taxpayer down the road with higher taxes. Where have we heard that before? By switching the home health portion of Medicare to Part B without a corresponding increase in the premium to pay for it, this administration has signaled that its intention is not to save the program but, rather, to continue to play politics with the numbers and raise taxes.

But there is good news, and that is why I am here. The good news is that we can save Medicare as this Congress has done recently. But it is not going to happen with accounting gimmicks, misguided customer providers, or vetoes from the White House. Instead we should take a hard look at what is driving the soaring costs and address them head on.

We need medical malpractice reform to assure that our precious resources are not being wasted on defensive medicine. A Stanford study found that States that have passed some kind of tort reform, like my home State of Florida, have seen incredible savings in even the most complicated medical areas. The study confirms what many of us already knew, excessive litigation serves the trial lawyers primarily, not our senior citizens.

We can and must increase the number of options available in the Medicare Program. Every senior should have choices to go beyond the fee for service or an HMO, options that include things like provider-sponsored networks and medical savings accounts. Individual choice should be the hallmark of any reform plan.

Of course, we should always keep our eye on the fraud and abuse that still plagues our system, regrettably. In the last Congress we instituted tougher penalties for those who cheat the system, and we should pursue identified ways to do more of that. Representative QUINN's legislation to establish an inspector general for the program I think is a fine first step. I hope that we will continue to deter and punish those who drain our Medicare resources by cheating.

Mr. Speaker, the campaign is over. The demagoguery, the distortions, the cynical misdirections might have served a political purpose in the last Presidential campaign, but they did not do anything to save the Medicare trust fund. The effect dramatically of it in this year's report has been to exacerbate the problem. As the trustees note, and again there are Cabinet members among them, "it is misleading to think that any part of the program can be exempt from change." We have to fix it.

It is time we heed the trustees' warnings. It is time for structural reform that saves Medicare not merely until the next election, but well into the next century because a great many Americans are counting on it.

Mr. Speaker, I served on the Kerrey commission. We talked about the entitlement, the well-being of the entitlement programs in our country, and we discovered that we were on unsustainable trendlines, and this is just the first of others that are going to follow unless we have reform of our entitlement programs.

I am proud that Congress did its job. We passed the strength of the Medicare Act bill in the last Congress. The Senate passed it. President Clinton vetoed it. Since that veto we have lost almost $20 billion in revenues in trust fund part A. This adds up to real money, but more important, it adds up to real anxiety for our senior citizens.

It is time we heard from the White House on this program. The Cabinet members have spoken, the committee has spoken, Congress has spoken. Will the President speak?

EXPRESSING PROFOUND GRATITUDE OF THE PEOPLE OF NORTH DAKOTA FOR OUTPOURING OF SUPPORT FROM THE COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. POMEROY] is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, as North Dakota's sole Member of this body, I rise on behalf of the people of North Dakota to express the profound gratitude that we feel toward the outpouring of support demonstrated in this Chamber and across the country as North Dakotans deal with the unprecedented disasters that have afflicted our State, most particularly the city of Grand Forks.

The city of Grand Forks, a city of 50,000, has established a benchmark in terms of flooding disasters for a community of this size. Never before have we seen a city of 50,000 so completely inundated, so completely devastated by a flooding river. The river in this case, the Red River of the North, which flows normally at 16 feet, maybe 15 feet on a summer afternoon, flood stage: 28 feet; the flooding waters of 54 feet in depth ultimately reached the dikes and inundated this city. It was the flood of record. They are now saying a flood of 1,000-year-event dimensions.

As if the resulting inundation citywide was not bad enough, fire broke out in the downtown business district, and as so many watched in the television footage of the event, a fire department who normally has water as its best ally in fighting flames was rendered powerless by the fact that they could not even get at the hydrants because they were literally under the flooding Red River water that was coursing through the streets of the town.

Now as we deal with the aftermath of this unprecedented disaster, we have seen an outpouring of support from across this country that has truly touched us and gives us a great deal of assistance and moral support as well as financial support in moving forward to pick up the pieces and rebuild this community.

Examples that have occurred just in my own experience include a 7-year-old boy, who in his car noted that he was

2 years old when Hurricane Andrew devastated their family's home, brought by a box of food supplies for me to take to the people of Grand Forks. The shoe shop located in the base of the Longworth House Office Building has devoted 10 percent of its proceeds for 2 weeks on shoe repair to assisting the people of Grand Forks. Phil Jackson, famous coach of the Chicago Bulls basketball team; I am proud to say North Dakota native, graduate of the University of North Dakota, and he was a star for the Fighting Sioux basketball team, has agreed to cut a public service announcement which will inform people across the country of how they might help the people of Grand Forks recover from this disaster.

Now, Mr. Speaker, at a time when the outpouring across the country has been so significant, I also want to let my colleagues know about the outpouring that has occurred across both parties within this Chamber at a time when people, I think, are very cynical in terms of whether we have a political system that can quit its partisan bickering long enough to respond to problems. We have seen exactly that occur within the past week.

Five days after the dikes were breached, the President of the United States was there to encourage and comfort the flood victims with promises of additional assistance. Six days later the White House brings up to the Hill a supplemental assistance package. Six days after the dikes breached, Chairman BOB LIVINGSTON, the majority chairman of the Committee on Appropriations, had additional assistance inserted into the disaster supplemental bill being considered by the appropriations body. Not enough, not configured exactly how we want, but, as he indicated, more needs to be done, this is a work in process, the first crack we had in Congress to help the people of Grand Forks. Thanks to the gentleman from Louisiana [Mr. LIVINGSTON] they were assisted in action by his committee.

A day later, the Speaker devoted a Friday evening that otherwise had been scheduled for familytime to come to North Dakota to see the devastation. I was very pleased to travel along with Speaker GINGRICH, as well as the gentleman from South Dakota [Mr. THUNE], the gentleman from Minnesota [Mr. GUTKNECHT], and the gentleman from Minnesota [Mr. RAMSTAD], to visit with the people of Grand Forks and East Grand Forks and see the extent of the devastation. I am extraordinarily grateful to the Speaker and know that his presence in our area meant an awful lot to people as they deal with the unpleasant dimension of pumping out basements, assessing whether homes can be saved, and trying to pick up the pieces of their businesses.

On Monday, just 2 days later, majority leader DICK ARMEY also came to North Dakota, bringing with him a number of our colleagues including the gentleman from California [Mr. ROGAN], the gentleman from California [Mr. KIM], the gentleman from New York [Mr. LAZIO], the gentleman from Indiana [Mr. SOUDER], the gentlewoman from Kentucky [Mrs. NORTHUP], and the gentleman from Minnesota [Mr. Sabo].

□ 1815

Again, both political parties, heavy representation from the majority leaders of this body, as well as the majority Members of this body, coming to our area to extend their concern and see how they could help.

The people of North Dakota will never forget the conscientious extending of the hand of help and concern that occurred this week, and I am very proud to serve in this Chamber with the Members of both political parties that have shown how deeply they care and how much they want to help.

RENAMING THE DUBLIN, GEORGIA FEDERAL COURTHOUSE IN HONOR OF FORMER U.S. REPRESENTATIVE ROY ROWLAND

The SPEAKER pro tempore (Mr. ROGERS). Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker and fellow Members of the House, we find ourselves today in a period of great debate as to what constitutes bipartisanship. I believe now that true bipartisanship is honorable compromise for the good of the country.

If we search for real-life models of honorable compromise, we can find no better example than the former Democratic Member from my home State of Georgia that I have brought back to the floor of the people's House for this occasion.

Congressman Roy Rowland of Dublin, GA, began a lifetime of public service long before coming to the House of Representatives. Roy Rowland spent his youth developing a keen sense of duty and honor as an Eagle Scout.

Fresh out of high school, Roy entered the U.S. Army to fight in World War II as a sergeant in command of a machine-gun crew in the European theater. He was a member of United States Forces that liberated German concentration camps, where he learned firsthand the horrifying final results of intolerance.

Roy left the Army at the end of the war with a Bronze Star for service in combat and returned to educational pursuits. He graduated from the Medical College of Georgia in 1952 and continued what was to become a lifetime of public service by providing health care to the people of Dublin, GA, as a family practice physician.

Roy not only provided health care to Georgia families, he served them in the State legislature from 1976 until 1982. And in 1983, Roy's dedication to serving his country brought him to the U.S. House of Representatives. In his freshman year, Congressman Rowland introduced and succeeded in passing legislation that stopped the illegal use of quaaludes through fraudulent prescription sales.

In the early 1980's, the abuse of quaaludes had reached epidemic proportions, and the drug was fast on its way to becoming the illegal drug of choice on the streets. Today that problem is history because of the work of Roy Rowland. Congressman Rowland's efforts were not Republican or Democratic in nature. They addressed a pressing concern for all Americans and garnered true bipartisan support.

When debate over the AIDS crisis was still locked in a state of misinformation and confusion and fragmentation, Roy Rowland stepped forward in this House with his experience as a medical professional to provide the leadership this body needed to move ahead.

Congressman Rowland introduced and passed into law legislation that created the National Commission on AIDS, which provided America with the plain scientific facts so necessary to establish sound public health policy to combat this killer disease.

When the battle over health care reform was at its peak in the 103d Congress, Roy Rowland once again led the way in finding solutions to America's problems that were outside the realm of partisanship. He succeeded in drafting health care reform legislation through a group of five Republicans and five Democrats that provided coverage for 92 percent of the American public.

The Rowland bill did not pass during that time of heated debate and multiple proposals, but the blueprint that Roy left us is one that should be carefully examined when we face contentious issues in the future.

In his 12 years of service here in the House, Roy set a standard for standing firm on conviction without resorting to partisan attacks. He fought like a tiger on the floor but never had an enemy on either side of the aisle. In his reelection campaigns, he was frequently personally attacked but never, never responded in kind.

Today I am introducing legislation that will honor and preserve the legacy of service that Doctor and Congressman Roy Rowland has left for us to follow. This bill would redesignate the Dublin Federal Courthouse in Dublin, GA, as the J. Roy Rowland Federal Courthouse in order that the example Roy Rowland set through a lifetime of service should not be forgotten.

In the spirit of true bipartisanship that our former colleague exemplified, I ask for support for this legislation.

WOMEN, INFANTS, AND CHILDREN PROGRAM SHOULD NOT BE CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as I have been moving around in the last few days and I have looked to see that the Sun was shining, I was under the impression that we were embarking upon a new season, the beginning of spring, and that we would see fresh ideas, that we would see coming to life new feelings of inclusiveness. But then I had a rude awakening.

I was awakened when the House Committee on Appropriations voted to cut the WIC Program, a program that is designed to benefit women, infants, and children; a program that is designed to provide nutrition, nutritional aid, to women, infants, and children; individuals who in many instances are disadvantaged, in many instances do not have the basic resources to meet the food requirements to grow up healthy, to have a healthy body, to have a healthy mind.

Oftentimes they do not have the resources that will put them on an even playing field with all the other members of our society, and it is hard for me to imagine how one could cut or how a group could cut something as important, something as basic, something that is so greatly needed as a program to provide food for individuals in need.

I would hope that as spring continues to emerge, that there might be a rebirth of ideas and there might be another way of looking at things; there might be another way of looking at the priorities of our Nation, the priorities that would say every person, no matter who he or she might be, would have an opportunity to grow up, to live in a country, to live in a society, the most technologically proficient Nation of the world, the wealthiest Nation of the world, which should be able to make sure that its neediest citizens are provided basic food.

So I would urge that as we move ahead, that the Members of this body would look differently at this issue than we saw the Committee on Appropriations look, and that the Members of this body would recognize that unless all of us can be healthy, it really reduces the health of each one of us; that unless all of us who need food can be fed, it reduces the feeling of each one of us; and that unless America, this Nation, can demonstrate that it understands how to look after the needs of its old, the needs of its young, and the needs of those who oftentimes cannot care for themselves, then we would never experience the potential greatness that this Nation has, we will never become the America that we can be.

UTAH LAND GRAB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, today in the Subcommittee on National Parks we heard testimony which should be disturbing to all Americans. In fact, we heard Senator ORRIN HATCH testify that in 20 years in the Senate, he had never seen such an arrogant abuse of power.

He was referring to the sneak attack by the Federal Government just before the last election to lock up 1.7 million acres in the State of Utah to produce what is called a national monument. This monument would be in the Escalante-Grand Staircase section of southern Utah. However, there are several reasons why this particular land grab has been questioned like no other in U.S. history.

First, it was done with no public discussion or hearings of any type, no vote by the Congress, the Utah State legislature, or the people of Utah. In fact, the Governor of Utah testified at our hearing that the first notice any Utah public official had was when they read about it 9 days beforehand in the Washington Post.

This raises the second serious question, the secrecy, the coverup. Not only were high ranking officials not notified, but Senator BENNETT testified that he now has administration documents which say that it cannot be emphasized enough that public disclosure would have stopped the designation because such an outcry would have been created. It almost makes you wonder if we have people running our Government today who want to run things in the secret, shadowy way of the former Soviet Union or other dictatorships.

Third, this 1.7 million acres contains the largest deposit of clean, low-sulfur coal in the world. Senator HATCH testified the coal alone is worth over $1 trillion. Who has the second largest deposit? The Lippo Group from Indonesia, who just happened to make some large campaign contributions to the Democrats about the time this land was locked up.

In one small rural county in Utah, this means the loss of 900 jobs. Not only does it mean jobs lost, but it means higher prices for every individual and company which uses coal in this country. Environmental extremists, who almost always come from wealthy or upper-income backgrounds, are really destroying jobs and driving up prices all over this country. Rich environmentalists who have enough money to be insulated from the harm they do are really hurting the poor and working people of this country.

Unfortunately, many in the environmental movement have become the new radicals, the new socialists of this day. They are advocating an unprecedented expansion of Federal power and, in many cases, are achieving it to the great detriment of all but a few elitists at the top.

This national monument in Utah is just another of many examples. The size of this power play is enormous; 1.7 million acres is three times the size of the Great Smoky Mountains National Park, the most heavily visited national park in this country.

Why should people in other parts of the country be concerned about this? Well, it will have a tremendous ripple effect in our overall economy. Why should people all over this country be concerned? Well, because of the secrecy, the political wheeling and dealing, the arrogance, the extremism of this whole thing. But, perhaps even more importantly, if they do this in one place, they will do it in another. If they get away with this in Utah, they will do it in your State too. If people do not speak out, it will happen again and again and again.

Already the Federal Government owns about 30 percent of the land in this Nation. State and local governments and quasi-governmental agencies own another 20 percent. So many restrictions are being placed on Federal land, and now even on private land, that this is now becoming a very serious problem.

Parents and grandparents wonder why their college-graduate children and grandchildren cannot find good jobs. We are ending up with the best educated waiters and waitresses in the world. One big reason is that some of these extremists do not want us to dig for any coal, drill for any oil, or cut any trees.

If we do not get a little moderation and balance back into our environmental policies, we will absolutely destroy our standard of living. Unfortunately, we cannot turn our entire Nation into a giant tourist attraction. Tourism is an industry filled with minimum wage jobs. Do we really want a nation made up of rich environmentalists, well-paid government bureaucrats, and almost everybody else working for minimum wage or very-low-paying jobs?

□ 1830

This Utah land grab is based on a 91-year-old law called the Antiquities Act. Supporters say apple pie and motherhood, things like this law have stood the test of time, and that it was used to protect and set aside the Grand Canyon and other great national treasures. Well, we have an entirely different situation today than we had 90 years ago or even 20 or 30 years ago.

The amount of land owned or controlled by Government has exploded in recent years. We have almost 10 times as much land in wilderness areas as just a little over 20 years ago. If this is still to be a free country a few years

from now, if we are going to preserve this Nation as a Democratic republic where the people have control and where major government actions are not done in secret, then the Utah land deal should be reversed.

DEADLINE LOOMS FOR GOP LEADERS TO ACT ON CHILDREN'S HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as my colleagues probably know, over 10 million American children are without health insurance, and Democrats have been aware of this growing problem for some time. Unfortunately, the Republican leadership has been full of inaction. Since the beginning of the 105th Republican-controlled Congress, an additional 372,900 children have lost private health coverage, according to the Children's Defense Fund. Essentially this has been due to inaction by the Republican leadership.

But at the same time, Republicans in the House Committee on Appropriations voted down an amendment last week that fully met the President's funding request for women, infant, and children, the WIC Program. This nutrition program has been cited as one of the most successful Federal programs, and I have to say that I have witnessed this firsthand. I have been in some of the places where people have signed up for the WIC Program. It has been responsible for reducing low birth weight, infant mortality and anemia, while improving the diets of mothers and children.

The WIC Program has a proven track record in providing preventive health care benefits. According to the General Accounting Office, each dollar invested in the prenatal component of WIC averts $3.50 of Medicaid and other spending.

Instead, the Republicans have voted to cut 180,000 participants of this program by this September. Some States like California, for example, are already directing health clinics to deny WIC benefits to children.

Mr. Speaker, I consider these cuts in the WIC Program to be unacceptable. Democrats support the President's funding request for WIC because we understand the value of early intervention and prevention in health care. It would appear that the Republican leadership does not.

The WIC Program that the Democrats are concerned about is just basically another example of how we can address, through preventive measures, children's health care. When we talk about the problem of children's health care and the number of uninsured growing, at least if we were involved in trying to support and back up the WIC Program, we would be able to say that we were doing something and continuing to do at least a decent job with preventive care for children.

It is relatively inexpensive, and I have said this many times on the House floor, to provide health care for children, and there are many approaches to achieving this. Many legislative proposals are circulating that reduce the number of uninsured children and assist families in providing for their children's health care needs.

I have introduced legislation that mirrors the Hatch-Kennedy proposal by providing block grants to the States to help families afford coverage for their children. Under this proposal, States would have the flexibility to administer the program and use innovative methods unique to their particular State. The only requirement is that children's health care plans must be comparable to Medicaid, meaning the inclusion of important and cost-saving preventive benefits.

I have to say that the Kennedy-Hatch proposal is only one option that is being offered by Democrats or others on a bipartisan basis. There are many others to choose from, singularly or in combination. But instead of talking about these proposals, the Republican leadership barely acknowledges the problem of uninsured children and appears to be stonewalling against it.

I think a good start for the Republican leadership would be to support full funding for WIC when it comes to the House floor for a vote. Their next move should be to move children's health care legislation through the committee process by Mother's Day, as Democrats have urged.

Congress should be expanding health care options for children, not making matters worse by cutting children's nutrition programs. I just hope, and I urge that my Republican colleagues will join with us to make sure that the WIC Program is adequately funded. At least that would be a beginning to dealing with the issue of preventive care for children, and then we can at least show that there is support, I believe, on a bipartisan basis ultimately for passing a piece of legislation that will cover all, if not most, of the 10 million children that are now uninsured.

PROGRESS REPORT ON WOMEN'S HEALTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 60 minutes as the designee of the majority leader.

Mrs. MORELLA. Mr. Speaker, I am really very pleased to sponsor tonight's special order on women's health with my colleagues NANCY JOHNSON, LOUISE SLAUGHTER, and ELEANOR HOLMES NORTON, and so many of our colleagues who are here this evening.

The Congressional Caucus for Women's Issues has spent a number of years attempting to address the neglected women's health research at the National Institutes of Health. The caucus asked the General Accounting Office in 1989 to investigate the NIH policy regarding the inclusion of women in clinical studies.

Women had been routinely excluded from many studies, such as the Physicians' Health Study which studied the effects of aspirin on heart disease of 22,000 male physicians. Another study, the Multiple Risk Factor Inventory Trial, a 15-year project studying the risk factors for cardiovascular disease, included 13,000 men and no women.

In 1990, the GAO reported that the NIH had made quote, little progress in implementing a 4-year-old policy to encourage the inclusion of women in research study populations. The caucus in 1990 introduced omnibus legislation, the Women's Health Equity Act, which included the establishment of an Office of Research on Women's Health and the requirement that women and minorities be included wherever appropriate in research studies funded by NIH.

Well, in the fall of 1990, at a meeting with many caucus members, NIH announced the formation of the Office of Research on Women's Health, to ensure that greater resources were devoted to diseases primarily affecting women and to ensure that women were included in clinical trials. Since 1990, great progress has been made in funding for women's health concerns, particularly breast, ovarian, and cervical cancer, osteoporosis, and the women's health initiative.

While I focus my remarks tonight on HIV AIDS, osteoporosis, and domestic violence, there are so many issues critical to women's health that will not be mentioned tonight but are still high priorities for all of us.

Since 1990 I have been the sponsor of legislation to address women and AIDS issues. Women are the fastest growing group of people with HIV, and AIDS is the third leading cause of death in women ages 25 to 44. While the overall number of AIDS deaths declined last year, the death rate for women actually increased by 3 percent, resulting in a record 20 percent of reported AIDS cases in adults.

Low-income women and women of color are being hit the hardest by this epidemic. African-American and Latino women represent 75 percent of all U.S. women diagnosed with AIDS.

NIH is currently working to develop a microbicide. This is a chemical method of protection against HIV and STD infection, which is sexually transmitted disease infection, with an emphasis on methods that women can afford, control without the cooperation and knowledge of their male partners, and use without excessive difficulty.

We must acknowledge the issues of low self-esteem, economic dependency,

fear of domestic violence, and other factors which are barriers to empowering women to negotiate safer sex practices. Research on a safe and effective microbicide must be a priority for our research and prevention agendas, and we must also work to answer the full range of questions important to understanding HIV in women, including adequate funding for the women's interagency HIV study, the natural history study of HIV in women.

In order to address these priorities for women, I will be introducing my women and AIDS research bill next week, and I hope my colleagues here tonight will join me as original cosponsors.

The gentlewoman from California [Ms. PELOSI] and I have also introduced H.R. 1219, a comprehensive HIV prevention bill which includes the provisions of my bill from the last Congress to address the need for more targeted prevention programs for women. Our bill authorizes funding for family planning providers, community health centers, substance abuse treatment programs, and other providers who already serve low-income women to provide community-based HIV programs. Our bill also creates a new program to address concerns about HIV for rape victims.

In my work focusing on the needs of women in the HIV epidemic, the effectiveness of community-based prevention programs has been demonstrated time and time again. Providers with a history of service to women's communities understand that prevention efforts must acknowledge and respond to the issues of low self-esteem, economic dependency, fear of domestic violence, and other factors which are barriers to empowering women. I urge my colleagues to cosponsor this legislation.

Now on to osteoporosis. Mr. Speaker, it is a major public health threat for 28 million Americans who either have or are at risk for the disease. One out of every 2 women and 1 in 8 men over age 50 will have an osteoporosis-related fracture.

A woman's risk of hip fracture is equal to her combined risk of breast, uterine, and ovarian cancer. Often a hip fracture marks the end of independent living. Many enter nursing homes and a large percentage die within 1 year following the fracture. The costs incurred due to the 1.5 million annual fractures are staggering at $13.8 billion, or $38 million a day. Osteoporotic fractures cost the Medicare Program 3 percent of its overall cost.

I have reintroduced H.R. 1002 along with the gentlewoman from Connecticut [Mrs. JOHNSON], the gentlewoman from New York [Mrs. LOWEY] and the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] to standardize Medicare coverage for bone mass measurement tests for the diagnosis of osteoporosis. Without bone density tests, up to 40 percent of women with low bone mass could be missed at a time when we now have drugs that promise to reduce fractures by 50 percent.

At this time, Medicare leaves the decision to cover bone density tests to local Medicare insurance carriers, and the definition of who is qualified to receive a bone mass measurement varies from carrier to carrier. H.R. 1002 would standardize Medicare coverage in order to avoid some of the 1.5 million fractures caused annually by osteoporosis. Since these tests are already covered by every carrier, the cost to the Medicare Program will not be substantial. As a matter of fact, with Congresswoman JOHNSON, we just met with representatives of the Congressional Budget Office to talk about that.

With regard to domestic violence, we have made great progress, yes, in training law enforcement personnel about domestic violence and funding battered women's shelters and starting up the national domestic violence hotline. I want to say that our speaker this evening has been certainly very cooperative and generous in the funding of the Violence Against Women Act.

But one area where we have room for improvement is in the training of our health care professionals, doctors, dentists, nurses, and emergency personnel who are also in the frontlines in the fight against domestic violence. Many health professionals are unaware or unsure about the symptoms, treatment, and the means of preventing domestic violence, and many unknowingly send victims home with abusive husbands and boyfriends.

That is why I have introduced the Domestic Violence Identification and Referral Act, which is H.R. 884, which will amend the Public Health Service Act to give a preference in awarding Federal grants to those schools, medical, dental, nursing, and allied professionals that provide significant training in identifying, treating, and referring victims of domestic violence.

The gentleman from Vermont [Mr. SANDERS] and I have introduced the Victims of Abuse Insurance Protection Act, H.R. 1117, that would outlaw discrimination in all forms of insurance: Health, life, homeowners, auto, and liability. Although the Kennedy–Kassebaum health care reform bill included language prohibiting insurers from denying coverage to victims of domestic violence, companies can still charge domestic violence victims prohibitively higher rates; in effect, ban them from affordable health insurance coverage.

□ 1845

H.R. 1117 would also protect the confidentiality of victims records. I urge my colleagues to join us in cosponsoring these bills.

There is more we could say, but I have many of my distinguished colleagues, and I appreciate their being here, who do also want to speak.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Connecticut [Mrs. JOHNSON].

MORE ON WOMEN'S HEALTH

The SPEAKER pro tempore [Mr. ROGERS]. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for the balance of the time as the designee of the majority leader.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentlewoman from New York [Ms. SLAUGHTER], my colleague in this special order.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, there are a wide range of both triumphs and shortcomings in women's health that could be discussed this evening. On the one hand, a woman's life expectancy has increased from 48 years in 1900 to 79 years today. But on the other hand, many devastating women's health disorders still remain a mystery and research is desperately needed to find effective diagnostics, treatments, cures and preventive medicine.

Women are now regularly included in clinical studies after having been excluded for decades. There is now an Office of Women's Health at the Public Health Service with corresponding offices at other agencies like NIH, the CDC, FDA, and the Health Resources and Services Administration and the Agency for Health Care Policy and Research.

Breast cancer survival rates are up for women for the first time ever. And genes have been identified that are linked to early onset breast and cervical cancers as well as a number of other disorders that affect women like Alzheimer's disease. Estrogen replacement therapy has provided relief for millions of women from the harsher symptoms of menopause as well as osteoporosis and other age-related disorders.

The NIH is conducting major women's health initiative designed to study and to track women health in a large population over decades. This research will yield invaluable information about the normal aging process and its pitfalls for women. All of those things have happened since 1990, as my colleague, the gentlewoman from Maryland [Mrs. MORELLA] pointed out, when we first set up the Office of Women's Health.

But there are some shortcomings still in the health of women in the country. They suffer from a variety of gender-specific disorders that we do not really understand yet and which, in many cases, are receiving insufficient attention from the medical and research establishments.

Each year breast cancer strikes 182,000 American women and kills 44,000. We still do not know why breast cancer occurs, how to cure it or how to prevent it. We do not even know whether is for different ages and groups of cancer types and the mammography machine which we have had for the past number of years is all we still have. We need to do more.

About 12,000 babies are born each year with fetal alcohol syndrome, a disorder that is completely preventable if women just abstain from alcohol during pregnancy, and yet we have just learned that the rate of pregnant women drinking alcohol is on the increase, showing a great need for education. About 4,000 pregnancies are affected by disorders like spina bifida or hydrocephalus, which are almost totally preventable if the woman consumes adequate levels of folic acid. Again, another need for education.

One-quarter million women die each ear of heart attacks and strokes. Many of them could have reduced their risk by making dietary changes, quitting smoking, getting more exercise and, I might add, getting the kind of medical care that they need. Some of the bills that the gentlewoman from Maryland [Mrs. MORELLA] mentioned are very important, and I am sure all of us will sponsor and work for them very hard, because there are a number of things that we need to do to move along the issue of women's health.

One bill that I have introduced is the genetic information nondiscrimination bill, because I want to make sure that as the human genome mapping continues that no one man, woman or child in America is discriminated against when it comes to health insurance. Our bill just says that the insurance company cannot cancel, deny, refuse to renew or change the terms or the premiums or the condition of health insurance coverage based on genetic information.

And most importantly, it says that your genetic information belongs to you. And without your specific written concept, no one may use it.

H.R. 306, the bill number, has 96 cosponsors and has been endorsed by over 60 respected health organizations, included the American Cancer Society, the American Heart Association, the National Breast Cancer Coalition, and the Jewish Women's Community.

Congress should not be forcing women into making the Hobson's choice between learning valuable genetic information that they must have and their risk of losing their insurance or remaining ignorant and keeping the coverage.

We will also be introducing information on education efforts for DES or diethylstilbestrol, which was given to pregnant women during the 1970's so that they could have a healthy, bouncing baby. DES was given to pregnant women in the United States long after the Department of Agriculture had denied its use for cattle because they knew that it caused reproductive damage. Yet women in the country continued to be damaged.

We are seeing that their children and again into a second generation now have often been damaged by DES, and we need to have more of an understanding about DES and similar synthetic estrogens because amazing impacts and discoveries are being made on the effects of estrogen on women's health. It also authorizes a national education effort to identify DES-exposed women and their children and their grandchildren and educate them about the continuing health needs and the risks.

I have also introduced an Eating Disorders Prevention and Education Act, which I think is terribly important. We are very concerned about young women who are very unlikely to have a good diet because of their concern about their weight. Girls as young as 8 are dieting. This is a national disgrace that interferes with their normal development and their continued health. We have to make sure that young women understand that milk and dairy products will not make them fat but will indeed help to give them the calcium to lay down a good bone mass.

In conclusion, women's health should not be taking a back seat anymore. We compose over half the Nation's population and a large number of us are workers and taxpayers. And we want some of our taxpayer dollars to be used in the health of women in the country. We want to make sure that we continue to be part of the clinical trials. We do not want to be left out anymore.

As the great statesman Benjamin Disraeli said, The health of the people is really the foundation upon which all their happiness and all their powers as a state depend.

We should remember those words.

I would also like to quote Hippocrates, who once wrote, "Healing is a matter of time, but it is sometimes also a matter of opportunity."

Today we have more opportunities than ever to heal the diseases and the disorders that affect human beings. We must grasp these opportunities and act.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I would first like to recognize and acknowledge the wonderful support that all of the women Members of Congress have received from the gentlewoman from Connecticut [Mrs. JOHNSON] and the Delegate from the District of Columbia [Ms. NORTON]. They have done a spectacular job of leading the charge on behalf of women in the United States, and we congratulate them for their leadership not only on women's health care that we are discussing tonight but on a myriad of issues as well.

I would like to briefly address the problem of women's health care as it relates in my community to Hispanic women. Hispanic women are of particular importance to the health care system not only as recipients of care themselves but as the member of the family most likely to deal with health care providers on behalf of children and the elderly. The health care system must learn how to deliver medical care to women that are in tune with their cultural realities.

It must be pointed out that Hispanic women are part of one of the fastest growing populations in the United States and, as such, deserve special attention by those who deliver health care. There are already 27 million people of Hispanic origin in our country, and in my area of south Florida there are nearly 1 million Hispanics. A doctor who is unaware of the cultural framework of her patient will find her job that much harder. A doctor is unaware of how cancer is viewed by some Hispanic women, for example, and may have trouble arriving at the correct diagnosis and then have to deal with the complications that follow delayed detection.

The Hispanic female population is not monolithic. The differences run the gamut from different countries of origin to different regions of those countries, from different educational levels to various lengths of time in this country. It is important that we address the health care needs and the concerns of Hispanic women and to develop plans that will work in harmony with our cultural traditions.

Hispanic women, for example, are less likely to enjoy the full benefits of our Nation's health care system. Part of this stems from the fact that 22 percent of Hispanic women are uninsured as compared to 13 percent of non-Hispanic women. As a result of underinsurance and for various cultural reasons, many Hispanic women are unlikely to receive preventative health care. For example, 39 percent of Hispanic women did not have a pap smear last year as opposed to 27 percent of the general female population who also did not have a pap smear. And 46 percent of Hispanic women did not undergo a pelvic exam last year as compared to 30 percent of the general female population who did not have such an exam.

Mr. Speaker, to eliminate this disparity in preventative care, we need to develop a comprehensive strategy to educate both the medical profession as well as the underserved Hispanic women to deal with medical and cultural realities. I urge the medical profession, our government and the entire spectrum of health care providers to focus on this rapidly growing population and find new ways to reach out and provide preventative care. I congratulate once again the gentlewoman

from Connecticut [Mrs. JOHNSON] and the gentlewoman from the District of Columbia [Ms. NORTON] for leading the charge on behalf of all women everywhere.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I am proud to be here today as a member of the Congressional Women's Caucus to talk about women's health. As we in Congress look for ways to improve the health of our children and the long-term well-being of our Nation, women's health is the place to start.

Last week President Clinton held a conference on early childhood development. We saw new scientific research from that conference that showed us that a child's future brain development depends greatly on his or her first years of life. We know that nurtured and healthy babies become children who are educated and adults who are productive.

But, Mr. Speaker, we must take it one step further. If we are going to have healthy children, we must have healthy mothers. A healthy mom is one who has access to proper nutrition and prenatal care. The WIC program, the special supplemental nutrition program for women, infants, and children, has provided critical nutritional assistance to needy pregnant women and, later, their children for the last 23 years. And now it is time for us to renew our commitment to this important program.

Mr. Speaker, WIC works. Pregnant women on Medicaid who participate in WIC have improved dietary intake and weight gain. They are more likely to receive prenatal care. Mothers on WIC have children with better learning abilities and higher rates of immunization. And WIC reduces both the number of low birth weight babies and the infant mortality rate.

Mr. Speaker, WIC works. It works because it is cost-effective. By providing nutritional assistance to pregnant women and their babies, we can prevent more serious and costly health problems associated with premature and low birth weight babies.

Studies have found that for each dollar spent on pregnant women in the WIC program, we save up to $3.50 in Medicaid, SSI, and other program expenditures.

But like so many other programs that help women and children, WIC is in danger. Congress underfunded WIC last year, so this year hundreds of thousands of poor women and children risk being thrown out of the program.

Just last week, Mr. Speaker, the Committee on Appropriations denied the administration's request for $78 million in supplemental appropriations. Instead, the committee appropriated only half of this amount, leaving 180,000 poor women and children at risk of losing nutritional assistance.

Mr. Speaker, it is simply outrageous that the budget axe is poised above pregnant women, mothers and infants.

□ 1900

Next week the House will vote on the supplemental appropriations bill. We must restore this cruel cut. And as we shape next year's budget, let us not forget the success of the WIC Program. It is time to expand WIC to include all eligible women and children; all of those who are not now covered in the program.

Above all, Mr. Speaker, we must renew our commitment to the WIC Program and to the women, infants, and children that it serves. If we want a healthy America, we must have healthy mothers and then we will have healthy, productive children. Now is the time to act. Later may be too late.

Mr. Speaker, I thank my colleague from Connecticut for having this event tonight.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentlewoman.

It is a great pleasure to have so many women here on the floor of the House to participate in this special order on women's health, and I want to recognize now my colleague from New York, SUE KELLY.

Mrs. KELLY. First, Mr. Speaker, I want to recognize the gentlewoman from Connecticut, NANCY JOHNSON, and the gentlewoman from the District of Columbia, ELEANOR NORTON, for creating a true bipartisan group concerned and focused on women's health.

Mr. Speaker, I want to take a few moments to discuss the Women's Health and Cancer Rights Act, H.R. 616. This legislation, which I introduced in February, along with my colleagues, the gentlewoman from New York, Ms. MOLINARI, and the gentleman from New Jersey, FRANK LOBIONDO, is a comprehensive measure that focuses on women and breast cancer; those who fear it, those who live with it, and in memory of those who have died as a result of it.

As we all have heard, through new reports or personal experience, some women who must undergo mastectomies, lumpectomies or lymph node dissections for the treatment of breast cancer are rushed through their recovery from these procedures on an outpatient basis at the insistence of their health plan or insurance company in order to cut costs. Other insurance companies cut costs by denying coverage for reconstructive surgery because they have deemed such procedures as cosmetic. Ironically, they do not deny reconstructive surgery for an ear lost to cancer.

The Women's Health and Cancer Rights Act guarantees coverage for inpatient hospital care following a mastectomy, lumpectomy or lymph node dissection based on a doctor's judgment, and requires coverage for breast reconstructive procedures, including symmetrical reconstruction.

In addition, this bill requires coverage of second opinions when any cancer tests come back either negative or positive, giving patients the benefit of a second opinion. This important provision will not only help ensure that false negatives are detected but also give men and women greater peace of mind.

Several key organizations have endorsed this legislation, organizations that agree we have a responsibility to protect the doctor-patient relationship, ensuring that the medical needs of patients are fully addressed. In fact, I would like to thank the American Cancer Society, the American Medical Association, the National Breast Cancer Coalition, the Center for Patient Advocacy, the Susan G. Komen Foundation, and many, many others for their support of this bill.

Some critics claim this measure is nothing more than a mandate leading to government-controlled health care. Usually those critics believe that all health care should be individually based and should utilize medical savings accounts and other initiatives that maximize individual control over cost. I agree with these ideas, but they are not in place.

There is also a misconception that this legislation requires 48 hours of inpatient care. It does not. The length of stay under this bill is simply determined by the physician and the patient, as it should be.

Developing a system of health care which maximizes an individual's control over the health care available is the goal that I in particular strongly support, and so do these organizations. Such a system uses free market principles to ensure that the health care we receive is of the highest quality.

However, I realize that while this is a goal we strive for, we are not there yet. Most Americans do not have access to multiple health care plans from which to choose. Until they have this choice, it is going to be necessary for Congress to enact targeted reforms, such as the Women's Health and Cancer Rights Act, reforms that safeguard quality care while at the same time avoiding overly broad regulations and mandates.

I am for market-based health care, but I am not willing to stand by idly while approximately 44,000 women die of breast cancer every year. They will this year, they did last year. This is a figure which is comparable to the number of men and women who died in all of the Vietnam war.

Mr. Speaker, the Women's Health and Cancer Rights Act aims to give women with breast cancer a fighting chance and the dignity to endure the fight.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentlewoman from Florida, my colleague, Congresswoman MEEK.

Mrs. MEEK of Florida. Mr. Speaker, I thank my cochair, the gentlewoman from Connecticut, NANCY JOHNSON. It is also my privilege, Mr. Speaker, to thank the Women's Caucus for having us here today to discuss important facets of women's health.

In our focus today on issues of concern in women's health, I want to shine the spotlight on a very silent national killer of women, lupus, L-U-P-U-S. A lot of people have never heard of that term, but it is a silent killer of women.

Lupus is a serious, complex inflammatory autoimmune disease. It affects women nine times more often than men. Between 1.4 to 2 million Americans have been diagnosed with this terrible disease called lupus. Many more cases go undiagnosed, since the symptoms of this disease come and go. Lupus also mimics many other illnesses.

Although lupus may occur at any age and in either sex, 90 percent of those affected are women. During the childbearing years, lupus strikes women 10 to 15 times more often than men. In addition, lupus is more prevalent in African-Americans, Latinos, Native Americans and Asians. There is a disproportionate effect upon African-American women.

Among African-American women, the disease occurs with three times the frequency of occurrence in white women. An estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease. So it attacks women in their prime of life, this terrible disease that people have trouble remembering the name of, lupus, L-U-P-U-S.

What exactly is lupus and how does it affect those who suffer from it? Lupus causes inflammation of various parts of the body, especially the skin, joints, blood and kidneys. Many women many times think they have arthritis or some kind of rheumatism.

Our body's immune system normally protects the body against viruses, bacteria and other foreign materials. However, in one who is suffering from lupus, the immune system loses its ability to tell the difference between foreign substances and its own cells and tissues. The immune system then makes antibodies that turns them against itself. So the immune system, which is supposed to be a protector, becomes the attacker in the instance of lupus.

Many victims of this disease in the early years suffer debilitating pain, particularly in the joints. They suffer fatigue. Many of them do not know what is wrong with them. Doctors have a lot of trouble diagnosing this disease. It is very hard for a woman in her prime years to maintain employment and to lead a normal life if she has lupus.

Although lupus can range in severity from mild to life-threatening, it can be fatal if not detected and treated early. Thousands of women die each year, Mr. Speaker, and many of them who are stricken do not have the financial means for treatment which can help control this terrible disease called lupus.

Lupus is not infectious. It is not rare. It is not cancerous. It is also not well known. Lupus is not well known. In fact, it is more prevalent than AIDS, sickle cell anemia, cerebral palsy, multiple sclerosis and cystic fibrosis combined.

Perhaps the most discouraging aspect of lupus for sufferers, family members and friends is the fact that there is yet no cure for lupus. That is why research is needed so badly for this disease which catches women in the prime years of their life.

Lupus is devastating not only to the victims but to family members as well. They must watch helplessly while the victim slowly and painfully succumbs to this terrible disease. I know this from firsthand experience, Mr. Speaker, having lost a sister and a very close friend to this disease, lupus.

Because of my involvement in various lupus organizations, I have also heard firsthand the heartbreaking stories of other women and their families across this Nation. I recently received a letter from a mother of a 42-year-old woman who had heard of the lupus bill that I introduced in the 104th Congress. This woman, who I will call Jane, was finally diagnosed with lupus in 1993 after repeatedly being tested for AIDS, repeatedly being treated for arthritis, bursitis, allergies, and other ailments.

Although Jane was fortunate to encounter a doctor who specialized in disease control during a near death hospital stay, the aftermath of this discovery has been devastating. Since beginning treatment for lupus, both of Jane's hips have deteriorated to the extent that she is on crutches and is waiting for total hip replacement. This young woman.

Her medication and doctor visits cost over $900 per month. Jane is a chemist. She was laid off last year when the company she worked for downsized and was bought out by another company which denied her medical insurance coverage because she has lupus. Many times, Mr. Speaker, the medication for lupus works against the system as badly as lupus itself.

Jane now receives Social Security benefits of only a fraction of her former $30,000 per year salary and is unable to meet her debts, buy food and pay for medication. Jane wants to work and she wants to get well, but she is no longer able to care for herself. Her mother and other family members must bear the hardship which this terrible disease, lupus, which is not well-known, has brought on Jane's life.

This is not an isolated situation. Many cases are worse, because the women who are victims of lupus have no family many times or friends to turn to for support.

Something must be done, and I appeal to our appropriations panels and also to authorizing committees and to the Women's Caucus. If they have a very strong interest in women's health, something must be done on a national level to help lupus patients.

To that end, Mr. Speaker, I have introduced H.R. 1111. It is a bipartisan bill, the Lupus Research and Care Amendments of 1997 to the Public Health Service Act. My bill has two main focuses.

First, the bill authorizes expanded and intensified research activities at the National Institutes of Health and other national research institutes and agencies. We must find a cure for lupus. This will provide for increased resources to determine reasons why so many women get lupus, especially African-American women, Latinos and Asians.

The bill also covers research on the causes of the disease, its frequency, and the differences among sexes, racial, and ethnic groups.

My bill also provides funding for the development of improved screening techniques, clinical research and development on new treatments, and information and education for health care professionals and the public.

The amount allocated to lupus research by NIH in fiscal year 1997 amounted to $34 million. We are very happy about that, but that $34 million is less than one-half of 1 percent of the National Institutes of Health budget. My bill proposes raising this allocation to $50 million more for fiscal year 1998. And the Women's Caucus is supporting this because, after all, one of their most major emphasis is on women's health.

The second part of my bill calls for the establishment of a grant program to provide for projects to set up, operate and coordinate effective and cost-effective systems for getting essential services to lupus sufferers and their families.

Mr. Speaker, American women are at high risk for this deadly and debilitating disease. Increased professional awareness and improved diagnostic techniques and evaluation methods can contribute to early diagnosis and treatment of lupus. We must step up this research to find a cure and treatment for this silent killer and for this silent disease.

Mr. Speaker, I urge my colleagues to join the Women's Caucus in saving the lives and advancing the health of American women by not only cosponsoring my bill, the Lupus Research and Care Amendments of 1997, but to support and step up the emphasis on research and development of all of these killers of women.

□ 1915

Mrs. JOHNSON of Connecticut. Mr. Speaker, in view of the fact that we have quite a few speakers, I am going to limit my remarks rather more than I had intended. I do want to thank my colleagues from both sides of the aisle for their participation tonight. It is impressive, the work that Congress has done in the area of women's health in recent years, and much of it has been the direct result of the focus on that issue that the bipartisan caucus of women Members of Congress has generated.

I want to talk briefly tonight about two things. I want to talk about Medicare and women's health, and I want to talk about smoking and women's health.

It is true, and terrible, that Medicare is an illness program. It provides health care after you get ill. Medicare by law is not a preventive health program, and that is something that I believe this Congress is going to address. We have been holding hearings on preventive health, we have been generating information about which preventive tests are important to both women and men on Medicare, and I believe this year we are going to finally pass a package of preventive health services that will improve Medicare dramatically and meet the needs of both men and women far more effectively than the current program.

For women, it will mean annual mammograms. It will also mean passage of a bill I introduced recently reauthorizing the Mammogram Quality Standards Act, which will assure that those mammograms will continue to be done by well-trained people with high quality equipment, read and interpreted by able physicians. It will also, I hope, mean that we will have national standards for testing bone density to help women prevent osteoporosis and all of the crippling fragility that results from loss of bone density.

It will also mean, I hope, that we will pass a bill that the gentlewoman from New York [Ms. SLAUGHTER] has introduced this year, and she spoke about it earlier, that will guarantee that women who have had genetic indicators that they are inclined to get breast cancer or some other disease will not be discriminated against by insurers.

We made a giant step forward on this subject last year when an amendment I introduced passed and was part of the Medicare legislation of the last Congress that said that women could not be discriminated against because they had genetic tests indicating a tendency toward cancer. That was an important step, but the more extensive bill that my colleague the gentlewoman from New York [Ms. SLAUGHTER] has introduced goes on to the issues of privacy, ownership of your medical data that are terribly, terribly important as we move into the new era of genetic science and health.

Lastly, I believe that we will this year pass inclusion of women in clinical trials. It is indeed the Congresswomen's caucus that first passed legislation assuring that the National Institutes of Health would include women in all of their health research trials.

It is truly remarkable that we ran the first long-term trial looking at heart disease on a population entirely of males, and so we came out of that multi-year project knowing a lot about heart disease in men and knowing literally nothing about the course of that disease in women, only to find out later that the course of that disease in women is really quite different, as we have found out in HIV and a number of other areas. It is not only unfair to our seniors that they do not have access to some of the remarkable treatments available through our cancer clinical trials program, but it is also a disadvantage to the Nation not to know how those medications that are being tested, those procedures that are being tested affect both men and women in their senior years. This Nation needs far better health research data than our current clinical trials program provides, and it is my hope that in this session we will see Medicare expanded to provide coverage for cancer treatments in clinical trials.

Let me talk briefly also about smoking, because smoking is really the most preventable cause of death and disability and tobacco use studies have indicated is far more detrimental to women than to men. Women are far more susceptible than men to tobacco-related disease. Lung cancer has surpassed breast cancer as the leading cause of cancer death among women. Recent research suggests that women may be more susceptible than men to the development of lung cancer. Several recent reports also provide strong evidence of an association between smoking and osteoporosis. In addition, research shows a dangerous link between smoking and the use of oral contraceptives.

So while tobacco use directly increases a person's risk of lung cancer, heart disease, stroke and diseases of the blood vessels, it holds many additional perils for women. Furthermore, each day 3,000 kids become regular smokers. That is more than 1 million a year. One third of them will die from tobacco-related disease. While smoking is declining in adults, teenage girls are the fastest growing group of smokers.

Smoking by mothers during pregnancy can adversely affect the supply of oxygen and nutrients to the fetus and has been shown to increase the risk of low birth weight, miscarriage, still birth, premature birth and death in the first few weeks of life. Maternal smoking during and after pregnancy has been estimated to be responsible for one-quarter of the risk of sudden infant death syndrome, or crib death, and parents who smoke around their children put them at increased risk for developing bronchitis, pneumonia, ear infections and asthma. Children exposed to smoke may also be at increased risk for cancer in their adult years. Smoking does cause illness. It causes illness in adults, illness in children, and it is particularly lethal to women.

Let me conclude by saying that this is a Congress that not only will address some important women's health issues, it is also, I believe, the Congress that will move forward on providing coverage for children whose parents work for employers who do not provide insurance or for some other reason are without insurance. It is a crime for this Nation to leave children uncovered for simple diseases like ear infections, much less their parents exposed to the paralyzing catastrophic costs of the hospitalization of a child without coverage.

Mr. Speaker, I yield to my friend and a new Member of Congress the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. I thank the gentlewoman from Connecticut for yielding.

Mr. Speaker, as the first female physician to serve in this body, I find a special cause in women's health and I would like to thank my colleagues in the Congressional Caucus on Women's Issues and our chairs, the gentlewoman from the District of Columbia [Ms. NORTON] and the gentlewoman from Connecticut [Mrs. JOHNSON], and my colleague the gentlewoman from Maryland [Mrs. MORELLA] for organizing this special order.

Mr. Speaker, women make up more than 50 percent of our Nation's population. Further, we are the primary caregivers for our husbands, children and aging parents. Consequently, we as a country have a great stake in the health of our women. To paraphrase a well-known saying, as the health of women goes, so goes the health of our country.

Traditionally, the issue of women's health had not been a political or a legislative priority. However, because of the insistence of women from different walks of life that our stories be heard, that our statistics be included in research, that the problems which specifically affect us be studied and addressed, and because of the leadership of the Caucus on Women's Issues, thank God this is changing.

There are many important issues, such as AIDS, heart disease, cancer, diabetes and violence, each in themselves deserving of our focus. However, today I choose to address one of the root causes underlying some of the dire statistics that diseases such as these represent, problems such as poverty, poor

or inadequate education, lack of opportunity and limited access to health care. Central to all of these is the issue of women's access to health insurance.

According to the Institute for Women's Policy Research, 12 million women of working age between the ages of 18 and 64 have no insurance of any kind. As a result, many of these women have little or no access to our health care delivery system which is predicated on having insurance or Medicaid. The Institute for Women's Policy Research further says that women traditionally obtain health insurance indirectly through their husband's jobs. But more of these women are falling through the cracks as more men have jobs that do not provide health insurance and, in addition, many women do not marry, are divorced, widowed or have a spouse that has retired or lost his job. Studies also show that only 37 percent of women have access to insurance through their own jobs. Five million young women under age 30 have no insurance whatsoever, even though 70 percent of all births are to women in this age group. Single mothers are also more likely to be uninsured despite the presence of Medicaid.

It is a sad reality that even today for women, health insurance and as a consequence health care is available only to those who can afford to pay. With this in mind, it is imperative that we take a hard look at the needs of women with regard to health insurance. In this Congress, the cause of children's health care will be addressed, but we cannot stop there. Rich or poor, we as women must know that our needs and the needs of our families will be met when illness, accident or old age befalls us.

Mr. Speaker, quality health care should not be an option. It must be an available choice, not only for women but for all the people of this Nation. Universal health coverage and universal access to health care for all must remain our goal.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield back the balance of my time.

WOMEN'S HEALTH ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I want to thank the gentlewoman from Connecticut [Mrs. JOHNSON] for her work with me as co-chair of the Caucus and for helping to organize this very important special order which has gone so well with its great variety.

Mr. Speaker, I yield to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, I rise today to discuss a serious problem that affects all our communities, but which is rarely addressed, that of teen pregnancy. Teen pregnancy burdens us all. When teenage girls give birth, their future prospects decline dramatically. Teen mothers are less likely to complete school, they are more likely to be single mothers, and they are more likely to depend on welfare and government support. Teen pregnancy is not only a serious problem, it is a growing problem. Over half a million teenage girls become pregnant each year in our country. California has the highest amount of teen births. It was over 70,000 last year. Four thousand of those teens are young girls from Orange County, my county. My home town of Anaheim has seen the highest number of teen births for all of Orange County.

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That is why I am so concerned about the young women in my district, and I call upon my colleagues to take a thoughtful look at teen pregnancy in their communities.

The United States has the highest rate of teen pregnancy in the industrialized world. Is this because our kids are more sexually active? No; it is because other nations treat teen pregnancy as a public health issue. We define it as a moral or social problem. Let us treat teen pregnancy like the health problem which it is, and let us practice preventive medicine. Reducing teen pregnancy will then prevent abortion and reduce high school dropout rates and the number of women who depend on welfare.

Teen pregnancy is preventable. It is a possible but challenging task. We need a multifaceted approach in our communities, one that addresses not only reproductive health and abstinence but also self-esteem and responsible decisionmaking. Kids need role models, and they need to have the opportunity to be involved in extracurricular activities.

That is why I will be joining the efforts of local organizations in my communities to help combat the rising rate of teen pregnancy in Orange County. I encourage all of my colleagues to take a local approach to solving a national problem.

Ms. NORTON. Mr. Speaker, I yield to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Speaker, I thank the gentlewoman from the District of Columbia for yielding to me. Mr. Speaker, I rise today to speak about a subject of great importance to the women and families of the 10th Congressional District of California which I am honored to represent. That subject is the need for vital funding for research into the causes, treatments, and cures for breast cancer through the National Cancer Institute of the National Institutes of Health. This is an issue I have been focusing on for many years. In 1992 I was honored to be a founding board member of the Breast Cancer Fund in San Francisco, and I really believe that this is a very important issue for American women to be paying attention to.

Mr. Speaker, this year the President is requesting $338.9 million for the National Cancer Institute's breast cancer program, and I urge all the Members of Congress to support this needed funding. Later this spring, the National Breast Cancer Coalition will be presenting Congress and the President with 2.6 million signatures from the constituents from all over America, urging us to work together to support 2.6 billion for cancer research between now and the year 2000. I believe this is a powerful statement about the commitment of the people of the Nation to fighting this disease. The increase in funding this year will allow the National Institutes of Health to continue its work in basic research, prevention, treatment, and community outreach as well as to initiate any studies.

Mr. Speaker, I remain committed to working with my colleagues, the President, and the National Cancer Institute to defeat this killer of American women.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for her remarks.

Mr. Speaker, it is no accident that we have focused on women's health. This is the 20th anniversary of the women's congressional caucus. In those 20 years we have probably had our greatest success by focusing on women's health. So we come forward this evening in order to press again this issue.

The women's caucus and women members and other members have essentially over the past 20 years made what can only be called great discoveries when it comes to neglected women's health issues. The inclusion of women in clinical trials, for example, was a historic step forward.

During the 105th Congress the congressional women's caucus is going to have a legislative agenda which we will be publicizing in the next several weeks. The reason for that legislative agenda is to measure ourselves and to measure this Congress against real goals. Had we not done that, then the gains we have made, for example with respect to women's conditions like osteoporosis or cervical cancer, simply could not have been made. When we began to work on research in cervical cancer, for example, it was a dreaded disease. Once you got it, nobody knew what to do about it, and now half the cases can be caught and cured.

We might well get the most out of this special order if we could get the agreement of the House and the Senate to pass what I can only call an easy bill. That would be the Mammography Quality Standards Reauthorization Act, or H.R. 1289, that has, of course, been mentioned in this special order this evening, but I mention it as we

close out the evening because it is a fitting bill to be the first significant bill affecting women, women's health, passed this year. It is simply a reauthorization of a bill that would assure that mammograms are performed under safe circumstances and conditions. It is fitting also because we have just gone through the storm with the doubt and uncertainty that was there over mammography for women in their forties that has been cleared up. We now know that women in their forties should have mammograms at least every other year, if not every year. We come forward this evening, therefore, to remind ourselves not only of what we have accomplished in 20 years bringing women's concerns to the House, but to vigilantly keep ourselves focused on what is yet to be done.

WOMEN'S HEALTH ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, I would just like to hopefully wrap up this very successful special order on women's health issues and congratulate my classmate, the gentlewoman from the District of Columbia [Ms. NORTON], and the gentlewoman from Connecticut [Mrs. JOHNSON] for a very, very successful hour of discussion on very critical matters of women's health.

I would like to be the last speaker on that particular issue and talk about an issue that is very important to me as a Congressman, as a father, as a taxpayer, as somebody that believes in a woman's health issue known as the WIC Program.

What is the WIC Program? It is the Women, Infants and Children Program, and it is a program that has always enjoyed wide bipartisan support. Republicans and Democrats alike have supported this program because it accomplishes some very important things.

First, it reduces low birth weight in babies. Second, it reduces the infant mortality rates, death rates for babies born prematurely. Third, it reduces child anemia. And last, it has been directly linked to improving cognitive development for children.

Now why am I as a Member of Congress concerned about this? I am concerned, Mr. Speaker, because milk prices have increased this year and last, and the caseload experience and the caseload numbers have increased in the WIC Programs in an alarming rate. So the White House has very, very wisely asked for a $76 million increase to take care of this increase in milk prices and caseload.

Mr. Speaker, just recently in a Committee on Appropriations markup, the Republicans cut this $76 million increase in half, cut $36 million out of the WIC Program. Now at a time, Mr. Speaker, when we are learning from Newsweek and Time Magazine, on the front covers of these magazines, that everything we can do when that child is in the womb, the fetus, or when that child is between 1 and 5 is critical to help these children to learn and grow and that this is the most critical time for a child to maybe pick up a new language and learn intellectual skills and cognitive development.

We are talking about cutting this program by $36 million. What does a $36 million cut result in?

It results in 180,000 children not getting access to this good program. One hundred and eighty thousand children. Now I do not think that is smart.

I support balancing the budget, and I am willing to cut a space station that does not work, I am willing to cut Star Wars in half, but I am not willing to cut children and women out of the WIC Program. Why? The General Accounting Office has said not only is this the best thing for children and young mothers, but for every dollar we invest in the WIC Program, we save $3.50 on Social Security disability payments and on Medicaid and on other government programs.

So, if we cut $36 million and cut 180,000 children out of this program, we are probably going to cost the taxpayer $120 million later on down the line in increased costs.

So I strongly urge this body to adopt an amendment and put this $36 million back into the WIC Program this week when we consider the emergency supplemental program and continue to do what the White House urged us to do last week in their conference on early childhood development. Let us invest in our children. Let us not just talk about an America that puts their children and their families first. Let us put our money where our mouth is. Let us make sure that the WIC Program is adequately funded.

Mr. Speaker, I would just say in conclusion that I am strongly committed to this program, I am strongly committed to making sure that our children have access, all children across America, and I would just say that I am honored to be the last speaker on this special order on women's health and delighted that it went so well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise tonight to speak about an issue of vital importance to the women of this Nation—breast cancer. As a woman and a mother, I feel that there are few issues as important as the breast cancer epidemic facing our Nation.

As you may know, breast cancer is the most commonly diagnosed cancer in American women today. An estimated 2.6 million women in the United States are living with breast cancer. Currently, there are 1.8 million women in this country who have been diagnosed with breast cancer and 1 million more who do not yet know that they have the disease. It was estimated that in 1996, 184,300 new cases of breast cancer would be diagnosed and 44,300 women would die from the disease. Breast cancer costs this country more than $6 billion each year in medical expenses and lost productivity.

These statistics are powerful indeed, but they cannot possibly capture the heartbreak of this disease which impacts not only the women who are diagnosed, but their husbands, children, and families.

Sadly, the death rate from breast cancer has not been reduced in more than 50 years. One out of four women with breast cancer dies within the first 5 years; 40 percent die within 10 years of diagnosis. Furthermore, the incidence of breast cancer among American women is rising each year. One out of eight women in the United States will develop breast cancer in her lifetime—a risk that was one in fourteen in 1960. For women ages 30 to 34, the incidence rate tripled between 1973 and 1987; the rate quadrupled for women ages 35 to 39 during the same period.

I am particularly concerned about studies which have found that African-American women are twice as likely as white women to have their breast cancer diagnosed at a later stage, after it has already spread to the lymph nodes. One study by the Agency for Health Care Policy and Research found that African-American women were significantly more likely than white women to have never had a mammogram or to have had no mammogram in the 3-year period before development of symptoms or diagnosis. Mammography was protective against later-stage diagnosis in white women but not in black women.

We have made progress in the past few years by bringing this issue to the Nation's attention. Events such as Breast Cancer Awareness Month are crucial to sustaining this attention. There is, however, more to be done.

It is clear that more research and testing needs to be done in this area. We also need to increase education and outreach efforts to reach those women who are not getting mammograms and physical exams.

We cannot allow these negative trends in women's health to continue. We owe it to our daughters, sisters, mothers, and grandmothers to do more. Money for research must be increased and must focus on the detection, treatment, and prevention of this devastating disease.

Mr. BARRETT of Wisconsin. Mr. Speaker, as history has proven, research for women's health issues has consistently been underfunded. I rise today to recognize yet another case of injustice concerning women's health. Currently there are 10 million U.S. citizens suffering from temporomandibular jaw disorder, (TMD). This disorder targets women; nearly 90 percent of TMD patients are female. TMD is a very painful condition that can lead to severe dysfunction of the muscles that control chewing.

Complicating the disorder even further, in 1973, medical devices containing silicone were approved to replace part of the jaw in an irreversible surgery. This procedure, although not adequately researched, was aggressively marketed by alloplastic device suppliers. Approximately 150,000 women with TMD received implants between 1973 and 1990. Today, these implants have proven disastrous.

In 1989, nearly 20 years after they went on the market, the FDA declared alloplastic implants unsafe. The medical complications caused by the sharding of the silicone in TMD implants over time has resulted in bone and tissue deterioration as the alloplastic particles travel throughout the body. Bone loss in some cases has resulted in holes in the skull leading to the brain. Many women have been left disfigured; lacking bone structure and/or muscular control. The magnitude of suffering undergone by TMD patients with implants can only be categorized as a medical catastrophe.

Compounding the issue, there is currently no procedure to treat women with silicone implants other than removal. In the case of TMD, however, the implants often cannot be removed because there are no good alternative materials and the ramus of the jaw cannot be replaced. Women who have undergone alloplastic surgery now require life-long dependency on medical technology. It is not uncommon to find patients with 15, 20, 30 or more surgeries on their TM joint. This only exasperates the emotional and financial complications that accompany the disorder. I quote from Stan Mendenhall's article in Orthopedic Network News:

One woman had over five surgeries on her joints and was unable to find a dentist in three states who would treat her and is now suicidal. A 30-year old woman must now be cared for by her parents after 32 surgeries and $300,000 in medical expenses. Another patient received a bill from an oral surgeon in excess of $30,000 for a procedure which was a revision for a previous surgery and will, at best, only provide temporary relief from constant pain. One physician wrote on behalf of one of his patients who had applied for social security disability payments: "As Leigh's physician, I've witnessed her decline throughout 7 of her surgeries and seen her travel all the avenues of TMJ surgery. Instead of improving after each method, she has developed more daily pain. Unfortunately the surgeries that she has had, I feel, have probably left her joint in much worse shape. Her depression has now reached a dangerously high level in which she describes herself as having nothing left, having no hopes, no dreams. She states only that she hopes her life will be short in duration so that she will not have to exist in the constant painful state that she is in."

The silicone TMD implants, so hastily marketed, have victimized women with TMD.

To make matters worse, women suffering from TMD have a hard time finding a health insurance program that will carry them. Because there is not a clear diagnosis of TMD and treatment is often considered experimental, health insurance companies refuse to underwrite patients. Without the proper research, there will never be proper diagnosis and without proper diagnosis, there will never be proper coverage.

This is very unfair. These women have been served a great injustice and have no where to turn. Women suffering from TMD are paying the price for someone else's mistakes. Should TMD victims have to pay the consequences for devices that the FDA approved and their doctors recommended? Should patients have to pay for high-cost long-term medical bills because the government has not properly funded basic research? Temporomandibular joint disorder is a medical tragedy and it is time to do something about it.

The question we must ask now is—how do we help these women that have been treated so unjustly?

I urge the Congressional Caucus for Women's Issues to take up the cause of women suffering from TMD and help them in finding a solution to this tragedy. We must better define TMD and properly fund research to find effective treatment for people who have TMD implants. We must encourage the National Institute of Health to make TMD research a higher priority. We can no longer tolerate the lack of concern for these women.

Ms. MILLENDER-McDONALD. Mr. Speaker, the high number of minority women infected with the HIV virus reflects their reduced access to health care which is associated with disadvantaged socio-economic status, cultural or language barriers that may limit access to prevention information as well as differences in HIV risk behaviors.

Among minority women, the most prevalent modes of contacting HIV are injecting drug use, 37 percent, and heterosexual contact, almost 38 percent.

Rates of heterosexual anal and oral intercourse in minority youths are comparable with estimated rates in adults.

In the inner-city community, there are often greater perceived notions that sex is not as good if a condom is used. Frequently women do not encourage their sexual partners to use condoms for fear of retribution. Their low-income status makes them feel more dependent upon their partners and they do not want to risk losing them insisting on safe sex.

Minority youths have a higher tendency to engage in sex with multiple partners, therefore creating higher risks for HIV infection. Minority communities are in need of better efforts to promote condom use and discourage multiple partners.

AIDS rates are highest among Blacks and Hispanics.

AIDS rates among Blacks are six times greater than among whites, and two times greater than among Hispanics.

In 1995, racial and/or ethnic minorities accounted for over 77 percent of AIDS cases among adolescent and adult females, and over 84 percent of AIDS cases among children.

By the year 2000, between 72,000 and 100,000 children and teens will have lost their mothers to HIV/AIDS. The cities that will be the hardest hit are Los Angeles, Washington, DC, Newark, New York City, Miami, and San Juan.

Ms. WATERS. Mr. Speaker, first I would like to thank Representative CONNIE MORELLA and Representative LOUISE SLAUGHTER and Members of the Congressional Caucus for Women's Issues for the opportunity to participate in this special order on women's health.

I come before you today to speak on an issue of great importance to all women, and in particular women of color, that has yet to reach prominence on the national agenda. I am speaking of heart diseases.

Cardiovascular diseases—which include heart attacks, strokes, and high blood pressure—are the No. 1 cause of death and disability among American women, yet most Americans aren't even aware of the risks facing women.

I want to talk with you about a bill to do something about this—the Women's Cardiovascular Diseases Research and Prevention Act—that I am introducing which aims to prevent and aggressively treat heart diseases among women and educate the public and health professionals alike about the grave risks of these diseases to women.

Although most people believe cancer, specifically breast cancer, is the No. 1 women's health risk, in reality five times as many women die from cardiovascular diseases than die from breast cancer. The threat is so great in fact, that 479,000 women die each year from heart disease—almost double the number of deaths from all forms of cancer combined.

And heart disease strikes broadly, affecting one in five women in the Nation. Even more ominous is the unusually silent approach of this killer. Amazingly, nearly two-thirds of women who died suddenly of heart attack had no prior history of heart disease, and no risk was detected.

Public health experts have drawn many links between the difficulties poor and working women face and increased risk of disease. Cardiovascular diseases are no exception to these health effects of inequality.

Furthermore, cardiovascular diseases strike African-American women particular hard. African-American women die of heart attacks at twice the rate of other women, and die from strokes at a 33-percent higher rate that white women.

The risk factors that increase likelihood of cardiovascular diseases are also greater for African-American women than white women, including a higher incidence of diabetes, higher percentage with elevated cholesterol levels, less physical activity, and a greater rate of obesity.

These factors—often stemming from stress and struggle of trying to make ends meet—are commonly known with health care professionals—yet these factors and the deadly cardiovascular diseases that result are almost invisible in the policy debates and public discussions of our Nation's health and welfare.

That is why I urge you to join me in supporting the Women's Cardiovascular Diseases Research and Prevention Act. We who know better must create the kind of pressure, through broad education and study that will put this issue at the center of our public health initiatives, not stuck on the fringes, while striking, literally, at the heart of the women in America.

This bill aims to lay the critical foundation for the research and public education that is needed to turn around this largely silent killer of America's women. The bill authorizes $140 million to the National Heart, Lung, and Blood Institute of the National Institutes of Health to expand studies on heart diseases to include women and conduct outreach that will reach women. This authorization will start to make up for the many years in which women and minorities have been greatly underrepresented in heart and stroke research.

Currently, most if not all, diagnostic equipment and treatments are based on studies limited to men. The results of this research bias has meant many health care professionals remain unaware of the varied and often subtle

symptoms of heart diseases women may have, like dizziness, breathlessness, and arm pain.

This bill will provide those responsible for detecting and treating women with the knowledge necessary to combat these diseases among women.

This bill seeks to use the results of this research as well, spreading this knowledge beyond the hospitals and laboratories. This bill would establish targeted outreach programs for women and health care providers alike to educate all of us on the common symptoms of and risk factors contributing to cardiovascular diseases among women.

The Women's Cardiovascular Diseases Research and Prevention Act can be a crucial first step in getting timely diagnosis, effective treatment and broad, effective prevention measures for the leading killer of American women. I look forward to working with the members of the Congressional Caucus of Women's Issues, and all other interested Members of Congress to pass this legislation. Again, I would like to thank you for the opportunity to speak to you today.

GENERAL LEAVE

Mr. ROEMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order this evening.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Ms. PRYCE of Ohio (during the special order of the gentlewoman from Maryland, Mrs. MORELLA) from the Committee on Rules, submitted a privileged report (Rept. No. 105–81) on the resolution (H. Res. 133) providing for consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 867, ADOPTION PROMOTION ACT OF 1997

Ms. PRYCE of Ohio (during the special order of the gentlewoman from Maryland, Mrs. MORELLA) from the Committee on Rules, submitted a privileged report (Rept. No. 105–82) on the resolution (H. Res. 134) providing for consideration of the bill (H.R. 867) to promote the adoption of children in foster care, which was referred to the House Calendar and ordered to be printed.

THE NORTH AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I will insert in the RECORD the statement by the gentleman from California [Mr. MILLER] under the remarks of this special order.

Mr. Speaker, I would also say to my friend and colleagues that I am joined this evening by a distinguished colleague of mine from the State of Vermont who has been a champion on fair trade in this country, BERNIE SANDERS. If I could, I would like to make a few brief remarks and then yield to my friend from Vermont, [Mr. SANDERS] or whomever else would like to engage in this debate.

Mr. Speaker, we have been meeting here on a weekly basis to talk about the effects of the North American Free Trade Agreement. Let me just begin by saying after 3 years, actually 40 months, we are now able to look closely at the effects of the North American Free Trade Agreement, and I would recommend to my colleagues an editorial today in the New York Times because this editorial really shows us how the issues of trade and protecting the environment are really inseparably linked. We are going to talk about the environment a little bit, and then we are going to get to some other issues with respect to corporations. The editorial discussed the environmental challenges that the Nation of Chile is facing.

Mr. Speaker, I insert in the RECORD a copy of that editorial that was in the New York Times this morning.

The article referred to is as follows:

SLIGHTING NATURE IN CHILE

When Augusto Pinochet stepped down as President in 1990, Chile's people hoped that democracy would bring an improvement in the country's environment. The dictatorship had listened mainly to its friends in industry, and Chileans hoped that a new government would heed conservationists and public health advocates. What they did not count on was that in Chile, like most developing countries eager to attract foreign investment, the desire for growth outweighed environmental concerns.

As a result, air and water pollution remain serious threats to public health. Chile is also destroying irreplaceable natural resources through logging of old-growth forests and overfishing.

Chile has some tough environmental laws but, as in other Latin nations, they are not well enforced—in part because of the desire for growth. Chile is justifiably proud of a decade of growth at more than 5 percent, much of it from exports from mining, forest products and fishing, which damage the environment unless carefully regulated.

These extractive industries exercise great political influence. Moreover, unlike their American and European counterparts, business leaders in Chile see no particular public relations value in supporting environmental causes. The Chilean industrialists' group has even hinted that it will organize a boycott of "Oro Verde," a prime-time soap opera with an environmental theme.

Businesses commission the required environmental impact statements, and the government board that evaluates them often cannot afford to hire experts to do a thorough job. On several occasions when the board has rejected major investment proposals, political commissions have allowed the projects to proceed. President Eduardo Frei has often said he will not let environmental concerns stand in the way of growth.

Chile's environmental groups are small and rely heavily on volunteers. But they have helped raise public awareness of environmental issues to the point where politicians cannot risk ignoring them. And they have mounted successful court challenges. Chile's supreme court just blocked a major logging project by an American company, declaring that Chile's basic environmental law was too vague. New regulations were quickly passed.

The court is surely on the right track. No one has calculated the yearly cost of environmental damage to Chileans' health and resources, but the figure is probably greater than the annual increase in Chile's economy. Other Latin nations have found profit in protecting the environment. That would be a natural step for Chile, whose responsible Government and strong regulatory structure have helped make it an economic model in the third world.

The linkage of trade and the environment is an issue that we will need to address in the coming weeks and the months ahead as a proposal for granting fast track negotiation authority for the Congress, the proposal that the administration wants. As the editorial shows us, we must realize that sacrificing the environment for growth will not be sustainable in the long run, while it may appear to be sustainable in the short run, and if we simply expand NAFTA to include other nations without including strong environmental standards, we will lock into place a trade agreement that will eventually include environmental degradation. Corporations should be held to the same high standards of the environment no matter where they operate, but under the agreement that we passed during this debate 40 months ago, under NAFTA, corporations are not held accountable. If they exploit the environment or if we find that a nation's environmental laws are not being enforced, all we can do is consult, just consult. There is no fines, there is no sanctions, there is just talk.

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And that is not right. The last 3 years of experience we have had with NAFTA shows us that this system does not work. And it is true that our border areas with Mexico was an environmental mess before NAFTA went into

effect. We were told that, once we pass NAFTA, the problems on the border would get better. Instead they have gotten worse.

Mr. Speaker, the border area has grown rapidly. It is known as the maquiladora area. It is an area along the California, New Mexico, Texas, Arizona border with Mexico. Its workforce has expanded by 45 percent. But with the population growth and the increase in manufacturing, not even the old environmental and health problems have been fixed. Families along the border continue to live near and bathe in water from rivers in a region that the American Medical Association has called a cesspool of infectious disease.

Not a single meaningful grant has come out of the North American Development Bank, which was put together as an answer to try to resolve some of these problems. Our colleague, the gentleman from California [Mr. TORRES], had this language adopted and has worked very hard, but folks have dragged their feet.

So what we try to do is create an institution that will help finance border cleanup projects, but neither our Government nor the Mexican Government has shown a serious commitment to it. The Sierra Club guesstimates that it would cost about $20 billion, that is billion with a B, to clean up the serious environmental problems along the Mexican border. But at that rate, the bill is just going to grow. It is not going to get any smaller. And it is no longer that contaminated strawberries from Mexico could get into our school lunch program.

Mr. Speaker, in Michigan we had a serious problem with our school lunch program and the strawberries. We see these conditions happening because of the open border. Most people probably know the story about the contaminated strawberries that came from Mexico about a month ago. Students in Michigan started to get sick, and they were coming down with hepatitis A. All told, 179 young people became sick, and more than 11,000 students in Michigan and California had to get shots. Why? Because these strawberries, which were grown in Mexico, illegally got into our school lunch program.

Now, no one will ever be able to say for sure how these berries became contaminated, but let me tell you the evidence seems clear to show that the plant in San Diego where the berries were processed had no evidence of contamination during a routine inspection conducted there at the same time that the berries in question were processed. And it is well known that there is significant pollution in the irrigation and drinking water of Mexico.

In fact, listen to this figure, 17 percent of Mexican children have contracted a hepatitis virus from contaminated drinking water, 17 percent. Now since NAFTA has gone into effect, fresh strawberry imports from Mexico have more than doubled, with only 1 percent of food coming in from Mexico getting inspected. And of this tiny portion of food that gets inspected, fully one-third of it fails inspection over dangerous pesticides. So what you have along the border in Texas, you have got 11,000 trucks coming across the border every single day. They call it a wave line because just one out of every 200 get inspected. And of those that get inspected of this tiny portion, one-third fail the test for dangerous pesticides.

Mr. Speaker, 99 percent of the food that comes across the border is not inspected. As a Nation we have seen food inspection decrease dramatically over the years in the name of free trade and deregulation. So it is not surprising that 33 million Americans become ill every year as a result of eating contaminated food.

So, Mr. Speaker, the proponents of NAFTA told us that our food standards and food safety would be harmonized upward if we passed the NAFTA. What does that mean, harmonized upward? It means that their standards would increase to meet the high level of standards that we generally have here in the United States. But, well, they were wrong. Uninspected food is surging in from Mexico at an unprecedented rate. And we know that some of it is not safe and at the very least we should require imported foods to be inspected.

But we must also strengthen the food safety requirements in our trade agreements. Now, free trade is not just about tariff rates and investment protection and intellectual property. It is an issue that affects us every day in ways that we do not even realize. We must begin to recognize the fact that the issue of human health must have a place in our trade agreement.

As the debate on the fast track proceeds, we must make sure that human health and environmental protection are recognized as trade issues. We must give these issues the same standing as we give to corporate investment and intellectual property.

Now I have just about a minute to make two more points, then I am going to yield to my colleagues, who have been so patient here. I want to talk about NAFTA's corporate bonanza. It is astonishing what some of these corporations have done.

In February of this year, a group called Public Citizens did a study to look at the record of companies who had promised to create jobs if NAFTA was passed; and they tracked all the job promises, and they found that 90 percent of these companies broke their promises, 90 percent. They did not create jobs in America as a result of NAFTA.

I want to show you this chart here, NAFTA's corporate bonanzas are good for profits, bad for workers. This new study points out just last week they tracked 28 named corporations that spent millions of dollars to pass NAFTA. They came here and lobbied, told us what a great deal it was, how it was going to create jobs. Their record is one of greed and profit at the expense of workers on both sides of the border. And 12 of these corporations laid off a total of over 7,000 workers and shipped those jobs to Mexico. These are the companies that promised to create jobs in America if we passed NAFTA.

The sad thing is that all of this has paid off for these companies. They shipped our jobs over there. The main NAFTA boosters have seen their profits go up nearly 300 percent since NAFTA, compared to 59 percent for the top 500 U.S. firms since 1973. So they are making these profits by plowing over the rights of workers. And when they get down there, they do not pay, you know, they reestablish these jobs in Mexico, they do not pay them anything.

Mr. Speaker, during the NAFTA debate, workers were getting paid a dollar an hour. They were making a few dollars a day. Now they are making 70 cents an hour. I was down there just about a month and a half ago and workers were making $5 and $6 a day working in modern facilities, working very hard, very productive, but with no environmental safety standards, nobody to really bargain and organize for them, no unions to represent them. And they are making $5 and $6 a day, and their wages have dropped 40 percent.

So where is all the money going? Where is it going? Well, it is going to the corporations. You see, six of these corporations bust the unions by threatening to move jobs to Mexico. And you know the story goes on and on and on.

So it is with great sadness that we have to come to the floor and talk about these issues, because it is very clear from the record that NAFTA has not lived up to the promises that were made by the corporations or those that were concerned about the environment.

So at this point I yield to my friend from Vermont, Mr. SANDERS, who has been vigilant, very watchful and determined that, before we move on and do any other trade deals, we have got to correct the ones we are engaged in. I yield to my friend.

Mr. SANDERS. I thank the gentleman very much for yielding, and it is a pleasure to work with my colleague who has helped lead the anti-NAFTA effort for many years and has demanded a sensible trade policy which represents the needs of workers, as well as corporate America. It is nice to be here with the gentleman from Ohio, [Mr. KUCINICH], who is also joining that fight in a very strong way.

I remember some 4 years ago the gentleman from Michigan, [Mr. BONIOR] came to the State of Vermont and addressed a rally in Montpelier in

Vermont, where we had 300 or 400 Vermonters who were out protesting NAFTA; and the sad truth is that much of what he and I said on that day, much of what he and I predicted would happen has in fact occurred.

NAFTA is part of a disastrous trade policy, which is resulting in record-breaking trade deficits, which is costing us millions of decent-paying jobs. I wish very, very much, as important as the national deficit is, that the Congress would pay half as much attention to the trade deficit, which is costing us millions of jobs and which is lowering the wages of workers from one end of this country to the other.

The essence of our current disastrous trade policy is not very hard to comprehend. You do not have to have a Ph.D. in economics to understand that it is impossible and wrong for American workers to be competing against very desperate people in Mexico and other parts of the world, who, because of the economic conditions in their own country, are forced to work for 50 cents an hour or 70 cents an hour.

One of the interesting developments in recent weeks, I do not know if my colleague has seen it, is the front page of Business Week. Their cover story reported that CEOs last year earned 54 percent more than the preceding year. In other words, the compensation for CEOs in this country of the major corporations went up by 54 percent, while workers are struggling with 2 or 3 percent increases in their incomes.

Now, these very same people who are now averaging over $5 million a year are precisely the same people who told us how great the NAFTA would be. Well, I suppose that they are right. NAFTA has been very good for them, but it has been a disaster for the average American worker.

What we know is not only that hundreds of thousands of decent-paying jobs have disappeared from this country, as corporation after corporation has said, why should I pay an American worker $10, $15, $20 an hour when I can get a desperate person in Mexico to work for 50 cents an hour or a dollar an hour. Not only have they done that, but in addition to that, they are moving jobs all over the world.

I was interested in this last week to read, if it were not so sad, it really would be funny, where Nike, which seems to have the inclination to move to that country in the world which is now paying the lowest wages, they have now gravitated to Vietnam. And my colleagues may have seen in the paper that in Vietnam there is now a demonstration that they are paying below what they even promised the Vietnamese workers, which I would imagine is 20 cents or so an hour.

So what we are seeing is these corporations who used to hire American workers at decent wages are now running to Mexico, to other Latin American countries, they are going to China, they are going to Vietnam, where they are hiring people for abysmally low wages. And that is part of our current trade policy.

I think I speak for the vast majority of the people in this country who say that what we have got to have is a fair trade policy which represents the interest of the vast majority of our people and not just corporate America, rather than a so-called free trade policy, which forces American workers to compete against desperate people throughout the entire world.

Mr. Speaker, one of the issues that concerns me terribly much is that every day that I turn on the television and I listen to the radio and I read the newspapers, I keep hearing about how great the economy is. I am sure the economy must be great for somebody, but it is not great for the vast majority of the people in my own State of Vermont.

The fact of the matter is that while the wealthiest people in this country are doing phenomenally well, while CEOs now earn over 200 times what their workers earn, the middle class continues to shrink and most of the new jobs that are being created are low-wage jobs, many of them part time, many of them temporary, many of them without benefits.

Mr. BONIOR. Would the gentleman yield on that point?

Mr. SANDERS. I sure would.

Mr. BONIOR. Because I want to elaborate a little about the disparity between those at the top and the average worker in this country. In 1960, the difference between what a CEO earned and the average worker was about 12 to 1. In 1974, that increased to about 35 to 1. And as you have just correctly pointed out, now it is 209 to 1.

The average worker in America today, the 80 percent of people who pack a lunch and go to work and make this country work, their wages for the last 20 years have basically been frozen, their real wages. They are not going anywhere. It is the top 20 percent that are doing very, very well; and the very top are doing exceedingly well. But they are not moving anywhere. They are frozen.

If you have one of these people who have worked all your life at a company or part of your life at a company and they decided they are going to Mexico and your job is gone, those people are able to get jobs again but about at two-thirds of the wages that they had formerly been earning, at about two-thirds of the salaries that they were making. That is what is going on, there is an incredible downward pressure on wages.

There was a study done by Cornell University for the Department of Labor, which the Department of Labor, by the way, suppressed; and you will understand why when I tell you what was in the study. They found that 62 percent, 62 percent of corporations in America today were using Mexico and other countries that pay low wages as a hedge against raising wages or keeping wages flat in this country.

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They would tell their workers, listen, you want an increase in wages or salary, you are not going to get it. You are going to stay where you are, you are going to take a cut in health benefits or pension benefits, and if you do not we are going south. We are going to Mexico. Sixty-two percent of the companies are doing that.

So I thank my friend for raising that point, because it speaks to the increasing disparity we have in economic reality in this country.

Mr. SANDERS. Let me just say a few words and then I am going to yield to the gentleman from Ohio, [Mr. KUCINICH]. As the gentleman from Michigan [Mr. BONIOR] knows, 23 years ago the United States led the world in terms of the wages and benefits our workers received. Today, as a result of a number of factors, not least of which is our absurd trade policy, we are now in 13th place as a result in terms of wages and benefits. The fact of the matter is that the average American today is working longer hours for lower wages and they need that extra time in order to compensate for the decline in their income.

Clearly, there is something very wrong when from one end of this country to the other, we are seeing the loss of good paying manufacturing jobs and the substitution of those jobs in the service industry which pays people $6 an hour, $7 an hour, and often does not have benefits.

So I think that probably the most important issue that this Congress should be debating is to demand in one way or another, and I have some thoughts on it, you and Mr. KUCINICH have thoughts on it, in one way or another we have got to tell corporate America who have made their money in this country that they have got to begin reinvesting in Vermont, in Michigan, in Ohio, back into the United States of America, put people to work at decent wages, rather than running all over the world to hire desperately poor people at starvation wages.

I am happy to yield to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, it is a pleasure to join my colleagues on this issue which the gentleman from Vermont [Mr. SANDERS] has led the country on in examining and exposing the deficiencies in the NAFTA agreement.

I come from a district in Cleveland, OH, which was really built with the labor of steelworkers, auto workers, people in machine shops. It is a blue

collar town in many ways. It was part of that great industrial strength of America that helped sustain this country through two world wars and really made America preeminent among industrial powers in the world.

I have seen the changes that have taken place in Cleveland and throughout Ohio since NAFTA, and it is not a pretty sight. The State of Ohio alone has lost many jobs. As a matter of fact, I was able to secure a list of jobs which I have here, and I would just like to read some of the cities which have lost specific plant to Mexico since NAFTA. When I read this list I would like my colleagues to keep in mind that these are not cold, sterile statistics: Franklin Disposables which lost 50 jobs to Mexico, Dayton Rich Products which lost 146 jobs to Mexico, Green Goodyear Tire and Rubber Company lost 60 jobs.

In each case, the statistics have behind them a story of a family whose breadwinner could no longer produce and sustain a family. I have a story of a young person who lost out on an educational opportunity because the money was not there to sustain it. There is a story of a family which worked a lifetime to have a home and, suddenly, holding on to that home is impossible; a story of medical bills that cannot be met; a story of a dream that is shattered, a dream that is deferred, a dream that is denied.

We in the Congress have a responsibility to come forward with information and to show that in Greenville, OH, for example, 180 people were laid off from Allied Signal. Those people made air filters, oil filters and spark plugs.

Mr. Speaker, that is one snapshot because we have a $39 billion trade deficit because of NAFTA, and much of it, three-quarters of it is in the automotive related sector, so multiply one family, one dream times thousands and thousands across this country and we have a sea change occurring in this country, and the American dream is changing.

This country was built with steel, automotive, aerospace. Basic industries provided the muscle for America, gave us might, helped to preserve this country and protect our democratic values, and any change which undermines those industries undermines, I contend, our basic democratic principles and traditions, because if we do not have the ability to produce steel, if we do not have the ability to have a strong automotive industry, if we cannot be strong and secure in our aerospace, we undermine our national security.

Of course the greatest security we have, as we all know, is a job, and NAFTA has cost this country thousands upon thousands of jobs. As a matter of fact, the Trade Adjustment Assistance Act, as the gentleman from Michigan [Mr. BONIOR] probably knows, because we were talking about this last week, the last count was 118,000 jobs.

Mr. BONIOR. And that is a conservative estimate. If you use the formula that the proponents of NAFTA gave us in terms of creation of jobs, if we use that very formula we have lost about 600,000 jobs as a result of NAFTA. And of course we know many, many people just do not apply for trade adjustment assistance.

Mr. KUCINICH. Mr. Speaker, the gentleman is correct, and the Trade Economic Policy Institute estimates that, in fact, jobs were lost or never created because they were created in another country due to NAFTA.

Now, the next question is, What kind of jobs are being created. We know we are losing manufacturing jobs which are good paying jobs, which have enabled people to have a decent life, live in nice neighborhoods.

Mr. BONIOR. Sure, buy a home, send your kid to college, take a nice vacation, be able to retire with dignity with good health care.

Mr. KUCINICH. One needs to be making a good wage to do that, but what is happening is that this transition in our economy, while it is wiping out good paying manufacturing jobs, it is creating jobs, according to the Department of Labor, among the top 20 occupations having the largest numerical increase in the next decade in the United States: Cashiers, now cashiers are very important, very important jobs. Janitors, retail sales clerks, waiters and waitresses. Those are all important jobs and those are our constituents. But in order to sustain those jobs, in order to sustain this economy, we have to do it with manufacturing and we have to keep creating new industries, and we are not doing that.

Mr. BONIOR. Mr. Speaker I yield to my friend from New York [Mr. OWENS] to respond to the gentleman.

Mr. OWENS. Mr. Speaker, as the ranking member of the Subcommittee on Workforce Protections of the Committee on Education and the Workforce, I want to go beyond what has been said here so far and say that what we have in motion here is that NAFTA has been giving an incentive to the corporate powers to wipe out the American work force as we know it. American labor shall not exist in 10 years as we know it if they are able to continue as they are moving.

The incentive to make more and more profits on the backs of cheap labor has led to a situation where it has been concluded by corporate power that they have to wipe out the American labor movement. Working conditions and environmental conditions are just as important as wages in these considerations with respect to cheap labor costs, and they want a situation where they are in a position to dictate not only the low wages, but also the working conditions and to be free of any environmental regulations.

As the ranking member of the Subcommittee on Workforce Protections, what I have noticed is that all of the talk in this particular session of Congress about bipartisan cooperation and civility does not apply to anything related to organized labor. We have seen an assault start in this Congress on labor, unprecedented.

Several hearings have been held on the right of labor unions to use their money for political education, and they have gone out to where it hurts a great deal in terms of how they can spend their own funds and they are challenging their ability to make decisions as a majority, that if one member of any union objects to his money being used some way, his money should be segregated from the rest and the majority rules as to how funds are spent cannot apply. That is one way to cripple unions.

Another way is, of course, to come after the Fair Labor Standards Act. A lot of people think that the comp time bill is related to families, giving people an opportunity to have time off, but the comp time bill is all about the Fair Labor Standards Act as a major weapon of labor. If you get into the heart and soul of the Fair Labor Standards Act, you have to cripple unions.

OSHA continues to be under attack. We just had a hearing on methylene chloride, a substance which causes cancer, causes pneumonia. Clearly every study has shown it to be more dangerous than they previously understood it to be, and OSHA regulations after 10 years are being resisted, and they will take the business of methylene chloride, all the businesses that need it will take it overseas.

Airplanes, for example, have to use it in order to take the paint off when they check the body of airplanes to see if they are still sound and that is probably the largest use of methylene chloride. It is a huge business. They are threatening to take it to places overseas if we have the regulations installed by OSHA, just as they are threatening, of course, on any other environmental condition we set which safeguards the health of workers.

So we have an attempt by corporate power to create a new class of workers, something between servants and peasants, in order to maximize their profits. They will come back and they will bring the jobs back once they do that. But NAFTA, GATT, allows them to make huge profits and use the cheapest labor in the world to make those profits and acquire the power necessary to destroy the labor force and the organized labor in this country.

Mr. BONIOR. Mr. Speaker, it is a good point the gentleman makes.

I yield to the gentleman from Vermont [Mr. SANDERS] to answer it, and then I want to comment on it, because it is a very good point.

Mr. SANDERS. Let me just pick up on the gentleman's point, and that is

essentially, if you have desperate people in Mexico who are making 50 cents an hour, who are living in shacks, whose kids may be begging out on the street, who are forced to work under the most horrendous conditions imaginable, what corporate America is saying is hey, if we can get people to work in those conditions over there, we can drive wages and working conditions down here, because what we say to the American worker is, hey, if you do not like what you are getting today, we are going to go over there.

I just got a letter today from a corporate entity in the State of Vermont who told us about how high the wages are in Vermont, he could go elsewhere and so forth and so on. So I think it is not only a labor issue, it is an environmental issue, it is a union issue, and that is what our entire trade policy is about.

It is the race to the bottom, it is saying to American workers, there are people in China, Mexico, throughout the world who are prepared to work for almost nothing, and we are going to lower your wages and lower your working conditions, lower the environmental standards that you work under, lower and lower and lower. Not raise the other people's, but lower ours until we have an equalized work force around the world. A very, very dangerous trend, which as the gentleman indicated, is wiping out the middle class and creating pathetically low-wage jobs.

Mr. BONIOR. Mr. Speaker, years ago there was a large middle class like we have today, people struggled the same way, they did not have good wages here, they did not have any benefits. But they got together and they believed that they had certain inalienable rights, and among them were the rights to organize, the right to assemble, the right to collective bargaining and the right to strike. And that is how the movement got started, because of the abuse of the labor movement in this country. It was only through the labor movement that we built this expansive middle class in this country.

I saw something the other day, I was driving to work and I saw a banner over a bridge that said, let me recall the exact words, "The labor movement, the people who brought you the weekend." And I thought to myself, that is really creative. There could have been a lot of things up there. The people that brought you a livable wage, the people that brought you safety protection, that brought you health care, that brought you Social Security, that brought you Medicare, that brought you compensation if you got laid off. I mean all of these things could have been up there on that banner. The gentleman is absolutely right.

Mr. OWENS. The Fair Labor Standards Act, that is how the weekend came.

Mr. BONIOR. That is right. What is going on is they are trying to break labor in this country today, the corporations, and they are doing it through a variety of different ways. There are hundreds of law firms in this country that specialize in nothing else but busting unions in America. That is how they make their living.

I just came back from a very interesting discussion. I came from the Methodist Building across the street, and I was listening to a group of people talk about the K-Mart strike that occurred in Greensboro, NC, in 1993.

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A lot of workers wanted to form a union in Greensboro, NC. They were prevented from forming a union. They got together and they signed cards. And the majority of them wanted a union. And the union would not negotiate a contract. And they got the whole community involved that this was the right thing to do. It was the moral thing to do. People wanted to be represented and they needed to be represented. But the corporation, the multinational corporation, which, by the way, is located very close to my district, about 2 or 3 miles outside my district, they would not recognize them.

So what happened and what has to happen today in America and in Mexico and in other places is that you have got to get the community involved to get people organized again so they can stand up for those basic inalienable rights of being able to assemble, to collective bargaining and the right to earn their own bread.

And they did that down in Greensboro. They got the churches together. They got the progressive people in the business communities and they said, This is wrong. These people decided they wanted to come together for a decent wage and decent working conditions, and they ought to be recognized. Through a 3-year struggle they finally did it.

But even more importantly, they formed a sense of community out of that process and that is now being used to work on education issues and a whole variety of other issues. We have gotten off the track a little bit.

Mr. OWENS. Mr. Speaker, I think that is very much on track. That process is being endangered now. If you wipe out the ability to organize and you wipe out unions, who have the resources and the know-how to organize, then you are going to shut off that whole process.

There is an article in the February issue of Atlantic Monthly by a very successful capitalist named George Soros where he is saying capitalism is out of control and capitalism is going to destroy itself because there is so much great abuse of power. It is going to end the open society, what I call the society of checks and balances. Institutions like organized labor become a check on the power of corporations. Corporations are running rampant over everybody so the process of being able to organize is going to be wiped out.

Mr. BONIOR. There is no countervailing force today like there used to be. Unions and government used to provide a balancing against runaway greed.

Mr. SANDERS. Mr. Speaker, let me pick up on that point, if I could. Let us examine that point for a second.

In terms of distribution of wealth in America, you have the richest 1 percent now owning 42 percent of the wealth, which is more than the bottom 90 percent. One of the problems that all of us have is in dealing with the media. In terms of getting information out to people, one of the reasons that half the people in America no longer bother to vote is they are not getting information that is relevant to their lives. Who owns the media? When we talk about NAFTA, I remember this very clearly, it was quite unbelievable, poll after poll showed that the country was pretty evenly divided. Some were for NAFTA; some were anti-NAFTA.

We went through every single major newspaper in the United States of America, every single one of them. Were they evenly divided? Were they two-to-one pro-NAFTA? Every single one of them was pro-NAFTA, as was virtually every corporation in America. So you see who owns the media, we are seeing in terms of contributions to both political parties. Not an accident that you have this trade policy. This is a trade policy that works well for corporate America. It hurts the working people.

Where does the money come from to fund the parties? It comes from the wealthy people. And we see the results of that in terms of our trade policy. In almost every aspect of our lives we are seeing a greater and greater concentration of wealth and power. And in many ways I must say this country is beginning to look more like an oligarchy than it is like a democracy.

Mr. OWENS. Every new NAFTA, every new GATT adds to that corporate power. It allows them to make higher and higher profits, 59 percent since 1993. That is light stuff compared to what is going on now, I am sure, in terms of the stock market still booming. They get more and more wealth to use to oppress the people who are, the overwhelming majority in America who do not have a voice. Like the gentleman said, they own the media. They snuff out open society. They snuff out the checks and balances. And they are going to snuff out the consumer, the consumer market that is the driving engine for capitalism. As Soros puts it, they are going to destroy themselves if there is no check and balance on them.

Mr. BONIOR. When you have people like Soros and the Goldsmith fellow

from Europe, these are very wealthy and prosperous and well-known capitalists in the world starting to speak out like maybe we are going too far here, when you have that kind of voice starting to be heard, then you know something is really out of whack.

When the people at the very top start to say, wait a minute, maybe we are piling up too much greed here by getting 294 percent profit increases since 1993.

I want to make one other quick point here and that is with respect to labor unions. Then I will yield to the gentleman from Ohio.

When labor unions were at their peak in this country, when 35 percent of the American people in the work force belonged to a labor union, they would produce 90 percent. I will give you the figure. Late 1950's, they were producing 90 percent in productivity. They were getting about 99 percent back in wages.

In about 1974, they were getting about half of what they were getting in wages in what they were producing. And then in the 1980's, it was about a third of what they were getting back in terms of wages from what they were producing in productivity. So as labor's numbers started to decline in terms of representing people in this country, from 35 percent in the 1950's down to the present, I think 14, 15 percent, their take, workers' take in terms of what they took home was less and less of what they produced in terms of proportion.

And that is one of the tragedies of this equation that has now allowed the corporate folks in America to move with impunity down to places like Mexico and exploit workers down there at 70 cents an hour.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, when you think about the history of the growth, the economic growth in this country, which permitted the rise of the middle class, which permitted people to go from $10 to $15 to even $20 an hour, it is really somewhat of a miracle that America sustained this. And then comes trade agreements like NAFTA and people start to see those jobs slip away.

And the question arises, why would someone pay $20 an hour, let us say, as opposed to 91 cents an hour, as some workers in Mexico, are making for basically doing the same work that someone who had a job that paid $20 an hour did prior to that job leaving?

The reason why you pay that amount is, in order to maintain a democracy, you have to make sure people have a lot of choices, and they have to have a good income. And that income gives them the ability to be free economically. Because let us face it, if you do not have economic freedom, your political freedom is compromised.

Mr. OWENS. And consumer spending is still two-thirds of our economy. We are going to wipe out consumer spending.

Mr. BONIOR. There was a piece written by Stanley Sheinbaum, a friend of mine who lives in California, in his quarterly that publishes entitled, who is going to buy the goods. He kind of lays it all out. If we keep driving wages down, downward pressure on wages, at some point in this process, we are not going to have and our families are not going to have the wherewithal to make the purchases that make the engine of this country run.

Mr. KUCINICH. In 1997 in January, the Economic Development Corporation of Tijuana was advertising that they would pay wages and benefits together of 91 cents an hour in maquiladora areas. Those are the kinds of jobs that are moving to Mexico from areas like Ohio, manufacturing jobs.

The problem is, though, if you are making 91 cents an hour, you are not buying a new home that costs $60,000, $70,000. You are not buying a new car that costs $18,000 to $20,000. You are not purchasing an education for your child if you are making 91 cents an hour.

The wage level promotes economic activity in this country that sustains the type of society we have. If we were to turn that around and say, what happens if you make 50 cents in some cases or 91 cents an hour, you cannot aspire to those kinds of things which we in this country have come to expect as what we call the American way of life.

And the great thing about this country is that we think we can reach even higher. Once we reach a certain niche, we are going to reach a little bit higher. We get there, we reach a little higher. Now we are finding we cannot do that because the jobs are starting to go away and out of this country.

My colleagues raised the issue earlier, the gentleman from Michigan [Mr. BONIOR] and the gentleman from New York [Mr.OWENS] and the gentleman from Vermont [Mr. SANDERS], all raised the issue of the attack that is going on on working people due to NAFTA, how people are being threatened, look, if you start organizing, we are going to move your jobs, your jobs are gone. I got a hold of a Cornell University report which I am sure you are familiar with.

Mr. BONIOR. That is the one I referred to, the Labor Department, Cornell did for the Labor Department. They suppressed it by the way. The Labor Department would not let it out, and it finally came out.

Mr. KUCINICH. Mr. Speaker, I know the gentleman has seen it because this is close to his district. And as I read it, I was shocked when I saw the kinds of tactics that were used. Would it please the gentleman, could I read this into the RECORD. This is a very interesting report from Cornell. Here is the kind of things that they found out:

In our follow up interviews with organizers in campaigns where plant closing threats occurred, we learned that specific unambiguous threats ranged from attaching shipping labels to equipment throughout the plant with a Mexican address, to posting maps of North America with an arrow pointing from the current plant site to Mexico, to a letter stating the company will have to shut down if the union wins the election.

This is just part of the kinds of things that were put. They gave the example of the ITT automotive plant in Michigan where the company parked 13 flatbed tractor trailers loaded with shrink-wrapped production equipment in front of the plant for the duration of an organizing campaign that had a hot pink sign on it which read, Mexico transfer job.

Now, think about that. That is just one example. How can people then try to aspire to a higher wage? How can people hope for better benefits? How can they get their health benefits improved? How can they hope that they will have more time to spend with their families? They cannot, because they are held captive by this.

That is one of the reasons why I appreciate, Mr. Speaker, having an opportunity to participate in this debate with these gentlemen and in this discussion of the importance of this issue to the American people, because it has real effects. I started off this discussion, I have a list of dozens of cities that are losing the life blood of the community because of this trade agreement.

Mr. SANDERS. I think, picking up on the point of the gentleman from Ohio [Mr. KUCINICH], that the truth of the matter is the average American worker is scared to death.

Mr. BONIOR. Very scared.

Mr. SANDERS. People are scared to death precisely because of what the gentleman is saying. Because if they stand up for their rights, their company is going to say, we do not need you anymore. We are going to Mexico; we are going to China.

Ultimately I think, after all of this discussion, after all of what is said and done, it seems to me our challenge is a very simple one. It is to tell corporate America that they no longer have the right to run all over the world and throw American workers out on the street and then be able to bring their products back into this country duty free. You do not have to be a genius to know that you would make a lot more money paying a Mexican kid or a Chinese young lady 20 or 30 cents an hour than paying an American worker a living wage. And the problem is, we have allowed them to do that. We have allowed them to run all over the world. And the end result is what the chart of the gentleman from Michigan [Mr. BONIOR] tells us, corporate profits are soaring.

The end result is what Business Week told us two weeks ago, that the top

CEO's in this country saw an increase in their compensation last year of 54 percent, and they now earn 209 times what the average American worker earns. I had not realized that one person is worth 209 times more than another person, that their children are worth 209 times more than the children of a worker. It is obscene. It is wrong.

Mr. KUCINICH. Mr. Speaker, it is possible that many Americans for years and years have understood and even accepted those kinds of disparities as long as they had jobs. We all expect that the bosses and the people that head the corporations are going to make more money. What is happening now, though, is that the salaries are going up for the officers, and I am all for people making good salary, but the workers are losing their jobs.

Mr. BONIOR. They are losing jobs and finding other jobs that pay considerably less.

What happens when that occurs? That starts a cycle. Well, you work overtime or you work two jobs or you work three jobs, and that cycle produces a situation where you are not home at night to see your son or your daughter's soccer game. You are not there for the PTA meeting. All those other social maladies that we all talk about and we all wrestle with and struggle with around here occur. And it is a vicious cycle. It starts with wages often.

Mr. KUCINICH. It goes to family values and democratic values which underpin our ability to celebrate family values.

Mr. OWENS. Mr. Speaker, the gentleman from Vermont [Mr. SANDERS] was implying before that the challenge to us is to stop them from making products in other countries with the cheapest possible labor and then bringing them back here to sell them duty free. That option is gone already. NAFTA is like the international law. GATT is international law. You cannot stop them anymore from bringing those products back. We will be violating the treaties that we have already agreed to.

□ 2030

Mr. SANDERS. That is why we have to repeal those pieces of legislation.

Mr. OWENS. That is the task before us, to repeal those pieces of legislation; also to do everything possible to get laws in place which will not allow them to keep beating down the work force, to wipe out organized labor.

There are a lot of things we can do right now to stop this. Our own tax laws allow the CEO's of American corporations to earn these obscene salaries. By the way, they earn the highest salaries in the world.

Mr. SANDERS. By far.

Mr. OWENS. The Japanese CEO's, the German CEO's, and other CEO's around the world are not earning those kinds of salaries.

Mr. BONIOR. Not even close.

Mr. OWENS. And if we had some tax laws with the people who are making the profits, instead of the present situation where individuals and families are paying 44 percent of the income tax in this country while corporations are paying a little more than 11 percent, there are a lot of things we could do to help to begin to bring some sense back into American capitalism.

It was capitalism that worked before. It worked. Henry Ford recognized it when he said, "I really need these people to make more money to buy my cars."

Mr. BONIOR. So he paid them 5 bucks an hour.

Mr. OWENS. That was the basic principle that ought to be the bedrock of American capitalism, and they are throwing it away because we are not producing workers that can buy the products any more.

Mr. KUCINICH. I remember a time when a label that said "made in America" was something you could not help but see no matter where you went, and now it is difficult when you shop for goods and check for a label to find things that are made in this country. Again, if they are made in America, somebody has made them, they had a job, and they were supporting a family.

And I want to stay on that because, to me, the essence of supporting the Democratic tradition in America is to make sure that people have jobs.

I take issue with our friends over at the Fed. In a Democratic society, I do not think there is any such thing as a certain amount of unemployment necessary to the functioning of the economy. The fact of the matter is that in a Democratic society, if we want to maintain that democracy, we have to make sure people have a chance to participate through their jobs and with a decent wage level.

That is what NAFTA has affected. There is a myth. People talk about the benefits of NAFTA. We have heard people say that exports to Mexico have increased. That is true, but what they do not tell us is that the imports have increased at a higher rate so, therefore, the trade deficit grows and the job loss continues.

We will hear people say that the Mexican workers have a better life. Well, that is not necessarily true. Because what has happened, and this will surprise many people, people think that it is the Mexican workers that are benefiting. Not necessarily true. In 1994, before the peso collapsed, real hourly wages were 30 percent lower than in 1980, in Mexico. After the peso fell, the wages fell another 25 percent.

I know that the gentleman from Michigan has tracked this. Listen to this. The earnings in the maquiladora sector are only 60 percent of the former manufacturing sector. So the Mexican workers are being attacked as well.

Mr. BONIOR. I was down in Mexico, in Tijuana, on the border, in the maquiladora area about 6 weeks ago, and I had the chance to talk with workers, visit their villages and their colonia. They work at very modern facilities. The Hyundai Company from Korea and Samsung from Korea and Panasonic. These are new plants, efficient.

These workers are good workers, they work hard, but they get paid $5 a day. 5 bucks a day. And they live in just very terrible conditions. Their housing is not good. They live, as I said earlier, in situations where the water that they bathe in and drink is contaminated. The American Medical Association called it a cesspool of infectious disease.

These corporations do nothing about establishing any type of a tax base to improve the environment, to improve wages or health conditions. I talked to one leader of a colonia, that is a village, where most of the people worked at this factory, and he told me that a lot of his friends and relatives in this village were losing fingers and hands because the line was going so fast. Enough to alarm people. It was not just one or two.

So since there was no real union representation, they decided to shut the place down for a couple of hours one day to protest. Of course, he was fired as the leader. He eventually ended up in jail when he tried to form an independent union.

That is what these people are up against. They cannot buck an indifferent government and a corporate mentality that just does not want to deal with this at all. That is the hedge. That is the wedge, I should say, which our workers are competing against. It is this drive to the lowest standard, as the gentleman from Vermont has said. What we need to do is raise their standard up to our level.

Mr. KUCINICH. And that is something that certainly fast track must be challenged to do, but it does not do that. It does not provide for the kinds of worker and environmental protections which we need to see established so that we do not find our standards under attack.

Mr. BONIOR. These trade agreements have all kinds of wonderful protection for property. Intellectual properties, CD's, all this type of stuff. We have an agreement with Mexico where we can go to jail if we do that, if we pirate the stuff. When it comes to properties, there are sanctions and they are tough. But when it comes to people and the environment, there is nothing on the books to protect them.

Mr. KUCINICH. The importance of us taking a stand on this cannot be repeated enough, because I remember when I was first starting my career, back in the city of Cleveland, and as all politicians do, I went through a crowd

and shook hands, and I remember some of the older men in particular who worked in the assembly lines. I would shake hands, but occasionally someone would come up and they would be missing fingers or part of their hand was gone or part of an arm was gone, or maybe they lost sight of an eye because a piece of steel went into it or something at work.

We realized in this country over a period of decades that it was important to maintain certain safe working conditions and America helped set world standards for that. We were the ones, because of the standards we set, which gave workers everywhere a chance to be better protected on the job and, therefore, also help industry become more efficient because they were not losing the services of workers who were performing needed work and did not want to interrupt it through injury. So through a whole series of laws, occupational safety acts and through acts that dealt with safety in the workplace and environmental laws, we were able to guarantee that workers would have a little bit of protection on the job.

Now, what happens if we do not keep that standard up there, that standard starts to slip? Then we are back to the days where people are not safe in the workplace.

Mr. SANDERS. If I can interrupt for a moment, it is not a question of is it happening. It is happening. Let us not be naive about this. What is going on now is the standard of living of the average American worker is in serious decline. The gap between the rich and the poor is growing wider. The control of the political parties is growing sharper by the very wealthy.

Ultimately, I think as a nation, we have to ask ourselves how much is enough? When does it end? How much do they want: 209 times more than the workers, 500 times more than their workers? Will we hear a movement here to bring back slavery? When does it end?

We have people in this country, in my State, that are not working one job, they are working two jobs and three jobs, as the gentleman from Michigan said. I have met a husband and wife who hardly ever see each other. They are both working three part-time jobs. When does it end?

This is a wealthy country. This is a great country. But we need policy so that we redevelop our manufacturing sector; we create decent paying jobs in this country. With all of the new technology, the working hours should go down, should they not? With all these new machines, people should be producing more.

Mr. BONIOR. And working less.

Mr. SANDERS. And working less. Yet what is happening? Just the opposite is happening. And what is the end result? The end result is corporate profits soar, CEO salaries soar, and distribution of wealth becomes more and more unfair.

Mr. OWENS. We had a capitalism that worked for both the owners and the managers and the corporations and the workers. We had a capitalism that worked. Common sense will tell us that the present measures that are being undertaken, the abuses by the corporate powers, are going to destroy that capitalism.

I think one appeal we can make to the American people and the American voters is to say enough is enough. We will put some chains on the abilities of corporations to dictate how our economy is run.

We need to begin right away to make the necessary laws, to stop the tremendous abuse of power that is taking place. We need to exercise common sense and say we will not take conditions like the present post office is about to negotiate for a single source for the postal uniforms. We should say to the post office, "No, we demand those uniforms be made in this country. Do not go all over the world for these things." The policeman, the post office man, whatever uniforms are being made, we should demand that they be made in this country.

There are a lot of other common sense arrangements that we should start demanding now before we move to try to repeal NAFTA and GATT and some of these other laws. We must wake up because the hour is quite late.

Mr. BONIOR. The tragedy about all these trade issues, to me, is that we are moving backwards to the 19th century. We are establishing wages and working standards and human rights standards that are over 100 years old and that our mothers and our fathers and our ancestors and grandparents fought very hard to change.

People struggled hard to get a livable wage in this country, to get the right to organize, the right to strike, the right to collective bargaining, to establish a lot of the things in the environment that were important to us. And we are just kind of giving it all away because we are moving to this lower standard. We are moving to a lower standard.

This is the most important fight I have been involved with since I have been in elected political life, and it is up to us, I think, to try to demonstrate and to show our colleagues and the country that we are in a very, very serious slide unless we develop some moral force and a countervailing force to this runaway greed.

The capitalist system is what we have, and it works well when it works together with workers and the community. But when workers and the community are not part of the equation, what we see is what we find in our society today, and I do not think many people like it.

So I thank my colleagues for joining me this evening. I guess our time is just about up, and I appreciate their efforts. If they have a last word or two, I would be delighted to entertain it.

Mr. SANDERS. I thank the gentleman for organizing this special order. We are fighting for our lives, we are fighting for our parents, we are fighting for our kids, and I would hope the American people would get actively involved in this struggle.

Mr. MILLER of California. Mr. Speaker, after 3 years, we need to ask the question: Has NAFTA been fair to the American people? Would its expansion be fair to workers and the environment? Would it be fair to American consumers? Based on the past 3 years, we'd have to say, "no."

The basic premise of free trade—that the manufacturer who makes the best product at the cheapest price wins—does not constitute fair trade unless consumers know what they are buying. Otherwise, that cheap price may mask dreadful working conditions, inadequate pay, exploitation of children or environmental practices that, were they known, would cause American consumers to make other purchase decisions: To avoid Mexican tomatoes sprayed with pesticides banned in the United States; to refuse to purchase vegetables picked by children who work in the fields instead of going to school; to reject tuna harvested by slaughtering thousands of dolphins.

Most of us remember the TV commercials "Look for the union label." Americans took that message to heart, and many shop specifically for products labeled "Made in USA." Even in those cases where consumers purchase imported goods, however, they have a right—and some would argue an obligation—to know the conditions under which merchandise has been manufactured, and to avoid purchasing products manufactured under conditions considered abhorrent in this country.

NAFTA is premised on the notion that consumers, not governments, should make decisions about what to purchase. But consumers cannot make those choices unless they are provided full information about the products offered to them. And make no mistake: When we purchase products manufactured under shocking conditions, we are encouraging those conditions to persist with our dollars.

It seems like a simple premise: American consumers have a right to know what they're buying.

Who can argue with it? The United States is the most sought-after market in the world. Americans purchase more food, more clothing, more cars, and more toys than anyone else in the world. It would follow that we'd like to choose our purchases wisely. What manufacturer or retailer wouldn't support the consumers' "right to know"?

The sad truth is, many manufacturers do not support that right, and neither do some high in our own government who should know better.

Two weeks ago, while the parents of Michigan schoolchildren were still reeling from an outbreak of hepatitis traced to Mexican strawberries, Members of Congress from California and Florida introduced legislation to require that the country of origin be clearly labeled for all fresh fruits and vegetables sold in the United States.

Who could disagree? Consumers should know whether their strawberries came from

Mexico or California, or whether their tomatoes were grown in Florida or Chile. But amazingly, it's not at all that simple—because importers and many retailers—and some in our own government—don't want the American people to know where their purchases come from, and they certainly don't want you to know how they were grown or made. Because they know—and the polls indicate—that, given accurate information about the effects of a product on the environment, children, women, or worker rights, most consumers will purchase responsibly.

Does all this sound melodramatic? Let's look at the facts.

Right now, retailers and importers—led by the American Frozen Food Institute—are vehemently opposing requirements to label frozen foods with the country of origin on the front of the package, where consumers can see it clearly at the time of purchase. In fact, Canada has already filed a protest against such labeling. Why? Because other countries believe clear, easy-to-read, conspicuous labels are a "nontariff trade barrier." In other words, American consumers may choose not to purchase an imported item.

Nontariff trade barriers are trade-speak for anything that might help American consumers to choose American-made or American-grown goods over foreign products. And under the rules of free trade, nontariff trade barriers are illegal. In fact, under the rules of free trade as imposed by NAFTA, anything that restricts trade in any way is illegal—and that includes information labels on where and how your purchase was made, harvested, or grown.

If Mexico has its way, and we expand NAFTA to other Latin American nations, American consumers will be unable to determine where the next load of hepatitis-infected strawberries came from, and they'll no longer be able to assure their children that their tuna fish sandwich wasn't caught at Flipper's expense.

Within the next few weeks, Congress will be voting on a bill that will change the meaning of the famous Dolphin-Safe label found on every can of tuna in this country for the past 7 years. Dolphins will be chased with helicopters and high-speed boats, caught in nets, seriously injured, mothers separated from their calves—and as long as no dolphins are observed to die, that tuna will be labeled "safe" for dolphins.

Why?

Because Mexico insists on it. Mexico is well aware that American consumers will not choose to purchase tuna caught by harming dolphins; therefore, to gain a large share of the U.S. tuna market, they are lobbying to dupe American consumers into purchasing tuna labeled with a redefined "Dolphin Safe" label.

The Administration, supporting this change, offers a thin defense for their capitulation to Mexico: the Administration asserts that no studies have been conducted to indicate that the capture method was not safe for dolphins. Applying this view to other products would result in the application of a "Child Safe" label to toys provided that no studies have been conducted to prove them harmful to children. This is a sweeping and damaging precedent for other U.S. labeling laws designed to protect and inform American consumers.

This is where NAFTA has brought us.

Now, I do not pretend that these problems exist only in other nations. Just last week, I joined with human rights and labor groups to release a report documenting the systematic exploitation of foreign workers—mostly young women—in the sweatshops and other manufacturing industries located in our own territory of the Northern Mariana Islands. My legislation would compel that territory to meet Federal standards for minimum wage and immigration, and would deny manufacturers there the right to continue to use the "Made in USA" label on their products unless they were manufactured in full compliance with our own labor laws.

I conducted that investigation and introduced that bill for the same reasons that motivate me on NAFTA and international trade: American consumers should not inadvertently promote and support, with their dollars, the exploitation of workers, or the rape of the environment, or other practices that we will not tolerate in this country and should not subsidize in the name of "free trade." The trade may be free, but the workers sure aren't.

Let's face the fact that there are nations and there are businesses that rely on the exploitation of children, women, or the environment to attract investment in their country. And let's face the fact that these nations rely on the rules and rhetoric of the free trade game to pull all of us down to the lowest common denominator. The American people should be outraged.

UNION JOBS LOST DUE TO CUTS IN DEFENSE SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to focus on several major concerns of mine. But let me say at the outset before beginning my discussions that I am of the other party from the gentlemen who just appeared in the well and spoke against NAFTA, but I as a Republican opposed NAFTA, voted against NAFTA, and even more than that, appealed the ruling of the Chair on the bailout of Mexico which the President and the Speaker and the majority leader all had agreed should not come to a floor vote in this House and which we were not given privy to vote on.

I think the loss of jobs in this country because of the North American Free Trade Agreement is very pronounced. It has certainly hurt the northeastern Midwestern area, the rust belt area, and it is something that continues.

I would grant that the white collar industries have benefited from NAFTA, but by and large our manufacturing industry has, in fact, lost.

But, Mr. Speaker, let me kind of move into the topic that I want to focus on tonight, because from the broadest possible context it, too, deals with the jobs issue, and for those Members who may be in their offices listening to the discussion of NAFTA, perhaps there is another segment of the job loss that was not even discussed over the past hour. That relates to the 1 million union men and women who lost their jobs over the past 5 years, Mr. Speaker, as this President cut defense spending to a level that we have not seen since before World War II.

Now, we do not hear any talk coming out of the AFL–CIO leadership on this issue, and we do not hear much talk coming out of the mainstream side of the opposition on this issue, because they have largely not been supportive of stabilizing our defense industrial base. But let us talk about that impact, Mr. Speaker, as I start off my 1-hour session this evening.

Over the past 5 years, under this administration, over 1 million American workers have lost their jobs, workers who worked for large defense companies, small machine shops, subcontractors, and because of the cuts that this Congress and this administration have imposed, largely through an administration totally unsupportive of adequate defense spending, 1 million union workers have become unemployed.

□ 2045

These are not the fat cat CEO's that we heard about being discussed during the previous hour. These are UAW workers, these are IUE workers, these are machinists workers, these are the building trades workers who do in fact the bulk of our construction work at our military sites around the country that are required under Davis-Bacon prevailing wage laws to be given a priority in terms of the jobs that are provided through our military construction budget.

We have not heard the AFL–CIO issue a peep about the loss of these 1 million jobs nationwide. Yet these workers too, Mr. Speaker, were paying their union dues, these workers too were out there concerned about their families and being able to feed their kids, but nothing came out of the AFL–CIO or this administration to protect those workers and the loss of their jobs.

I will grant, Mr. Speaker, that it is a different world today. I would argue that one could make the case that it is actually more destabilized today than it was when we in fact had Communist domination of the former Soviet Union. Then there are those, Mr. Speaker, who would say we are spending so much more on the military today that it is outlandish, that it is outrageous.

Let me take a moment, Mr. Speaker, and talk about defense spending, because I think we have to put things into perspective. For those of our constituents who are thinking that we are spending so much more money on the military today, let me do a very simple and basic comparison. There are two basic ways that a country can compare

its level of defense spending or its level of Federal spending in any particular given area. The first is what percentage of our gross national product as a nation is being used to fund our military.

Let us take a period of time when we were at relative peace. The 1960's, when John Kennedy was President, we were at peace. It was after the Korean war and yet it was before the Vietnam war. We were not involved in a major international conflict. During those Kennedy years, Mr. Speaker, we were spending 9 percent of our gross national product on the defense budget. In fact, 52 cents of every Federal dollar coming into Washington went back to pay for the military, 52 cents of every Federal dollar. That was during John Kennedy's era.

What about today? In today's budget, Mr. Speaker, we are spending less than 3 percent of our gross national product on the military, and we are spending 16 cents of the Federal tax dollar coming into Washington on the military. Anyone who would compare numbers I think would admit that is a substantial decrease in the total amount of Federal revenues that we are spending on the military. As we have drawn down that military, we have in fact drawn down a significant number of jobs. But there are those who say, well, out of that 16 cents that we are spending of the Federal tax dollar on the military, it is providing so much money for these big corporations.

Let us look at that issue, also, Mr. Speaker, because back when John Kennedy was the President, we did not have an all-volunteer military. Kids were drafted out of high school, 17, 18, 19 years of age. They were drafted and they served for far less than the minimum wage. In fact, it was 10, 15 cents an hour. They were required to serve their country for a period of 2 years. Today, Mr. Speaker, we no longer pay people peanuts to serve in the military. We have an All-Volunteer Force. Our kids in the service today, Mr. Speaker, in fact our men and women, are very well educated, many of them have college degrees, they have technical training. In fact most of them have families. They have spouses, they have children.

So, therefore, Mr. Speaker, to support the new military we have today, a much larger percentage of that 16 cents goes to pay for education, health care costs, housing costs, benefits and all of those quality of life issues that are important for our new military. So even though we are only spending 16 cents of the Federal tax dollar on the military today as opposed to 52 cents when John Kennedy was President, a much larger portion of that 16 cents goes for the quality of life for the men and women who serve in the military.

So when we talk about the defense budget, Mr. Speaker, we need to put things into perspective. When someone says there have been massive increases in defense spending, go tell that to the unemployed UAW worker who lost his or her job 2 years ago. Go tell that to the machinist who lost his or her job 3 years ago, or go tell it to the union member from the IUE who was displaced because his company was consolidated with another major defense company, or tell it to one of the building trades members who had their basic industry sold down the river because we have cut back so far in terms of military construction projects. The cutbacks in defense spending have been real, they have been substantive and they have caused a significant amount of turmoil in the lives of American people, not just a few hundred, not just a few thousand, but over 1 million men and women out of work. That does not include the cutbacks in the Pentagon itself. What I am talking about are the union workers across this country who have negatively been impacted by the cutbacks in defense spending.

What can we do about this, Mr. Speaker? The President is driving all of this debate from the bully pulpit at the White House, and I want to end my comments later on this evening talking about how the President is using the bully pulpit to convey the wrong message to America and to our people. But let me talk about some options that we in the Congress are in fact pursuing. The President has some options in terms of defense spending, and I would support any one of these options.

First of all, he could raise the top line in terms of the amount of money that we spend on the military, and I would vote for that and I would support it. I do not want a massive increase, but I do want a stable funding level, because the reason we have a strong military is not just to respond in wars but to deter aggression. There has never been a nation that has been attacked or taken down because it was too strong, and so a stable funding base for the military is the key number one priority that we should work for.

I would support the President if he asked me to vote for additional money for the military, as this Congress provided in each of the last 2 years. But the President has not yet said he would do that. There is a second alternative, Mr. Speaker, for the President. He could decrease the amount of money coming out of the Defense Department's budget for environmental mitigation. Most people do not realize this, Mr. Speaker, but as we have cut defense spending to 16 cents of the Federal tax dollar collected in Washington, we are currently spending $12 billion of that money not for guns and missiles, not for the salaries of our troops and not for the CEOs of the defense companies; we are spending $12 billion of that DOD money for what is called environmental remediation. In fact, much of that money is going to lawyers who are suing each other over how clean we are going to leave a former military site.

What is especially troubling to me, Mr. Speaker, as someone who takes great pride in my pro-environmental voting record is that we have gone too far in this area. What was at one point in time a military base where the children of military personnel lived and played on the playgrounds and went to the schools on that base, as soon as that base has been closed through the base closing process, then we are told that that facility is unacceptable, that it is a danger, it is a toxic site. It was okay when the kids of those military personnel were there, but now all of a sudden it is being closed, we have to take extreme measures because that complex is no longer safe for human beings to be around.

We do have to clean up sites, Mr. Speaker. Everyone acknowledges that. But $12 billion out of the DOD budget this year is too much of a price to pay when we have other needs that are currently not being met.

So I have said to this President publicly that I will support him if he will work to help us reduce the amount of environmental spending coming out of the DOD bill. That would provide some support for these workers that we have heard about tonight who have been displaced from their jobs.

There is a third alternative, also, Mr. Speaker, that I would support, and that is the need for this President to do more than just commit our troops around the world in terms of peacekeeping operations or stabilization operations. There was a huge debate on the floor of this House about whether or not we should commit to the President's decision to put our troops into Bosnia. The debate was not about whether or not we support America's need as the world leader to go into Bosnia with our allies. That was not the concern of most of our colleagues. The debate, Mr. Speaker, was why should the United States put 36,000 troops in the theater of operation of Bosnia when the Germans right next door are only committing 4,000 troops or perhaps the Japanese, who cannot provide troops, are not putting enough in the way of dollars in to support that operation?

The problem in this Congress, Mr. Speaker, is that this administration has an internationalist foreign policy with an isolationist defense budget. There have been more deployments by this President in the last 5 years than in the previous 50 years, more deployments in the last 5 years than in the previous 50 years. Every time this President deploys our troops to Haiti, to Bosnia, to Somalia, to Macedonia, the taxpayers foot the bill. Where does that money come from? Since the President did not plan for any of those deployments, he goes into the defense

budget and he robs the accounts to pay for the weapons systems that then cause these union workers to lose their jobs.

That is unfair, Mr. Speaker, and so the third alternative for this President is to say that he will work with us so that when he commits to deploy our troops that he is willing to go out and get the support of our allies to help pay for that deployment. That is what President Bush did in Desert Storm. In fact, in Desert Storm the total cost of that operation was around $52 billion. The amount of money that we collected from our allies to help pay for that was around $54 billion. It was entirely funded by those people who benefited from our presence. That is not the case in Bosnia, and that is not the case in Haiti.

In fact, we are going to be asked to vote in a few short days on a supplemental appropriations bill to provide more money for Bosnia. It is not again a question of paying our fair share, it is a question of why should the U.S. pay the brunt of this cost alone, especially when it has not been programmed in the defense budget and is simply robbing other programs that are important to the security of our kids as they serve around the world on the deployments made by this President.

In fact, Mr. Speaker, we need to send a signal that while America will be a vital partner in helping to stabilize these regional conflicts, America cannot and should not go it alone in terms of funding these operations. We should not be the only entity in the world that picks up the tab.

In fact, we found out in Haiti that we not only were paying for our troops, we were paying for the housing and food costs of other troops, in one case about 1,000 troops from Bangladesh. We found out in Bosnia that we were paying the housing and food costs of troops coming from other European and Scandinavian countries.

Mr. Speaker, that is not what is in the best interests of our country, and that is not helping us maintain our defense industrial base and also these jobs that my colleagues talked about over the past hour that have been lost not just because of a free trade agreement like NAFTA, which I opposed, but also because of the unprecedented cuts in defense spending.

There are some things this Congress is doing separate from this administration that I think we can be proud of, and I want to talk about those for a moment. We are looking at every possible opportunity to see where we can take the money that we are spending on the Defense Department and use that to help us solve other problems. In fact, Mr. Speaker, tomorrow we will have 2,000 of the Nation's emergency responders come to Washington. Many of them are already here this evening in their hotel rooms, perhaps watching our program this evening. They are coming to Washington because tomorrow evening we will have the Ninth Annual Congressional Fire and Emergency Services Caucus dinner.

This dinner, Mr. Speaker, brings leaders from every State, from every large city and small community of those people who day in and day out respond to our disasters, not just fires. These are the men and women who respond to the Murrah office building in Oklahoma City, to the World Trade Center that was bombed, to the recent floods in North Dakota and the Midwest floods that occurred, to the Long Island wildlands fires, the California forest fires, the hurricanes in Florida and the Carolinas and the earthquakes in California. These are the men and women who day in and day out respond to every disaster this country has. They represent 1.2 million men and women in 32,000 organized departments across this Nation, in every county and every city. They are here tomorrow so that we can celebrate who they are and what they do.

In fact, Mr. Speaker, you will be our keynote speaker tomorrow evening and you will follow the speakers we have had in the past. Last year we had Vice President AL GORE and we had Senate Majority Leader Bob Dole. The year before that we had President Clinton, and the year before that we had President Clinton. In previous years to President Clinton, we had President Bush, we had Vice President Quayle, we had Ron Howard and the entire cast of "Backdraft" the year that it was unveiled. It is our way of showing our thanks to these men and women who respond to our disasters day in and day out in this country.

Mr. Speaker, 85 percent of these people are volunteers. They are not paid for what they do. It is kind of interesting, we just had the volunteerism summit in Philadelphia and up until I raised a lot of stink with the administration the volunteers were not even invited to participate in that event. They are the only group of volunteers that I know of each year in America that lose 80 to 100 of their people, who lose their lives in the course of performing their volunteer activities, because that is how many fire and emergency services personnel are killed each year. On average between 100 and 120 and on average between 80 and 100 of them are volunteer fire and EMS personnel. They will all be here tomorrow as we talk about how we can assist them.

What does that have to do with the defense bill? Our military is our international defender. It is the group of people who protect us overseas. The fire and EMS people are our domestic defender. But there are many lessons that could be learned one to the other. So as a major part of our day tomorrow, Mr. Speaker, we are going to focus on that interaction, an interaction that began years ago that we continue today.

□ 2100

In fact, in the morning we will have a 1½ hour session where I have the leading research and development people from the Army, the Navy, the Air Force and the Marines and the Department of Defense and DARPA coming in, showcasing new technology that we are developing for terrorist incidents that can be made available for fire and EMS people in every city in the country. We are going to be showcasing resources. We are going to be showcasing training so that these men and women who are first responders in this country to every disaster will have the best possible tools and resources as they approach these situations on a day-to-day basis.

As 12:45, Mr. Speaker, here in the Capitol, actually outside the Rayburn Office Building, we will showcase the new Marine Corps capability to deal with chemical and biological incidents. We will simulate a gas attack on one of the office buildings, and our Marine Corps special response team that was initiated in Congress last year will be deployed from Camp LeJeune, and they will come up and they will showcase the way they would handle an incident of this type in any city in America.

Now that is a beginning of a process of bringing together our military with those domestic responders who have to meet these needs on a daily basis in our cities and our towns. So what are we doing with the military? As we face the threat of terrorism in our cities and our towns, we are beginning to bring together the local emergency response personnel with the professionals and the Defense Department so that they can learn from one another, so that they have access to the resources that will allow them to respond to these situations wherever and whenever they might occur.

In fact, we will also be announcing, Mr. Speaker, tomorrow a new series of legislative initiatives to assist the fire service. We will announce the fact that the Federal Communication Commission has decided to set aside the megahertz that are necessary to protect the communications capability of our emergency responders to the 21st century. We will be announcing a plan to allow the use of community development block grant monies, up to 25 percent to be used by local counties and cities to assist in fire and emergency planning and response. We will be announcing an effort to establish a national low-interest loan program not to give money away, but to provide low-cost financing assistance so that local fire and EMS personnel can have the money available to them at a discounted rate to buy the equipment and

the materials that we are going to showcase that are being developed through our military today.

We are also going to announce efforts to establish an expedited process for excess Federal property so that local fire and EMS personnel across the country can get access to that surplus Defense Department material when it first becomes available. We are also going to be announcing the establishment of an effort to have in place a national urban search and rescue training center and a national chemical biological training center. And finally, Mr. Speaker, we will be announcing plans to complete a study as to what it would take to connect to the Internet all of our emergency response institutions in America, all 32,000 of them.

The point here is, Mr. Speaker, that, yes, we are cutting back on the Defense Department's budget, but we are looking at every possible opportunity to showcase defense technology to be used and applied in our inner cities, to be used and applied in our small communities so that where we have training and where we have preparation taking place that can benefit and help us and we have disasters, that is in fact taking place on a regular ongoing basis. That is saving the taxpayers money, and it is making the best possible usage of our Defense Department investment.

There is another area, Mr. Speaker, that we are also working on that is giving us a great return as we look to find ways to improve the investment in our Defense Department. In fact, last year in a series of hearings that I chaired as a chairman of the Research and Development Subcommittee, I found out that we had nine separate Federal agencies that were responsible for studying the oceans through oceanographic efforts, nine separate Federal agencies. I learned through our hearings, Mr. Speaker, one hearing in Washington, one up in Rhode Island and one out in California, that these agencies were not coordinating their effort, that each of them was doing oceanographic work, but none of them were sharing information and technology in a real-time way.

I also learned, Mr. Speaker, that the largest funding for oceanographic work is done by the Navy. The Navy does this because it is important for our Navy to understand the mapping of the ocean floor. It is important for our Navy to understand sonar for transmitting data and information through the oceans. It is important for our Navy to understand literal waters. And so in convening these hearings we found out the Navy, in fact, through the Office of the Oceanographer, is leading the country in terms of research in the oceans. Yet we found out that we are missing a golden opportunity, because while the Navy was leading that effort dollar-wise, much of that data that is not sensitive was not being transmitted to NOAA or to NASA or to the Fish and Wildlife Service or to other Federal agencies that have similar responsibilities in understanding the ocean ecosystem and understanding why fishing stocks are declining around the world and understanding why coral reefs are being hampered and hurt or understand why we are having extensive pollution of the waters of the world.

So with that in mind, last year Congressman PATRICK KENNEDY and I introduced the Oceans Partnership Act that for the first time would bring together all nine Federal agencies working with the Department of Defense and the Navy. Senator LOTT worked the bill on the Senate side, and the bottom line is, Mr. Speaker, that bill is now law. The President signed that into law when he signed into law the Defense Authorization Act, and this year we now have a new oceans partnership arrangement. All nine Federal agencies are together under a steering committee chaired by the Secretary of the Navy so that now in this country, through our Federal Government, not only is the military doing what it needs to do to understand the oceans, but wherever and whenever possible they are sharing that technology and data with the environmental movement and with our environmental agencies so that we maximize the return on the taxpayers' dollars.

The bottom line is we get more benefit for that. The taxpayers get more out of their dollar. It is not just for the military, for the hard cold facts of what it needs to understand to go to war or to prepare for war, but it also provides us with the resources to better understand and deal with the environment.

With that in mind, Mr. Speaker, in this city on May 19 and 20 and 21 I am pleased to announce that we will be hosting the world's largest ever conference on the oceans entitled "Oceans and Security." This 3-day conference is being co-hosted by ACOPS, the Advisory Council on Protecting the Seas of which I am the U.S. vice president, COERI which is the Council of Oceanographic and Educational Research Institutions, which represents every major oceanographic and marine science institution in America from Scripts to Woods Hole, and GLOBE which is an organization entitled Global Legislators for a Balanced Environment where legislators from the Japanese Diet, the Russian Duma, the U.S. Congress and the European Parliament come together at least twice a year on common environmental agendas. These three groups are all coming to Washington, and on those 3 days in the House Office Building, the Longworth Building, and in the Senate Office Building and on this Hill, we will have 300 delegates representing 45 nations who are coming here to focus for 3 days on how we can cooperate on oceans and security.

Now when we talk about security, we are not just talking about military security. We are talking about food security, we are talking about environmental security, we are talking about research and defense and economic security.

So for those 3 days we will have high-level delegations from China, from Russia, from the South American countries, Central American countries, European countries, the Middle East, Canada and Mexico, all coming together to focus on how we can cooperate, how our militaries can cooperate and how we, as nations, can cooperate to protect the oceans. In the end it will be a better investment of the American taxpayers' dollars to further assist us in understanding what we can do collectively with the world community to protect the oceans of the world and provide the security in the four areas that I have mentioned tonight.

In fact, Mr. Speaker, Vice President GORE will give the speech on Tuesday evening of the conference right here in Statuary Hall, and on Monday evening at what promises to be one of the most historical events in this city, Woods Hole Laboratory is bringing the newest oceanographic research ship, paid for by U.S. tax dollars through the Navy, to Washington where it will be unveiled in Alexandria. The ship will be tied up here for 3 days, we will be erecting tents, and on those 3 days, especially on Monday evening, we will unveil the Atlantis. We will take Members of Congress and the foreign delegates on board the ship, we will have on board the deep-diving submersible Alvin, we will showcase the technologies that we are working on to better understand and protect the world's oceans.

The bottom line of these 3 days, Mr. Speaker, is that you and Senator LOTT who will both be keynote speakers of the conference, Vice President GORE representing both parties, about 40 Members of Congress representing both parties, and representatives of 45 nations will come together to talk about how we can cooperate on understanding the oceans of the world, and, Mr. Speaker, the facilitator is the Department of Defense; again, Mr. Speaker, the primary purpose being to provide our security, but showing that we in fact can benefit in a number of areas from that investment that we are making in terms of the military.

Now in each of these cases, Mr. Speaker, in the antiterrorism cooperation that we will showcase tomorrow on the Hill and later in May in the environmental context that we will showcase at the oceans conference, this Congress is taking the lead in showing that, yes, we want to find ways to better spend our DOD money. But, Mr. Speaker, we cannot continue to have a

course that takes us in a direction of cutting back so dramatically the defense resources for this Nation as we have seen over the past 5 years.

Mr. Speaker, let me shift for a moment and talk about that spending. I mentioned terrorism is one of our top priorities, and it is. Members on both sides of the aisle feel very strongly that we have to do more to protect our cities and our towns from the threat of a terrorist attack, and we are going to show some of that technology and that cooperation tomorrow. But, Mr. Speaker, one of the second biggest threats that many of us feel that we face is from the proliferation of weapons of mass destruction and especially the proliferation of missiles.

Mr. Speaker, if there has been one area where this Congress has disagreed more fundamentally with the President then any other area, it has been the area of missile defense. Over the past 2 years, Mr. Speaker, I have seen unprecedented votes in this body in disagreement with this President on missile defense spending. In fact, 2 years ago we plused up in our defense bill $1 billion over what the President requested in our missile defense accounts. We did the same thing last year. In the 11 years that I have been here, Mr. Speaker, I have never seen a defense bill, and I do not think we have ever had one in recent history where 301 Members of Congress voted in the affirmative, not just Republicans, but most of our Democrat colleagues, to support a defense bill that made a statement to this administration, and that statement was a very simple one. It was:

Mr. President, you are not focusing enough on the threat that is there and emerging in terms of missile proliferation, and you need to understand that.

Now, Mr. Speaker, that is an important point that I want to focus on because this President has been driving the debate nationwide that says that we do not need to focus on defense, the world is so much more safer today, There is no longer a threat to the security of the American people. While I do not want to go to the other extreme, Mr. Speaker, and create some kind of a Cold War mentality, because I think that is equally wrong, the President is doing this country a terrible disservice. One hundred forty-five times the President has made speeches where he has included the following phrase. In fact, three of those speeches were right up at the podium right in front of where you stand, Mr. Speaker. In three State of the Union speeches, our President has made this statement. Looking at the American people through national television, he said:

You can sleep well tonight because for the first time in the last 50 years there are no Russian missiles pointed at your children.

Mr. Speaker, as the Commander in Chief, the President knows he cannot prove that. We have had testimony in our House committees. In fact, the chief of Russian targeting for Russia has testified on national TV that they will not allow us to have access to their targeting processes, just as we will not allow the Russians to have access to ours. But on 145 occasions, three times from the well of this Chamber, the Commander in Chief of this country has said you can sleep well, there are no missiles pointed at our children. Yet, Mr. Speaker, he cannot verify that. He cannot prove it. And, Mr. Speaker, furthermore, if he could prove it, which he cannot, and which his generals including General Shalikashvili have said on the record he cannot prove; if he could prove it, all of our experts on the record have said that you can retarget a long-range ICBM in less than 10 seconds.

□ 2115

But do you see, Mr. Speaker, the point is not so much that particular issue, but when the President makes that speech 145 times, 3 times in front of a national audience, on college campuses, in front of national groups, he uses the bully pulpit to create the perception that there is no longer a threat to the American people or allies. And that is so deadly wrong, Mr. Speaker, because it drives the American people into believing that we have a false sense of security. And once again, I do not want to re-create the cold war, but I want the President to be honest in his assessment of what the threat is worldwide. And that is not an honest assessment, Mr. Speaker, at least not according to the key generals who run the Pentagon.

When the President makes that speech, he drives all of our constituents into believing that we are doing a disservice when we want to stabilize defense spending, that we are doing the American taxpayers a disservice when we want to protect programs that provide those jobs my colleagues talked about that were lost over the past 5 years. We do not want to dramatically increase defense spending; we want to stabilize it.

Mr. Speaker, there is currently a major struggle going on between this Congress and both Members of the Democrat and Republican Parties and this President over how fast and how quickly we should deploy missile defense systems. Now this administration has come out publicly, Mr. Speaker, and they said they are for theater missile defenses.

In fact, Mr. Speaker, their new projections are that we will not have a new system in place until at the earliest 2004. Let me recount the importance of this for my colleagues, Mr. Speaker. In 1991, we had the largest loss of life that this country has experienced in recent years in one military incident, when our young, brave soldiers were killed in that desert in Saudi Arabia by that low-quality Scud missile. They were killed because we had no system that could warn them or take out that one Scud missile.

When those 28 kids were killed, many of them from my home State of Pennsylvania, Congress was in a state of shock. Congress said, why do we not have a system in place? So the Congress, in a bipartisan move, passed the Missile Defense Act of 1991. Now that act was, rather simply, Mr. Speaker, it said two things: First of all, that the Defense Department shall deploy a highly effective theater missile defense system as soon as possible to protect our troops.

The second part of that act said that by the year 1996, America should deploy a national missile defense system. Well, Mr. Speaker, 1996 came and went. We are now in 1997. We are still fighting that battle even though it was the law of the land.

Let me tell you what the most recent projections are. The administration is now telling us that they will be lucky to field our first highly effective theater missile defense system in the year 2004. What that means, Mr. Speaker, is, if the administration is right, and they are now hedging on that date, that it will have taken us 13 years from the date those kids were killed in Saudi Arabia until we have a system deployed that can prevent a future killing of our kids from a low-quality Scud missile.

Now the missile defense organization, the Pentagon tells us they probably cannot even make 2004, that is probably too optimistic. Now is the threat greater today than it was in 1991? Unfortunately, Mr. Speaker, it is our intelligence community that told us a few years ago not to worry, there were no emerging threats coming forward that we have to worry about, we will handle the Scud missiles that are used, we will take them out, even though we did not take out all the Iraqi launchers both during and after the invasion of Kuwait and our response to that invasion.

But let me tell you, Mr. Speaker, about some very troubling events that have occurred over the past several weeks. First of all, the media has been reporting that Iran has now deployed a version of a Russian rocket called a Katyusha rocket that has a range of around 800 to 900 kilometers, which means it could hit Israel and many of our key allies in that part of the world. That was a development that many of us were not expecting, according to what our intelligence committee told us.

Even more troubling, Mr. Speaker, are the press accounts that are coming out from Japanese sources and some United States sources that tell us that the newest missile coming out of North Korea, the No Dong missile, that we

were told would not be deployed probably until the turn of the century, is now in fact either deployed or ready to be deployed by North Korea after just one test.

What does that mean, Mr. Speaker? That means every one of our 70-somethousand kids, when I say kids I mean our troops, that are currently stationed in South Korea and Japan and in Okinawa are within the range of that missile that we know can go as far as 1,300 kilometers.

That means, Mr. Speaker, that we now have a risk either today or very shortly that we cannot defend against because we have not taken the aggressive steps that this Congress mandated to deploy a theater missile defense system quickly, and we are going to have to wait until, at the earliest, 2004 to have that highly effective system in place.

Mr. Speaker, that is the heart of the debate over defense spending in this Congress between this Congress and this administration. Now we are also concerned, Mr. Speaker, because the administration does not want to work with us on a national missile defense system. They told us last year they were pursuing a three-plus-three system, 3 years of development and 3 years to deploy a system that would protect America's mainland.

The American people and my constituents back home cannot believe and cannot imagine that America, with all of its might, has no system today that can defend our country against an accidental launch of a long-range ICBM coming from Russia or China or any other rogue nation. You said that is not true currently, we have to have that capability. And I say no.

As the chairman of the Subcommittee on Military Research and Development, I will tell you pointblank, we have no system or capability today to take out any incoming missile. Now the administration would say we do not need it, we have treaties. The ABM Treaty, Mr. Speaker, only applies to the United States and to Russia. Even though the administration is trying to expand it to include other former Russian states, it does not apply to them. So it does not apply to North Korea, to China, it does not apply to the rogue nations that are trying to get missiles that said they would use them if they had them against us; it only applies to us and Russia.

So, therefore, Mr. Speaker, we cannot rely on the ABM Treaty. We need a physical capability to defend our country. Do we need a massive system that the media has trivialized in the past that would protect our entire country. We are not talking about that. We are talking about a very limited system that could protect us perhaps against five incoming missiles, that is all.

Two years ago we pulled provisions in the defense bill to require that kind of system to be deployed by the year 2003, and the administration would not buy that. And today we are now looking at a situation we probably will not have a national missile defense capability until perhaps 2005. That is totally unacceptable, Mr. Speaker.

Why do I say it is unacceptable? Am I fearful that the Russians are going to attack us? No, I am not. I worked with Russia perhaps as much as any Member of this body, and you know that, Mr. Speaker. In fact, I will be taking a delegation of our colleagues, bipartisan delegation to Moscow in May of this year for the second time I have been there this year. It will be my 9th or 10th trip. I share the new initiative with the Russian duma. My counterpart is the deputy speaker Mr. Shokhin. I want Russia to succeed.

I am not concerned about Russia attacking us. But Mr. Speaker, as we all know, Russia is an unstable country today. Many of their military has not been paid for months. In fact, they are trying to sell off their hardware and technology. The evidence of the further reliance on their strategic weapons is such that, because their conventional military is suffering and because the Russians are fearful, they rely much more on their offensive strategic weapons than ever before in their history.

Now what does that mean? That means a higher potential for risk of an accidental launch. Is there evidence of that? Just 2 years ago, Mr. Speaker, in January, the Russians have been notified by the Norwegians that Norway was going to launch a weather rocket to do some weather monitoring. The Russians were told in advance this was going to take place. The Russians, however, are so paranoid because of their conventional force breakdown; and, so, relying on their strategic force that when this weather rocket went off from Norway, the Russian defensive alert system put the entire country on an alert that would have caused within 60 seconds an offensive response.

They admitted on the record in Moscow media and media all over the world, Boris Yeltsin admitted that it was one of the first times in recent years that the black box carried around by the President of Russia himself was activated in response to a weather rocket that they had notified the Russians they were going to launch in advance.

That meant Russia was within 60 seconds of activating that response that all of us fear would have happened one day. Would it have been deliberate? No. But those are the kinds of concerns that we have in this country.

Now there is also an attempt to sell a mobile version of Russia's most sophisticated rocket, called the SS–25, that can be hauled in the back of a trailer. They have over 400 of these launchers in Russia. How long is it going to take before one of those launchers gets in the hands of a Third World nation and then we have a threat that is not covered by the ABM Treaty that we have to be prepared to respond to?

Those are the issues that we face, Mr. Speaker, and those are the issues that dominate our defense debate this year. Over the next several weeks, we will be moving into markup of the 1998 defense authorization bill. We are being very up front with the administration, Mr. Speaker; we do not want business as usual.

Over the past 6 years, this administration has decimated the defense of our country, it has caused the loss of over a million jobs. We, in the Congress, have tried to make up for that. Each of the past 2 years, Democrats and Republicans alike joined together and plussed up $10 billion 1 year and $5 billion in the other year to put money back into programs that our service chiefs said they could not live without. That is going to be the same battle this year, Mr. Speaker.

It is not about parochial issues of weapon systems in Members' directs because 98 percent of the funds that we put in the defense addition last year and years before were items requested by other chiefs. In fact, General Shalikashvili briefed Secretary Perry last year, said to the Secretary, we need $60 billion just to buy replacement equipment for the military. We never saw that briefing in Congress.

When Secretary Perry came in and briefed us in the House and the Senate, when he had Shalikashvili sitting next to him, unable to tell what he was really thinking or said, Secretary Perry said, we could live with $40 or $45 billion.

What does that mean? That means 1 billion people have been cast out of their positions in this country all over America. But more important, it meant, Mr. Speaker, that we are jeopardizing the lives of our young soldiers.

What do I mean by that, Mr. Speaker? I can tell you, as we slip programs out, as this administration does day after day after day, we drive up the cost of those programs and we make it so that they will not be into full production for 5, 10, or 15 years down the road. That is the battle we are facing this year.

The administration wants to keep all these major programs alive. They want to build three new tactical aviation programs. They want to build the F–22, the joint strike fighter, the F18F. They want to build a new attack submarine. They want to build another aircraft carrier. They want to build the arsenal ship. They want to build the Comanche, the V–22. They want to build the battlefield master program of the 21st century. And they want to do all of this with a budget that is impossible to meet the needs of the military today.

What we are saying this year, Mr. Speaker, is you cannot do that. This

President and this administration has got to say no to some programs. If they are not going to raise top-line defense numbers, if they are not going to cut into the vertical costs, if they are not going to help us get our allies to pay for the cost of our operations when we deploy our troops around the world, then they have got to cut some systems; they cannot keep treading water because we are holding companies' and workers' lives outside there thinking that some day down the road some new administration is going to rapidly increase defense spending.

That is where the debate is coming down this year. We are doing our part, Mr. Speaker. We are trying to show ways where we can use defense activities to help us in other areas. I said two of them tonight, in the environmental area and in the area of terrorism. But that is still not enough, Mr. Speaker.

We are in an impossible situation; and I would ask our colleagues, as we approach a debate on the defense bill, to understand that we are at a historical crossroads. If we are not going to find other ways to free up some money out of that 16 cents that we spent in this year's Federal tax dollar, then we have got to cut some programs and cause more people to lose their jobs or we have got to transfer more people out of the military because this administration will not address any one of the three areas that I talked about that would help us deal with this budget problem that we are facing this year. Cut the deployment rate or get our allies to pick up more of the cost of it. Cut the environmental costs or raise the top-line number.

□ 2130

If you do not do any of those three things, then you have no choice but to cut the troop strength, the end strength, which I know they do not want to do, or cut some big ticket programs. When you cut big ticket programs, I hope all of those AFL-CIO members out there who listened to the hour before me talk about NAFTA's impact will remember the 1 million brothers and sisters of theirs who were laid off over the past 5 years in defense plant after defense plant around this country. These were not people making 15 cents, these were people who were middle income Americans. These were UAW workers, machinist workers, IUE workers, building trades workers, all of them today who are out of a job.

The hypocrisy of this administration, Mr. Speaker, scares me. But I want to say to this administration, because Members of both parties in this Congress have been trying to tell the story of what the threat is and what we must do to meet the need that is provided to us as a threat, how we must provide the dollar commitment to our troops to fund these priorities that are identified as being critical to our military and also look for opportunities to share technology.

Now I talked about what the impact is when we cut these programs. Well, let me give one example. The workhorse of the Marine Corps is the CH–46 helicopter. It has been the workhorse of the Marine Corps since the Vietnam War. We should have replaced the CH–46 10 years ago. We have now slipped the replacement program to a point where it is going to cost us $5 billion extra dollars. We are going to be flying CH–46 helicopters when they are 55 years old. Now, what does that mean to a Marine?

Well, Mr. Speaker, if the constituents that we serve have young sons who are flying Marine helicopters, they need to understand that those young kids flying those 46s during a combat situation have to carry 18 troops. Oh, by the way, they cannot train carrying 18 troops, they only can carry 6 to 8 because of the age of the aircraft.

Those young pilots, when they fly this CH–46 in a combat situation, have to be able to do evasive maneuvering. But Mr. Speaker, those young pilots cannot train doing evasive maneuvering because of the age of the aircraft.

Mr. Speaker, those young pilots have to be able to fly at night in combat situations. But Mr. Speaker, because of the age of the aircraft, they have to put masking tape over the instrumentation panel so they can fly during evening hours.

What does that mean? That means we have more accidents with CH–46s. That means we have more kids killed and more kids injured. So by slipping these programs out, Mr. Speaker, we are not talking about CEOs of companies, we are not even talking about jobs. We are talking about threatening the lives of those people who are there to protect our country and our allies. That is the worst possible decision that we could make, to delay a program that directly affects the life of a young person serving our military.

Mr. Speaker, I would urge my colleagues to pay attention to the debate this year on the defense bill. I would encourage my colleagues tomorrow to come out and show their enthusiastic support for the 1.2 million men and women who serve this is country as our domestic defenders, to look at some of the ways that we are involving the military in helping us deal with terrorism incidents. I would encourage our colleagues to come out on May 19, 20 and 21, the largest oceans conference ever, against showcasing our militaries taking a lead in helping to understand environmental problems.

I would also encourage our colleagues, Mr. Speaker, to get real. The defense spending in this country is at a critical crossroads. We must provide the support against this administration making further cuts in our defense budget. We must provide the bipartisan support we have had over the past 2 years to stand up and say no. Not because it is right for jobs, even though it is, and not because it is right for companies, even though it is, but because it is right for the kids who serve this Nation and who put their lives on the line every day.

A SPECIAL TRIBUTE TO KAHUKU HIGH SCHOOL'S 100TH ANNIVERSARY CELEBRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Somoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, it is a real pleasure and a distinct personal honor for me to prepare this special order of the House to inform my colleagues of a very special occasion that will take place this week on the campus of one of Hawaii's smallest public high schools. Small in number maybe, Mr. Speaker, but dynamic in terms of the quality of its academics, its ethnic social mix, and a high school marching band that has won top awards throughout the State of Hawaii for years. The band even marched at the Rose Bowl and was rated among the top high school bands in the Nation; and yes, its athletic program is also among the best in the State of Hawaii.

Mr. Speaker, the high school I am referring to is none other than the pride of the North Shore on the Island of Oahu, Kahuku High School. As they say among the locals in Hawaii, "Imua Kohuku High School on your 100th birthday."

Mr. Speaker, the Hawaiian word "Kahuku" has a special meaning among the ancient Hawaiians. The first four letters, "Kahu", means guardian, or royal keepers or protectors. The last two letters "ku" are in reference to an ancient Hawaiian god named Ku.

According to ancient Hawaiian tradition, the god Ku was a member of the godhead of three gods, and their names were Kane, Ku, and Lono. Those three gods were all powerful. They created the heavens and the earth and, yes, from red earth they made man in their express image, and they even breathed into his nostrils and man became a living soul.

Mr. Speaker, if one wants to give specific meaning to the word, Kahuku, after which the location and high school are named, it means one is a guardian of the god Ku. Rightly so, Mr. Speaker, because not far from Kahuku is another place called Laie, which according to Hawaiian tradition was an ancient city of refuge, a special place of sanctuary where offenders may escape to seek refuge and be reinstated by the priests who preside over the sanctuary.

Mr. Speaker, I wanted to share this portion of Kahuku's history because I suspect many people are not aware of its meaning and its significance as far as ancient legends are concerned.

As far as the record is known, the first classes ever held at what was unofficially known as Kahuku school began in 1893. The classes were held under shaded trees or in someone's yard. The school was first organized by a Hawaiian lady named Mrs. Hookana.

Four years later in 1897, and this time with an appropriation of only $984 provided by the republic, or then the sovereign nation of Hawaii, a one-room schoolhouse was built. An enrollment of 36 students was noted and a Mr. Brightwell served as the first principal.

By the 1920s the school had grown and was educating children from the Campbell and Laie plantations, plus a pineapple camp known as the Hawaiian Pineapple Company. During this period the school moved to its present location.

In 1939, the high school was added and the school was renamed Kahuku High and Elementary School. The next year, the first senior class graduated 16 students and they took home the school's first yearbook, the Ke Koolau.

In the 1940's the Laie area was still almost exclusively plantation, and the area from which it drew its students had grown considerably. The list of plantations and other activities reads like who's who in the North Shore during the 1940's. Attending Kahuku during this period were the children from the Marconi Wireless Station, the Paumalu Pineapple Camp, Waialee-a Hawaiian settlement, and several camps of the Kahuku Sugar Mill.

The Kahuku athletes became known as the Red Raiders because they wore red uniforms donated by Iolani High School in 1950. Prior to this time the unofficial nickname was the Ramberiers. Through the 1940's Kahuku had developed sufficiently and there was competing in sports events against other high schools on the North Shore and the Windward sections of the Island of Oahu, and it won its first football championship in 1947. This was the first in a long line of championships that began the development of many championship players as well.

In 1988, Kahuku High and Elementary School became the Kahuku High and Intermediate School, and the elementary level was separated.

Today, Kahuku High School has only about 1,100 high school students from grades 9 through 12. Supporting the students are its 136 faculty members, four administrators and the supportive staff of 42. The school has developed into an athletic powerhouse and students from other parts of the island travel to Kahuku just to participate in their academic, social and sports programs. This is considered a considerable achievement, given the diversity of the school's population.

From the well-to-do residents of the famous Sunset Beach and the neighboring golf course communities to the low-income housing development on the North Shore and everything in-between, there is ethnic and economic diversity at Kahuku. Unlike some areas, this diversity has been the strength of Kahuku. As one of the last undeveloped areas of the island of Oahu, the North Shore has experienced significant growth in recent years, and this has challenged State planners and the State board of education. For the most part, the area is not as sufficient or as affluent as the southern portion of the island, and for that reason the adults and the children are supposedly less sophisticated than the more populated areas of the State. This diversity, however, Mr. Speaker, has given Kahuku its own charm and uniqueness.

Mr. Speaker, music is one of the many areas in which Kahuku has excelled. Mr. Michael Payton started the band as a musical instructor in 1968 with only 10 members. With his retirement in 1995, the band has grown to 100-plus members and won many State and national awards.

In 1980, the Kahuku High School marching band was rated among one of the top 10 marching bands in the Nation by the National Band Association. In 1983 the marching band won a Class A championship in the Florida Citrus Bowl and were the Class A champions and overall sweepstakes winner in the Parade and Field Show Competition.

In 1991, Kahuku's marching band won international fame as they won first place in the international division of the Midosuji Parade in Osaka, Japan.

Both in 1981 and 1984 the band was one of four featured bands in the Pasadena Tournament of Roses Band Festival and marched in the world famous Tournament of Roses parade.

Among the dignitaries the band has performed for were the late Emperor Hirohito in Japan, former President George Bush, and Governors John BURNS, George Ariyoshi and John Waihee of the State of Hawaii.

The list of accomplishments of Kahuku students is too long to repeat here, Mr. Speaker, but I am appending a partial list at the end of this statement. I do want to note, however, that the list includes 13 scholastic State championships and nine athletic State championships. There are also 76 other athletic championship titles, a record difficult to match by any small school of this size. In the last 10 years there have been 2 State winners, 11 runners-up, and 41 finalists in the Sterling Scholar Awards.

Recent awards received by the administration and faculty of Kahuku include the Milken and Crystal Apple Awards for Contributions to Education awarded to the principal, Mrs. Lea Albert, and social studies teacher, Mrs. Linda Smith. Music teacher Beth Kammerer has been chosen as the 1997 State Teacher of the Year by the Department of Education and the Polynesian Cultural Center.

Mr. Speaker, one graduate of Kahuku high school who recently made the national news is Chris Naeole. Chris is a 6 foot, 4 inch, 310-pound offensive guard from Kahuku High School where he played football. Chris went on to the University of Colorado where he played for four years. Last week Chris was the tenth player chosen in the first round of this year's NFL draft. Selected by the New Orleans Saints, Chris is one in a line of many professional football players who have graduated from Kahuku High School.

Another professional football player of note is Junior Ah You, who made all-State in football, basketball and track while at Kahuku high school. Junior played professional football for the Montreal Alouettes for over 10 years and made all-pro status for several years as defensive end. Earlier this year Junior was admitted to the Canadian Football League's Hall of Fame.

The football legacy of Kahuku High School is legendary, Mr. Speaker,. Generation after generation of many families have played football in this school and the family names are enshrined in local record books. Among these notable family names are: Thompson, Reed, Ka'anana, Santiago, Fonoimoana, Compoc, Kaaihue, Akiyama, Tollefson, Leota, Maiava, Ah You, Nawahine, Broad, Enos, Barros, Kaahawaii, Caneda, Suzuki, Furuto, Oyawa, Anae, Lolotai, Tatum, Kim, Harrington, Finari, Funaki, Tupou, Taylor, Finai, Atuaia, Tufaga, Niumatalolo and others.

Mr. Speaker, while the list goes on, I would like to recognize a few more of Kahuku high school's graduates that have done well and have contributed substantially to the communities in Hawaii as well as to our Nation.

We have Mr. Leo Tanoai Reed, a former Kahuku High School graduate and a graduate of Colorado State University, who served formerly with the elite force of the Honolulu police department. Mr. Reed is currently serving as the national director for the Teamsters Union relative to transportation issues affecting the entire motion picture industry in the United States.

□ 2145

There are approximately 72 unions that are involved with the motion picture industry, and Leo Reed plays a very important and key role relating to contract disputes and in important negotiations on behalf of some 4,000 union members whose jobs depend on the movie industry.

Mr. Speaker, Kahuku also proudly claims the important contributions made by Dr. Lokelani Lindsey who not only serves as an educator but as an

administrator and trustee of perhaps the most prestigious trust foundation in the State of Hawaii; namely, the board of trustees of the Bernice Panwahi Bishop Foundation. This foundation provides funding and administration of Kamehameha Schools which serve specifically the educational needs of students of native Hawaiian ancestry. Dr. Lindsey's educational background and profession as an educator will go a long way to assist her native Hawaiian people while serving as a trustee of the Bishop Trust Estate.

Mr. Speaker, another Kahuku High School graduate who has made his mark in the area of the culinary arts is none other than Mr. Sam Choy, Jr. Known throughout the State of Hawaii as one of the top chefs in the hotel industry but who now has a very successful restaurant business in the State of Hawaii.

Mr. Speaker, a couple of Kahuku graduates have also served with distinction in State administrations. There was Mr. Sus Ono, who for many years served as the right-hand man for former Governor George Ariyoshi. Mr. Ono also later served as a leading member of Governor Ariyoshi's cabinet.

Currently under the administration of Governor Ben Cayetano, another Kahuku graduate, Mr. Earl Anyai is the State's chief financial officer and treasurer.

Mr. Kamaki Kanahele, another Kahuku graduate, a former member of the board of trustees of the Office of Hawaiian Affairs, currently is the statewide chairman of the State Council of Hawaiian Homestead Associations, a consortium of Hawaiian groups put to serve the needs of some 30,000 native Hawaiians in the State of Hawaii.

Mr. Speaker, Kahuku has also had its fair share of graduates who are in their given professions in the fields of law, medicine, engineering, education, and many other fields of endeavor.

Kahuku has also sent its share of her sons and daughters in the fields of battle to defend America against its enemies. Many were wounded and some never returned. And as a Vietnam veteran, Mr. Speaker, I pay a special tribute to the thousands of Kahuku graduates who served honorably in the armed services of our Nation.

Mr. Speaker, as you may have guessed, I, too, am a graduate of Kahuku High School. The education I received while at Kahuku, even though it was many years ago, gave me the foundation to go to college and law school. Having seen this school rise from plantation school to a State powerhouse has given me great pride, and it is with pleasure and an honor that I stand here today on the floor of the U.S. House of Representatives and say, I salute you, Kahuku High School. You have provided sound educational guidance for the last century. You have fought many battles, but I know your past will serve you well as we move forward.

You have provided inspiration to thousands of us as generation after generation returns to you asking for help in meeting the educational, economic and social needs of Hawaii and our Nation.

Mr. Speaker, I end my remarks with the words to a very simple song that is always in the minds and hearts of all Kahuku graduates. The words to the song go like this:

In old Kahuku stands our alma mater
Where the salt winds blow day after day
Where her doors flung wide for our sons and daughters true.
While the flag of freedom proudly waves above
Hail Kahuku, hail our alma mater
Hail to our colors red and white.
We will cherish, love and honor thee. All hail Kahuku, hail.

Mr. Speaker, I include the following for the RECORD:

KAHUKU HIGH SCHOOL ATHLETIC CHAMPIONSHIPS

Football OIA champions: 1947, 1958, 1959, 1969, 1972, 1989, 1993, 1994, & 1995.

Football East/West Conference Champions: 1971, 1972, 1982, 1984, 1986, 1989, 1990, and 1992.

Boys OIA Volleyball Champions: 1995.

Boys Volleyball East Champions: 1992.

Girls Volleyball OIA Champions: 1992 & 1993.

Girls Volleyball East Champions: 1982, 1984, 1985, 1992 & 1993.

Girls Basketball State Champions: 1983.

Girls Basketball OIA Champions: 1980, 1983, 1984, & 1985.

Girls Basketball East Champions: 1980, 1983, 1984, 1985 & 1991.

Boys Basketball East Champions: 1987.

Wrestling State Champions: 1969, 1983, & 1985.

Wrestling State Runner-ups: 1981, 1982, 1988, 1990–1992.

Wrestling OIA Champions: 1983, 1985, 1987, 1988, 1990, 1991, & 1992.

Wrestling OIA Dual Meet OIA Champions: 1993.

Wrestling East Champions: 1979, 1980, 1984, 1985, 1987–1992.

Golf State Champions: 1969, 1972, 1973, 1976.

Golf OIA Champions: 1971, 1978, 1993, & 1994.

Golf East Champions: 1974, 1978, 1988, 1993, & 1994.

Girls Tennis OIA Champions: 1994.

Judo East Champions: 1989, 1990, & 1991.

Boys Swimming Varsity East Champion: 1995, 1997.

Water Polo Public School State Champions: undefeated.

KAHUKU HIGH SCHOOL SCHOLASTIC CHAMPIONSHIPS

Citizen Bee State Champion: 1993.

American Legion State Champion: 1991 & 1993.

We the People State Champions: 1993 & 1994.

History Day State Winners: 1994.

State JV Debate Champions: 1993 & 1994.

SLEP (ESLL) State Speech Champions: 1991–1994.

Spelling Bee State Champions: 1991.

KAHUKU HIGH SCHOOL BAND ACCOMPLISHMENTS

The Kahuku High School Learning Center "Red Raider" Marching Band and Color Guard was under the direction of Mr. Michael J. Payton. Mr. Payton was a graduate of the University of Hawaii, Manoa. Mr. Payton retired June 1995, having taught at Kahuku High and Intermediate School for the past 27 years. He was the Coordinator and Director of the Kahuku High School's Performing Arts Learning Center Program, focusing on marching band and color guard, and he was the Director of the Annual All-State Marching Band Camp.

Mr. Payton had been the backbone of the marching band program at Kahuku. He established and built a band from an existing band of ten (10) members in 1968 to a superior award winning band of a hundred plus (100+) members.

The Kahuku High School Marching Band, under Mr. Payton's direction for 27 years, has always won superior ratings at local and national competitions. In 1980, the Kahuku High School Marching Band was rated as one of the top ten (10) marching bands in the nation by the National Band Association. In 1983, the Kahuku High School Marching Band won the Class A Championship at the Florida Citrus Bowl Band Competition. In 1986, the Kahuku Band attended the Sea World Holiday Bowl Band Competition and was the Class A Champions and Overall Sweepstakes Winner in the Parade and Field Show Competition.

In 1991, the Kahuku High School Marching Band won International Fame as they won 1st Place: International Division at the Midosuji Parade in Osaka, Japan.

Both in January, 1981, and in January, 1993, the band was one of the four featured bands at the Pasadena Tournament of Roses Band Fest and marched in the world famous Tournament of Roses Parade.

The Kahuku High School Marching Band has played for many important dignitaries. Among these important people are: Emperor Hirohito, President Bush, Governor Burns, Governor Ariyoshi, and Governor Waihee of Hawaii.

BAND

1976:

Aloha Week Parade Hon, HI—1st Division-Highest Scores.

King Kam Parade Hon, HI—1st Division-Highest Scores.

S. Pacific Bi-Centennial Parade—Hawaii's Bi-Centennial Band.

Int'l. Lions Convention—Brazil's Honor Band; State Band.

Kauai Island Concert—Guest Band.

OIA Marching Band Festival—1st Division-Highest Scores.

1980:

Rated by National Band Assoc.—One of Top 10 Marching Bands in USA.

Selected to the 1981 Pasadena Tournament of Roses Parade—Guest Band.

1983:

Aloha Week Parade—1st Division.

Kam Tournament of Bands—Overall Sweepstakes Award. All Caption Awards. Annual Pahu Award.

Citrus Bowl Band Competition—1st Place Overall Trophy Class A. Outstanding Rifle Corp. Drum Major Award.

Citrus Bowl 1983—Bowl Pre-Game Guest Band. Citrus Bowl Parade Participant.

Disney World (FL)—Guest Band.

Epcot Center—Guest Band.

Knott's Berry Farm—Guest Band.

Magic Mountain—Guest Band.

Disneyland (CA)—Guest Band.

Arlington Nat'l. Cemetary—1st Hawaiian Band to participate in wreath laying ceremony at Tomb of Unknown Soldiers (D.C.)

1986:

San Diego Holiday Bowl—1st Division Rating. 1st Place: Parade Competition. 1st Place: Field Show Competition. 1st Place: Drum Major. 1st Place: Percussion. 1st Place: Color Guard.

1989:

Florida Citrus Bowl Band Competition—1st Place: Percussion. 1st Place: Drum Major. 1st Place: Color Guard. Superior & 1st Division Rating. Class A Field Show Champion.

1990:

USA President Bush-Hawaii Visit—Only High School Band invited to perform for President of USA.

1991:

Midosuji Parade—Osaka, Japan—1st Place Winner Int'l. Division.

1993:

Tournament of Roses Parade—Pasadena, CA—One of four (4) marching bands to participate in Band Fest at Pasadena City College.

1994:

CBS Thanksgiving Day American Parade—Featured Band and Dancers on national television.

Oceanic Cable Television—Featured band during school pride advertisement.

Holiday Bowl Parade—2nd Place.

1996:

Holiday Bowl Field Competition—1st Place—Category 2. Grand Champion Overall.

ABOUT THE BUDGET

The SPEAKER pro tempore (Mr. SUNUNU). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, I appreciate the opportunity to address the House tonight. I want to speak about the budget.

Before I do so, I want to speak about the big bust over there at the Department of Justice. I am referring, of course, to finally, on Thursday, April 24, I am getting this out of the Savannah Morning News, that the Florida couple, who illegally recorded a conversation of Members of Congress and then passed it on to other Members of Congress finally got, finally pleaded guilty to Federal charges, which is, they actually had already said that they were guilty, Mr. Speaker, back in January, but our good old Department of Justice, who has been very busy with all kinds of other things, just now decided to lower the boom and deal with the Martins.

I will read a little bit of that article:

A Florida couple agreed Wednesday to plead guilty to Federal criminal charges of intercepting a cellular phone call between House Speaker Newt Gingrich and other Republican leaders last December.

Identical one-count criminal informations were filed in U.S. District Court in Jacksonville, Florida against John and Alice Martin of Fort White, Florida.

The Martins signed agreements with prosecutors to plead guilty and those were filed in court along with the charges. The Martins admitted in the agreements that they intentionally intercepted the telephone conversation and agreed to cooperate with the Justice Department's continuing investigation of the case.

Justice officials, who requested anonymity* * * *

That is interesting, Mr. Speaker, because I guess when they were interviewed on the phone they were not on the cellular phone or anonymity would be irrelevant, would it not, but they said the investigation is continuing on how a transcript of the conversation ended up in the New York Times and later the Atlanta Journal-Constitution and Roll Call, a Capitol Hill newspaper.

I wonder, Mr. Speaker, how did the Martins get that tape from Florida, from their car, which they were just innocently driving along, how did they get that tape to the Atlanta Constitution and the New York Times? It does make one wonder, does it not?

But good old Justice Department, I guarantee you, they will crack this case probably in 10 years. No, maybe in 5 years, because these people said they will cooperate. So I am very optimistic about our Justice Department and, who knows, maybe they got some consultants from the FBI telling them how not to botch an investigation.

But never mind that, Mr. Speaker. Let me speak tonight on the budget, because that is a very, very big matter and one that affects all of our children, all of our present generations and future generations.

I have, and I wish I could tell you who gave this to me, but it is a document entitled Seven Reasons to Balance the Budget. The annual budget is $1.6 trillion. The Government spends about $4.4 billion a day, about $183 million an hour, $3 million a minute, or $50,736 every second.

Mr. Speaker, I am afraid that in the time that I have been at the microphone that the Government has already spent probably about $250,000 just in terms of our $1.6 trillion annual budget.

Now, if the spending patterns do not change, anyone born after 1993 will have a lifetime tax rate of 84 percent. This is compared with those born in 1940, who will have a lifetime tax average of 31 percent. That means that during the period of time that you are alive, if you were born in 1940, you will pay about 31 percent total taxes. But our children, the babies of today, the kids in nursery schools and kindergartens, right now will pay about 84 percent.

I think that is so important, Mr. Speaker, because as the President talks about let us do something for children, I would say, let us start by not shackling them with an 84 percent tax burden.

Reason No. 3, every dollar of taxes raised since World War II, Congress has spent over $1.59 of it. So for every dollar paid in taxes since World War II, on an average, we in Washington have spent $1.59. Reason No. 4, it takes nearly 9 American families to support one Federal bureaucrat in Washington, DC, executive branch staff members cost an average of $52,000 a year, while an average family pays $6,100 in taxes. So that is good math and good to think about.

Reason No. 5, in 1994, every American paid an average of $800 in taxes just to service interest on the national debt.

Now, I think this is real important, Mr. Speaker, because people do not understand that when you pay taxes, some of your tax dollars go just to pay the bondholders, those who hold the notes on the national debt. So let us say $800 per person, multiply that times 4. The average family of four, average family is, therefore, paying over $3,000 in interest each year on the national debt. That is $3,000. That probably would pay for 3 or 4 months of groceries. It would probably pay for 6 months of car payments. It would pay for maybe a half a year at a State college or university. Three thousand dollars would even pay for 3 or 4 months of home mortgage. That is a lot of money. Yet the American taxpayers are paying that in interest on the national debt.

Reason No. 6, a child born today will pay $187,000 over his or her lifetime just in interest on the national debt.

Reason No. 7, in the year 2000, the national debt is projected to be $6.8 trillion. That is $26,000 or $104,000 for a family of four.

Mr. Speaker, it is past time to get very, very serious on balancing the budget and paying down the debt.

Now, we have some plans. There is a Republican plan that is going on, and we have been negotiating, the gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget, has been negotiating on this for really since January, trying to get somewhere with the President. There is the President's plan.

The President's plan has a few flaws in it. I will hold this up, Mr. Speaker. I think everybody can see it. What is wrong with the Clinton plan to balance the budget?

Well, for one thing, in the year 2002, it does not balance the budget. It has a deficit of $69 billion. So, A, what is wrong with the President's plan? It does not balance the budget.

B, what else is wrong with it? Ninety-eight percent of the deficit reduction is in the last 2 years.

Mr. Speaker, I am not the first one to say it, many people have said it, but that is the equivalent of saying you are going to go on a diet to lose 30 pounds over 6 months, but you are not going to lose any weight the first 5 months. You are going to take it all off in the 6th month. It just does not work. Washington has never followed through on promises made very far in the future.

Under the Bush tax deal, as you will recall, in the 1990's, which was, I think, actually probably what did the Bush administration in, the plan was to raise taxes now and cut spending later.

Well, Members of Congress were pretty eager to raise taxes, but when it

came time to do the spending cuts, where was Congress? They said, well, that agreement was not made by us. It was made by a previous Congress, and we will not follow through on it.

No. 3, letter C, whatever way you want to do it, what is wrong with the Clinton budget? It increases the 1998 deficit by $24 billion compared to doing nothing. So in other words, Mr. Speaker, if we do not do anything at all in terms of passing a budget, we are better off than we are under the Clinton proposal. So I think the Clinton proposal should not be seriously considered.

Now, that will not mean that the media will not seriously consider it, because anything that comes out of Pennsylvania Avenue they accept as truth and absolute so they will be talking about how good it is and how sensible it is. They will cleverly overlook these three facts that I have gone over here tonight.

But let us put it in perspective. Balancing the budget is a moral imperative, not an accounting exercise. Balancing the budget is about your children; it is about my children.

Mr. Speaker, I think you have small children. I have a 6-year-old; I have an 8-year-old. I would love to leave Washington one day saying they are going to have a better future with less debt because Members came to Washington during the 105th Congress with the idea of cutting the budget and reducing the size of Washington. We chose children over bureaucrats. We chose home town America over Washington, DC.

Now, the President opposed the balanced budget amendment. Okay. Philosophical difference. He did not want the balanced budget amendment. I can understand. We have the right to disagree here.

But that being the case, as he stood on the floor of the House and said, you do not need a balanced budget amendment to balance the budget, he was correct on that. But he needed one, because he has yet to produce a balanced budget.

One of the other things, though, that this thing points out is, this about families.

Let me give you some more numbers, Mr. Speaker. If we have a balanced budget, interest rates will drop. If interest rates drop as much as 2 percent, that means that on a 5-year family car loan at 9.75 percent interest, $15,000 car, that average family would save $900.

In terms of a college education loan, if a college student borrows $11,000 at 8 percent, it will save $217 in interest.

□ 2200

In terms of a 30-year home mortgage, if it drops 2 percent, over a 30-year period of time on a $75,000 house, Americans would save $37,000 in interest and payments. For a 6-month $350,000 farm operating loan at 10 percent, it would save about $17,000.

These are real numbers, Mr. Speaker, and these are things that will help Americans. But I want to throw out one more interesting statistic about the national debt. A 1-day increase in the national debt of $2.2 billion is enough to buy McDonald's Big Mac extra value meals for every person in the United States and every person in Mexico.

Now, I do not know if we should recommend that to everybody in the country, but the fact is that is a heck of a lot of hamburgers, Mr. Speaker, and yet another way to look at it.

I do not see balancing the budget as partisan politics. It is about good government and it is about our children. It is about dreams and aspirations of future generations of Americans. It is about the fact that year after year the American dream gets eroded by a large runaway bureaucracy that comes up with more rules and more micromanagement in order to justify their own existence.

I think the questions are these: Is the Federal Government too big? Does it spend too much? Who can spend money the best, the folks back home or the bureaucrats in Washington? Are we getting our money's worth out of Washington right now? Are we getting our money's worth of tax dollars? If we had a choice, would we purchase this government? Could we tell a friend about it? Is it fair for the government to take over one-third of our hard-earned income each year?

I do not think it is fair, Mr. Speaker. I think it is time right now to get spending under control and try to bring sanity back to Washington.

There are a lot of other topics that I want to talk about, Mr. Speaker, but I think what I may do is just end tonight on the budget, because I want to focus just on the importance of it.

There is a budget right now, introduced by our colleague, the gentleman from Wisconsin, Mr. MARK NEUMANN, and it takes Social Security out of the formula. Two important things I would say the Neumann budget does. Number one, it takes Social Security out of it.

People do not realize this right now, but Social Security has a $65 billion surplus. That money is thrown into the pot with the rest of the general spending, the rest of the budget, and it makes the deficit look smaller than it is. The Neumann budget says, no, sir, that $65 billion is stand-alone, it goes only in the Social Security trust fund, it goes only for Social Security purposes, and it should not be used for deficit reduction and general spending.

That is one thing the Neumann budget does and I think that is very important for our grandparents and other folks on Social Security.

The second thing it does, which is equally important for those of us fathers, is it pays off the national debt by the year 2023. So a child born today, at 25, 26 years old, they will live in America without a national debt. If we can do that, the jobs that will be created are incredible.

In fact, Mr. Speaker, I had a list of some of these benefits that I may submit for the RECORD, Mr. Speaker. But I believe that we can achieve a balanced budget. I believe that we can pay down the national debt. I believe, again, it is a moral imperative. It is not a matter of common sense only but a matter of survival and doing what is right for our children.

With that, Mr. Speaker, I urge my colleagues and friends here in Washington to vote for a balanced budget, work for the balanced budget amendment, make some tough decisions in terms of government spending reductions, and let us walk out of here with our heads held high, not worrying about the next election but only concerned about the next generation.

Mr. Speaker, I include for the RECORD the article to which I earlier referred.

FLORIDA COUPLE TO PLEAD GUILTY TO TAPING GOP LEADERS' CELL PHONE CALL

(By Michael J. Sniffen)

WASHINGTON.—A Florida couple agreed Wednesday to plead guilty to federal criminal charges of intercepting a cellular telephone call between House Speaker Newt Gingrich and other Republican leaders last December.

Identical one-count criminal information were filed in U.S. District Court in Jacksonville, Fla., against John and Alice Martin of Fort White, Fla.

The Martins signed agreements with prosecutors to plead guilty and those were filed in court along with the charges. The Martins admitted in the agreements that they intentionally intercepted the telephone conversation and agreed to cooperate with the Justice Department's continuing investigation of the case.

Justice officials, who requested anonymity, said the investigation is continuing here into how a transcript of the conversation ended up in The New York Times, and later in The Atlanta Journal-Constitution and Roll Call, a Capitol Hill newspaper.

The call—between Gingrich, House Majority Leader Dick Armey of Texas, Rep. John Boehner of Ohio, Rep. Bill Paxon of New York and others—took place last Dec. 21 as the House ethics committee was about to announce a settlement of its investigation of complaints against Gingrich. The publication of the text set off an uproar on Capitol Hill.

Rep. Jim McDermott of Washington, the ranking Democrat on the ethics committee, said the call breached Gingrich's agreement with the committee that the Speaker would not orchestrate a response to his ethical wrongdoing.

Republicans said the transcript, to the contrary, showed that Gingrich was following the agreement and they demanded an investigation of the call's interception.

The Martins each face a maximum penalty of a $5,000 fine with no prison term. The government made no promises on what sentence it might recommend.

Alice Martin, reached at her home in Fort White, Fla, refused to comment Wednesday

evening and referred questions to the couple's attorney. "I can't say anything about that," she said.

Boehner said the Martins "should not be patsies in this, set up to take the fall for more politically influential people."

Anyone "who knowingly accepted the tape and passed it along to the press is also guilty," said Boehner, who when the call was intercepted was in Florida taking part in the conversation on a cellular telephone.

The Martins said they gave the tape to McDermott. In the ensuing furor over the tape's contents and its disclosure, which also could be a crime, McDermott removed himself from the ethics panel's investigation of Gingrich. A Republican also stepped aside to keep the panel at an even party balance.

"The Martins were charged with the most serious violation possible based on the applicable federal law and the circumstances surrounding the interception of the telephone call," said Charles R. Wilson, U.S. attorney for the middle district of Florida. "If the Martins are ever convicted of an illegal interception again, they would face a maximum penalty of five years imprisonment, a $250,000 fine or both."

Because it was a first offense and because the interception was of the radio portion of a cellular call; and because there was no evidence that it was done for commercial or private financial gain or for an illegal purpose such as aiding in blackmail, the offense is classified as an infraction, the Justice Department said.

John and Alice Martin heard the conversation on the Radio Shack scanner in their car while on a Christmas shopping trip. Once they realized the conversation they were picking up was of Gingrich discussing the Republican response to his admitted ethics violations, they recorded it on a hand-held machine. They said it struck them as historic.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today through May 1, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of back pain.

Mr. HOEKSTRA (at the request of Mr. ARMEY), for today, on account of a death in the family.

Mr. HERGER (at the request of Mr. ARMEY), for today and the balance of the week, on account of family matters.

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. POMEROY) to revise and extend their remarks and include extraneous material:)

Mr. POMEROY, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes each day, today and on April 30 and May 1.

Mr. NORWOOD, for 5 minutes, today.

Mr. METCALF, for 5 minutes each day, today and on April 30.

Mr. GUTKNECHT, for 5 minutes, on April 30.

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. POMEROY) and to include extraneous matter:)

Mr. FRANK of Massachusetts.
Mr. BERRY.
Mr. TORRES.
Mr. DAVIS of Illinois.
Mr. LEVIN.
Mr. LAFALCE.
Mr. ORTIZ.
Mr. BONIOR.
Mr. SCHUMER.
Mr. KANJORSKI.
Mr. PASCRELL.
Mr. LIPINSKI.
Mr. DOYLE.
Mr. HINCHEY.
Mr. YATES.
Mr. FROST.
Mr. HOYER.
Mr. BROWN of California.
Mr. MENENDEZ.
Mr. VISCLOSKY.
Ms. STABENOW.
Mr. WEYGAND.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. WALSH in two instances.
Mr. WELLER.
Mr. GEKAS in two instances.
Mr. PACKARD.
Mrs. ROUKEMA.
Mr. SOLOMON in three instances.
Mr. SUNUNU.
Mr. PORTER.
Mr. RIGGS.
Mr. BUNNING.
Mr. KOLBE in three instances.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. QUINN.
Mr. GILMAN.
Mr. BARR of Georgia.
Mr. FARR of California.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 30, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3027. A communication from the President of the United States, transmitting his requests for fiscal year 1997 supplemental appropriations totaling $8,605,000 for the Forest Service of the Department of Agriculture and appropriations totaling $19,700,000 for the Department of Energy for activities associated with tritium remediation, and two fiscal year 1998 budget amendments involving the Department of Transportation's Maritime Security Program and the John F. Kennedy Assassination Records Review Board, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–78); to the Committee on Appropriations and ordered to be printed.

3028. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Addition of Facilities in Certain Industry Sectors: Revised Interpretation of Otherwise Use; Toxic Release Inventory Reporting; Community Right-to-Know [OPPTS–400104D; FRL–5578–3] (RIN: 2070–AC71) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3029. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Current Good Manufacturing Practice for Finished Pharmaceuticals; Positron Emission Tomography [Docket No. 94N–0421] (RIN: 0910–AA45) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3030. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Drug Labeling; Sodium Labeling for Over-the-Counter Drugs; Partial Delay of Effective Date [Docket No. 90N–0309] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3031. A letter from the Director, U.S. Trade and Development Agency, transmitting a copy of the Agency's annual audit, pursuant to 22 U.S.C. 2421(e)(2); to the Committee on International Relations.

3032. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in March 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

3033. A letter from the Secretary of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 18, January 1997), pursuant to 43 U.S.C. 1596; to the Committee on Resources.

3034. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; High Seas Salmon Fishery Off Alaska [Docket No. 970326069–7069–01; I.D. 022597F] (RIN: 0648–AJ38) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3035. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Fishery Category by Vessels Using Trawl Gear in Bycatch Limitation Zone 1 [Docket No. 961107312–7021–02; I.D. 042297C] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3036. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea [Docket No. 961107312–7021–02; I.D. 042197A] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3037. A letter from the Acting Assistant Secretary (Tax Policy), Department of the Treasury, transmitting a draft of proposed legislation to amend the "Statistical Use" subsection of the Internal Revenue Code; to the Committee on Ways and Means.

3038. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighter Average Interest Rate Update [Notice 97–27] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3039. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a copy of a letter that the D.C. Financial Responsibility and Management Assistance Authority sent the President requesting an additional appropriation of $52,379,000 for fiscal year 1997, pursuant to Public Law 104–8, section 207(a); jointly, to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 2. A bill to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes (Rept. 105–76, Pt. 2).

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 1342. A bill to provide for a 1-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts; with an amendment (Rept. 105–80). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 133. Resolution providing for consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes (Rept. 105–81). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 134. Resolution providing for consideration of the bill (H.R. 867) to promote the adoption of children in foster care (Rept. 105–82). Referred to the House Calendar.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 1469. A bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 105–83). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEVIN:

H.R. 1468. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to modify provisions restricting welfare and public benefits for aliens; 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. KASICH (for himself, Mr. OBEY, Mr. INGLIS of South Carolina, Mrs. THURMAN, Mr. DREIER, Mr. BOYD, Mr. SMITH of Michigan, Mr. ROYCE, Mr. HOBSON, Mr. ISTOOK, Mr. LARGENT, Mr. MILLER of Florida, Mr. PAUL, Mr. PORTMAN, Mr. SALMON, Mr. SHADEGG, and Mr. GOSS):

H.R. 1470. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and the Budget, 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. ACKERMAN:

H.R. 1471. A bill to direct the Secretary of Transportation to determine the feasibility of placing bar codes on passenger motor vehicles to facilitate the tracing of stolen vehicles, and for other purposes; to the Committee on Commerce.

H.R. 1472. A bill to amend the Employment Retirement Income Security Act of 1974 and the Public Health Service Act to require group health plans and group and individual health insurance coverage to pay interest on clean claims that are not paid within 30 days; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLAGOJEVICH:

H.R. 1473. A bill to amend title 18, United States Code, to prohibit, with certain exceptions, the transfer of a handgun to, or the possession of a handgun by, an individual who has not attained 21 years of age; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. FILNER, Ms. LOFGREN, Mr. DELLUMS, Mr. TORRES, and Mr. CAPPS):

H.R. 1474. A bill to amend section 255 of the National Housing Act to prohibit the charging of unreasonable and excessive fees in connection with equity conversion mortgages for elderly homeowners, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CHABOT:

H.R. 1475. A bill to eliminate the National Sheep Industry Improvement Center and to transfer funds available for the Center to the general fund of the Treasury to reduce the deficit; to the Committee on Agriculture.

By Mr. DIAZ-BALART:

H.R. 1476. A bill to settle certain Miccosukee Indian land takings claims within the State of Florida; to the Committee on Resources.

By Mr. DICKS (for himself, Mr. ADAM SMITH of Washington, Mr. BLUMENAUER, Mr. MCDERMOTT, and Ms. FURSE):

H.R. 1477. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Resources.

By Ms. ESHOO (for herself, Ms. STABENOW, Mr. FROST, Ms. LOFGREN, Mr. BOUCHER, Mr. CANADY of Florida, Mr. BROWN of California, Mr. DELLUMS, Ms. PELOSI, Mr. FILNER, Ms. RIVERS, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. LAMPSON, Mr. STUPAK, Mr. BONIOR, Mr. SANDLIN, Mr. FORD, Mr. TURNER, Ms. KILPATRICK, Mr. CLEMENT, Mr. UNDERWOOD, Mrs. THURMAN, Mr. DOYLE, Mr. MOAKLEY, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. WEYGAND, Mr. MCGOVERN, Mr. RANGEL, Mr. UPTON, Mrs. EMERSON, Mr. LEVIN, Mrs. KENNELLY of Connecticut, and Ms. HOOLEY of Oregon):

H.R. 1478: A bill to amend the Internal Revenue Code of 1986 to allow companies to donate computer equipment and software, and training related thereto, to elementary and secondary schools for use in their educational programs, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 1479. A bill to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the "David W. Dyer Federal Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. HOYER (for himself, Ms. DELAURO, Mr. FATTAH, and Mr. WEYGAND):

H.R. 1480. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by coordinating Federal financial assistance programs and promoting local flexibility; to the Committee on Government Reform and Oversight.

By Mr. LATOURETTE (for himself, Mr. OBERSTAR, Mr. EHLERS, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, Mr. STUPAK, Mr. QUINN, Mr. DAVIS of Illinois, Mr. OXLEY, Ms. RIVERS, Ms. KAPTUR, Mr. BROWN of Ohio, Mr. BARCIA of Michigan, Mr. KILDEE, Mr. EVANS, Mr. WELLER, Mr. KUCINICH, Mr. JOHNSON of Wisconsin, and Mr. LAFALCE):

H.R. 1481. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the U.S. Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself and Ms. SLAUGHTER):

H.R. 1482. A bill to amend title 10, United States Code, to increase whistleblower protections for members of the Armed Forces; to the Committee on National Security.

By Mr. MENENDEZ:

H.R. 1483. A bill to amend title 49, United States Code, to make nonmilitary government aircraft subject to safety regulation by the Department of Transportation; to the Committee on Transportation and Infrastructure.

By Mr. NORWOOD (for himself, Mr. BARR of Georgia, Mr. COLLINS, Mr. CHAMBLISS, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. LINDER, Mr. LEWIS of Georgia, and Mr. BISHOP):

H.R. 1484. A bill to redesignate the Dublin Federal courthouse building located in Dublin, GA, as the "J. Roy Rowland Federal Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. RIGGS (for himself, Mr. RAMSTAD, Mr. CUNNINGHAM, Mr. MCKEON, Mr. PORTER, Mr. CAMPBELL, and Mr. BILBRAY):

H.R. 1485. A bill to provide that the provision of the Fair Labor Standards Act of 1938 on the accounting of tips in determining the wage of tipped employees shall preempt any State or local provision precluding a tip credit or requiring a tip credit less than the tip credit provided under such act; to the Committee on Education and the Workforce.

By Mr. GILMAN:

H.R. 1486. A bill to consolidate international affairs agencies, to reform foreign assistance programs, to authorize appropriations for foreign assistance programs and for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes; to the Committee on International Relations.

By Mr. RIGGS:

H.J. Res. 74. Joint resolution proposing an amendment to the Constitution of the United States to provide 8-year terms of offices for judges of Federal courts other than the Supreme Court; to the Committee on the Judiciary.

By Mr. RAHALL (for himself, Mr. CONYERS, Mr. JOHN, and Mr. DINGELL):

H. Con. Res. 68. Concurrent resolution expressing the sense of the Congress regarding the territorial integrity, unity, sovereignty, and full independence of Lebanon; to the Committee on International Relations.

By Mr. WEYGAND (for himself, Mr. MCGOVERN, Mr. BLAGOJEVICH, Mr. MOAKLEY, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. TIERNEY, Mr. KUCINICH, Mr. STARK, Mr. STRICKLAND, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, Ms. DEGETTE, Mr. ETHERIDGE, Mr. BOSWELL, Mr. SANDLIN, Mr. LAMPSON, Mr. ROTHMAN, and Mr. PASCRELL):

H. Res. 135. Resolution to amend the Rules of the House of Representatives to permit disabled individuals who have access to the House floor to bring supporting services; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. CRAPO, Mr. BISHOP, and Mr. BURTON of Indiana.

H.R. 15: Ms. DEGETTE.

H.R. 54: Mr. TAYLOR of North Carolina, Mr. RADANOVICH, and Mr. SKELTON.

H.R. 96: Mr. KLINK, Mr. MCINTYRE, Mr. HUTCHINSON, and Mr. TURNER.

H.R. 122: Mr. SCARBOROUGH, Mr. DELAY, Mr. RILEY, and Mr. MANZULLO.

H.R. 176: Mr. HILLIARD and Mrs. MORELLA.

H.R. 177: Mrs. KELLY.

H.R. 183: Mr. WEYGAND.

H.R. 191: Mrs. MALONEY of New York, Mr. OWENS, Mr. YATES, Mr. LEWIS of Georgia, and Mr. HINCHEY.

H.R. 216: Mr. RAHALL.

H.R. 299: Mr. BLUMENAUER.

H.R. 306: Mr. SCHUMER and Mr. MEEHAN.

H.R. 339: Mr. HAYWORTH.

H.R. 367: Mr. CAMP and Mr. CHRISTENSEN.

H.R. 383: Ms. SLAUGHTER.

H.R. 446: Mr. DUNCAN.

H.R. 521: Mr. GOODE.

H.R. 530: Mr. SHAYS and Mr. MCCRERY.

H.R. 616: Mr. GORDON, Mr. TRAFICANT, Mrs. MYRICK, Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, Mr. QUINN, Mr. KILDEE, Mr. MCINTYRE, Mr. SUNUNU, Mr. WATT of North Carolina, Mr. BARRETT of Wisconsin, Mr. BALDACCI, Ms. RIVERS, Mr. LAMPSON, Mr. RANGEL, Mrs. MEEK of Florida, Mr. PASCRELL, Mr. HOLDEN, Mr. RAHALL, and Mrs. LOWEY.

H.R. 650: Mr. LARGENT, Mr. BEREUTER, and Mr. BLAGOJEVICH.

H.R. 674: Mr. DIAZ-BALART and Mr. GREEN.

H.R. 681: Mr. MCKEON, Ms. LOFGREN, Ms. WATERS, Mr. DIXON, Mr. CALVERT, and Mr. CUNNINGHAM.

H.R. 689: Mr. KUCINICH and Ms. LOFGREN.

H.R. 725: Mr. LUCAS of Oklahoma and Mr. HASTERT.

H.R. 740: Mr. FAWELL.

H.R. 768: Mr. SANDLIN, Mr. LEWIS of California, Mr. TRAFICANT, Mr. UPTON, and Mr. HOBSON.

H.R. 777: Mr. LEWIS of Georgia, Mr. CALVERT, Mr. RANGEL, Ms. CHRISTIAN-GREEN, Mr. FAZIO of California, Ms. MCKINNEY, Ms. KILPATRICK, Mr. DELLUMS, Mr. WATTS of Oklahoma, and Mr. HILLIARD.

H.R. 789: Mr. TAYLOR of North Carolina, and Mr. BEREUTER.

H.R. 806: Mr. HINOJOSA, Mrs. MALONEY of New York, Ms. LOFGREN, and Mr. FALEOMAVAEGA.

H.R. 815: Ms. HARMAN, Mr. ROGERS, Mr. BECERRA, Mr. HOLDEN, Mr. MALONEY of Connecticut, and Mr. HOYER.

H.R. 863: Mr. UNDERWOOD, Mr. YATES, Mr. LIPINSKI, Mr. DAVIS of Illinois, Mr. KIND of Wisconsin, Mr. DELAHUNT, Mr. MCGOVERN, and Mr. WEYGAND.

H.R. 873: Mr. RUSH.

H.R. 875: Mr. FROST, Mr. LEWIS of Georgia, and Mr. COOKSEY.

H.R. 890: Mr. PAYNE and Mr. ADAM SMITH of Washington.

H.R. 920: Mr. HILLIARD, Mr. MEEHAN, and Mr. HINCHEY.

H.R. 928: Mr. HILLEARY, Mr. CUNNINGHAM, Mr. SNOWBARGER, Mr. RIGGS, Mr. HOSTETTLER, Mr. SCARBOROUGH, Mr. BONILLA, Mr. BEREUTER, and Mr. FOX of Pennsylvania.

H.R. 947: Mr. RILEY.

H.R. 956: Mr. WAXMAN.

H.R. 972: Mr. LUTHER.

H.R. 977: Mr. KUCINICH, Mr. LEWIS of California, and Mr. OXLEY.

H.R. 988: Mr. GUTIERREZ and Mr. HINCHEY.

H.R. 1002: Mr. MORAN of Virginia, Mr. BISHOP, Ms. KILPATRICK, and Mr. MENENDEZ.

H.R. 1015: Mr. MILLER of California, Ms. WOOLSEY, Mr. NADLER, Mrs. MINK of Hawaii, Mr. WEYGAND, and Mr. RUSH.

H.R. 1018: Mr. DELLUMS and Mr. EHLERS.

H.R. 1023: Mr. PASCRELL, Mr. COOK, Mr. BAESLER, Mr. DAVIS of Florida, Mr. CAMP, Mr. CHAMBLISS, Mr. LEWIS of California, Mr. JOHN, Mrs. MCCARTHY of New York, Mr. MICA, Mr. GILLMOR, Mr. WELDON of Florida, Mr. MORAN of Virginia, Mr. INGLIS of South Carolina, and Mr. MURTHA.

H.R. 1042: Mr. HASTERT, Ms. CHRISTIAN-GREEN, Mr. FROST, Mr. RUSH, Mr. JACKSON, Mr. HYDE, Mr. MANZULLO, Mr. LAHOOD, and Mr. SHIMKUS.

H.R. 1080: Mr. FRELINGHUYSEN.

H.R. 1125: Mr. MCINTYRE and Mr. SHAYS.

H.R. 1130: Mrs. MEEK of Florida, Mr. VENTO, Mr. HINCHEY, Mr. MATSUI, Mr. OBERSTAR, and Mr. RAHALL.

H.R. 1134: Mr. BEREUTER.

H.R. 1140: Mr. ALLEN and Mr. SAM JOHNSON.

H.R. 1156: Mr. PASCRELL.

H.R. 1169: Mr. BILBRAY and Mrs. MORELLA.

H.R. 1178: Mr. HINOJOSA.

H.R. 1202: Mr. CAMPBELL, Ms. PRYCE of Ohio, Mr. DELLUMS, Ms. FURSE, Mr. GALLEGLY, Mr. NADLER, Mr. ACKERMAN, and Mr. WAXMAN.

H.R. 1228: Mr. OWENS.

H.R. 1232: Mr. SOLOMON, Mr. DEUTSCH, Ms. RIVERS, Mr. KUCINICH, and Mr. BOYD.

H.R. 1234: Mr. PAYNE, Mr. FILNER, Ms. WATERS, Ms. NORTON, Mr. WATT of North Carolina, Mr. FORD, Mr. LEWIS of Georgia, and Ms. CHRISTIAN-GREEN.

H.R. 1260: Mr. TORRES, Ms. VELÁZQUEZ, Mr. MORAN of Virginia, Mr. GREEN, Mr. OXLEY, Mr. DELAY, Mr. RANGEL, Mr. MEEHAN, Mr. BISHOP, Mr. GREENWOOD, Mr. LEVIN, Mr. BILBRAY, Mr. CUMMINGS, Mr. WYNN, Mr. MOAKLEY, and Mr. MATSUI.

H.R. 1270: Mr. SOLOMON, Mr. PAXON, Ms. STABENOW, and Mr. WHITE.

H.R. 1283: Mr. DAVIS of Virginia, Mr. DOOLITTLE, Mr. EHLERS, Mr. SHADEGG, Mr. GILLMOR, Mr. FAWELL, Ms. DUNN of Washington, Mr. COLLINS, and Mr. MCINTOSH.

H.R. 1288: Mr. FALEOMAVAEGA and Ms. SLAUGHTER.

H.R. 1321: Mr. HAMILTON, Mr. BEREUTER, and Mr. MEEHAN.

H.R. 1322: Mr. CONDIT, Ms. MOLINARI, and Mr. SAXTON.

H.R. 1323: Ms. LOFGREN and Ms. SLAUGHTER.

H.R. 1342: Mr. NETHERCUTT, Mr. HILL, Mr. MORAN of Kansas, Mr. BARRETT of Nebraska, Mr. BOB SCHAFFER, Mr. CHAMBLISS, Mr. LUCAS of Oklahoma, Mr. THUNE, Mr. COMBEST, and Mrs. CHENOWETH.

H.R. 1349: Ms. LOFGREN, Mr. FILNER, and Mr. RUSH.

H.R. 1360: Ms. MOLINARI, Ms. LOFGREN, and Mr. STARK.

H.R. 1369: Mr. ENGLISH of Pennsylvania, Mr. SMITH of New Jersey, Mr. FROST, and Mr. WHITFIELD.

H.R. 1375: Mr. BISHOP, Mr. MASCARA, Mr. EHLERS, and Mr. MCCOLLUM.

H.R. 1376: Mr. TORRES, Mr. MANTON, Mr. MENENDEZ, Mr. RUSH, and Mr. BARRETT of Wisconsin.

H.R. 1378: Mr. NORWOOD, Mr. DOOLITTLE, Mr. GRAHAM, Mr. RIGGS, Mr. BALLENGER, Mr. DICKEY, Mr. SNOWBARGER, Mr. SKEEN, Mr. CALLAHAN, Mrs. NORTHUP, Mr. BONO, Mr. ROHRABACHER, Mr. PAUL, Mr. GREENWOOD, Mr. SESSIONS, Mr. WHITE, Mr. GIBBONS, Mr. BRYANT, Mr. EVERETT, Mr. DAVIS of Virginia, Mr. COOK, Mr. BUNNING of Kentucky, Mr. WAMP, Mrs. FOWLER, Mr. GOSS, Mr. CHAMBLISS, Mr. MCINTOSH, Mr. LATHAM, Mr. DUNCAN, Mr. LUCAS of Oklahoma, and Mr. BLUNT.

H.R. 1438: Mr. LUTHER, Ms. RIVERS, Ms. LOFGREN, Mrs. MORELLA, and Mr. PETRI.

H.R. 1450: Ms. KAPTUR.

H.R. 1456: Mr. COMBEST.

H.J. Res. 54: Mr. MCGOVERN and Mr. MOAKLEY.

H.J. Res. 71: Mr. CONDIT, Ms. MOLINARI, and Mr. SAXTON.

H. Con. Res. 13: Mr. ENGLISH of Pennsylvania, Mrs. THURMAN, Mr. LAFALCE, Mr. DEUTSCH, Mr. WELDON of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. CAPPS, Mr. DUNCAN, Mr. SISISKY, Mr. BARCIA of Michigan, Mr. BLAGOJEVICH, and Mr. LAMPSON.

H. Con. Res. 23: Mr. WATT of North Carolina.

H. Con. Res. 40: Mr. PRICE of North Carolina and Mr. BLUMENAUER.

H. Con. Res. 52: Mr. BALDACCI, Mr. NEY, Mr. HILLIARD, Mr. ADAM SMITH of Washington, Mr. FORBES, Mr. BENTSEN, Ms. LOFGREN, and Mr. GREEN.

H. Con. Res. 65: Mr. DICKS, Mr. ALLEN, Ms. LOFGREN, and Mr. ADAM SMITH of Washington.

H. Res. 38: Mr. MILLER of California, Mr. EHRLICH, Mrs. MALONEY of New York, Mr. GOODLATTE, Mr. REYES, Mrs. KENNELLY of Connecticut, Mr. MALONEY of Connecticut, Mr. DAVIS of Illinois, Mr. MOAKLEY, Mr. WEYGAND, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. NEAL of Massachusetts, Mr. HINOJOSA, AND MR. KILDEE.

H. Res. 39: Mr. KUCINICH.

H. Res. 96: Mr. WAXMAN, Mrs. MINK of Hawaii, Ms. FURSE, Mr. SHAYS, Mrs. MORELLA, Mr. ALLEN, and Mr. EVANS.

H. Res. 131: Ms. WOOLSEY, Mr. FILNER, Mr. MARTINEZ, Mr. MATSUI, Ms. CHRISTIAN-GREEN, Mr. FROST, and Ms. SLAUGHTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 695: Mr. SOLOMON.

H.R. 1031: Mrs. CLAYTON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MS. DEGETTE

AMENDMENT NO. 1: Page 71, line 19, before the semicolon insert "and including child care services for public housing residents".

H.R. 2

OFFERED BY: MR. DELAY

AMENDMENT NO. 2: Page 99, after line 11, insert the following new subsection:

(e) TIME LIMITATION ON OCCUPANCY BY FAMILIES RECEIVING WELFARE ASSISTANCE.—

(1) 2-YEAR LIMITATION.—Each public housing agency shall limit the duration of occupancy in a public housing dwelling unit of any family that includes an individual who, as an adult, receives assistance under any welfare program (or programs) for 24 consecutive months occurring after the effective date of this Act, to such 24 consecutive months.

(2) TREATMENT OF TEMPORARY STOPPAGE OF ASSISTANCE.—For purposes of paragraph (1), nonconsecutive months in which an individual receives assistance under a welfare program shall be treated as being consecutive if such months are separated by a period of 6 months or less during which the individual does not receive such assistance.

(3) INAPPLICABILITY TO PHA'S WITHOUT WAITING LISTS.—The provisions of paragraph (1) shall not apply to any public housing agency that, upon the conclusion of the 24-month period referred to in such paragraph for any family, does not have any eligible families on a waiting list for occupancy in such public housing who are without units because of a lack of available units.

(4) EXCEPTIONS FOR WORKING, ELDERLY, AND DISABLED FAMILIES.—The provisions of paragraph (1) shall not apply to—

(A) any family that contains an adult member who, during the 24-month period referred to in such paragraph, obtains employment; except that, if at any time during the 12-month period beginning upon the commencement of such employment, the family does not contain an adult member who has employment, the provisions of paragraph (1) shall apply and the nonconsecutive months during which the family did not contain an employed member shall be treated for purposes of such paragraph as being consecutive;

(B) any elderly family; or

(C) any disabled family.

(5) PREFERENCES FOR FAMILIES MOVING TO FIND EMPLOYMENT.—A public housing agency may, in establishing preferences under section 321(d), provide a preference for any family that—

(A) occupied a public housing dwelling unit owned or operated by a different public housing agency, but was limited in the duration of such occupancy by reason of paragraph (1) of this subsection; and

(B) is determined by the agency to have moved to the jurisdiction of the agency to obtain employment.

(6) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) WELFARE PROGRAM.—The term "welfare program" means a program for aid or assistance under a State program funded under part A of title IV of the Social Security Act (as in effect before or after the effective date of the amendments made by section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

(B) EMPLOYMENT.—The term "employment" means employment in a position that—

(i) is not a job training or work program required under a welfare program; and

(ii) involves an average of 20 or more hours of work per week.

H.R. 2

OFFERED BY: MR. FRANK

AMENDMENT NO. 3: Page 35, after line 23, insert the following new subsection:

(h) EFFECTIVENESS ONLY IF FUNDED.—

(1) APPLICABILITY OF REQUIREMENTS ONLY IN YEARS FUNDED.—Subject only to paragraph (2) and notwithstanding any other provision of this section, this section shall be effective for any fiscal year only if amounts are or have been provided in appropriation Acts for such fiscal year specifically for covering all costs of public housing agencies of entering into, monitoring, and enforcing agreements under this section and other costs arising from such agreements. There are authorized to be appropriated for each fiscal year such sums as may be necessary for providing assistance to public housing agencies to cover such costs.

(2) EFFECT OF FAILURE TO FUND.—If, for any fiscal year, the amounts required under paragraph (1) are not provided, this section shall be applied for such fiscal year as follows:

(A) SUBSTITUTION OF OPTION FOR REQUIREMENTS.—The following substitutions shall apply:

(i) Substitute "may" for "shall" in each of the following places:

(I) The first place such term appears in subsection (a)(1).

(II) In subsection (b)(1).

(III) The first place such term appears in subsection (d)(1).

(IV) In subsection (e).

(ii) In subsection (a)(2), substitute "Any" for "The".

(iii) In subsection (a)(3), substitute "any requirement" for "the requirement".

(iv) In subsection (b)(2), substitute "any target date" for "the target date".

(v) In the second sentence of subsection (d)(1), substitute "any such agreement" for "the agreement".

(vi) In subsection (d)(2)—

(I) in the matter preceding subparagraph (A), substitute "Any" for "An";

(II) in subparagraph (B), substitute "any requirements" for "the requirements"; and

(III) in subparagraph (C), substitute "Any" for "The".

(vii) In subsection (e)—

(I) in paragraph (1), substitute "any requirement" for "the requirement"; and

(II) in paragraph (2), substitute "any conditions" for "the conditions".

(B) TREATMENT OF CONTRACTS.—If a public housing agency so chooses (in the sole discretion of the agency), any requirement under subsection (a) or (b) that is contained in any community work and family self-sufficiency contract under subsection (d) previously entered into by the agency or in any provision previously incorporated pursuant to subsection (e) into any lease for public housing of the agency or housing assisted under title III by the agency shall be treated, for such fiscal year, as not having any force or effect.

H.R. 2

OFFERED BY: MR. FRANK

AMENDMENT NO. 4: Page 89, after line 13, insert the following:

(e) OPERATING FUND AMOUNTS.—For each of fiscal years 1998, 1999, 2000, 2001, and 2002, the Congress shall provide for the allocations from the operating fund for grants such amounts as are necessary to enable public housing agencies to fully serve family, elderly, and disabled households with the range of income levels reflected in their local housing management plans and permissible under this Act, based on public policy and not on the need to generate revenue. Such amount shall not, for any fiscal year, be less than—

(1) for any fiscal year described in subsection (b)(2), the full amount for all public housing agencies determined in accordance with the performance funding system under section 9 of the United States Housing Act of 1937, as in effect upon the date of the enactment of this Act, as revised pursuant to subparagraphs (C) and (D) of subsection (d)(1); or

(2) for any fiscal year described in subsection (b)(1), the full amount for all public housing agencies determined under subsection 204(b)(1).

The minimum amount required, under paragraph (1) or (2) shall not be reduced for any fiscal year by estimates of the Department of Housing and Urban Development of cost reductions or of increases in income that have not been realized in advance of the fiscal year.

H.R. 2

OFFERED BY: MR. FRANK

AMENDMENT NO. 5: Page 102, strike line 1 and all that follows through line 7 on page 104, and insert the following:

SEC. 225. FAMILY RENTAL PAYMENT.

(a) RENTAL CONTRIBUTION BY RESIDENT.—A family residing in a public housing dwelling shall pay as monthly rent for the unit an amount, determined by the public housing agency, that does not exceed the greatest of the following amounts (rounded to the nearest dollar):

(A) 30 percent of the monthly adjusted income of the family.

(B) 10 percent of the monthly income of the family.

(C) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

(b) MINIMUM RENTAL AMOUNT.—Each public housing agency shall require

Page 105, strike line 21 and all that follows through line 19 on page 106.

Page 107, strike ", except that" on line 2 and all that follows through line 5, and insert a period.

H.R. 2

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 6: Page 170, line 24, after "agency" insert "or other state and local government entities"

H.R. 2

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 7: Page 287, after line 15, insert the following:

(6) TENANT RENTS.—

(A) IN GENERAL.—An owner of qualified housing may provide, with respect to such housing, that, notwithstanding section 3(a)(1) of the United States Housing Act of 1937, the rent paid by tenants of assisted dwelling units in such housing shall be the lower of the amount provided under such section 3(a)(1) or 60 percent of the fair market rental established pursuant to section 8(c)(1) of such Act for the area and size of dwelling unit occupied by the tenant. Upon the request of an owner, the Secretary may provide for rent limitations under this paragraph for qualified housing that are higher or lower than 60 percent of the fair market rental on the basis of the Secretary's finding that such variations are necessary to carry out the provisions of this paragraph and are consistent with the purposes of this paragraph.

(B) QUALIFIED HOUSING.—For purposes of this subparagraph, the term "qualified housing" means housing for which—

(i) section 8 project-based assistance is provided; and

(ii) not more than 15 percent of the tenants have rents, at the time the owner first limits rents pursuant to subparagraph (A), in an amount exceeding the maximum amount provided pursuant to the limitation under subparagraph (A).

(C) LIMITATION BASED ON TENANTS INCOMES.—If, at any time, in a housing project for which section 8 project-based assistance is provided, more than 40 percent of the tenants would be paying a rent limited by 60 percent of the fair market rental, any rent limitation applicable under this paragraph to such project shall not thereafter apply to any tenant not subject at such time to the rent limitation, until the percentage of tenants in the project eligible for such limited rent decreases to below 40 percent.

(D) INAPPLICABILITY TO ELDERLY-ONLY PROJECTS.—The provisions of this paragraph shall not apply with respect to any housing project that is designated for occupancy only by elderly families.

Page 287, line 16, strike "(6)" and insert "(7)".

H.R. 2

OFFERED BY: MR. JACKSON OF ILLINOIS

AMENDMENT NO. 8: Page 25, line 25, strike the second comma and all that follows through the comma in line 3 on page 26.

Page 27, after line 10, insert the following:

(4) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the community work requirement under paragraph (1).

Page 33, line 14, before the comma insert "(except to the extent that this section specifically limits any authority to evict or terminate assistance)".

H.R. 2

OFFERED BY: MR. JACKSON OF ILLINOIS

AMENDMENT NO. 9: Page 27, line 7, strike "or".

Page 27, line 10, strike the period and insert "; or".

Page 27, after line 10, insert the following:

(E) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(i) children who are 6 years of age or under;

(ii) elderly persons; or

(iii) persons with disabilities.

Page 29, line 3, strike "or".

Page 29, line 6, strike the period and insert "; or".

Page 29, after line 6, insert the following:

(5) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(A) children who are 6 years of age or under;

(B) elderly persons; or

(C) persons with disabilities.

H.R. 2

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

(AMENDMENT IN THE NATURE OF A SUBSTITUTE)

AMENDMENT NO. 10: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Housing Management Reform Act of 1997".

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.

TITLE I—PUBLIC HOUSING AND RENT REFORMS

Sec. 101. Establishment of capital and operating funds.
Sec. 102. Determination of rental amounts for residents.
Sec. 103. Minimum rents for public housing and section 8.
Sec. 104. Public housing ceiling rents.
Sec. 105. Disallowance of earned income from public housing and section 8 rent and family contribution determinations.
Sec. 106. Public housing homeownership.
Sec. 107. Public housing agency plan.
Sec. 108. PHMAP indicators for small PHA's.
Sec. 109. PHMAP self-sufficiency indicator.
Sec. 110. Expansion of powers for dealing with PHA's.
Sec. 111. Public housing site-based waiting lists.
Sec. 112. Community service requirements for public housing and section 8 programs.
Sec. 113. Comprehensive improvement assistance program streamlining.
Sec. 114. Flexibility for PHA funding.
Sec. 115. Replacement housing resources.
Sec. 116. Repeal of one-for-one replacement housing requirement.
Sec. 117. Demolition, site revitalization, replacement housing, and tenant-based assistance grants for developments.
Sec. 118. Performance evaluation board.
Sec. 119. Economic development and supportive services for public housing residents.
Sec. 120. Penalty for slow expenditure of modernization funds.
Sec. 121. Designation of PHA's as troubled.
Sec. 122. Volunteer services under the 1937 Act.
Sec. 123. Authorization of appropriations for operation safe home program.

TITLE II—SECTION 8 STREAMLINING

Sec. 201. Permanent repeal of Federal preferences.
Sec. 202. Income targeting for public housing and section 8 programs.
Sec. 203. Merger of tenant-based assistance programs.
Sec. 204. Section 8 administrative fees.
Sec. 205. Section 8 homeownership.
Sec. 206. Welfare to work certificates.
Sec. 207. Effect of failure to comply with public assistance requirements.
Sec. 208. Streamlining section 8 tenant-based assistance.
Sec. 209. Nondiscrimination against certificate and voucher holders.
Sec. 210. Recapture and reuse of ACC project reserves under tenant-based assistance program.
Sec. 211. Expanding the coverage of the Public and Assisted Housing Drug Elimination Act of 1990.
Sec. 212. Study regarding rental assistance.

TITLE III—"ONE-STRIKE AND YOU'RE OUT" OCCUPANCY PROVISIONS

Sec. 301. Screening of applicants.
Sec. 302. Termination of tenancy and assistance.
Sec. 303. Lease requirements.
Sec. 304. Availability of criminal records for public housing tenant screening and eviction.
Sec. 305. Definitions.
Sec. 306. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) we have a shared national interest in creating safe, decent and affordable housing because, for all Americans, housing is an essential building block toward holding a job, getting an education, participating in the community, and helping fulfill our national goals;

(2) the American people recognized this shared national interest in 1937, when we created a public housing program dedicated to meeting these needs while creating more hope and opportunity for the American people;

(3) for 60 years America's public housing system has provided safe, decent, and affordable housing for millions of low-income families, who have used public housing as a stepping stone toward greater stability, independence, and homeownership;

(4) today, more than 3,300 local public housing agencies—95 percent of all housing agencies throughout America—are providing a good place for families to live and fulfilling their historic mission;

(5) yet, for all our progress as a nation, today, only one out of four Americans who needs housing assistance receives it;

(6) at the same time, approximately 15 percent of the people who live in public housing nationwide live in housing with management designated as "troubled";

(7) for numerous developments at these troubled public housing agencies and elsewhere, families face a overwhelming mix of crime, drug trafficking, unemployment, and despair, where there is little hope for a better future or a better life;

(8) the past 60 years have resulted in a system where outdated rules and excessive government regulation are limiting our ability to propose innovative solutions and solve problems, not only at the relatively few local public housing agencies designated as troubled, but at the 3,300 that are working well;

(9) obstacles faced by those agencies that are working well—multiple reports and cumbersome regulations—make a compelling case for deregulation and for concentration by the Department of Housing and Urban Development on fulfillment of the program's basic mission;

(10) all told, the Department has drifted from its original mission, creating bureaucratic processes that encumber the people and organizations it is supposed to serve;

(11) under a framework enacted by Congress, the Department has begun major reforms to address these problems, with dramatic results;

(12) public housing agencies have begun to demolish and replace the worst public housing, reduce crime, promote resident self-sufficiency, upgrade management, and end the isolation of public housing developments from the working world;

(13) the Department has also recognized that for public housing to work better, the Department needs to work better, and has begun a major overhaul of its organization, streamlining operations, improving management, building stronger partnerships with state and local agencies and improving its ability to take enforcement actions where necessary to assure that its programs serve their intended purposes; and

(14) for these dramatic reforms to succeed, permanent legislation is now needed to continue the transformation of public housing agencies, strip away outdated rules, provide necessary enforcement tools, and empower the Department and local agencies to meet the needs of America's families.

(b) PURPOSE.—It is the purpose of this Act—

(1) to completely overhaul the framework and rules that were put in place to govern public housing 60 years ago;

(2) to revolutionize the way public housing serves its clients, fits in the community, builds opportunity, and prepares families for a better life;

(3) to reaffirm America's historic commitment to safe, decent, and affordable housing and to remove the obstacles to meeting that goal;

(4) to continue the complete and total overhaul of management of the Department;

(5) to dramatically deregulate and reorganize the Federal Government's management and oversight of America's public housing;

(6) to ensure that local public housing agencies spend more time delivering vital services to residents and less time complying with unessential regulations or filing unessential reports;

(7) to achieve greater accountability of taxpayer funds by empowering the Federal Government to take firmer, quicker, and more effective actions to improve the management of troubled local housing authorities and to crack down on poor performance;

(8) to preserve public housing as a rental resource for low-income Americans, while breaking down the extreme social isolation of public housing from mainstream America;

(9) to provide for revitalization of severely distressed public housing, or its replacement with replacement housing or tenant-based assistance;

(10) to integrate public housing reform with welfare reform so that welfare recipients—many of whom are public housing residents—can better chart a path to independence and self-sufficiency;

(11) to anchor in a permanent statute needed changes that will result in the continued transformation of the public housing and tenant-based assistance programs—including deregulating well-performing housing agencies, ensuring accountability to the public, providing sanctions for poor performers, and providing additional management tools;

(12) to streamline and simplify the tenant-based Section 8 program and to make this program workable for providing homeownership; and

(13) through these comprehensive measures, to reform the United States Housing Act of 1937 and the programs thereunder.

TITLE I—PUBLIC HOUSING AND RENT REFORMS

SEC. 101. ESTABLISHMENT OF CAPITAL AND OPERATING FUNDS.

(a) CAPITAL FUND.—Section 14(a) of the United States Housing Act of 1937 is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by inserting the paragraph designation "(2)" before "It is the purpose"; and

(3) by inserting the following new paragraph (1) immediately after the subsection designation "(a)":

"(1) The Secretary shall establish a Capital Fund under this section for the purpose of making assistance available to public housing agencies in accordance with this section.".

(b) OPERATING FUND.—Section 9(a) of the United States Housing Act of 1937 is amended by striking "SEC. 9. (a)(1)(A) In addition to" and inserting the following:

"SEC. 9. (a) The Secretary shall establish an Operating Fund under this section for the purpose of making assistance available to public housing agencies in accordance with this section.

"(1)(A) In addition to".

SEC. 102. DETERMINATION OF RENTAL AMOUNTS FOR RESIDENTS OF PUBLIC HOUSING.

(a) IN GENERAL.—Section 3 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(1), by revising subparagraph (A) to read as follows:

"(A)(i) if the family is assisted under section 8 of this Act, 30 percent of the family's monthly adjusted income; or

"(ii) if the family resides in public housing, an amount established by the public housing agency not to exceed 30 percent of the family's monthly adjusted income;"; and

(2) in subsection (b)(5)—

(A) after the semicolon following subparagraph (F), by inserting "and";

(B) in subparagraph (G), by striking "; and" and inserting a period; and

(C) by striking subparagraph (H).

(b) REVISED OPERATING SUBSIDY FORMULA.—The Secretary, in consultation with interested parties, shall establish a revised formula for allocating operating assistance under section 9 of the United States Housing Act of 1937, which formula may include such factors as:

(1) standards for the costs of operation and reasonable projections of income, taking into account the character and location of the public housing project and characteristics of the families served, or the costs of providing comparable services as determined with criteria or a formula representing the operations of a prototype well-managed public housing project;

(2) the number of public housing dwelling units owned and operated by the public housing agency, the percentage of those units that are occupied by very low-income families, and, if applicable, the reduction in the number of public housing units as a result of any conversion to a system of tenant-based assistance;

(3) the degree of household poverty served by a public housing agency;

(4) the extent to which the public housing agency provides programs and activities designed to promote the economic self-sufficiency and management skills of public housing tenants;

(5) the number of dwelling units owned and operated by the public housing agency that are chronically vacant and the amount of assistance appropriate for those units;

(6) the costs of the public housing agency associated with anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(7) the ability of the public housing agency to effectively administer the Operating Fund distribution of the public housing agency;

(8) incentives to public housing agencies for good management;

(9) standards for the costs of operation of assisted housing compared to unassisted housing; and

(10) an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increase while in occupancy and newly admitted families; such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title; in addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except to the extent that such benefit exceeds (A) 100 percent of the total amount of the operating amounts for which the agency is eligible under this section, and (B) the maximum balance permitted for the agency's operating reserve under this section and any regulations issued under this section.

(c) TRANSITION PROVISION.—Prior to the establishment and implementation of an operating subsidy formula under subsection (b), if a public housing agency establishes a rental amount that is less than 30 percent of the family's monthly adjusted income pursuant to section 3(a)(1)(A)(ii) of the United States Housing Act of 1937, as amended by subsection (a)(1), the Secretary shall not take into account any reduction of or increase in the public housing agency's per unit dwelling rental income resulting from the use of such rental amount when calculating the contributions under section 9 of the United

States Housing Act of 1937 for the public housing agency for the operation of the public housing.

SEC. 103. MINIMUM RENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

The second sentence of section 3(a)(1) of the United States Housing Act of 1937 is amended—

(1) at the end of subparagraph (B), by striking "or";

(2) in subsection (C), by striking the period and inserting "; or"; and

(3) by inserting the following at the end:

"(D) $25.

Where establishing the rent or family contribution based on subparagraph (D) would otherwise result in undue hardship (as defined by the Secretary or the public housing agency) for one or more categories of affected families described in the next sentence, the Secretary or the public housing agency may exempt one or more such categories from the requirements of this paragraph and may require a lower minimum monthly rental contribution for one or more such categories. The categories of families described in this sentence shall include families subject to situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; (ii) the family would be evicted as a result of the imposition of the minimum rent requirement under subsection (c); (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other families subject to such situations as may be determined by the Secretary or the agency. Where the rent or contribution of a family would otherwise be based on subparagraph (D) and a member of the family is an immigrant lawfully admitted for permanent residence (as those terms are defined in sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20)) who would have been entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, notwithstanding any other provision of this section, a public housing agency shall exempt the family from the requirements of this paragraph.".

SEC. 104. PUBLIC HOUSING CEILING RENTS.

(a) Section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by section 402(b)(1) of The Balanced Budget Downpayment Act, I, is amended to read as follows:

"(A) adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than—

"(i) for housing other than housing predominantly for elderly or disabled families (or both), 75 percent of the monthly cost to operate the housing of the agency;

"(ii) for housing predominantly for elderly or disabled families (or both), 100 percent of the monthly cost to operate the housing of the agency; and

"(iii) the monthly cost to make a deposit to a replacement reserve (in the sole discretion of the public housing agency); and".

(b) Notwithstanding section 402(f) of The Balanced Budget Downpayment Act, I, the amendments made by section 402(b) of that Act shall remain in effect after fiscal year 1997.

SEC. 105. DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING AND SECTION 8 RENT AND FAMILY CONTRIBUTION DETERMINATIONS.

(a) IN GENERAL.—Section 3 of the United States Housing Act of 1937 is amended—

(1) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of Public Law 101-625); and

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

"(d) DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING AND SECTION 8 RENT AND FAMILY CONTRIBUTION DETERMINATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the rent payable under subsection (a) by, the family contribution determined in accordance with subsection (a) for, a family—

"(A) that—

"(i) occupies a unit in a public housing project; or

"(ii) receives assistance under section 8; and

"(B) whose income increases as a result of employment of a member of the family who was previously unemployed for one or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program);may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

"(2) PHASE-IN OF RATE INCREASES.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1)(b) shall be phased in over a subsequent 3-year period.

"(3) OVERALL LIMITATION.—Rent payable under subsection (a) shall not exceed the amount determined under subsection (a).".

(b) APPLICABILITY OF AMENDMENT.—

(1) PUBLIC HOUSING.—Notwithstanding the amendment made by subsection (a), any tenant of public housing participating in the program under the authority contained in the undesignated paragraph at the end of the section 3(c)(3) of the United States Housing Act of 1937, as that paragraph existed on the day before the date of enactment this Act, shall be governed by that authority after that date.

(2) SECTION 8.—The amendments made by subsection (a) shall apply to tenant-based assistance provided by a public housing agency under section 8 of the United States Housing Act of 1937 on and after October 1, 1998, but shall apply only to the extent approved in appropriation Acts.

SEC. 106. PUBLIC HOUSING HOMEOWNERSHIP.

Section 5(h) of the United States Housing Act of 1937 is amended—

(1) in the first sentence, by striking "lower income tenants," and inserting the following: "low-income tenants, or to any organization serving as a conduit for sales to such tenants,"; and

(2) by adding the following two sentences at the end: "In the case of purchase by an entity that is an organization serving as a conduit for sales to such tenants, the entity shall sell the units to low-income families within five years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.".

SEC. 107. PUBLIC HOUSING AGENCY PLAN.

The United States Housing Act of 1937 is amended by inserting after section 5 the following new section:

"SEC. 5A. PUBLIC HOUSING AGENCY PLAN.

"(a) CONTENTS OF PLAN.—(1) Each public housing agency shall submit to the Secretary a public housing agency plan that shall consist of the following parts, as applicable—

"(A) A statement of the housing needs of low-income and very low-income families residing in the community served by the public housing agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

"(B) The procedures for outreach efforts (including efforts that are planned and that have been executed) to homeless families and to entities providing assistance to homeless families, in the jurisdiction of the public housing agency.

"(C) For assistance under section 14, a 5-year comprehensive plan, as described in section 14(e)(1).

"(D) For assistance under section 14, the annual statement, as required under section 14(e)(3).

"(E) An annual description of the public housing agency's plans for the following activities—

"(i) demolition and disposition under section 18;

"(ii) homeownership under section 5(h); and

"(iii) designated housing under section 7.

"(F) An annual submission by the public housing agency consisting of the following information—

"(i) tenant selection admission and assignment policies, including any admission preferences;

"(ii) rent policies, including income and rent calculation methodology, minimum rents, ceiling rents, and income exclusions, disregards, or deductions;

"(iii) any cooperation agreements between the public housing agency and State welfare and employment agencies to target services to public housing residents (public housing agencies shall use best efforts to enter into such agreements); and

"(iv) anti-crime and security plans, including—

"(I) a strategic plan for addressing crime on or affecting the sites owned by the agency, which shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents, shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located, shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities;

"(II) a statement of activities in furtherance of the strategic plan to be carried out with assistance under the Public and Assisted Housing Drug Elimination Act of 1990;

"(III) performance criteria regrading the effective use of such assistance; and

"(IV) any plans for the provision of anti-crime assistance to be provided by the local government in addition to the assistance otherwise required to be provided by the agreement for local cooperation under section 5(e)(2) or other applicable law.

Where a public housing agency has no changes to report in any of the information required under this subparagraph since the previous annual submission, the public agency shall only state in its annual submission

that it has made no changes. If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the strategic crime plan for the agency under clause (iv)(I), or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

"(G) Other appropriate information that the Secretary requires for each public housing agency that is—

"(i) at risk of being designated as troubled under section 6(j); or

"(ii) designated as troubled under section 6(j).

"(H) Other information required by the Secretary in connection with the provision of assistance under section 9.

"(I) An annual certification by the public housing agency that it has met the citizen participation requirements under subsection (b).

"(J) An annual certification by the public housing agency that it will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

"(K) An annual certification by the public housing agency that the public housing agency plan is consistent with the approved Consolidated Plan for the locality.

"(2) The Secretary may provide for more frequent submissions where the public housing agency proposes to amend any parts of the public housing agency plan.

"(b) CITIZEN PARTICIPATION REQUIREMENTS.—In developing the public housing agency plan under subsection (a), each public housing agency shall consult with appropriate local government officials and with tenants of the housing projects, which shall include at least one public hearing that shall be held prior to the adoption of the plan, and afford tenants and interested parties an opportunity to summarize their priorities and concerns, to ensure their due consideration in the planning process of the public housing agency.

"(c) PERFORMANCE REPORTS.—The Secretary shall require the public housing agency to submit any information that the Secretary determines is appropriate or necessary to assess the management performance of public housing agencies and resident management corporations under section 6(j) and to monitor assistance provided under this Act. To the maximum extent feasible, the Secretary shall require such information in one report, as part of the annual submission of the agency under subsection (a).

"(d) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—After submission by a public housing agency of a public housing agency plan under subsection (a), the Secretary shall determine whether the plan complies with the requirements under this section. The Secretary may determine that a plan does not comply with the requirements under this section only if—

"(1) the plan is incomplete in significant matters required under this section;

"(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

"(3) the Secretary determines that the plan does not comply with Federal law or violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost;

"(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the agency;

"(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the agency;

"(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

"(7) the plan is inconsistent with the requirements of this Act.

"(e) WAIVER AUTHORITY.—The Secretary may waive, or specify alternative requirements for, any requirements under this section that the Secretary determines are burdensome or unnecessary for public housing agencies that only administer tenant-based assistance and do not own or operate public housing.".

SEC. 108. PHMAP INDICATORS FOR SMALL PHA'S.

Section 6(j)(1) of the United States Housing Act of 1937 is amended by—

(1) redesignating subparagraphs (A) through (I) as clauses (i) through (ix);

(2) redesignating clauses (1), (2), and (3) in clause (ix), as redesignated by paragraph (1), as subclauses (I), (II), and (III) respectively;

(3) in the fourth sentence, inserting immediately before clause (i), as redesignated, the following new subparagraph:

"(A) For public housing agencies that own or operate 250 or more public housing dwelling units—"; and

(4) adding the following new subparagraph at the end:

"(B) For public housing agencies that own and operate fewer than 250 public housing dwelling units—

"(i) The number and percentage of vacancies within an agency's inventory, including the progress that an agency has made within the previous 3 years to reduce such vacancies.

"(ii) The percentage of rents uncollected.

"(iii) The ability of the agency to produce and use accurate and timely records of monthly income and expenses and to maintain at least a 3-month reserve.

"(iv) The annual inspection of occupied units and the agency's ability to respond to maintenance work orders.

"(v) Any one additional factor that the Secretary may determine to be appropriate.".

SEC. 109. PHMAP SELF-SUFFICIENCY INDICATOR.

Section 6(j)(1)(A) of the United States Housing Act of 1937, as amended by section 108 of this Act, is amended at the end by adding the following new clause:

"(x) The extent to which the agency coordinates and promotes participation by families in programs that assist them to achieve self-sufficiency.".

SEC. 110. EXPANSION OF POWERS FOR DEALING WITH PHA'S IN SUBSTANTIAL DEFAULT.

(a) IN GENERAL.—Section 6(j)(3) of the United States Housing Act of 1937 is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

"(i) solicit competitive proposals from other public housing agencies and private housing management agents which, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary; if appropriate, these proposals shall provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other programs of the agency;";

(B) by redesignating clause (iv) as clause (v) and amending it to read as follows:

"(v) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and families assisted under section 8 for managing all, or part, of the public housing administered by the agency or of the programs of the agency."; and

(C) by inserting a new clause (iv) after clause (iii) to read as follows:

"(iv) take possession of all or part of the public housing agency, including all or part of any project or program of the agency, including any project or program under any other provision of this title; and"; and

(2) by striking subparagraphs (B) through (D) and inserting in lieu thereof the following:

"(B)(i) If a public housing agency is identified as troubled under this subsection, the Secretary shall notify the agency of the troubled status of the agency.

"(ii) Upon the expiration of the 1-year period beginning on the later of the date on which the agency receives notice from the Secretary of the troubled status of the agency under clause (i) and the date of enactment of the Public Housing Management Reform Act of 1997, the Secretary shall—

"(I) in the case of a troubled public housing agency with 1,250 or more units, petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(II) in the case of a troubled public housing agency with fewer than 1,250 units, either—

"(aa) petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(bb) appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), provided the Secretary has taken possession of all or part of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv).

"(C) If a receiver is appointed pursuant to subparagraph (A)(ii), in addition to the powers accorded by the court appointing the receiver, the receiver—

"(i) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the receiver determines that reasonable efforts to renegotiate such contract have failed;

"(ii) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(iii) if determined to be appropriate by the Secretary, may seek the establishment, as permitted by applicable State and local law, of one or more new public housing agencies;

"(iv) if determined to be appropriate by the Secretary, may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as

permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies; and

"(v) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default.

"(D)(i) If the Secretary takes possession of all or part of the public housing agency, including all or part of any project or program of the agency, pursuant to subparagraph (A)(iv), the Secretary—

"(I) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the written determination of the Secretary (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the Secretary determines that reasonable efforts to renegotiate such contract have failed;

"(II) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(III) may seek the establishment, as permitted by applicable State and local law, of one or more new public housing agencies;

"(IV) may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies;

"(V) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the Secretary's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default; and

"(VI) shall, without any action by a district court of the United States, have such additional authority as a district court of the United States would have the authority to confer upon a receiver to achieve the purposes of the receivership.

"(ii) If the Secretary, pursuant to subparagraph (B)(ii)(II)(bb), appoints an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), the Secretary may delegate to the administrative receiver any or all of the powers given the Secretary by this subparagraph, as the Secretary determines to be appropriate.

"(iii) Regardless of any delegation under this subparagraph, an administrative receiver may not seek the establishment of one or more new public housing agencies pursuant to clause (i)(III) or the consolidation of all or part of an agency into other well-managed agencies pursuant to clause (i)(IV), unless the Secretary first approves an application by the administrative receiver to authorize such action.

"(E) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as the Secretary determines in the discretion of the Secretary is necessary and available to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety, and welfare of public housing residents or families assisted under section 8. A decision made by the Secretary under this paragraph is not subject to review in any court of the United States, or in any court of any State, territory, or possession of the United States.

"(F) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of all or part of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, or any other person or appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

"(G) The appointment of a receiver pursuant to this paragraph may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency is capable again of discharging its duties.

"(H) If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, the Secretary or receiver shall be deemed to be acting not in the official capacity of that person or entity, but rather in the capacity of the public housing agency, and any liability incurred, regardless of whether the incident giving rise to that liability occurred while the Secretary or receiver was in possession of all or part of the public housing agency (including all or part of any project or program of the agency), shall be the liability of the public housing agency.".

(b) EFFECTIVENESS.—The provisions of, and duties and authorities conferred or confirmed by, subsection (a) shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the date of enactment of this Act.

(c) TECHNICAL CORRECTION REGARDING APPLICABILITY TO SECTION 8.—Section 8(h) of the United States Housing Act of 1937 is amended by inserting after "6" the following: "(except as provided in section 6(j)(3))".

SEC. 111. PUBLIC HOUSING SITE-BASED WAITING LISTS.

Section 6 of the United States Housing Act of 1937, as amended by section 306(a)(2) of this Act, is amended by inserting the following new subsection at the end:

"(q) A public housing agency may establish, in accordance with guidelines established by the Secretary, procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system whereby applicants may apply directly at or otherwise designate the development or developments in which they seek to reside. All such procedures must comply with all provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.".

SEC. 112. COMMUNITY SERVICE REQUIREMENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

Section 12 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(c) COMMUNITY SERVICE REQUIREMENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.—

"(1) IN GENERAL.—A public housing agency shall encourage each adult member of each family residing in public housing or assisted under section 8 to participate, for not less than 8 hours per month, in community service activities (not to include any political activity) within the community in which that adult resides.

"(2) EXEMPTIONS.—The requirement in paragraph (1) shall not apply to any adult who is—

"(A) at least 62 years of age;

"(B) a person with disabilities who is unable, as determined in accordance with guidelines established by the Secretary, to comply with this subsection;

"(C) working at least 20 hours per week, a student, receiving vocational training, or otherwise meeting work, training, or educational requirements of a public assistance program other than the program specified in subparagraph (E);

"(D) a single parent, grandparent, or the spouse of an otherwise exempt individual, who is the primary caretaker of one or more—

"(i) children who are 6 years of age or younger;

"(ii) persons who are at least 62 years of age; or

"(iii) persons with disabilities; or

"(E) in a family receiving assistance under the Temporary Assistance for Needy Families program under part A of title IV of the Social Security Act.".

SEC. 113. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM STREAMLINING.

(a) Section 14(d) of the United States Housing Act of 1937 is amended to read as follows:

"(d) No assistance may be made available under subsection (b) to a public housing agency that owns or operates fewer than 250 public housing units unless the agency has submitted a comprehensive plan in accordance with subsection (e)(1) and the Secretary has approved it in accordance with subsection (e)(2). The assistance shall be allocated to individual agencies on the basis of a formula established by the Secretary.".

(b) Section 14 (f)(1) is repealed.

(c) Section 14 (g) is amended by striking "(d)(3)" and inserting "(d)".

(d) Section 14(h) is repealed.

(e) Section 14(i) is repealed.

(f) Section 14(k)(1) is amended by striking "$75,000,000" and inserting "$100,000,000".

SEC. 114. FLEXIBILITY FOR PHA FUNDING.

(a) EXPANSION OF USES OF FUNDING.—Section 14(q)(1) of the United States Housing Act of 1937 is amended—

(1) in the first sentence, by inserting after "section 5," the following "by section 24,";

(2) in the first sentence, by inserting after "public housing agency,", the following: "except for the provision of tenant-based assistance,"; and

(3) by inserting at the end the following: "Notwithstanding the foregoing, (i) a public housing agency that owns or operates fewer than 250 units may use modernization assistance provided under section 14, development assistance provided under section 5(a), and operating subsidy provided under section 9, for any eligible activity authorized by this

Act or by applicable appropriations Acts for a public housing agency, except for assistance under section 8, and (ii) any agency determined to be a troubled agency under section 6(j) may use amounts not appropriated under section 9 for any operating subsidy purpose authorized in section 9 only with the approval of the Secretary and provided that the housing is maintained and operated in a safe and sanitary condition.".

(b) MIXED-FINANCE DEVELOPMENT.—Section 14(q)(2) of such Act is amended to read as follows:

"(2) MIXED FINANCE PUBLIC HOUSING.—

"(A) AUTHORITY.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to provide for the use of capital and operating assistance provided under section 5, 14, or 9, assistance for demolition, site revitalization, or replacement housing provided under section 24, or assistance under applicable appropriation Acts for a public housing agency, to produce mixed-finance housing developments, or replace or revitalize existing public housing dwelling units with mixed-finance housing developments, but only if the agency submits to the Secretary a plan for such housing that is approved pursuant to subparagraph (C) by the Secretary.

"(B) MIXED-FINANCE HOUSING DEVELOPMENTS.—

"(i) For purposes of this paragraph, the term 'mixed-finance housing' means low-income housing or mixed-income housing for which the financing for development or revitalization is provided, in part, from entities other than the public housing agency.

"(ii) A mixed-finance housing development shall be produced or revitalized, and owned—

"(I) by a public housing agency or by an entity affiliated with a public housing agency;

"(II) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, is a managing member, or otherwise participates in the activities of the entity;

"(III) by any entity that grants to the public housing agency the option to purchase the public housing project during the 20-year period beginning on the date of initial occupancy of the public housing project in accordance with section 42(l)(7) of the Internal Revenue Code of 1986; or

"(IV) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

This clause may not be construed to require development or revitalization, and ownership, by the same entity.

"(C) MIXED-FINANCE HOUSING PLAN.—The Secretary may approve a plan for development or revitalization of mixed-finance housing under this paragraph only if the Secretary determines that—

"(i) the public housing agency has the ability, or has provided for an entity under subparagraph (B)(ii) that has the ability, to use the amounts provided for use under the plan for such housing, effectively, either directly or through contract management;

"(ii) the plan provides permanent financing commitments from a sufficient number of sources other than the public housing agency, which may include banks and other conventional lenders, States, units of general local government, State housing finance agencies, secondary market entities, and other financial institutions;

"(iii) the plan provides for use of amounts provided under subparagraph (A) by the public housing agency for financing the mixed-income housing in the form of grants, loans, advances, or other debt or equity investments, including collateral or credit enhancement of bonds issued by the agency or any State or local governmental agency for development or revitalization of the development; and

"(iv) the plan complies with any other criteria that the Secretary may establish.

"(D) RENT LEVELS FOR HOUSING FINANCED WITH LOW-INCOME HOUSING TAX CREDIT.—With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from the Operating or Capital Fund are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

"(E) CARRY-OVER OF ASSISTANCE FOR REPLACED HOUSING.—In the case of a mixed-finance housing development that is replacement housing for public housing demolished or disposed of, or is the result of the revitalization of existing public housing, the share of capital and operating assistance received by the public housing agency that owned or operated the housing demolished, disposed of, or revitalized shall not be reduced because of such demolition, disposition, or revitalization after the commencement of such demolition, disposition, or revitalization, unless—

"(i) upon the expiration of the 18-month period beginning upon the approval of the plan under subparagraph (C) for the mixed-finance housing development, the agency does not have binding commitments for development or revitalization, or a construction contract, for such development;

"(ii) upon the expiration of the 4-year period beginning upon the approval of the plan, the mixed-finance housing development is not substantially ready for occupancy and is placed under the annual contributions contract for the agency; or

"(iii) the number of dwelling units in the mixed-finance housing development that are made available for occupancy only by low-income families is substantially less than the number of such dwelling units in the public housing demolished, disposed of, or revitalized.

The Secretary may extend the period under clause (i) or (ii) for a public housing agency if the Secretary determines that circumstances beyond the control of the agency caused the agency to fail to meet the deadline under such clause.".

(c) CONFORMING AMENDMENTS.—Section 14(q) of such Act is amended—

(1) in paragraph (3), by striking "mixed income" and inserting "mixed-finance"; and

(2) in paragraph (4), by striking "mixed-income project" and inserting "mixed-finance development".

(d) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937, as amended by this section, shall be effective with respect to any assistance provided to the public housing agency under sections 5 and 14 of the United States Housing Act of 1937 and applicable appropriations Acts for a public housing agency.

SEC. 115. REPLACEMENT HOUSING RESOURCES.

(a) OPERATING FUND.—Section 9(a)(3)(B) of the United States Housing Act of 1937 is amended—

(1) at the end of clause (iv), by striking "and";

(2) at the end of clause (v), by striking the period and inserting "; and"; and

(3) by inserting at the end the following:

"(vi) where an existing unit under a contract is demolished or disposed of, the Secretary shall adjust the amount the public housing agency receives under this section; notwithstanding this requirement, the Secretary shall provide assistance under this section in accordance with the provisions of section 14(q)(2) (relating to mixed-finance public housing).".

(b) COMPREHENSIVE GRANT PROGRAM.—Section 14(k)(2)(D)(ii) of such Act is amended to read as follows:

"(ii) Where an existing unit under a contract is demolished or disposed of, the Secretary shall adjust the amount the agency receives under the formula. Notwithstanding the preceding sentence, for the five-year period after demolition or disposition, the Secretary may provide for no adjustment, or a partial adjustment, of the amount the agency receives under the formula and shall require the agency to use any additional amount received as a result of this sentence for replacement housing or physical improvements necessary to preserve viable public housing.".

SEC. 116. REPEAL OF ONE-FOR-ONE REPLACEMENT HOUSING REQUIREMENT.

Section 1002(d) of Public Law 104-19 is amended by striking "and on or before September 30, 1997".

SEC. 117. DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS.

Section 24 of the United States Housing Act of 1937 is amended—

(1) by amending the heading to read as follows: "**DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS**";

(2) by amending subsections (a) through (c) to read as follows:

"(a) PURPOSE.—The purpose of this section is to provide assistance to public housing agencies for the purposes of—

"(1) reducing the density and improving the living environment for public housing residents of severely distressed public housing through the demolition of obsolete public housing developments (or portions thereof);

"(2) revitalizing sites (including remaining public housing dwelling units) on which such public housing developments are located and contributing to the improvement of the surrounding neighborhood;

"(3) providing housing that will avoid or decrease the concentration of very low-income families; and

"(4) providing tenant-based assistance in accordance with the provisions of section 8 for the purpose of providing replacement housing and assisting residents to be displaced by the demolition.

"(b) GRANT AUTHORITY.—The Secretary may make grants available to public housing agencies as provided in this section.

"(c) CONTRIBUTION REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements the amount of assistance provided under this section (other than amounts provided for demolition or tenant-based assistance) with an amount of funds from sources other than this Act equal to not less than 5 percent of the amount provided under this section, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided.";

(3) by amending subsection (d)(1) to read as follows:

"(1) IN GENERAL.—The Secretary may make grants under this subsection to applicants for the purpose of carrying out demolition, revitalization, and replacement programs for severely distressed public housing under this section. The Secretary may make a grant for the revitalization or replacement of public housing only if the agency demonstrates that the neighborhood is or will be a viable residential community, as defined by the Secretary, after completion of the work assisted under this section and any other neighborhood improvements planned by the State or local government or otherwise to be provided. The Secretary may approve grants providing assistance for one eligible activity or a combination of eligible activities under this section, including assistance only for demolition and assistance only for tenant-based assistance in accordance with the provisions of section 8.";

(4) in subsection (d)(2)(B)—

(A) by striking "the redesign" and inserting "the abatement of environmental hazards, demolition, redesign"; and

(B) by striking "is located" and inserting "is or was located";

(5) in subsection (d)(2), by redesignating subparagraphs (C) through (I) as subparagraphs (D) through (J), respectively, and inserting the following new subparagraph after subparagraph (B):

"(C) replacement housing, which shall consist of public housing, homeownership units as permitted under the HOPE VI program (as previously authorized in appropriations Acts), tenant-based assistance in accordance with the provisions of section 8, or a combination;";

(6)(A) in subsection (G), as redesignated by paragraph (5), by inserting before the semicolon the following: "and any necessary supportive services, except that not more than 15 percent of any grant under this subsection may be used for such purposes.";

(B) by inserting "and" at the end of subsection (H), as redesignated by paragraph (4); and

(C) by striking the semicolon at the end of subsection (I), as redesignated by paragraph (4), and all that follows up to the period;

(7) in paragraph (3), by striking the second sentence;

(8) by amending subsection (d)(4) to read as follows:

"(4) SELECTION CRITERIA.—

"(A) APPLICATIONS FOR DEMOLITION.—The Secretary shall establish selection criteria for applications that request assistance only for demolition, which shall include—

"(i) the need for demolition, taking into account the effect of the distressed development on the public housing agency and the community;

"(ii) the extent to which the public housing agency is not able to undertake such activities without a grant under this section;

"(iii) the extent of involvement of residents and State and local governments in determining the need for demolition; and

"(iv) such other factors as the Secretary determines appropriate.

"(B) APPLICATIONS FOR DEMOLITION, REVITALIZATION, AND REPLACEMENT.—The Secretary shall establish selection criteria for applications that request assistance for a combination of eligible activities, which shall include—

"(i) the relationship of the grant to the comprehensive plan for the locality;

"(ii) the extent to which the grant will result in a viable development which will foster the economic and social integration of public housing residents and the extent to which the development will enhance the community;

"(iii) the capability and record of the applicant public housing agency, its development team, or any alternative management agency for the agency, for managing large-scale redevelopment or modernization projects, meeting construction timetables, and obligating amounts in a timely manner;

"(iv) the extent to which the public housing agency is not able to undertake such activities without a grant under this section;

"(v) the extent of involvement of residents, State and local governments, private service providers, financing entities, and developers, in the development of a revitalization program for the development;

"(vi) the amount of funds and other resources to be leveraged by the grant; and

"(vii) such other factors as the Secretary determines appropriate."

"(C) APPLICATIONS FOR TENANT-BASED ASSISTANCE.—Notwithstanding any other provision of this subsection, the Secretary may allocate tenant-based assistance under this section on a non-competitive basis in connection with the demolition or disposition of public housing.";

(9) by amending subsection (e) to read as follows:

"(e) LONG TERM VIABILITY.—The Secretary may waive or revise rules established under this Act governing the development, management, and operation of public housing units, to permit a public housing agency to undertake measures that enhance the long-term viability of a severely distressed public housing project revitalized under this section; except that the Secretary may not waive or revise the rent limitation under section 3(a)(1)(A) or the targeting requirements under section 16(a).";

(10) in subsection (f)—

(A) by striking "OTHER" and all that follows through "(1)";

(B) by striking paragraph (2); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2);

(11) by striking subsections (g) and (i) and redesignating subsection (h) as subsection (j);

(12) by inserting the following new subsections after subsection (f):

"(g) ADMINISTRATION BY OTHER ENTITIES.—The Secretary may require a grantee under this section to make arrangements satisfactory to the Secretary for use of an entity other than the public housing agency to carry out activities assisted under the revitalization plan, if the Secretary determines that such action will help to effectuate the purposes of this section.

"(h) TIMELY EXPENDITURES.—

"(1) WITHDRAWAL OF FUNDING.—If a grantee under this section or under the HOPE VI program does not sign the primary construction contract for the work included in the grant agreement within 18 months from the date of the grant agreement, the Secretary shall withdraw any grant amounts under the grant agreement which have not been obligated by the grantee. The Secretary shall redistribute any withdrawn amounts to one or more applicants eligible for assistance under this section. The Secretary may grant an extension of up to one additional year from the date of enactment of this Act if the 18-month period has expired as of the date of enactment, for delays caused by factors beyond the control of the grantee.

"(2) COMPLETION.—A grant agreement under this section shall provide for interim checkpoints and for completion of physical activities within four years of execution, and the Secretary shall enforce these requirements through default remedies up to and including withdrawal of funding. The Secretary may, however, provide for a longer timeframe, but only when necessary due to factors beyond the control of the grantee.

"(3) INAPPLICABILITY.—This subsection shall not apply to grants for tenant-based assistance under section 8.

"(i) INAPPLICABILITY OF SECTION 18.—Section 18 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.";

(13) by amending subsection (j)(1), as redesignated by paragraph (11)—

(A) in subparagraph (C), by inserting after "nonprofit organization," the following: "private program manager, a partner in a mixed-finance development,";

(B) at the end of subparagraph (B), after the semicolon, by inserting "and"; and

(C) at the end of subparagraph (C), by striking "; and" and all that follows up to the period;

(14) by amending subsection (j)(5), as redesignated by paragraph (11)—

(A) in subparagraph (A)—

(i) by striking "(i)";

(ii) by striking clauses (ii) through (iv); and

(iii) by inserting after "physical plant of the project" the following: ", where such distress cannot be remedied through assistance under section 14 because of inadequacy of available funding";

(B) by amending subparagraph (A), as amended by subparagraph (A) of this paragraph (14), by striking "appropriately" and inserting "inappropriately"; and

(C) by amending subparagraph (B) to read as follows:

"(B) that was a project as described in subparagraph (A) that has been demolished, but for which the Secretary has not provided replacement housing assistance (other than tenant-based assistance).";

(15) by inserting at the end of subsection (j), as redesignated by paragraph (11), the following new paragraph:

"(6) SUPPORTIVE SERVICES.—The term 'supportive services' includes all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing development involved, including literacy training, job training, day care, and economic development activities."; and

(16) by inserting the following new subsection at the end:

"(k) TECHNICAL ASSISTANCE AND PROGRAM OVERSIGHT.—Of the amount appropriated for any fiscal year for grants under this section, the Secretary may use up to 2.5 percent for technical assistance, program oversight, and fellowships for on-site public housing agency assistance and supplemental education. Technical assistance may be provided directly or indirectly by grants, contracts, or cooperative agreements, and may include training, and the cost of necessary travel for participants in such training, by or to officials of the Department of Housing and Urban Development, of public housing agencies, and of residents. The Secretary may use amounts under this paragraph for program oversight to contract with private program and construction management entities to assure that development activities are carried out in a timely and cost-effective manner.".

SEC. 118. PERFORMANCE EVALUATION BOARD.

(a) ESTABLISHMENT.—There is hereby established a performance evaluation board to

assist the Secretary of Housing and Urban Development in improving and monitoring the system for evaluation of public housing authority performance, including by studying and making recommendations to the Secretary on the most effective, efficient and productive method or methods of evaluating the performance of public housing agencies, consistent with the overall goal of improving management of the public housing program.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The board shall be composed of at least seven members with relevant experience who shall be appointed by the Secretary as soon as practicable, but not later than 90 days after enactment of this Act.

(2) APPOINTMENTS.—In appointing members of the board, the Secretary shall assure that each of the background areas set forth in paragraph (3) are represented.

(3) BACKGROUNDS.—Background areas to be represented are—

(A) major public housing organizations;

(B) public housing resident organizations;

(C) real estate management, finance, or development entities; and

(D) units of general local government.

(c) BOARD PROCEDURES.—

(1) CHAIRPERSON.—The Secretary shall appoint a chairperson from among members of the board.

(2) QUORUM.—A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) VOTING.—Each member of the board shall be entitled to one vote, which shall be equal to the vote of each other member of the board.

(4) PROHIBITION OF ADDITIONAL PAY.—Members of the board shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the board.

(d) POWERS.—

(1) HEARINGS.—The board may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the board determines appropriate.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—.

(A) INFORMATION.—The board may request from any agency of the United States, and such agency is authorized to provide, such data and information as the board may require for carrying out its functions.

(B) STAFF SUPPORT.—Upon request of the chairperson of the board, to assist the board in carrying out its duties under this section, the Secretary may—

(i) provide an executive secretariat;

(ii) assign by detail or otherwise any of the personnel of the Department of Housing and Urban Development; and

(iii) obtain by personal services contracts or otherwise any technical or other assistance needed to carry out this section.

(e) ADVISORY COMMITTEE.—The board shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) FUNCTIONS.—The board shall, as needed—

(1) examine and assess the need for further modifications to or replacement of the Public Housing Management Assessment program, established by the Secretary under section 6(j) of the United States Housing Act of 1937;

(2) examine and assess models used in other industries or public programs to assess the performance of recipients of assistance, including accreditation systems, and the applicability of those models to public housing;

(3) develop (either itself, or through another body) standards for professional competency for the public housing industry, including methods of assessing the qualifications of employees of public housing authorities, such as systems for certifying the qualifications of employees;

(4) develop a system for increasing the use of on-site physical inspections of public housing developments; and

(5) develop a system for increasing the use of independent audits, as part of the overall system for evaluating the performance of public housing agencies.

(g) REPORTS.—

(1) Not later than the expiration of the three-month period beginning upon the appointment of the seventh member of the board, and one year from such appointment, the board shall issue interim reports to the Secretary on its activities. The board shall make its final report and recommendations one year after its second interim report is issued. The final report shall include findings and recommendations of the board based upon the functions carried out under this section.

(2) After the board issues its final report, it may be convened by its chair, upon the request of the Secretary, to review implementation of the performance evaluation system and for other purposes.

(h) TERM.—The duration of the board shall be seven years.

(i) FUNDING.—The Secretary is authorized to use any amounts appropriated under the head Preserving Existing Housing Investment, or predecessor or successor appropriation accounts, without regard to any earmarks of funding, to carry out this section.

SEC. 119. ECONOMIC DEVELOPMENT AND SUPPORTIVE SERVICES FOR PUBLIC HOUSING RESIDENTS.

The United States Housing Act of 1937 is amended by adding the following new section after section 27:

"SEC. 28. ECONOMIC DEVELOPMENT AND SUPPORTIVE SERVICES FOR PUBLIC HOUSING RESIDENTS.

"(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary shall make grants for the purposes of providing a program of supportive services and resident self-sufficiency activities to enable residents of public housing to become economically self-sufficient and to assist elderly persons and persons with disabilities to maintain independent living, to the following eligible applicants:

"(1) public housing agencies;

"(2) resident councils;

"(3) resident management corporations or other eligible resident entities defined by the Secretary;

"(4) other applicants, as determined by the Secretary; and

"(5) any partnership of eligible applicants.

"(b) ELIGIBLE ACTIVITIES.—Grantees under this section may use grants for the provision of supportive service, economic development, and self-sufficiency activities conducted primarily for public housing residents in a manner that is easily accessible to those residents. Such activities shall include—

"(1) the provision of service coordinators and case managers;

"(2) the provision of services related to work readiness, including education, job training and counseling, job search skills, business development training and planning, tutoring, mentoring, adult literacy, computer access, personal and family counseling, health screening, work readiness health services, transportation, and child care;

"(3) economic and job development, including employer linkages and job placement, and the start-up of resident microenterprises, community credit unions, and revolving loan funds, including the licensing, bonding and insurance needed to operate such enterprises;

"(4) resident management activities, including related training and technical assistance; and

"(5) other activities designed to improve the self-sufficiency of residents, as may be determined in the sole discretion of the Secretary.

"(c) FUNDING DISTRIBUTION.—

"(1) IN GENERAL.—After reserving such amounts as the Secretary determines to be necessary for technical assistance and clearinghouse services under subsection (d), the Secretary shall distribute any remaining amounts made available under this section on a competitive basis. The Secretary may set a cap on the maximum grant amount permitted under this section, and may limit applications for grants under this section to selected applicants or categories of applicants.

"(2) SELECTION CRITERIA.—The Secretary shall establish selection criteria for applications that request assistance for one or more eligible activities under this section, which shall include—

"(A) the demonstrated capacity of the applicant to carry out a program of supportive services or resident empowerment activities;

"(B) the amount of funds and other resources to be leveraged by the grant;

"(C) the extent to which the grant will result in a quality program of supportive services or resident empowerment activities;

"(D) the extent to which any job training and placement services to be provided are coordinated with the provision of such services under the Job Training Partnership Act and the Wagner-Peyser Act; and

"(E) such other factors as the Secretary determines appropriate.

"(3) MATCHING REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements every dollar provided under this subsection with an amount of funds from sources other than this section equal to at least twice the amount provided under this subsection, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided. Of the supplemental funds furnished by the applicant, not more than 50 percent may be in the form of in-kind services or administrative costs provided.

"(d) FUNDING FOR TECHNICAL ASSISTANCE.—The Secretary may set aside a portion of the amounts appropriated under this section, to be provided directly or indirectly by grants, contracts, or cooperative agreements, for technical assistance, which may include training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies, and to residents and to other eligible grantees, and for clearinghouse services in furtherance of the goals and activities of this section.

"(e) CONTRACT ADMINISTRATORS.—The Secretary may require resident councils, resident management corporations, or other eligible entities defined by the Secretary to utilize public housing agencies or other qualified organizations as contract administrators with respect to grants provided under this section.".

SEC. 120. PENALTY FOR SLOW EXPENDITURE OF MODERNIZATION FUNDS.

Section 14(k)(5) of the United States Housing Act of 1937 is amended to read as follows:

"(5)(A) A public housing agency shall obligate any assistance received under this section within 18 months of the date funds become available to the agency for obligation. The Secretary may extend this time period by no more than one year if an agency's failure to obligate such assistance in a timely manner is attributable to events beyond the control of the agency. The Secretary may also provide an exception for de minimis amounts to be obligated with the next year's funding; an agency that owns or administers fewer than 250 public housing units, to the extent necessary to permit the agency to accumulate sufficient funding to undertake activities; and any agency, to the extent necessary to permit the agency to accumulate sufficient funding to provide replacement housing.

"(B) A public housing agency shall not be awarded assistance under this section for any month in a year in which it has funds unobligated, in violation of subparagraph (A). During such a year, the Secretary shall withhold all assistance which would otherwise be provided to the agency. If the agency cures its default during the year, it shall be provided with the share attributable to the months remaining in the year. Any funds not so provided to the agency shall be provided to high-performing agencies as determined under section 6(j).

"(C) If the Secretary has consented, before the date of enactment of the Public Housing Management Reform Act of 1997, to an obligation period for any agency longer than provided under this paragraph, an agency which obligates its funds within such extended period shall not be considered to be in violation of subparagraph (A). Notwithstanding any prior consent of the Secretary, however, all funds appropriated in fiscal year 1995 and prior years shall be fully obligated by the end of fiscal year 1998, and all funds appropriated in fiscal years 1996 and 1997 shall be fully obligated by the end of fiscal year 1999.

"(D) A public housing agency shall spend any assistance received under this section within four years (plus the period of any extension approved by the Secretary under subparagraph (A)) of the date funds become available to the agency for obligation. The Secretary shall enforce this requirement through default remedies up to and including withdrawal of the funding. Any obligation entered into by an agency shall be subject to the right of the Secretary to recapture the amounts for violation by the agency of the requirements of this subparagraph.".

SEC. 121. DESIGNATION OF PHA'S AS TROUBLED.

(a) Section 6(j)(1)(A) of the United States Housing Act of 1937, as amended by sections 108 and 109, is further amended—

(1) in subparagraph (A), by inserting the following after clause (x):

"(xi) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary."; and

(2) in subparagraph (B)—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting the following after clause (iv):

"(v) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary.".

(b) Section 6(j)(2)(A)(i) of such Act is amended by inserting the following after the first sentence: "Such procedures shall provide that an agency that does not provide acceptable basic housing conditions shall be designated a troubled public housing agency.".

(c) Section 6(j)(2)(A)(i) of such Act is amended in the first sentence—

(1) by inserting before "the performance indicators" the subclause designation "(I)"; and

(2) by inserting before the period the following: "; or (II) such other evaluation system as is determined by the Secretary to assess the condition of the public housing agency or resident management corporation, which system may be in addition to or in lieu of the performance indicators established under paragraph (1)".

SEC. 122. VOLUNTEER SERVICES UNDER THE 1937 ACT.

(a) IN GENERAL.—Section 12(b) of the United States Housing Act of 1937 is amended by striking "that—" and all that follows up to the period and inserting "who performs volunteer services in accordance with the requirements of the Community Improvement Volunteer Act of 1994".

(b) CIVA AMENDMENT.—Section 7305 of the Community Improvement Volunteer Act of 1994 is amended—

(1) in paragraph (5), by striking "and" after the semicolon;

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

(3) by inserting the following paragraph after paragraph (6):

"(7) the United States Housing Act of 1937.".

SEC. 123. AUTHORIZATION OF APPROPRIATIONS FOR OPERATION SAFE HOME PROGRAM.

There are authorized to be appropriated to carry out the Operation Safe Home program $20,000,000 for fiscal year 1998 and such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

TITLE II—SECTION 8 STREAMLINING AND OTHER PROGRAM IMPROVEMENTS

SEC. 201. PERMANENT REPEAL OF FEDERAL PREFERENCES.

(a) Notwithstanding section 402(f) of The Balanced Budget Downpayment Act, I, the amendments made by section 402(d) of that Act shall remain in effect after fiscal year 1997, except that the amendments made by sections 402(d)(3) and 402(d)(6)(A)(iii), (iv), and (vi) of such Act shall remain in effect as amended by sections 203 and 116 of this Act, and section 402(d)(6)(v) shall be repealed by the amendments made to section 16 of the United States Housing Act of 1937 by section 202 of this Act.

(b) Section 6(c)(4)(A) of the United States Housing Act of 1937, as amended by section 402(d)(1) of The Balanced Budget Downpayment Act, I, is amended by striking "is" and all that follows through "Act" and inserting the following: "shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment under this subparagraph, under section 5A(b), and under the requirements of the approved Consolidated Plan for the locality".

(c) Section 8(d)(1)(A) of the United States Housing Act of 1937, as amended by section 402(d)(2) of The Balanced Budget Downpayment Act, I, is amended by striking "is" and all that follows through "Act" and inserting the following: "shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment under this subparagraph, under section 5A(b), and under the requirements of the approved Consolidated Plan for the locality".

SEC. 202. INCOME TARGETING FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

(a) Section 16 of the United States Housing Act of 1937 is amended by revising the heading and subsections (a) through (c) to read as follows:

"SEC. 16. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

"(a) PUBLIC HOUSING.—

"(1) PROGRAM REQUIREMENT.—Of the public housing units of a public housing agency made available for occupancy by eligible families in any fiscal year of the agency—

"(A) at least 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

"(B) at least 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area; except that, for any fiscal year, the Secretary may reduce to 80 percent the percentage under this subparagraph for a public housing agency if the agency demonstrates to the satisfaction of the Secretary that such reduction would be used for, and would result in, the enhancement of the long-term viability of the housing developments of the agency.

"(2) DEVELOPMENT REQUIREMENT.—At least 40 percent of the units in each public housing development shall be occupied by families with incomes which are less than 30 percent of the median income for the area, except that no family may be required to move to achieve compliance with this requirement.

"(b) SECTION 8 ASSISTANCE.—

"(1) TENANT-BASED, MODERATE REHABILITATION, AND PROJECT-BASED CERTIFICATE ASSISTANCE.—In any fiscal year of a public housing agency, at least 75 percent of all families who initially receive tenant-based assistance from the agency, assistance under the moderate rehabilitation program of the agency, or assistance under the project-based certificate program of the agency shall be families whose incomes do not exceed 30 percent of the median income for the area.

"(2) PROJECT-BASED ASSISTANCE.—Of the dwelling units in a project receiving section 8 assistance, other than assistance described in paragraph (1), that are made available for occupancy by eligible families in any year (as determined by the Secretary)—

"(A) at least 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

"(B) at least 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area.

"(c) DEFINITION OF AREA MEDIAN INCOME.—The term 'area median income', as used in subsections (a) and (b), refers to the median income of an area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsections (a) and (b) if the Secretary determines that such variations are necessary because of unusually high or low family incomes.".

(b) Section 16 of the United States Housing Act of 1937, as amended by this section, is further amended by inserting the following new heading after subsection designation (d): "APPLICABILITY.—".

SEC. 203. MERGER OF TENANT-BASED ASSISTANCE PROGRAMS.

(a) Section 8(o) of the United States Housing Act of 1937 is amended to read as follows:

"(o) RENTAL CERTIFICATES.—(1) A public housing agency may only enter into contracts for tenant-based rental assistance

under this Act pursuant to this subsection. The Secretary may provide rental assistance using a payment standard in accordance with this subsection. The payment standard shall be used to determine the monthly assistance which may be paid for any family.

"(2)(A) The payment standard may not exceed the FMR/exception rent limit. The payment standard may not be less than 80 percent of the FMR/exception rent limit.

"(B) The term 'FMR/exception rent limit' means the section 8 existing housing fair market rent published by HUD in accordance with subsection (c)(1) or any exception rent approved by HUD for a designated part of the fair market rent area. HUD may approve an exception rent of up to 120 percent of the published fair market rent.

"(3)(A) For assistance under this subsection provided by a public housing agency on and after October 1, 1998, to the extent approved in appropriations Acts, the monthly assistance payment for any family that moves to another unit in another complex or moves to a single family dwelling shall be the amount determined by subtracting the family contribution as determined in accordance with section 3(a) from the applicable payment standard, except that such monthly assistance payment shall not exceed the amount by which the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering) exceeds 10 percent of the family's monthly income.

"(B) For any family not covered by subparagraph (A), the monthly assistance payment for the family shall be determined by subtracting the family contribution as determined in accordance with section 3(a) from the lower of the applicable payment standard and the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering).

"(4) Assistance payments may be made only for:

"(A) a family determined to be a very low-income family at the time the family initially receives assistance, or

"(B) another low-income family in circumstances determined by the Secretary.

"(5) If a family vacates a dwelling unit before the expiration of a lease term, no assistance payment may be made with respect to the unit after the month during which the unit was vacated.

"(6) The Secretary shall require that:

"(A) the public housing agency shall inspect the unit before any assistance payment may be made to determine that the unit meets housing quality standards for decent, safe, and sanitary housing established by the Secretary for the purpose of this section, and

"(B) the public housing agency shall make annual or more frequent inspections during the contract term. No assistance payment may be made for a dwelling unit which fails to meet such quality standards.

"(7) The rent for units assisted under this subsection shall be reasonable in comparison with rents charged for comparable units in the private unassisted market. A public housing agency shall review all rents for units under consideration by families assisted under this subsection (and all rent increases for units under lease by families assisted under this subsection) to determine whether the rent (or rent increase) requested by an owner is reasonable. If a public housing agency determines that the rent (or rent increase) for a unit is not reasonable, the agency may not approve a lease for such unit.

"(8) Except as provided in paragraph (2) of this subsection, section 8(c) of this Act does not apply to assistance under this subsection.".

(b) In Section 3(a)(1) of the United States Housing Act of 1937, the second sentence is revised as follows:

(1) by striking "or paying rent under section 8(c)(3)(B)"; and

(2) by striking "the highest of the following amounts, rounded to the nearest dollar:" and inserting "and the family contribution for a family assisted under section 8(o) or 8(y) shall be the highest of the following amounts, rounded to the next dollar:".

(c) Section 8(b) of the United States Housing Act is amended—

(1) by striking "Rental Certificates and Other Existing Housing Programs.—" and inserting "(1)"; and

(2) by striking the second sentence.

(d) Section 8 of the United States Housing Act of 1937 is amended—

(1) by striking subsection (c)(3)(B);

(2) in subsection (d)(2), by striking subparagraphs (A), (B), (C), (D) and (E); and by redesignating subparagraphs (F), (G) and (H) as subparagraphs (A), (B) and (C) respectively;

(3) in subsection (f)(6), as redesignated by section 306(b)(2) of this Act, by striking "under subsection (b) or (o)"; and

(4) by striking subsection (j).

SEC. 204. SECTION 8 ADMINISTRATIVE FEES.

(a) Section 202(a)(1)(A) of the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act, 1997 is amended by—

(1) striking "7.5 percent" and inserting "7.65 percent";

(2) striking "a program of" and inserting "one or more such programs totaling"; and

(3) inserting before the final period, "of such total units".

(b) The amendments made by this section shall be effective as of October 1, 1997.

SEC. 205. SECTION 8 HOMEOWNERSHIP.

(a) AMENDMENTS TO SECTION 8(y).—Section 8(y) of the United States Housing Act of 1937 is amended—

(1) in paragraph (1), by striking "A family receiving" through "if the family" and inserting the following: "A public housing agency providing tenant-based assistance on behalf of an eligible family under this section may provide assistance for an eligible family that purchases a dwelling unit (including a unit under a lease-purchase agreement) that will be owned by one or more members of the family, and will be occupied by the family, if the family";

(2) in paragraph (1)(A), by inserting before the semicolon the following: ", or owns or is acquiring shares in a cooperative";

(3) in paragraph (1), by amending paragraph (B) to read as follows:

"(B)(i) in the case of disabled families and elderly families, demonstrates that the family has income from employment or other sources, as determined in accordance with requirements of the Secretary, in such amount as may be established by the Secretary; and

"(ii) in the case of other families, demonstrates that the family has income from employment, as determined in accordance with requirements of the Secretary, in such amount as may be established by the Secretary;";

(4) in paragraph (1)(C), by striking "except as" and inserting "except in the case of disabled families and elderly families and as otherwise";

(5) in paragraph (1), by inserting at the end the following: "The Secretary or the public housing agency may target assistance under this subsection for program purposes, such as to families assisted in connection with the FHA multifamily demonstration under section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997.";

(6) by amending paragraph (2) to read as follows:

"(2) DETERMINATION OF AMOUNT OF ASSISTANCE.—The monthly assistance payment for any family shall be the amount determined by subtracting the family contribution as determined under section 3(a) of this Act from the lower of:

"(A) the applicable payment standard, or

"(B) the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, of the family.";

(7) by redesignating paragraphs (6), (7), and (8), as paragraphs (9), (10), and (11), respectively;

(8) by striking paragraphs (3), (4), and (5) and inserting the following after paragraph (2):

"(3) INSPECTIONS AND CONTRACT CONDITIONS.—Each contract for the purchase of a unit to be assisted under this section shall provide for pre-purchase inspection of the unit by an independent professional and shall require that any cost of necessary repairs shall be paid by the seller. The requirement under section 8(o)(5)(B) for annual inspections of the unit shall not apply to units assisted under this section.

"(4) DOWNPAYMENT REQUIREMENT.—Each public housing agency providing assistance under this subsection shall require that each assisted family make a significant contribution, from its own resources, determined in accordance with guidelines established by the Secretary, to cover all or a portion of the downpayment required in connection with the purchase, which may include credit for work by one or more family members to improve the dwelling ("sweat equity").

"(5) RESERVE FOR REPLACEMENTS.—The Secretary shall require each family to pay an amount equal to one percent of the monthly amount payable by the family for principal and interest on its acquisition loan into a reserve for repairs and replacements for five years after the date of purchase. Any amounts remaining in the reserve after five years shall be paid to the family.

"(6) APPLICATION OF NET PROCEEDS UPON SALE.—The Secretary shall require that the net proceeds upon sale by a family of a unit owned by the family while it received assistance under this subsection shall be divided between the public housing agency and the family. The Secretary shall establish guidelines for determining the amount to be received by the family and the amount to be received by the agency, which shall take into account the relative amount of assistance provided on behalf of the family in comparison with the amount paid by the family from its own resources. The Secretary shall require the agency to use any amounts received under this paragraph to provide assistance under subsection (o) or this subsection.

"(7) LIMITATION ON SIZE OF PROGRAM.—A public housing agency may permit no more than 10 percent of the families receiving tenant-based assistance provided by the agency to use the assistance for homeownership under this subsection. The Secretary may permit no more than 5 percent of all families receiving tenant-based assistance to use the assistance for homeownership under this subsection.

"(8) OTHER PROGRAM REQUIREMENTS.—The Secretary may establish such other requirements and limitations the Secretary determines to be appropriate in connection with the provision of assistance under this section, which may include limiting the term of assistance for a family. The Secretary may modify the requirements of this subsection where necessary to make appropriate adaptations for lease-purchase agreements. The Secretary shall establish performance measures and procedures to monitor the provision of assistance under this subsection in relation to the purpose of providing homeownership opportunities for eligible families.";

(9) in paragraph (10)(A)), as redesignated by paragraph (7) of this section, is amended—

(A) by striking "dwelling, (ii)" and inserting "dwelling, and (ii)"; and

(B) by striking ", (iii)" and all that follows up to the period; and

(10) by inserting after paragraph (11), as redesignated by paragraph (7) of this section, the following:

"(12) SUNSET.—The authority to provide assistance to additional families under this subsection shall terminate on September 30, 2002. The Secretary shall then prepare a report evaluating the effectiveness of homeownership assistance under this subsection.".

(b) FAMILY SELF-SUFFICIENCY ESCROW.—Section 23(d)(3) of the United States Housing Act of 1937 is repealed.

SEC. 206. WELFARE TO WORK CERTIFICATES.

(a) To the extent of amounts approved in appropriations Acts, the Secretary may provide funding for welfare to work certificates in accordance with this section. "Certificates" means tenant-based rental assistance in accordance with section 8(o) of the United States Housing Act of 1937.

(b) Funding under this section shall be used for a demonstration linking use of such certificate assistance with welfare reform initiatives to help families make the transition from welfare to work, and for technical assistance in connection with such demonstration.

(c) Funding may only be awarded upon joint application by a public housing agency and a State or local welfare agency. Allocation of demonstration funding is not subject to section 213 of the Housing and Community Development Act of 1974.

(d) Assistance provided under this section shall not be taken into account in determining the size of the family self-sufficiency program of a public housing agency under section 23 of the United States Housing Act of 1937.

(e) For purposes of the demonstration, the Secretary may waive, or specify alternative requirements for, requirements established by or under this Act concerning the certificate program, including requirements concerning the amount of assistance, the family contribution, and the rent payable by the family.

SEC. 207. EFFECT OF FAILURE TO COMPLY WITH PUBLIC ASSISTANCE REQUIREMENTS.

Section 3(a) of the United States Housing Act of 1937, as amended by section 103, is amended by inserting the following after paragraph (3):

"(4)(A) If the welfare or public assistance benefits of a covered family, as defined in subparagraph (G)(i), are reduced under a Federal, State, or local law regarding such an assistance program because any member of the family willfully failed to comply with program conditions requiring participation in a self-sufficiency program or requiring work activities as defined in subparagraphs (G)(ii) and (iii), the family may not, for the duration of the reduction, have the amount of rent or family contribution determined under this subsection reduced as the result of any decrease in the income of the family (to the extent that the decrease in income is the result of the benefits reduction).

"(B) If the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding the welfare or public assistance program because any member of the family willfully failed to comply with the self-sufficiency or work activities requirements, the portion of the amount of any increase in the earned income of the family occurring after such reduction up to the amount of the reduction for noncompliance shall not result in an increase in the amount of rent or family contribution determined under this subsection during the period the family would otherwise be eligible for welfare or public assistance benefits under the program.

"(C) Any covered family residing in public housing that is affected by the operation of this paragraph shall have the right to review the determination under this paragraph through the administrative grievance procedures established pursuant to section 6(k) for the public housing agency.

"(D) Subparagraph (A) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family receives written notification from the relevant welfare or public assistance agency specifying that the benefits of the family have been reduced because of noncompliance with self-sufficiency program requirements and the level of such reduction.

"(E) Subparagraph (A) shall not apply in any case in which the benefits of a family are reduced because the welfare or public assistance program to which the Federal, State, or local law relates limits the period during which benefits may be provided under the program.

"(F) This paragraph may not be construed to authorize any public housing agency to limit the duration of tenancy in a public housing dwelling unit or of tenant-based assistance.

"(G) For purposes of this section—

"(i) The term 'covered family' means a family that—

"(I) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in a self-sufficiency program or work activities; and

"(II) resides in a public housing dwelling unit or receives assistance under section 8.

"(ii) The term 'self-sufficiency program' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, money or household management, apprenticeship, or other activities.

"(iii) The term 'work activities' means—

"(I) unsubsidized employment;

"(II) subsidized private sector employment;

"(III) subsidized public sector employment;

"(IV) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

"(V) on-the job training;

"(VI) job search and job readiness assistance;

"(VII) community service programs;

"(VIII) vocational education training (not to exceed 12 months with respect to any individual;

"(IX) job skills training directly related to employment;

"(X) education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency;

"(XI) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and

"(XII) the provision of child care services to an individual who is participating in a community service program.".

SEC. 208. STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE.

(a) REPEAL OF TAKE-ONE, TAKE-ALL REQUIREMENT.—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after "section" the following: "(other than a contract for tenant-based assistance)"; and

(2) in the first sentence of paragraph (9), by striking "(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))" and inserting ", other than a contract for tenant-based assistance under this section".

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting "during the term of the lease," after "(ii)"; and

(2) in clause (iii), by striking "provide that" and inserting "during the term of the lease,".

(d) REPEAL.—Section 203 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 is hereby repealed.

SEC. 209. NONDISCRIMINATION AGAINST CERTIFICATE AND VOUCHER HOLDERS.

In the case of any multifamily rental housing that is receiving, or (except for insurance referred to in paragraph (4)) has received within two years before the effective date of this section, the benefit of Federal assistance from an agency of the United States, the owner shall not refuse to lease a reasonable number of units to families under the tenant-based assistance program under section 8 of the United States Housing Act of 1937 because of the status of the prospective tenants as families under that program. The Secretary shall establish reasonable time periods for applying the requirement of this section, taking into account the total amount of the assistance and the relative share of the assistance compared to the total cost of financing, developing, rehabilitating, or otherwise assisting a project. Federal assistance for purposes of this subsection shall mean—

(1) project-based assistance under the United States Housing Act of 1937;

(2) assistance under title I of the Housing and Community Development Act of 1974;

(3) assistance under title II of the Cranston-Gonzalez National Affordable Housing Act;

(4) mortgage insurance under the National Housing Act;

(5) low-income housing tax credits under section 42 of the Internal Revenue Code of 1986;

(6) assistance under title IV of the Stewart B. McKinney Homeless Assistance Act; and

(7) assistance under any other programs designated by the Secretary of Housing and Urban Development.

SEC. 210. RECAPTURE AND REUSE OF ACC PROJECT RESERVES UNDER TENANT-BASED ASSISTANCE PROGRAM.

Section 8(d) of the United States Housing Act of 1937 is amended by inserting at the end the following new paragraph:

"(5) To the extent that the Secretary determines that the amount in the ACC reserve account under a contract with a public housing agency for tenant-based assistance under this section is in excess of the amount needed by the agency, the Secretary shall recapture such excess amount. The Secretary may hold recaptured amounts in reserve until needed to amend or renew such contracts with any agency.".

SEC. 211. EXPANDING THE COVERAGE OF THE PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.

(a) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

"SEC. 5121. SHORT TITLE.

"This chapter may be cited as the 'Community Partnerships Against Crime Act of 1997'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related; and

"(3) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing.".

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "and around" after "used in";

(B) in paragraph (3), by inserting before the semicolon the following: ", including fencing, lighting, locking, and surveillance systems";

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) to investigate crime; and";

(D) in paragraph (6)—

(i) by striking "in and around public or other federally assisted low-income housing projects"; and

(ii) by striking "and" after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

"(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

"(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

"(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services.".

(2) OTHER PHA-OWNED HOUSING.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "drug-related crime in" and inserting "crime in and around"; and

(ii) by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (10)"; and

(B) in paragraph (2), by striking "drug-related" and inserting "criminal".

(c) GRANT PROCEDURES.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

"SEC. 5125. GRANT PROCEDURES.

"(a) PHA'S WITH 250 OR MORE UNITS.—

"(1) GRANTS.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

"(A) NEW APPLICANTS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

"(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

"(ii) had such application and plan approved by the Secretary.

"(B) RENEWALS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

"(i) a grant was made under this chapter for the preceding Federal fiscal year;

"(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

"(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

Notwithstanding subparagraphs (A) and (B), the Secretary may make a grant under this chapter to a public housing agency that owns or operates 250 or more public housing dwelling units only if the agency includes in the application for the grant information that demonstrates, to the satisfaction of the Secretary, that the agency has a need for the grant amounts based on generally recognized crime statistics showing that (I) the crime rate for the public housing developments of the agency (or the immediate neighborhoods in which such developments are located) is higher than the crime rate for the jurisdiction in which the agency operates, (II) the crime rate for the developments (or such neighborhoods) is increasing over a period of sufficient duration to indicate a general trend, or (III) the operation of the program under this chapter substantially contributes to the reduction of crime.

"(2) 5-YEAR CRIME DETERRENCE AND REDUCTION PLAN.—Each application for a grant under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall be developed with the participation of residents and appropriate law enforcement officials. The plan shall describe, for the public housing agency submitting the plan—

"(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

"(B) the building or buildings of the public housing agency affected by the crime problem;

"(C) the impact of the crime problem on residents of such building or buildings; and

"(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

"(3) AMOUNT.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to paragraph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

"(4) PERFORMANCE REVIEW.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

"(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

"(B) has a continuing capacity to carry out such plan in a timely manner.

"(5) SUBMISSION OF APPLICATIONS.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection.

"(6) REVIEW AND DETERMINATION.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

"(7) DISAPPROVAL OF APPLICATIONS.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the

15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

"(8) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

"(b) PHA'S WITH FEWER THAN 250 UNITS AND OWNERS OF FEDERALLY ASSISTED LOW-INCOME HOUSING.—

"(1) APPLICATIONS AND PLANS.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

"(2) GRANTS FOR PHA'S WITH FEWER THAN 250 UNITS.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraph (4).

"(3) GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

"(4) CRITERIA FOR APPROVAL OF APPLICATIONS.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

"(A) the extent of the crime problem in and around the housing for which the application is made;

"(B) the quality of the plan to address the crime problem in the housing for which the application is made;

"(C) the capability of the applicant to carry out the plan; and

"(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing Opportunity and Responsibility Act of 1997.

"(5) ADDITIONAL CRITERIA FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

"(A) relevant differences between the financial resources and other characteristics of public housing agencies and owners of federally assisted low-income housing; or

"(B) relevant differences between the problem of crime in public housing administered by such authorities and the problem of crime in federally assisted low-income housing.".

(d) DEFINITIONS.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

(1) by striking paragraphs (1) and (2);

(2) in paragraph (4)(A), by striking "section" before "221(d)(4)";

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

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

"(3) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 3 of the United States Housing Act of 1937.".

(e) IMPLEMENTATION.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "Public Housing Management Reform Act of 1997".

(f) REPORTS.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking "drug-related crime in" and inserting "crime in and around"; and

(2) by striking "described in section 5125(a)" and inserting "for the grantee submitted under subsection (a) or (b) of section 5125, as applicable".

(g) FUNDING AND PROGRAM SUNSET.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new section:

"SEC. 5130. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $290,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

"(b) ALLOCATION.—Of any amounts available, or that the Secretary is authorized to use, to carry out this chapter in any fiscal year—

"(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

"(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

"(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

"(c) RETENTION OF PROCEEDS OF ASSET FORFEITURES BY INSPECTOR GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law affecting the crediting of collections, the proceeds of forfeiture proceedings and funds transferred to the Office of Inspector General of the Department of Housing and Urban Development, as a participating agency, from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, shall be deposited to the credit of the Office of Inspector General for Operation Safe Home activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.".

(h) CONFORMING AMENDMENTS.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C of title V and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME";

(2) by striking the item relating to section 5122 and inserting the following new item:

"Sec. 5122. Purposes.";

(3) by striking the item relating to section 5125 and inserting the following new item:

"Sec. 5125. Grant procedures.";

and

(4) by striking the item relating to section 5130 and inserting the following new item:

"Sec. 5130. Funding.".

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a public housing agency within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c)).

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 212. STUDY REGARDING RENTAL ASSISTANCE.

The Secretary shall conduct a nationwide study of the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (as in effect pursuant to section 601(c) and 602(b)). The study shall, for various localities—

(1) determine who are the providers of the housing in which families assisted under such program reside;

(2) describe and analyze the physical and demographic characteristics of the housing in which such assistance is used, including, for housing in which at least one such assisted family resides, the total number of units in the housing and the number of units in the housing for which such assistance is provided;

(3) determine the total number of units for which such assistance is provided;

(4) describe the durations that families remain on waiting lists before being provided such housing assistance; and

(5) assess the extent and quality of participation of housing owners in such assistance program in relation to the local housing market, including comparing—

(A) the quality of the housing assisted to the housing generally available in the same market; and

(B) the extent to which housing is available to be occupied using such assistance to the extent to which housing is generally available in the same market.

The Secretary shall submit a report describing the results of the study to the Congress not later than the expiration of the 2-year period beginning on the date of the enactment of this Act.

TITLE III—"ONE-STRIKE AND YOU'RE OUT" OCCUPANCY PROVISIONS

SEC. 301. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF PAST EVICTIONS.—Any household or member of a household evicted from federally assisted housing (as defined in section 305) by reason of drug-related criminal activity (as defined in section 305) or for other serious violations of the terms or conditions of the lease shall not be eligible for federally assisted housing—

(1) in the case of eviction by reason of drug-related criminal activity, for a period of not less than three years from the date of the eviction unless the evicted member of the household successfully completes a rehabilitation program; and

(2) for other evictions, for a reasonable period of time as determined by the public housing agency or owner of the federally assisted housing, as applicable.

The requirements of paragraphs (1) and (2) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(1) who the public housing agency or the owner determines is engaging in the illegal use of a controlled substance; or

(2) with respect to whom the public housing agency or the owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(c) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to subsection (b)(2), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(1) has successfully completed an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(2) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(3) is participating in an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(d) AUTHORITY TO DENY ADMISSION TO THE PROGRAM OR TO FEDERALLY ASSISTED HOUSING FOR CERTAIN CRIMINAL OFFENDERS.—In addition to the provisions of subsections (a) and (b) and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing, as applicable, determines that an applicant or any member of the applicant's household is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or public housing agency may—

(1) deny such applicant admission to the program or to federally assisted housing; and

(2) after expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the owner or public housing agency evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in such criminal activity for which denial was made under this subsection have not engaged in any such criminal activity during such reasonable time.

(e) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.——A public housing agency may require, as a condition of providing admission to the public housing program, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records described in section 304 regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

SEC. 302. TERMINATION OF TENANCY AND ASSISTANCE.

(a) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as applicable, shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow a public housing agency or the owner, as applicable, to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) TERMINATION OF ASSISTANCE FOR SERIOUS LEASE VIOLATION.—Notwithstanding any other provision of law, the public housing agency must terminate tenant-based assistance for all household members if the household is evicted from assisted housing for serious violation of the lease.

SEC. 303. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that—

(1) the owner may not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

(2) grounds for termination of tenancy shall include any activity, engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of any member of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants or employees of the public housing agency, owner or other manager of the housing,

(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises, or

(C) is drug-related or violent criminal activity on or off the premises.

SEC. 304. AVAILABILITY OF CRIMINAL RECORDS FOR PUBLIC HOUSING TENANT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than paragraphs (2) and (3), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or tenants of, the public housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to such public housing agency.

(2) EXCEPTION.—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) CONFIDENTIALITY.—A public housing agency receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the public housing agency and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. However, for judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to any public housing agency is used, and confidentiality of such information is maintained, as required under this section.

(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for public housing on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) FEE.—A public housing agency may be charged a reasonable fee for information provided under subsection (a).

(e) RECORDS MANAGEMENT.—Each public housing agency that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the agency is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, public housing pursuant to the authority under this section under false pretenses, or any person who knowingly or willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

The term "person" as used in this subsection shall include an officer, employee, or authorized representative of any public housing agency.

(g) CIVIL ACTION.—Any applicant for, or resident of, public housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any public housing agency, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(h) DEFINITION OF ADULT.—For purposes of this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 305. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) FEDERALLY ASSISTED HOUSING.—The term "federally assisted housing" means a unit in—

(A) public housing under the United States Housing Act of 1937;

(B) housing assisted under section 8 of the United States Housing Act of 1937 including both tenant-based assistance and project-based assistance;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before enactment of the Cranston-Gonzalez National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(F) housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(G) housing with a mortgage insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act; and

(H) for purposes only of subsections 301(c), 301(d), 303, and 304, housing assisted under section 515 of the Housing Act of 1949.

(2) DRUG-RELATED CRIMINAL ACTIVITY.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(3) OWNER.—The term "owner" means, with respect to federally assisted housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing.

SEC. 306. CONFORMING AMENDMENTS.

(a) CONSOLIDATION OF PUBLIC HOUSING ONE STRIKE PROVISIONS.—Section 6 of the United States Housing Act of 1937 is amended—

(1) by striking subsections (l)(4) and (l)(5) and the last sentence of subsection (l), and redesignating paragraphs (6) and (7) as paragraphs (4) and (5);

(2) by striking subsection (q); and

(3) by striking subsection (r).

(b) CONSOLIDATION OF SECTION 8 ONE STRIKE PROVISIONS.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) by striking subsections (d)(1)(B)(ii) and (d)(1)(B)(iii), and redesignating clauses (iv) and (v) as clauses (ii) and (iii); and

(2) by striking subsection (f)(5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(c) CONSOLIDATION OF ONE STRIKE ELIGIBILITY PROVISIONS.—Section 16 of the United States Housing Act of 1937 is amended by striking subsection (e).

TITLE IV—TREATMENT OF AMOUNTS

SEC. 401. REQUIREMENT OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, any provision of this Act or of any amendment made by this Act that otherwise provides amounts or makes amounts available shall be effective only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

H.R. 2

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 11: Page 96, strike line 1 and all that follows through page 97, line 22, and insert the following:

(c) INCOME MIX.—

(1) PHA-WIDE REQUIREMENT.—Of the public housing dwelling units of a public housing agency made available for occupancy by eligible families in any fiscal year of the agency—

(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income; and

(B) not less than 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income.

(2) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of public housing agencies to ensure compliance with the provisions of this paragraph.

(3) AREA MEDIAN INCOME.—For purposes of this subsection, the term "area median income" means the median income of an area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in this subsection if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

H.R. 2

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 12: Page 174, line 20, insert "**VERY**" before "**LOW-INCOME**".

Page 175, line 11, insert "very" before "low-income".

Page 187, line 5, insert "VERY" before "LOW-INCOME".

Page 187, line 10, insert "very" before "low-income".

Page 187, strike lines 13 through 22 and insert the following:

(b) INCOME TARGETING.—

(1) PHA-WIDE REQUIREMENT.—Of all the families who initially receive housing assistance under this title from a public housing agency in any fiscal year of the agency, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income.

(2) AREA MEDIAN INCOME.—For purposes of this subsection, the term "area median income" means the median income of an area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsection (a) if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

Page 205, line 7, insert "very" before "low-income".

Page 205, line 24, insert "very" before "low-".

Page 211, line 6, insert "very" before "low-income".

Page 214, line 1, insert "very" before "low-income".

H.R. 2

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 13: Page 220, strike line 12 and all that follows through line 12 on page 237 (and redesignate subsequent provisions and any references to such provisions, and conform the table of contents, accordingly).

H.R. 2

OFFERED BY: MR. KLINK

AMENDMENT NO. 14: Page 335, after line 6, insert the following new section:

SEC. 709. CONSULTATION WITH LOCAL GOVERNMENTS.

The Department of Housing and Urban Development Act (42 U.S.C. 3531 et seq.) is amended by inserting after section 12 the following new section:

"CONSULTATION WITH LOCAL GOVERNMENTS REGARDING LOW-INCOME HOUSING ASSISTANCE FOR MULTIFAMILY HOUSING PROJECTS

"SEC. 13. (a) IN GENERAL.—After the completion of any selection process regarding low-income housing assistance, but before making any new commitment or obligation for low-income housing assistance for a multifamily housing project selected for such assistance, the Secretary shall—

"(1) notify the chief executive officer (or other appropriate official) of the unit of general local government in which the housing to be assisted is located (or to be located) of such commitment or obligation; and

"(2) pursuant to the request of such unit of general local government, provide such information as may reasonably be requested by such unit of general local government regarding the assisted housing project (except to the extent otherwise prohibited by law) and consult with representatives of such local government regarding the assisted housing project.

This section may not be construed to authorize the release of any covered selection information during any selection process which is otherwise prohibited under section 12.

"(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) COVERED SELECTION INFORMATION.—The term 'covered selection information' has the meaning given such term in section 12(e).

"(2) LOW-INCOME HOUSING ASSISTANCE.—The term 'low-income housing assistance' means any grant, loan, subsidy, guarantee, insurance, or other financial assistance for new or existing housing provided under a program administered by the Secretary, under which occupancy or ownership of some or all of the dwelling units in the housing assisted is limited, restricted, or determined (pursuant to the laws or regulations relating to such assistance) based on the income of the individual or family occupying or purchasing the unit.

"(3) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' means a property that consists of 5 or more dwelling units.

"(4) NEW.—The term 'new', when used in reference to the commitment or obligation of low-income housing assistance for a multifamily housing project, means that, at the time such commitment or obligation is made—

"(A) such project is not receiving such low-income housing assistance and is not subject to a contract or agreement under the program for such low-income housing assistance; and

"(B) such commitment or obligation is not made pursuant to the renewal of a previous contract, obligation, or commitment for such assistance for such project.

"(5) SELECTION PROCESS.—The term 'selection process' has the meaning given such term in section 12(e).

"(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, town, township, county, parish, village, or other general purpose political subdivision of a State.".

H.R. 2

OFFERED BY: MR. LAZIO

AMENDMENT NO. 15 Page 78, line 22, after "used" insert ", to the extent or in such amounts as are or have been provided in advance in appropriations Acts,".

Page 79, after line 19, insert the following new subsection:

(e) ELIGIBLE ACTIVITIES FOR INCREASED INCOME.—Any public housing agency that derives increased nonrental or rental income, as referred to in subsection (c)(2)(B) or (d)(1)(D) of section 204 or pursuant to provision of mixed-income developments under section 221(c)(2), may use such amounts for any eligible activity under paragraph(1) or (2) of subsection (a) of this section or for providing choice-based housing assistance under title III.

Page 116, line 6, after "used" insert ", to the extent or in such amounts as are or have been provided in advance in appropriations Acts,".

Page 137, line 14, strike "for financial assistance under this title" and insert "under section 282(1) for use under the capital fund".

Page 164, after line 16, insert the following:

(n) TREATMENT OF PREVIOUS SELECTIONS.—A public housing agency that has been selected to receive amounts under the notice of funding availability for fiscal year 1996 amounts for the HOPE VI program (provided under the heading "PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) (enacted as section 101(e) of Omnibus Consolidated Rescission and Appropriations Act of 1996 (Public Law 104–134; 100 Stat. 1321–269)) may apply to the Secretary of Housing and Urban Development for a waiver of the total development cost rehabilitation requirement otherwise applicable under such program, and the Secretary may waive such requirement, but only (1) to the extent that a designated site for use of such amounts does not have dwelling units that are considered to be obsolete under Department of Housing and Urban Development regulations in effect upon the date of the enactment of this Act, and (2) if the Secretary determines that the public housing agency will continue to comply with the purposes of the program notwithstanding such waiver.

Page 170, line 24, strike "bond issued by the agency" and insert "bonds issued by the agency or any State or local governmental agency".

Page 171, strike lines 5 though 10 and insert the following:

With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from a block grant under this title are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

Page 173, line 24, strike "and" and all that follows through line 2 on page 174, and insert a period.

Page 184, strikes line 7 and 8 and insert the following:

assistance under this title, such sums as may be necessary for each of fiscal years 1998, 2000, 2001, and 2002 to provide amounts for incremental assistance under this title, for renewal of expiring contracts under section 302 of this Act and renewal under this title of expiring contracts for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), and for replacement needs for public housing under title II.

Page 184, line 22, after "227" insert the following: "or the establishment of occupancy restrictions in accordance with section 658 of the Housing and Community Development Act of 1992".

Page 224, strike lines 21 through 25 and insert the following:

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title II to such families were such families residing in public housing assisted under such title; or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 406, at levels that are reasonable and designed to eliminate any disincentives for members of the family to obtain employment and attain economic self-sufficiency.

Page 228, line 18, strike "section" and insert "title".

Page 228, after line 25, insert the following:

(k) COMMUNITY WORK REQUIREMENT.—

(1) APPLICABILITY OF REQUIREMENTS FOR PHA'S.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 105 to the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title III, and public housing dwelling units and dwelling units assisted under title III.

(2) LOCAL COMMUNITY SERVICE ALTERNATIVE.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(l) INCOME TARGETING.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles II and III pursuant to sections 222(c) and 321(b)).

Page 233, line 7, after the period insert the following: "Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.".

Page 320, line 13, strike the period and insert "; or".

Page 320, after line 13, insert the following:

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

Page 335, after line 6, insert the following new section:

SEC. 709. PROTECTION OF SENIOR HOMEOWNERS UNDER REVERSE MORTGAGE PROGRAM.

(a) DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

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

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; such restrictions shall include a requirement that the mortgagee ask the mortgagor about any fees that the mortgagor has incurred in connection with obtaining the mortgage and a requirement that the mortgagee be responsible for ensuring that the disclosures required by subsection (d)(2)(C) are made.".

(b) IMPLEMENTATION.—

(1) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by subsection (a) in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under paragraph (2) of this subsection.

(2) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by subsection (a). Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section.)

H.R. 2

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 16: Page 327, strike lines 23 through 25, and insert the following new title after section VII.

SECTION VIII. OCCUPANCY STANDARDS

(a) NATIONAL STANDARD PROHIBITED.—The Secretary shall not directly or indirectly establish a national occupancy standard.

(b) STATE STANDARD.—If a State establishes an occupancy standard, such standard shall be presumed reasonable for the purpose of determining familial status discrimination in residential rental dwellings.

(c) ABSENCE OF STATE STANDARD.—If a State fails to establish an occupancy standard, an occupancy standard that is established by a housing provider and that is not in contravention of the guidance enunciated in the Memorandum from the General Counsel of the Department of Housing and Urban Development to all regional counsel, of March 20, 1991, shall be presumed reasonable for the purpose of determining familial status discrimination, except that for purposes of this section, the paragraph on page 4 of such memorandum under the heading "State and local law" shall not apply.

(d) DEFINITIONS.—

(1) OCCUPANCY STANDARD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "occupancy standard" means a law, regulation, or housing provider policy that establishes a limit on the number of residents a housing provider can manage in a dwelling for any 1 or more of the following purposes:

(i) Providing a decent home and services for each resident.

(ii) Enhancing the livability of a dwelling for all residents, including the dwelling for each particular resident.

(iii) Avoiding undue physical deterioration of the dwelling and property.

(B) EXCEPTION.—The term "occupancy standard" does not include a Federal, State, or local restriction regarding the maximum number of persons permitted to occupy a dwelling for the sole purpose of protecting the health and safety of the residents of a dwelling, including building and housing code provisions.

(2) INFANT.—The term "infant" means a child who—

(A) is less than 6 months old; and

(B) sleeps in the same bedroom as the child's parent, guardian, legal custodian, or person applying for that status with respect to that child.

(e) INAPPLICABILITY.—

(1) PURPOSEFUL DISCRIMINATION.—This section does not apply to any purposeful discrimination on the basis of race, color, religion, sex, familial status, handicap, or national origin.

(2) DISCRIMINATION ON THE BASIS OF HANDICAP.—Nothing in this section shall be construed to affect the decision of the United States Supreme Court set forth in City of Edmonds, WA v. Oxford House, Inc. (115 S. Ct. 1776 (1995)).

H.R. 2

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 17: Page 327, strike lines 23 through 25, and insert the following:

(a) NATIONAL STANDARD PROHIBITED.—The Secretary shall not directly or indirectly establish a national occupancy standard.

(b) STATE STANDARD.—If a State establishes an occupancy standard, such standard shall be presumed reasonable for the purpose of determining familial status discrimination in residential rental dwelling.

(c) ABSENCE OF STATE STANDARD.—If a State fails to establish an occupancy standard, an occupancy standard of 2 persons per bedroom plus infants that is established by a housing provider shall be presumed reasonable for the purpose of determining familial status discrimination in residential rental dwellings.

(d) DEFINITIONS.—

(1) OCCUPANCY STANDARD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "occupancy standard" means a law, regulation, or housing provider policy that establishes a limit on the number of residents a housing provider can manage in a dwelling for any 1 or more of the following purposes:

(i) Providing a decent home and services for each resident.

(ii) Enhancing the livability of a dwelling for all residents, including the dwelling for each particular resident.

(iii) Avoiding undue physical deterioration of the dwelling and property.

(B) EXCEPTION.—The term "occupancy standard" does not include a Federal, State, or local restriction regarding the maximum number of persons permitted to occupy a dwelling for the sole purpose of protecting the health and safety of the residents of a dwelling, including building and housing code provisions.

(2) INFANT.—The term "infant" means a child who—

(A) is less than 6 months old; and

(B) sleeps in the same bedroom as the child's parent, guardian, legal custodian, or person applying for that status with respect to that child.

(e) INAPPLICABILITY.—

(1) PURPOSEFUL DISCRIMINATION.—This section does not apply to any purposeful discrimination on the basis of race, color, religion, sex, familial status, handicap, or national origin.

(2) DISCRIMINATION ON THE BASIS OF HANDICAP.—Nothing in this section shall be construed to affect the decision of the United States Supreme Court set forth in City of Edmonds, WA v. Oxford House, Inc. (115 S. Ct 1776 (1995)).

H.R. 2

OFFERED BY: MR. NADLER

AMENDMENT NO. 18: Page 184, strike lines 5 through 8 and insert the following:

(a) IN GENERAL.—There is authorized to be appropriated for providing public housing agencies with housing assistance under this title for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(1) such sums as may be necessary to renew any contracts for choice-based assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the repeal under section 601(b) of this Act) that expire during such fiscal year, only for use for such purpose; and

(2) $305,000,000, only for use for incremental assistance under this title.

H.R. 2

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 19: Page 184, strike lines 5 through 8 and insert the following:

(a) IN GENERAL.—There is authorized to be appropriated for providing public housing agencies with housing assistance under this title for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(1) such sums as may be necessary to renew any contracts for choice-based assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the repeal under section 601(b) of this Act) that expire during such fiscal year, only for use for such purpose; and

(2) $305,000,000, only for use for incremental assistance under this title.

H.R. 2

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 20: Page 332, after line 2, insert the following:

SEC. 706. REGIONAL COOPERATION UNDER CDBG ECONOMIC DEVELOPMENT INITIATIVE.

Section 108(q)(4) (42 U.S.C. 5308(q)(4)) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "and" after the semicolon in subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) when applicable as determined by the Secretary, the extent of regional cooperation demonstrated by the proposed plan; and".

H.R. 2

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 21: Page 335, after line 6, insert the following new section:

SEC. 709. HOUSING COUNSELING.

(a) EXTENSION OF EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking "September 30, 1994" and inserting "September 30, 1999".

(b) EXTENSION OF PREPURCHASE AND FORECLOSURE PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(12)) is amended by striking "fiscal year 1994" and inserting "fiscal year 1999".

(c) NOTIFICATION OF DELINQUENCY ON VETERANS HOME LOANS.—

Subparagraph (C) of section 106(c)(5) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(C) NOTIFICATION—Notification under subparagraph (A) shall not be required with respect to any loan for which the eligible homeowner pays the amount overdue before the expiration of the 45-day period under subparagraph (B)(ii).".

H.R. 2

OFFERED BY: MR. VENTO

AMENDMENT NO. 22: Page 40, line 19, strike "and".

Page 40, line 19, insert the following new subparagraph:

(G) the procedures for coordination with entities providing assistance to homeless families in the jurisdiction of the agency; and

Page 40, line 20, strike "(G)" and insert "(H)".

H.R. 2

OFFERED BY: MR. VENTO

AMENDMENT NO. 23: Page 104, line 24, insert after "program" the following:

", including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996".

H.R. 2

OFFERED BY: MR. VENTO

AMENDMENT NO. 24: Page 193, line 21, insert after "program" the following:

", including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996".

H.R. 2

OFFERED BY: MR. VENTO

AMENDMENT NO. 25: Page 244, strike line 1 and all that follows through line 8 on page 254, and insert the following:

Subtitle C—Public Housing Management Assessment Program

H.R. 2

OFFERED BY: MS. WATERS

AMENDMENT NO. 26: Page 57, strike lines 14 through 22 and insert the following:

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING INVOLVING HEALTH, SAFETY, OR PEACEFUL ENJOYMENT.—A public housing agency may exclude from its procedure established under subsection (a) any grievance, in any jurisdiction which requires that prior to eviction, a tenant be given a hearing in court, which the Secretary determines provides the basic elements of due process (which the Secretary shall establish by rule under section 553 of title 5, United States Code), concerning an eviction from or termination of tenancy in public housing that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the public housing agency or any drug-related criminal activity on or off such premises.

H.R. 2

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 27: Page 25, line 21, strike "**COMMUNITY WORK AND**".

Page 25, strike line 23 and all that follows through page 27, line 10.

Page 32, line 2, strike "subsection (a) and".

Page 33, line 3, strike "COMMUNITY WORK AND".

Page 33, line 6, strike "community work and".

Page 33, strike line 23 and all that follows through page 34, line 2.

Page 34, strike lines 23 and 24.

H.R. 867

OFFERED BY: MR. BURTON

AMENDMENT NO. 1: In section 475(5)(E) of the Social Security Act, as proposed to be added by section 3(a) of the bill—

(1) add "or" at the end of clause (i);

(2) strike "; or" at the end of clause (ii) and insert a period followed by close quotation marks and a period; and

(3) strike clause (iii).

H.R. 867

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 2: Add at any appropriate place the following:

"In making adoptive or foster parent placements, the state or appropriate entity shall make efforts to ensure that such prospective adoptive or foster parent is sensitive to the child's ethnic background."

H.R. 867

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Add at any appropriate place the following:

SEC. PRIORITY IN PROVIDING SUBSTANCE ABUSE TREATMENT

Section 1927 of the Public Health Service Act (42 U.S.C. 300x-27) is amended—

(1) in the heading, by inserting "**AND CARETAKER PARENTS**" AFTER "**WOMEN**", and

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "and all caretaker parents who are referred for treatment by the State or local child welfare agency" after "referred for"; and

(ii) by striking "is given" and inserting "are given"; and

(B) in paragraph (2)—

(i) by striking "such women" and inserting "such pregnant women and caretaker parents"; and

(ii) by striking "the women" and inserting "the pregnant women and caretaker parents".

H.R. 867

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 4: Add at any appropriate place the following:

SEC. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS AND GROUP CARE STAFF

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (18), by striking "and" at the end;

(2) in paragraph (19), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(20) provides procedures for criminal records checks and checks of a State's child abuse registry for any prospective foster parent or adoptive parent, and any employee of a child-care institution before the foster care or adoptive parent, or the child-care institution may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

"(A) in any case in which a criminal record check reveals a criminal conviction for child abuse or neglect, or spousal abuse, a criminal conviction for crimes against children, or a criminal conviction for a crime involving violence, including rape, sexual or other assault, or homicide, approval shall be granted; and

"(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual's life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child.".

H.R. 867

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 5: At the end of the bill, add the following:

SEC. KINSHIP CARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

"SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.

"(a) PURPOSE.—The purpose of this section is to allow and encourage States to develop effective alternatives to foster care for children who might be eligible for foster care but who have adult relatives who can provide safe and appropriate care for the child.

"(b) DEMONSTRATION AUTHORITY.—The Secretary may authorize any State to conduct a demonstration project designed to determine whether it is feasible to establish kinship care as an alternative to foster care for a child who—

"(1) has been removed from home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;

"(2) would otherwise be placed in foster care; and

"(3) has adult relatives willing to provide safe and appropriate care for the child.

"(c) KINSHIP CARE DEFINED.—As used in this section, the term 'kinship care' means safe and appropriate care (including long-term care) of a child by 1 or more adult relatives of the child who have legal custody of the child, or physical custody of the child pending transfer to the adult relative of legal custody of the child.

"(d) PROJECT REQUIREMENTS.—In my demonstration project authorized to be conducted under this section, the State—

"(1) should examine the provision of alternative financial and service supports to families providing kinship care; and

"(2) shall establish such procedures as may be necessary to assure the safety of children who are placed in kinship care.

"(e) WAIVER AUTHORITY.—The Secretary may waive compliance with any requirement of this part which (if applied) would prevent a State from carrying out a demonstration project under this section or prevent the State from effectively achieving the purpose of such a project, except that the Secretary may not waive—

"(1) any provision of section 422(b)(10), section 479, or this section; or

"(2) any provision of this part, to the extent that the waiver would impair the entitlement of any qualified child or family to benefits under a State plan approved under this part.

"(f) PAYMENTS TO STATES; COST NEUTRALITY.—In lieu of any payment under section 473 for expenses incurred by a State during a quarter with respect to a demonstration project authorized to be conducted under this section, the Secretary shall pay to the State an amount equal to the total amount that would be paid to the State for the quarter under this part, in the absence of the project, with respect to the children and families participating in the project.

"(g) USE OF FUNDS.—A State may use funds paid under this section for any purpose related to the provision of services and financial support for families participating in a demonstration project under this section.

"(h) DURATION OF PROJECT.—A demonstration project under this section may be conducted for not more than 5 years.

"(i) APPLICATION.—Any State seeking to conduct a demonstration project under this section shall submit to the Secretary an application, in such form as the Secretary may require, which includes—

"(1) a description of the proposed project, the geographic area in which the proposed project would be conducted, the children or families who would be served by the proposed project, the procedures to be used to assure the safety of such children, and the services which would be provided by the proposed project (which shall provide, where appropriate, for random assignment of children and families to groups served under the project and to control groups);

"(2) a statement of the period during which the proposed project would be conducted, and how, at the termination of the project, the safety and stability of the children and families who participated in the project will be protected;

"(3) a discussion of the benefits that are expected from the proposed project (compared to a continuation of activities under the State plan approved under this part);

"(4) an estimate of the savings to the State of the proposed project;

"(5) a statement of program requirements for which waivers would be needed to permit the proposed project to be conducted;

"(6) a description of the proposed evaluation design; and

"(7) such additional information as the Secretary may require.

"(j) STATE EVALUATIONS AND REPORTS.—Each State authorized to conduct a demonstration project under this section shall—

"(1) obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

"(A) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under the State plan approved under this part, for purposes of assessing the effectiveness of the project in achieving program goals; and

"(B) any other information that the Secretary may require;

"(2) obtain an evaluation by an independent contractor of the effectiveness of the State in assuring the safety of the children participating in the project; and

"(3) provide interim and final evaluation reports to the Secretary, at such times and in such manner as the Secretary may require.

"(k) REPORT TO THE CONGRESS.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report that contains the recommendations of the Secretary for changes in law with respect to kinship care and placements.".

(b) CONFORMING AMENDMENTS.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)—

(A) by striking the period at the end of the paragraph (9) (as added by section 544(3) of the Improving America's Schools Act of 1994 (Public Law 103-382; 108 Stat. 4057)) and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103-432, 108 Stat. 4453), as paragraph (10);

(2) in sections 424(b), 425(a), and 472(d), by striking "422(b)(9)" each place it appears and inserting "422(b)(10)"; and

(3) in section 471(a)—

(A) by striking "and" at the end of paragraph (17);

(B) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104-188; 110 Stat. 1903)) and inserting "; and"; and

(C) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2278)) as paragraph (19).

H.R. 867

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 6: Strike the matter proposed to be added by section 3(a)(3) of the bill and insert the following:

"(E) in the case of a child who has been in foster care under the responsibility of the State during 12 of the most recent 18 months, and a child in such foster care who has not attained 13 years of age (or such greater age as the State may establish) and with respect whom reasonable efforts of the type described in section 471(a)(15)(A)(i) are discontinued or not made, the State shall seek to terminate all parental rights with respect to the child, unless—

"(i) at the option of the State, the child is being cared for by a relative; or

"(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child.".

EXTENSIONS OF REMARKS

TRANSFER OF SURPLUS FEDERAL PROPERTY TO PRIVATE CHARITIES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PACKARD. Mr. Speaker, it is ludicrous to prevent nonprofit groups from making use of surplus Federal property simply because they do not serve educational or public health purposes. Local charities, such as food banks, are being penalized because their sole purpose is to assist low-income individuals. Current law excludes these groups from making use of much needed supplies, clothing, and equipment, which would otherwise go unused. Big-government bureaucracy is hindering nonprofit groups from giving back to the community.

I applaud Representative HAMILTON and the Government Reform and Oversight Committee for their work to assist families by amending existing law to allow for the donation of surplus Federal property to local charities that aid low-income families and individuals. More impoverished families than ever before will have access to the resources they need to get back on their feet. I whole-heartedly support this legislation.

Recently, I became a member of the Renewal Alliance, a group of Representatives and Senators working to highlight community efforts to end poverty, repair broken families, and solve a host of other problems. I believe that for every challenge our Nation faces, there is a solution, not in Washington, but locally. This bill sends a strong message to our constituents that we believe in our community organizations and want to see them succeed in their efforts to help those in need.

Nonprofit groups in our communities are in desperate need of materials and equipment to repair homes, store food items and deliver goods and services to those less fortunate. This bill will aid food banks and charitable groups all across the Nation in their efforts to give back to the community and provide low-income individuals with the helping hand they need. We need to make it easier for our nonprofit groups to feed and house those most in despair. This bill does just that. I am proud to support this legislation.

TRIBUTE TO DR. AUGUSTINE L. PERROTTA

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LEVIN. Mr. Speaker, I rise today in honor of Dr. Augustine L. Perrotta, of Bloomfield Hills, MI. On April 27, 1997, Dr. Perrotta was named "Italian-American of the Year" by the Italian Study Group of Troy, MI.

Each year, the study group honors prominent Italian-American members of our community who demonstrate outstanding service, activism, and leadership.

Dr. Perrotta's recognition is well deserved. As the eldest of three children, Dr. Perrotta was thrust into a position of tremendous responsibility, due to the death of his father at an early age. He worked through college and attended medical school on scholarships, where he was valedictorian of his graduating class.

As a practicing oncologist and hematologist for the past 25 years in the Detroit area, Dr. Perrotta has combined his commitment to the medical profession with his love for his Italian heritage. He is active in two Italian-American physicians' organizations, was recently named a "Top Doc" in his field by Detroit Monthly magazine, and serves as chairman of the Department of Medicine at Bi-County Community Hospital.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Perrotta's accomplishments and contributions to our community. On this very special occasion, I extend my very best wishes to him and his wife, Dorothy, and their three children: Augustine, Grace, and Michael.

THE CHRISTIAN BROTHERS ACADEMY BOYS BASKETBALL TEAM WINS THE NEW YORK STATE CLASS C CHAMPIONSHIP TITLE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating the Christian Brother's Academy boys basketball team for winning the New York State Class C championship game on Saturday, March 16th.

While this is the Brother's first State championship in basketball, this is the third State title in athletics that the academy has won in the past year. The other titles are for baseball and soccer.

Senior Jeff Segar, who also plays varsity football and baseball, scored 22 of the team's final 66 points and was honored as the tournament's most valuable player. Junior Sal Lampuri was responsible for 15 of the team's total points and was named to the all-tournament team.

Our central New York community is proud of the hard work and dedication displayed by the members of the 1996–97 Christian Brother's Academy boys basketball team, and all the young athletes who competed in this year's tournament.

Members of the team include: Sean Anderson, Joseph Leone, Jeff Segar, Salvatore Lampuri, Jon Law, Michael McKeon, Gregory Orlicz, Bryan Sacco, Robert Schalk, Jonathan Wolf, David Paulus, trainer Randolph Kinn, assistant coach Edward Leone, and coach "Buddy" Wleklinski.

Congratulations to all for this impressive achievement.

IN HONOR OF DR. FERMAN B. MOODY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to one of Pennsylvania's finest, Dr. Ferman B. Moody, of Harrisburg, who is the recipient of a Distinguished Service Award from the National Association of State Directors of Vocational Technical Education Consortium.

Dr. Moody has been a vocational student, teacher, college professor, administrator, director, lecturer, and leader. The Commonwealth of Virginia recognized his ability 35 years ago by naming him Vocational Agriculture Teacher of the Year. In the succeeding years, he has distinguished himself professionally, from his work at the University of Virginia and Virginia State University to his work in Pennsylvania. For 7 years now he has served as the State director of Vocational Education of Pennsylvania, our Nation's fifth largest State.

Among his most outstanding achievements: the implementation of the comprehensive tech prep program in Pennsylvania, in 352 schools and 44 postsecondary institutions which serve more than 90,000 students. He has also overseen the activation of the High Schools That Work Program, one of America's largest efforts in this area, serving more than 61 schools and over 10,000 students. Dr. Moody also received the H.O. Sargent Award from National FAA for leadership in cultural diversity gains, influence in national membership, and headquarters operations.

The list of Dr. Moody's accomplishments could certainly fill a full chapter. Indeed, there are probably not enough words to describe the levels of his dedication, perseverance, and hard work. We are gratified to have him as a leader in Pennsylvania. But Ferman Moody has demonstrated to all of us that he is a leader in vocational education across our great nation.

Mr. Speaker, I ask all of my colleagues in joining me to congratulate Dr. Moody on this wonderful recognition. Thank you, Dr. Moody, for all that you have done for generations of students who should be forever grateful to your abilities and leadership.

TRIBUTE TO BESSIE McBRIDE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to an exceptional woman, Bessie McBride, who will be celebrating her retirement on Saturday, May 3, 1997. Mrs. McBride is being recognized for her dedication and commitment to the Jonesboro Public School District. Forty years of educating and inspiring the children of Arkansas is a great accomplishment and I commend her for her service.

Mrs. McBride was a graduate of Arkansas State University and has been honored with numerous awards throughout her career. She has received the Arkansas Outstanding Cooperating Teacher Award, the Outstanding Elementary Teachers of America Award, the Outstanding Leaders in Elementary and Secondary Education Award and in 1996 was chosen the Jonesboro Public School District's Outstanding Teacher of the Year. I stand here today on behalf of friends, family, past students, fellow teachers, and Mrs. McBride's community, to say a heartfelt thank you for a job well done.

A TRIBUTE TO THE HONORABLE CRUZ M. BUSTAMANTE, SPEAKER OF THE CALIFORNIA STATE ASSEMBLY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend and speaker of the California State Assembly, the Honorable Cruz M. Bustamante, of Fresno, CA. On Friday, April 25, 1997, Speaker Bustamante was honored at a reception hosted by the Hispanic Outreach Taskforce of Whittier, CA.

Cruz, first elected to the assembly in 1993, represents the people of the 31st Assembly District. During his tenure in the assembly, Cruz has served as a member of the Committee on Appropriations, Budget, and Higher Education. Also, Cruz has served on the Resources Subcommittee on the Assembly Budget Committee, the Joint Legislative Budget Committee, the Select Committee on California-Mexico Affairs, California Wine Production and Economy, and International Trade.

Now serving his third term, Cruz was elected speaker of the California State Assembly on December 2, 1996. This is a historical benchmark in California's rich history. Cruz, as speaker, is the first Latino to hold this office.

Cruz has worked diligently to serve the residents of the 31st Assembly District and, as speaker, the people of California. He recently navigated legislation through the assembly that will hold the tobacco industry accountable to the California State attorney general for State costs for treating tobacco-related illnesses. He is working on legislation to reform California's juvenile justice system and provide grants for the successful juvenile boot camp model. During his career, he has been a champion of farm worker housing and continues an aggressive push for the siting of a University of California campus in Merced County. As a strong advocate for our youth and education, Speaker Bustamante tours the State encouraging children to stay in school and shares his experience that led to his own success through his "You can Too" Program.

The oldest of six children, Cruz was born in Dinuba, CA. His parents, Dominga and Cruz Bustamante, Jr., a retired barber, raised their family in the rural communities of Tulare and Fresno Counties.

In 1970, he graduated from Tranquility High School and pursued a college degree at Fresno City College and the California State University, Fresno [CSUF], where he studied Public Administration. Following a summer internship in Washington, DC, with Congressman B.F. Sisk, Cruz developed a keen interest in public service. He served on both the student senate and the board of the Fresno State College Association at CSUF.

In 1977, Cruz began his career in public service at the Fresno Employment and Training Commission. He soon became program director for the Summer Youth Employment Training Program, which employed over 3,000 Central valley teenagers each summer. Later, he joined the staff of Congressman Richard Lehman of Fresno, CA. From 1988 until January 1993, Cruz served as district administrative assistant to former Assemblyman Bruce Bronzan.

A strong believer in community service, Cruz has served on numerous local boards and commissions, including Fresno United Way Allocation Committee, Burroughs Elementary School Site Committee, City of Fresno Citizens Advisory Committee, and the Roosevelt Plan Implementation Committee.

He is married to the former Arcelia De La Pena. They have three daughters, Leticia, Sonia, and Marisa, a grandson, David, and a granddaughter, Lauren.

Mr. Speaker, it is with pride that I ask my colleagues to join me and the Hispanic Outreach Taskforce in recognizing the Honorable Cruz M. Bustamante for his outstanding and invaluable service to people of the State of California.

TREATING LEGAL IMMIGRANTS FAIRLY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LEVIN. Mr. Speaker, in less than 100 days many thousands of elderly and disabled legal immigrants in our country will lose their only source of financial support unless Congress acts.

This is not about welfare reform; it is about community responsibility. It is not about moving young parents from welfare to work, but about elderly people who cannot work. It is not about people who came here illegally, but people who came here under our laws.

They now find themselves disabled, most often by age and illness: Asian-Americans caught up in the Vietnam war, often fighting on our side; Arab-Americans many of whom fled the land of Sadam Hussein; People who, despite in numerous cases having defended their native land against the Nazi invaders, left because of Soviet persecution against Jewish families; and Hispanic-Americans dislocated by war or in pursuit of family reunification.

When President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act he made it completely clear that he would propose legislation this year to correct the provisions on legal immigrants; today I am introducing a bill similar to the President's proposal.

As a nation of immigrants, we must face up to this issue, as the faces of these elderly legal immigrants come more and more into focus for all the Nation to see.

THE WESTHILL HIGH SCHOOL BOYS BASKETBALL TEAM WINS THE NEW YORK STATE CLASS B PUBLIC SCHOOL TITLE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating the Westhill High School boys basketball team for winning the New York State Class B Championship game on March 16, 1997.

Until this season, the Warriors had played basketball in the class C division. This year, hard work and the help of coach Todd Widrick made it possible for the team to go undefeated in its first season of competition in the class B division. Senior David Lemm scored 30 of the team's final 64 points and was honored as the tournament's most valuable player. Juniors Scott Ungerer and Chuck Cassidy were also honored by being named to the all-tournament team.

Our central New York community is proud of the teamwork and dedication displayed by these and all the young athletes who competed in the tournament. I congratulate all of the members of the Westhill Varsity basketball team for their victory. Team members include: Bryan Sidoni, Mike Nicholson, Scott Adydan, Brian Gehm, Marc Herron, Mike Wojenski, Jordan Weismore, Brennan Binsack, Ryan Vossetig, David Lemm, Scott Ungerer, Chuck Cassidy, and coaches Tim Allen, Carlton Green, and Todd Widrick.

Congratulations to all on their impressive accomplishment.

ENFORCEMENT OF U.S. IMMIGRATION AND NATIONALITY LAWS IN PUERTO RICO

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. GEKAS. Mr. Speaker, ever since I was stationed in Puerto Rico during my service in the U.S. Army from 1953 to 1955, I have harbored warm sentiments about the people I

met, the beauty of the place, and the society of the island, as well as about its special bond with the mainland United States.

I arrived there shortly after the U.S. Congress and the Puerto Rican people had authorized the local constitution under which the island has existed up to the present. I was never certain that the status under the new constitution was well-defined, or how the people regarded themselves as a result.

For example, the Puerto Rican soldiers with whom I served expressed loyalty to the United States, and never felt that having U.S. nationality and citizenship meant that they had lost their status as citizens of Puerto Rico. In the same way that soldiers from Texas or Maine still saw themselves as citizens of their States, Puerto Ricans did not lose their identity as Puerto Ricans.

That is how it has been and always should be for the people of the States of the Union, as well as the U.S. citizens in the territories until Congress and the residents decide about permanent union. Still, I am concerned that 45 years after I served in Puerto Rico—which remains the largest and most populous unincorporated territory—the decision on a permanent political status has not been reached. Even though economic, social, and cultural integration has advanced well, the question of full membership in the Union needs an answer one way or the other.

As the end of a century within the U.S. political system approaches, Puerto Rico's future is full of promise. The local government is instituting bold market-oriented reforms and downsizing government as private sector led development expands and unemployment drops to historic lows. In addition, in November of 1996 the voters returned to office leadership committed to working with Congress to resolve the question of the territory's political status, and thereby create certainty about the future which is critical to even further economic success.

Because Congress in 1995–96 clarified issues of law and policy which had been shrouded in ambiguity for many years, the people were empowered with information and ideas about their options for the future. In turn, the candidates in the 1996 elections last November were able to present the voters with clear choices regarding Federal-territorial policy issues. The status-quo candidates lost by historic margins in last year's election, demonstrating the people know how to send a clear message to both the Federal and territorial governments when the issues and the choices are well-defined.

It seems quite clear that the people of Puerto Rico want equal political standing under a form of full self-government. Who can blame people who have been within the U.S. political system for 100 years for wanting constitutionally guaranteed citizenship, with the ability to pass their nationality to the next generation without fear that it could be terminated by a future Congress? That is why they voted for leaders who told them the truth about the fact that they can not achieve that result under unincorporated territory status because the current form of political union with the United States itself is not permanent.

Indeed, under the territorial clause Congress has the discretionary power to end the conferral of U.S. citizenship for persons born in Puerto Rico starting tomorrow if it so chooses. Of course, no one expects the Congress without any compelling reason to return to the pre-1917 days of the Foraker Act when birth in Puerto Rico did not result in U.S. citizenship, nor does any one expect Congress unilaterally to change Puerto Rico's status without considering the wishes of the people. But that is not the point, is it? The people of Puerto Rico want a status with rights that are guaranteed, not permissive.

As a body politic and at the level of political culture, the U.S. citizens of Puerto Rico have taken possession of the concept of limited government, and they recognize that permanent territorial clause status is not the goal of American constitutionalism. Disenfranchisement can not be enhanced so that it becomes an acceptable permanent status.

In this context, the question of citizenship becomes critical. The background paper which I am submitting for the RECORD today addresses a highly publicized citizenship case in Puerto Rico, and how it has been handled by the local and Federal authorities. I am concerned about the impact this case could have on the status of 3.8 million U.S. citizens residing in Puerto Rico who demonstrate every time they go to the polls that they cherish their U.S. nationality with patriotic pride. Congress must follow further developments in this case in an informed manner, and ensure that the administration's Puerto Rico task force manages this issue more effectively from this point forward.

THE EFFECT OF RENUNCIATION OF NATIONALITY AND CITIZENSHIP IN THE CASE OF PERSONS BORN IN PUERTO RICO

Question: Does a person who renounces U.S. nationality and citizenship acquired by birth in Puerto Rico thereafter have separate nationality and citizenship of Puerto Rico?

Answer: No. Presently there is no separate Puerto Rican nationality or nationality-based citizenship in the legal, political or constitutional sense. The People of Puerto Rico have a distinct cultural heritage, which can be sustained through U.S. nationality and citizenship or through separate nationality and citizenship. Which path is taken will depend on where national sovereignty rests when the self-determination process for Puerto Rico is completed in favor of either statehood or separate nationhood. As long as Puerto Rico remains under the present form of commonwealth status the nationality and nationality-based citizenship of persons born there will be defined and regulated in accordance with the provisions of the U.S. Constitution and federal law applicable to Puerto Rico as determined by Congress.

Explanation: The question arises from the case of Mr. Juan Mari Bras. He is a resident of Puerto Rico and lawyer by profession, but he is most well-known as a publicity-seeking member of a small socialist political faction in Puerto Rico which views U.S. sovereignty, nationality and citizenship in Puerto Rico as illegal and repressive. Mari Bras had U.S. nationality and statutory citizenship based on birth in Puerto Rico in 1927, until he went to the U.S. Embassy in Caracas, Venezuela July 11, 1994 and renounced allegiance to the United States and terminated his U.S. nationality in accordance with 8 U.S.C. 1481(a)(5).

It is standard U.S. embassy and INS procedure for a person who renounces U.S. nationality to be allowed to return to the U.S. pending certification of loss of nationality by the U.S. State Department as required by federal statute. However, in a high-profile media campaign and legal actions challenging the enforcement of U.S. citizenship laws in Puerto Rico, Mari Bras and his supporters have used his re-entry to this country after renunciation of its citizenship as the basis for a propaganda campaign asserting the existence of separate Puerto Rican nationality.

With regard to this claim of a separate Puerto Rican nationality, it is necessary to note that under Article IX of the Treaty of Paris the nationality of persons born in Puerto Rico is that of the United States, and the citizenship status of such persons is determined by Congress in the exercise of its territorial clause powers (U.S. Const. article IV, section 3, clause 2). Consistent with both the federal and local constitutions, current federal law defines nationality and citizenship of the residents of Puerto Rico as Congress has deemed necessary. See, 8 U.S.C. 1402; 48 U.S.C. 733a.

In the case of Gonzales v. Williams, 192 U.S. 1 (1904), the U.S. Supreme Court stated that under the Treaty of Paris the ". . . nationality of the island became American . . ." Then, quoting Article IX of the treaty the court stated that those inhabitants of Puerto Rico who did not elect continued allegiance to Spain were held ". . . to have adopted the nationality of the territory in which they reside." Article IX of the treaty goes on to state that ". . . the civil rights and political status of the native inhabitants . . . shall be determined by the Congress."

Thus, Congress, has clear authority and responsibility to define a form of territorial citizenship under the umbrella of U.S. nationality as it deems appropriate. Under Section 7 of the Foraker Act of 1900 (31 Stat. 77), Congress conferred the status of "citizen of Puerto Rico" for persons born in the territory. Under Section 5 of the 1917 Jones Act (39 Stat. 961), Congress extended statutory U.S. citizenship to those born in Puerto Rico.

Under the Jones Act arrangement, retention of "citizen of Puerto Rico" status was an option foreclosed to all who did not exercise it in 1917. In addition, the statutory citizenship extended by Congress was not permanently guaranteed and conferred less-then-equal legal and political rights compared to those born or residing in the states of the union due to the limited application of the federal constitution in an unincorporated territory. Downes v. Bidwell, 182 U.S. 244 (1901); Dorr v. United States, 195 U.S. 138 (1904); Balzac v. People of Puerto Rico, 258 U.S. 298 (1922); Rogers v. Belei, 401 U.S. 815 (1971).

Of course, states, territories and even counties or cities can exercise local jurisdiction to confer purely local "citizenship" under local laws. As discussed below in some detail, under territorial law Puerto Rico still recognizes a "citizen of the Commonwealth of Puerto Rico" status in the exercise of local jurisdiction, but this is not a nationality-based form of citizenship. See, Const. Commonwealth of Puerto Rico, Art. IX, Sec. 5; 1 LPRA Sec. 7.

Pursuant to the territorial clause and article I, Section 8 of the U.S. Constitution, the nationality and any derivative nationality-based citizenship status of persons born in Puerto Rico is determined exclusively by applicable federal statute—currently 8 U.S.C. 1402, as noted above. Thus, there is no separate or dual Puerto Rican nationality or

"citizenship" as that term is used in the context of the domestic and international law of nationality and immigration applicable to Puerto Rico, including all provisions of the Immigration and Nationality Act.

Consequently, Mari Bras is subject to the provisions of Federal immigration and nationality law with respect to his nationality, including 8 U.S.C. 1481(a)(5) as it relates to renunciation of U.S. nationality. Because Mari Bras repudiated allegiance to the U.S. (the nation which currently is recognized under international law and constitutionally as exercising lawful sovereignty in the place where he was born), it was a fairly routine matter for the Department of State to determine that he lost U.S. nationality. As a result, on November 22, 1995, the U.S. Department of State certified his loss of U.S. nationality and citizenship.

The federal court case Davis v. District Director, INS, 481 F. Supp. 1178 (1979) correctly establishes that when a person loses U.S. nationality all forms of citizenship, including local citizenship conferred by any political subdivision of the nation, are lost as well. In that case the court properly held that "citizenship" of the state of Maine did not entitle the former U.S. citizen renunciant to enter the United States, except upon compliance with alien entry requirements.

The court in that case also ruled that Article 15 of the Universal Declaration of Human Rights as well as other non-binding and non-self-executing international conventions do not supersede 8 U.S.C. 1481—the U.S. law under which renunciation of this country's nationality and citizenship is, in the words of the court, "* * *a natural and inherent right of all people."

In addition to the preceding legal context, the State Department's certification of his loss of nationality and citizenship was based on the fact that Mari Bras signed a statement of understanding at the time the oath of renunciation was administered establishing that he fully understood the legal consequences of his actions, and that the loss of nationality and citizenship was voluntary and intentional. Thereupon, as he had expressly acknowledged in writing in the statement of understanding, Mari Bras became a stateless alien due to the lack of any other recognized nationality.

It was obvious from the propaganda campaign and legal disputes that commenced immediately upon the return of Mari Bras to Puerto Rico, however, that this was not a case of an eccentric person relinquishing U.S. nationality for abstract philosophical reasons or as a symbolic expression of opposition to the United States. As explained below, this was part of an orchestrated effort to create a conflict between federal and local law. The objective was to undermine the current political status of Puerto Rico and establish a de facto separate sovereignty and nationality for persons born in Puerto Rico without going through a democratic political process of self-determination or constitutional change to accomplish that result.

In December of 1995 and March of 1996 there were press reports in Puerto Rico and major mainland newspapers about Mari Bras and other "copy cat" renunciants traveling into and out of Puerto Rico on fake "Puerto Rican passports" issued by advocates of separate nationality for persons born in Puerto Rico. The press also quoted INS officials who stated that these cases were being studied, but due to an apparent lack of policy guidance nothing was done by U.S. authorities to discourage the use of phony passports by current or even former citizens, or to accurately inform the public regarding the consequences of renunciation of U.S. nationality and citizenship.

To its credit, on February 13, 1996, the U.S. Department of State responded to an inquiry from the government of Puerto Rico with a statement establishing that Mari Bras is a stateless alien. Even then, the responsible federal agencies authorities did not choose in the case of Mari Bras to enforce the laws enacted to protect the borders and the sovereignty of the United States, as well as federal local laws restricting or regulating voting, certain financial transactions, and employment applicable to illegal aliens in the United States. In part, this may have been due to an incorrect reading of the applicable statue by local INS officers, who reportedly were under the mistaken belief a person who renounces must leave the U.S. before the loss of citizenship becomes effective.

However, in May of 1996 it was reported in the press that Mari Bras would travel to Cuba. Soon after, photographs appeared in the press of Mari Bras being embraced in the arms of Fidel Castro on June 28, 1996, at the thirtieth anniversary of an office in Havana which supports anti-U.S. activities in Puerto Rico. It was after that event that he was allowed to enter the U.S. once again, even though he had no legal right or moral justification for seeking re-admission to this nation.

In press report after press report in late 1995 and early 1996 the more grandiose dimensions of the Mari Bras scheme were explained in great detail. According to Mari Bras and his supporters, in addition to establishing that international travel is possible using birth certificates and phony travel documents (even after renouncing citizenship), the plan was to establish a legal premise for the assertion of separate nationality-based "citizenship" for persons born in Puerto Rico. This was to be accomplished openly through relinquishment of U.S. citizenship and subsequent exercise of the right to vote in local elections conducted under Puerto Rico law.

In furtherance of this objective, Mari Bras confirmed his voter registration in March of 1996 after he had lost U.S. nationality and citizenship. However, his voter eligibility was challenged by U.S. citizens born in Puerto Rico who were qualified to vote under the Puerto Rico elections statute. Like similar statues in every other state and territory, the Puerto Rican election law requires U.S. citizenship in order to vote in local elections, and on that basis the qualification of Mari Bras to vote was challenged.

The case to protect the voting rights of U.S. citizens in Puerto Rico was brought before the local election board, from which it was passed to the territorial trial court on procedural grounds. At that point the election officials of the Commonwealth of Puerto Rico joined in the legal action to uphold the local statute requiring U.S. citizenship to vote.

Unfortunately, the trial judge—in an opinion that seems to express separatist political sentiment more than it interprets law—ruled that it was unconstitutional for the Legislature of Puerto Rico to enact a statute requiring U.S. citizenship to vote. The judge concluded that this somehow discriminates unfairly against people born in Puerto Rico who renounce U.S. citizenship. It is reported that after this singular contribution to Puerto Rico jurisprudence the trial judge retired.

The case is now before the Supreme Court of Puerto Rico. If the Supreme Court of Puerto Rico does not dispose of the case in a manner consistent with the Puerto Rico Federal Relations Act as approved by Congress and the voters of Puerto Rico in 1952, including the federal law under which the nationality and citizenship of persons born in Puerto Rico under U.S. sovereignty is determined and regulated, then the federal courts and/or Congress will have to resolve the problem and restore rule of law.

Once the loss of citizenship was certified, the INS agents in Puerto Rico should have given appropriate instructions, so that Mari Bras would not be leading political rallies and conducting seminars in Puerto Rico and New York in which he demands that the U.S. flag be lowered before he speaks. Instead of abusing the rights of a citizenship he has forsaken in service to his ideology, Mari Bras should be finding out just how good permanent living is in Cuba under the regime of his comrade Fidel Castro.

Similarly, even though support for the Puerto Rican independence movement in local elections in Puerto Rico consistently is somewhere between 3% and 4%, independence is a valid future status option for the territory. It does not help the independence movement to allow a person who is being used by Fidel Castro to subvert the rule of law in Puerto Rico and in the name of independence to make a mockery of U.S. nationality and citizenship.

Mari Bras has enjoyed a long period of freedom to use the ordered system of liberty that other Puerto Ricans have died to protect to bring about through juridical gimmicks a result in Puerto Rico that he apparently believes he will never be able to bring about through the voting process.

Perhaps his loss of U.S. nationality and citizenship should not have been certified due to the fact that Mari Bras intended to retain nationality and citizenship of an area that is within the sovereignty of the United States. How can a person renounce the nationality of a country and at the same time claim the nationality of territory under the sovereignty of that country? If he genuinely is laboring under the mistaken belief that there is a separate Puerto Rican nationality, should the State Department have concluded that he did not meet the intentionality test of 8 U.S.C. 1481(a)(5)?

In this regard, however, the Congressional Research Service has concluded that "Although Puerto Rican residents who renounce U.S. citizenship might argue that they intended to renounce U.S. citizenship only if they actually acquired Puerto Rican citizenship, Davis and other cases indicate that courts have not found that such conditions and qualifications in the motives of the renouncer are separate from and invalidate the basic intent to relinquish U.S. citizenship." CRS Memorandum, "The Nature of U.S. Citizenship for Puerto Ricans," American Law Division, March 26, 1996.

The Mari Bras theory that a U.S. citizenship requirement for voting violates natural law and the rights of man fails not due to some over-reaching federal mandate, but as a result of the principles set forth in the Preamble and citizenship-related provisions of the Constitution of Puerto Rico as approved by the voters in 1952. The local constitution states: "We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective employment of its rights and privileges . . ."

The Preamble goes on to identify as an additional "determining factor" in the life of Puerto Rico ". . . our loyalty to the principles of the Federal Constitution . . ."

This is important for many reasons, including the fact that it recognizes the requirement set forth in Section 3 of P.L. 600 (48 U.S.C. 731d) of compatibility between local constitutionally implemented measures and the federal constitution and laws.

As noted already, in the case of Davis v. District Director, INS, 481 F. Supp. 1178 (1979), referred to in the CRS analysis cited above, the court ruled that citizenship of the state of Maine did not entitle the former U.S. citizen who had made himself an alien by renunciation to remain in the U.S. even if he agreed to reside only in Maine. Rather, the court ruled that the alien must get a visa and petition for permanent resident alien status or be subject to exclusion. So it apparently will be in the Mari Bras case.

Of course, the INS has better things to do than hunt down and depot any of the approximately 100 ideological extremists who renounce their citizenship for similar reasons each year, especially when one thinks about the millions of other more serious illegal alien cases. However, if Mari Bras keeps going to Cuba to aid and abet the totalitarian collectivist regime there, the day may come when he finds the door to his homeland closed. If he ends up back in the country from which his return travel originated, it will be his own doing.

TRIBUTE TO GIRL SCOUT'S GOLD AWARD CEREMONY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BONIOR. Mr. Speaker, today I would like to salute a group of outstanding young women who have been honored with Girl Scout Gold Awards by Michigan Waterways Girl Scout Council in Port Huron, MI. They will be honored on May 4, 1997, for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12.

Girl Scouts of the U.S.A., an organization serving 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult volunteer.

As a member of the Michigan Waterways Girl Scout Council, the following girls will receive their Gold Awards: Angela Campbell, Jamie Welser, Nicole Kwiatowski, Lisa Welsch, Leah Spresser, Joyce Schocke, Jennifer Schlegel, Heather McClellan, Theresa Walding, Halleé Vincent, Deborah Fields, Cari Malone, and Marylynn Lepien. They have all completed their public service projects and I believe they should receive the public recognition due for their significant service to their community and their country.

A SUCCESS STORY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, one thing that we do not do often enough is to go back to predictions that are made about legislation by both supporters and opponents and see whether these predictions have been born out. One somewhat controversial bill we passed recently was the General Aviation Revitalization Act of 1994, which altered liability law regarding aircraft. That legislation was strongly resisted by many who do not think we should not make any change in the product liability system in this country. I joined with the leading House proponent of the bill, the then Representative from Kansas who is now the Secretary of Agriculture. With his leadership role, despite opposition from some within the Judiciary Committee, we eventually passed the bill which became the General Aviation Revitalization Act, which the President signed into law in August 1994. I think it is reasonable to note that the consequences of that bill as of now have been entirely favorable. Thousands of new jobs have been created in the aircraft manufacturing industry, including a renewal of manufacturing of single engine aircraft. I am also not aware of any danger to aircraft safety that anyone can point to as a consequence of that act. While obviously we will continue to monitor the results of this, I think it is important to note that to date, 2½ years after its passage, the results of the enactment to this bill has been no decrease in safety, while we have seen a significant increase in economic activity of a productive sort. The General Aviation Revitalization Act of 1994 has to date vindicated the views of those of us who pressed for it and I think it is important to note that.

TRIBUTE TO HIS EMINENCE ADAM CARDINAL MAIDA AND RABBI IRWIN GRONER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LEVIN. Mr. Speaker, on May 5, 1997, the Ecumenical Institute for Jewish-Christian Studies will present its Dove Award to two outstanding religious and community leaders, His Eminence Adam Cardinal Maida and Rabbi Irwin Groner.

All of the citizens of Michigan are blessed to have in our active presence Cardinal Maida and Rabbi Groner. Through their individual endeavors and their friendship and collaborative efforts, they have enriched the entire State in many ways and deepened goodwill.

They were instrumental in the establishment of the Religious Leaders Forum, which has stimulated dialog between the Christian, Jewish, and Muslim communities. Each has encouraged the spread of voluntarism to touch the lives of those beyond their own communities. They have been outspoken on society's need to attack bigotry and racism, wherever either might appear in our midst.

Of course, for both Cardinal Maida and Rabbi Groner, the wellspring of their ecumenical work has been their deep spiritual commitment to their faith. Since his appointment by his Holiness John Paul II to be archbishop of Detroit on June 12, 1990, Cardinal Maida has maintained a focus, during a period of relative prosperity for citizens living within the diocese, on the less fortunate, whether children without health care or otherwise at risk, retired priests or the seriously ill.

Rabbi Groner is the spiritual leader of Congregation Shaarey Zedek, a religious home for my family over many decades. He has been preeminent in the conservative Jewish movement in our Nation, through his writings and sermons and his executive positions on various boards.

In this day and age without global conflict but with persistent conflict and violence in daily life, it is rewarding for us all that these two distinguished people of peace are awarded for their work by the Ecumenical Institute. As one privileged to know them both, it is my honor to be able to ask today all of my colleagues to join in expressing congratulations and wishing to Cardinal Maida and Rabbi Groner many more years of service to their parishioners and to the public at large.

A TRIBUTE TO DOLORES COLUCCI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Ms. Dolores Colucci of Clifton, NJ who is being honored by the Clifton Optimist Club.

A lifelong resident of Clifton, Dolores is one of seven children born to Dorothy and William Straub, a treadmill producer and a former airplane parts manufacturer. Her parents always advocated wholesome activity for youth, a legacy which Dolores does everything possible to continue.

A former student of Pope Pius XII High School in Passaic, Dolores decided to pursue a career in education. She graduated from Montclair State College with a bachelor's degree in education and thereafter began teaching in local schools, and subsequently obtained a master's degree in guidance and counseling from Kean College.

Dolores became involved with the local area youth in 1974, when she was a volunteer for the Girls' Club of Clifton. Two years later she became the club's executive director, and led the organization for 10 years. When the Girls' Club merged with the Boys' Club, Dolores became the new club's executive director.

As the executive director of the Boys' and Girls' Club, Dolores maintains a very busy schedule as she offers her services to many other community organizations including the Civic Affairs Committee of the North Jersey

Regional Chamber of Commerce, the Clifton Inter-Agency Council, the Clifton Education Advisory Board, the Recreation Task Force, and the Strategic Planning Committee of the Clifton Board of Education.

In addition to her civic involvements, Dolores is also actively involved with projects for Zonta International, an organization for business and professional women, and religious programs at her parish, Saint Philip the Apostle Roman Catholic Church.

Dolores has been recognized numerous times for her work with youth and was honored in 1989 as Outstanding Executive by the New Jersey Area Council of Boys' and Girls' Clubs as well as being named Agency Executive of the Year in 1993 by the United Way of Passaic County.

Dolores always prioritized family. She and recently deceased husband Thomas proudly raised three children: Anne Sibilski, a kindergarten teacher at School 12 in Clifton; Thomas, a manager of a fitness store in Paramus; and Daniel, a sixth-grader at Woodrow Wilson Middle School.

Mr. Speaker, I ask that you join me, our colleagues, Dolores' family and friends, the youth of the Boys' and Girls' Club of Clifton, and the city of Clifton in recognizing the outstanding and invaluable service to the community of the Boys' and Girls' Club 1997 Youth of Year, Dolores Colucci.

TRIBUTE TO MS. AURELIA PUCINSKI, CLERK OF THE COOK COUNTY CIRCUIT COURT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding public official and close personal friend of mine on a very special occasion, her 50th birthday.

Ms. Aurelia Pucinski, clerk of the Cook County, Illinois Circuit Court, celebrated her birthday recently with a surprise party thrown by her friends and colleagues, as well as her husband, Jim Keithley, and their three children, Rebecca, Annie, and Jimmy.

Clerk Pucinski has been one of the most popular elected officials in Cook County since her election as a delegate to the 1980 Democratic National Convention. She is currently in her third term as clerk where she administers the world's largest unified trial court system, which handles more than 18 million cases each year.

She has literally guided the clerk's office into the 21st century with improved computer systems and other technological advancements to make the office more efficient and more responsive to the needs of law enforcement officers and attorneys and all citizens.

She has saved tens of millions of dollars for taxpayers during her tenure by reducing staff and overtime, through interest earned on investments and deposits, and returned unclaimed bond money. Clerk Pucinski is also the first county official to institute a code of ethics and internal ethics board.

A testament to Clerk Pucinski's integrity can be found in the fact that during her first campaign for office in 1988, she proposed a 40-point plan to improve the office. She has implemented all those promises.

Clerk Pucinski is an outstanding public official, but perhaps more important, she is an outstanding human being and a wonderful wife, mother, and daughter. I have known her for more than 20 years, when I served on the Chicago City Council with her father, Alderman Roman Pucinski, a revered and respected public official who was a huge influence on his daughter. She remains devoted to her father as well as all of her family members, despite the demands and responsibilities of her office.

Mr. Speaker, I wish my dear friend, Aurelia Pucinski, a happy birthday and of course, many, many more.

TRIBUTE TO REVEREND EUGENE RAWLINGS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. DAVIS of Illinois. Mr. Speaker, Members of the U.S. House of Representatives, I take this opportunity to comment upon the life and the work of the late Rev. Eugene Rawlings, who passed away on Tuesday, April 1, 1997.

Reverend Rawlings was born February 17, 1906, and spent his early years in Lucy, TN, where he attended school and received his early religious training. He graduated from the SA Owens College in Memphis, TN, and received an associate of arts degree in religious education from the McKinley Theological Seminary in Jackson, MS. In 1931, he married Ms. Caldonia Stevens and they have one daughter, Eugenia.

In 1954, Reverend Rawlings migrated to Chicago, IL, where he spent the rest of his life organizing churches, pastoring, teaching, and being a community activist. He was an outstanding lecturer and orator, as he taught at the Chicago Baptist Institute, the Ministers Union of Chicago and vicinity, the Westside Ministers Conference, and Bethany Hospital.

Reverend Rawlings was a great civic, social, and political activist, as evidenced by his position as a Master Mason, organizer for the Westside waste management environment safety project, Block Club treasurer, and planning committee for the Community Bank of Lawndale.

Rev. Eugene Rawlings was certainly an outstanding clergyman, civic leader, and humanitarian. We wish his wife Odessa, daughters Evangelist Eugenia Thomas, Pat Merriweather, and Francis Morris and other members of the family all the best, as they revere the life of this great American.

LOUIS FREEH IS A GOOD MAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SOLOMON. Mr. Speaker, FBI Director Louis Freeh is a good man in a thankless job.

There is a tendency in this town, especially during the last 4 years, to go beyond answering one's opponent or critic to the point of destroying him utterly, his name, his reputation, and his livelihood. We can't let that happen to Director Freeh.

Among the other disturbing trends is that of politicizing agencies of the Federal Government and then using them to reward friend and punish enemies. Director Freeh has done everything possible to spare his agency this fate, and this, in the opinion of many, has made his a marked man.

This is unfortunate, because Director Freeh is, again in the opinion of many, one of the best directors in modern FBI history, and it would be a tragedy if his independence and integrity were to be his undoing.

Mr. Speaker, we cannot let that happen. And I would call on Senators from the other body to recognize Director Freeh's merits and to protect him from attempts to undermine him.

I submit, for the RECORD, a recent Wall Street Journal editorial which eloquently states the case for Director Freeh.

FBI LEADERSHIP

With news swirling about the Federal Bureau of Investigation, it might be an apt time to review the last change of leadership there. It took place, you probably do not recall, on the most tempestuous weekend of the Clinton Presidency.

FBI Director William Sessions, under fire over expense accounts and the deportment of his wife, had already tendered his resignation, pending a replacement. But on Saturday, July 17, 1993, he was told to resign immediately or be fired. Bearing the message was Attorney General Janet Reno, Deputy Attorney General Philip Heymann, White House Counsel Bernard Nussbaum and now notorious Associate Attorney General Webster Hubbell. On the way out of the meeting, Mr. Sessions stumbled on the curb and broke his elbow. His replacement, former FBI agent and New York Judge Louis Freeh, was announced the following Tuesday morning.

"It had taken strenuous argument from Nussbaum to persuade Clinton not to name his old friend and fellow Rhodes Scholar Richard Stearns to the post," James B. Stewart reports in his book "Blood Sport." Mr. Stearns is a judge on the Massachusetts Superior Court, and that fateful Monday our own columns had reviewed his résume: "Judge Stearns and President Clinton were war protesters together as Rhodes Scholars at Oxford. Judge Stearns was also a deputy campaign manager in George McGovern's 1972 presidential race, as well as national director of delegates in Sen. Edward Kennedy's 1980 presidential nomination bid."

The same editorial said, "Judge Freeh is fine with us," but raised the question of why Mr. Sessions should be summarily fired if a replacement was ready. It started, "So the gang that pulled the great travel office caper is now hell-bent on firing the head of the FBI." In the event, the Freeh appointment was well received, not least, Mr. Stewart relates, because he was not a personal friend of Bill Clinton."

The appointment was announced simultaneously with the Supreme Court nomination of Ruth Bader Ginsburg. "We've just hit two home runs for the President," Mr. Nussbaum said to his deputy Vincent Foster. Mr. Foster had declined a Monday night Presidential invitation to a meeting to appoint an independent counsel in the campaign contribution scandal; the following day her Inspector

General issued a scathing report on the mess at the FBI laboratory. And Senator Charles Grassley said the report shows the FBI "needs better leadership."

Senator, wake up. With the country in the middle of an ongoing Presidential scandal, the top ranks of the Justice Department are vacant—except for Ms. Reno herself, who battles Parkinson's Disease. We have an acting CIA head, and lame-duck Secret Service Director. Mr. Clinton is on his fifth White House Counsel. The last law enforcement soldier holding the line in Washington doesn't need carping from Republican Senators; he needs air cover.

The IG report on the lab, where problems clearly started well before the current director, is only the latest incoming fire. In the Washington Post's Sunday edition, for example, Mr. Freeh is accused of losing the confidence of his agents. An example: He told them they couldn't question Richard Jewell under a ruse, but had to give him a Miranda warning; therefore the Jewell imbroglio was the Director's fault, agents say. A somewhat less unflattering Newsweek profile repeats this complaint, while saying Mr. Freeh has thought of resigning.

Under Mr. Freeh the bureau has of course made mistakes, most spectacularly in sharing with the White House drafts of former agent Gary Aldrich's book when it was submitted for clearance. But more recently Mr. Freeh stood up to White House requests for intelligence on Chinese contributions. And most importantly of all, he dispatched top agent I.C. Smith to Little Rock, leading to a new vigor in probing corruption there.

It has to be understood, as well, that any FBI Director needs a perimeter defense, and also a few colleagues with personal loyalty. Veteran law enforcement officials elsewhere relate tales of FBI officials denying help that had merely been promised by "the front office," or that talking to the director "is not talking to the FBI." The carping at Mr. Freeh has to be understood in its full context. Not only that the current White House is a corrosive force on all law enforcement agencies; but also that do director since J. Edgar Hoover has succeeded in establishing effective control of the bureau.

Yes, obviously the FBI has leadership problems. The solution, in the hands of Senator Grassley and other members of the Judiciary Committee, lies in making sure its leader has authority commensurate with his responsibility.

TRIBUTE TO CANTOR NORMAN ROSE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LEVIN. Mr. Speaker, I rise to honor Cantor Norman Rose who is celebrating his 40th year in the Cantorate and his 25th year as Cantor of Temple Emanu-El in Oak Park, MI.

Born in New York and inspired by his father, a tenor who sang in choirs, young Norman was raised in a home where music was a constant force.

He received a scholarship to the prestigious Curtis School of Music in Philadelphia, and studied there until World War II. The 15th Air Force called him to duty in Italy where he served over 50 missions as a radio operator and gunner.

At the conclusion of the war, Norman Rose obtained his BA and MA degrees in music from the Eastman School of Music in Rochester, and in 1949 he received 1 of 10 scholarships to the renowned La Scala Opera House in Milan, Italy. These scholarships were La Scala's way of saying thank you to the Americans for having totally restored their opera house that had been bombed during the war.

In 1952, Norman Rose entered the newly opened Hebrew Union College of Sacred Music where he was invested as Cantor.

Cantor Rose has served Temple Emanu-El for the past 25 years and has brought music and music appreciation to all its members—young and old. His warmth, his dedication, and his friendship have been deeply appreciated by all his congregants, and especially by the young boys and girls whom he prepares for their Bar/Bat Mitzvah.

Mr. Speaker, I ask my colleagues to join me in recognizing Cantor Rose's accomplishments and years of service to his congregation. We wish him and his wife, Euni, many more years of joyful participation at Temple Emanu-El, and good health and happiness along the way.

TRIBUTE TO JUSTICE JAMES H. COLEMAN, JR.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention James H. Coleman, Jr., justice of the New Jersey Supreme Court, who is being honored by the New Jersey State Opera for his support of the arts and their organization.

Justice Coleman is the first African-American to serve on the New Jersey Supreme Court. He was nominated by Governor Christine Todd Whitman on October 3, 1994, and was sworn in by Chief Justice Robert N. Wilentz on December 16, 1994. At the time of his nomination, Justice Coleman was serving as a presiding judge of the Appellate Division of Superior Court.

Justice Coleman began his judicial career in May 1973, when he was appointed a judge of the Union County Court. He served in that capacity until December 1978, when he became a Superior Court judge. In March 1981, he was elevated by Chief Justice Wilentz to the Appellate Division in May 1987.

Justice Coleman was born in Lawrenceville, VA, on May 4, 1933. He graduated in 1952 from the James S. Russell High School in Lawrenceville. He is a 1956 cum laude graduate of Virginia State University and received his law degree in 1959 from Howard University School of Law, Washington, DC. He was admitted to the bar in New Jersey the following year and in 1963, was admitted to practice before the U.S. Supreme Court.

Justice Coleman served in the U.S. Army Reserve and was discharged in February 1962. He was engaged in the private practice of law from July 1960 until February 1970, with offices in Elizabeth and Roselle. He joined the former New Jersey State Department of Labor and Industry in July 1960 as an assistant to the director of the Division of Workers' Compensation; consultant to the New Jersey Rehabilitation Commission; counsel for and manager of the New Jersey subsequent injury fund; and referee of formal hearings in the Division of Workers' Compensation.

In July 1964, Justice Coleman was appointed a judge of the New Jersey Workers' Compensation Court and served there until his appointment to the Union County Court. He and his wife, Sophia, are the parents of two children: Kairon Michelle Mullins, born in 1963; and James H. Coleman, III, born in 1965.

Mr. Speaker, I ask that you join me, our colleagues, Justice Coleman's family and friends, and the State of New Jersey, in recognizing the outstanding and invaluable contributions to the community of Justice James H. Coleman, Jr.

HONORING DR. JOHN E. MURPHY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. KOLBE. Mr. Speaker, I rise today to honor and celebrate one of Arizona's finest pharmacists and professors, Dr. John E. Murphy. In particular, I am proud to announce that Dr. Murphy has been voted president-elect of the American Society of Health-System Pharmacists [ASHP] and will be installed at the society's 54th annual meeting in Minneapolis this June.

ASHP is the 30,000-member national professional association representing pharmacists who practice in hospitals, health maintenance organizations, long-term care facilities, homecare agencies, and other components of health care systems. The society has extensive publishing and educational programs designed to help members improve their delivery of pharmaceutical care, and it is a national accrediting organization for pharmacy residency and pharmacy technician training programs.

A resident of my congressional district, Dr. Murphy is professor and head of the Department of Pharmacy Practice and Science at the University of Arizona College of Pharmacy. He earned his bachelor of science and Phar.D. degrees at the University of Florida and later served as a member of the faculty and as director of residencies at Mercer University School of Pharmacy in Georgia. His extensive involvement with ASHP includes having served as an ASHP board member, chair of the ASHP Pharmacokinetics Specialty Practice Group, and member of the ASHP Information Network for Students. In addition, he has been the president of the Georgia Society of Hospital Pharmacists and has participated on many committees of the Georgia and Arizona societies.

As Dr. Murphy has said, "Dramatic changes in health care delivery are creating exciting opportunities for pharmacists." I am confident that he will guide ASHP with strong and innovative leadership for the sake of all Americans

receiving pharmaceutical care. I congratulate Dr. Murphy and wish him well as he takes on his new position with ASHP.

TRIBUTE TO JOHN MOONEY ON HIS RECEIPT OF THE MEDAILLE DU JUBILE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LIPINSKI. Mr. Speaker, I pay tribute today to an outstanding individual who represents the hundreds of thousands of Americans who participated in the battle that was the beginning of the end of Nazi Germany; the invasion of Normandy.

Mr. John Mooney of Chicago, who served in the 2d Armored Cavalry Division was part of the wave of brave Allied soldiers that stormed the beaches and cliffs overlooking the English Channel on June 6, 1944. Even after the Allies established a beachhead, it took more than 2 months of fierce fighting before the risk of the Germans reversing the invasion had ended.

During the last 3 years, Mr. Mooney and thousands of his comrades have been honored by the Regional Council of Normandy with the Medaille du Jubile, a decoration commemorating the 50th anniversary of the battle of Normandy and the beginning of the liberation of Europe.

Mr. Speaker, I would like to remind our fellow Members and all freedom loving people in America and the world of the debt of gratitude we owe John Mooney and the heroic soldiers, sailors, and airmen whose efforts at Normandy marked the beginning of the end of Nazi tyranny.

PROVIDING HOPE AND OPPORTUNITY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Restoration Ministries, a nonprofit community and faith based organization located in the south suburbs of Chicago, IL. This organization provides hope and opportunity in a way unmatched by any other.

Tonight they celebrate their 10th anniversary. They began in 1987 with the grand opening of Harvey House in South Holland, IL. The organization, founded by just two churches, now boasts an expanded membership of many churches and local businesses.

Their commitment to impact lives in ways that will help restore hope to the people and bring lasting change to the community should be given the highest commendation.

The mission of Restoration Ministries is to pull together the resources of individuals, churches, organizations, the private sector, and the government to assist every segment of the population from infants to senior citizens.

On a day when our Nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring this organization is both timely and appropriate.

Restoration Ministries is an organization that has greatly benefited and enlightened our community. Their commitment, hard work, and dedication deserves the highest acclaim not only today but every day.

TRIBUTE TO KELLY L. GEORGE, WEST VIRGINIA MOTHER OF THE YEAR

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. RAHALL. Mr. Speaker, I rise to pay tribute to a most wonderful friend of mine, Kelly L. George, who was recently selected as West Virginia's Mother of the Year by American Mothers, Inc. Kelly George is deserving of this great honor.

I wholeheartedly congratulate Kelly for being so honored by the American Mothers, as well as by the West Virginia State Senate which adopted a Resolution of Congratulation on behalf of this remarkable woman.

Kelly was educated in the public schools of Cabell County, WV, where she grew up, and where she attended Marshall University in Huntington, and later completed studies at Cambridge School of Radio and Television and the Drake School of Drama in New York.

Currently, Kelly is a legislative analyst, and she is active in the political process both State and Federal. She is a strong advocate of education and the arts.

Kelly was named West Virginia's Mother of the Year, and the major reason for that is she has raised five successful young adult children, Vincent, Victor, Valerie, Von, and Vanessa. Her children have followed in her footsteps, constantly endeavoring to reach high academic accomplishments and achievements, with each having adopted Kelly's spiritual foundations for building inner strength as well as the basis for strong family values.

Outside the role of mother, Kelly has volunteered her time for civic organizations, is a life member of the General Federation of women's Clubs and the National Committee of State Garden Clubs. She serves as international chair for the Pilot International World Association, is on the Thomas Hospital Board of Trustees, is a Kanawha County Parks and Recreation Commissioner, and is the chairman of the Board of WV Board of Risk and Insurance Management. She is also a historian and author.

Later this spring, kelly will travel to Scottsdale, AZ, to meet with the delegation of other State winners where she will receive this most prestigious award.

Again, my sincere and heartfelt congratulations to a good friend, Kelly George, as she receives the praise of her friends, her colleagues, her neighbors, and her wonderful family for having become West Virginia's Mother of the Year, 1997–98.

TRIBUTE TO MARY TUBITO VALASTRO PINTO L'ITALICO'S ITALIAN COMMUNITY 1997 WOMAN OF THE YEAR

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention L'Italico's Italian Community 1997 Woman of the Year, Mary Tubito Valastro Pinto of Little Ferry, NJ.

Born on April 17, 1948, in the ancient and historic city of Altamura, Bari, Italy, Mary was the third of eight children born to Nicholas and Maddalena Tubito.

At the age of 6, when Mary heard of the news of her family's decision to emigrate to the United States, she was very excited and since then she has constantly shown her devotion, admiration, and loyalty to her new homeland.

The Tubito family settled in the city of Hoboken, NJ, where Mary attended Public School No. 3 and Demarest Junior High School.

At an early age, Mary learned the benefits of hard work and commitment to family, from her father, who worked as a longshoreman, and from her mother, who, she helped with household chores, before and after school. With little time for play, Mary read religious books, and derived example and inspiration from the lives of the saints, enriching both her faith and character for life.

When she was only 12 years old, Mary met her future husband, Bartolo "Buddy" Valastro, who, impressed with her beauty and energy, asked Mary to be his partner for life.

Upon accepting this proposal, the couple first purchased Carlo's Bakery in Hoboken, in 1964, and then married in Our Lady of Grade Church on July 24, 1965.

Mary and Buddy, with the caring help of Buddy's mother, Grace, steadily built a successful business with dedication and vision. In addition to starting a successful business, Mary and Buddy also found time to start a family, eventually being blessed with five children: Grace Faugno, June 30, 1966; Maddalena Castano, August 15, 1967; Mary, September 30, 1969; Lisa, December 31, 1974; and Buddy, Jr., March 3, 1977. All are associated with the family's baking business.

In June 1989, Mary and Buddy acquired the former Shoening's Bakery, which turned out to be a successful business decision. The original Carlo's Bakery found a new home on Washington and First Street and has since become the mecca of quality for miles around, adding to the exciting renaissance of the historic "Mile Square City."

The period immediately following the relocation of Carlo's Bakery marked the golden age in the life of the Valastro family. Business was flourishing, the children had matured into fine, young adults, and the three daughters married; grandchildren were born.

On March 21, 1994, tragedy struck the family when cancer claimed the life of Buddy, who passed away at the young age of 54. Mary however, managed to overcome this tragedy, and as a testament to her faith, she rallied her family and employees in uncommon leadership and continued the successful operation of

the business. She later met and married Giovanni Pinto, an educator, a professor of modern languages, publisher of L'Italico, and father of one daughter, Julianne (age 11). Mary is the proud grandmother of three: Robert Faugno, age 4; Mary Castano, age 3; and Bartolina Faugno, age 1.

Mary and Giovanni Pinto reside in Little Ferry, NJ, and are wonderful examples of the real possibility of the American Dream.

Mr. Speaker, I ask that you join me, our colleagues, Mary's family and friends, and the city of Hoboken, in recognizing Mary Tubito Valastro Pinto's outstanding and invaluable contributions to the community.

U.S. SECURITY WAS SOLD TO SUPPORT PRESIDENT CLINTON'S REELECTION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SOLOMON. Mr. Speaker, the American people are becoming increasingly concerned about certain aspects of the scandals surrounding the White House.

In a recent letter to me, an attorney from our 22d District, Mr. Robert W. Linville of Old Chatham, put it in words which, if universally shared, suggested the concerns of many Americans. He suggested that U.S. security was sold to support President Clinton's reelection. He based his concerns on a recent article in the New York Times, which I place in today's RECORD.

OFFICIALS SAY CHINA ILLEGALLY SENT U.S. EQUIPMENT TO MILITARY PLANT

(By Jeff Gerth)

WASHINGTON, APRIL 22.—A Federal criminal inquiry has uncovered new evidence, including American satellite photos, suggesting that a state-owned Chinese company had all along intended to divert American machine equipment to a military plant that builds missiles and fighter aircraft, intelligence officials say.

The equipment, bought in 1994 by one of China's most powerful state-owned corporations, Catic, was supposed to be used solely for civilian purposes.

Now, as a year-old inquiry accumulates more evidence of a diversion, the Clinton Administration is faced with the question of how to proceed if it is proved that Catic knowingly misled American officials. Administration officials say the next step could be filing charges against the company.

The new evidence also raises questions about the Administration's approval of the sale in the first place, officials said.

The Administration preliminarily approved Catic's purchase of machine equipment from the McDonnell Douglas Corporation in late August 1994; the equipment was supposed to be used in Beijing to make civilian jetliners. The approval came about the time Commerce Secretary Ronald H. Brown left for China, where he helped persuade Chinese officials to keep their commitment to spend $1 billion on jetliners from McDonnell Douglas.

But Pentagon critics of the sale had earlier said they believed that the Chinese wanted the sensitive equipment, which included giant machine tools to shape and bend large aircraft parts, to improve their military capability, Administration officials said. At the time, the Chinese press had reported a Chinese Government plan to cut jetliner production in half, which would have reduced the civilian need for the American equipment.

In the end, some equipment sent from the United States wound up 800 miles from Beijing, at a military complex of the Nanchang Aircraft Company. The satellite photos recently uncovered show that a plant was being built in Nanchang to house a giant stretch press, a major piece of American equipment, even as Catic was telling American officials that the equipment would go to a civilian machining center in Beijing, intelligence officials said.

American officials said other documents in the case suggested that Nanchang had been the intended destination from the start. Nanchang officials, for instance, inspected some of the equipment at a McDonnell Douglas plant in Ohio 1993, before the deal was signed, and then packed up the equipment in late 1994 as it was being shipped to China, the officials said. The plan to build the Beijing machining center, the supposed destination for the equipment, was abandoned before the license was issued.

All that raises some diplomatically sensitive questions.

"We ought to send the Chinese the message that they can't divert our technology with impunity, and an indictment of Catic might even get the Chinese to talk to us seriously about proliferation," said Gary Milhollin, the director of the Wisconsin Project on Nuclear Arms Control, which has tracked the procurement activities of Catic in the United States.

Catic and its lawyers declined to answer any questions about the grand jury investigation, which, one witness said, is still in the early stages of taking testimony. Catic is based in Beijing, outside the reach of the grand jury, but records from its subsidiary in Southern California have been subpoenaed, Administration officials said.

A spokesman for McDonnell Douglas, Larry McCracken, said, "At this point, since these matters are being looked at by the United States Attorney's Office, we have no comment other than to say that McDonnell Douglas has not done anything illegal."

McDonnell Douglas, an aerospace company based in St. Louis that has agreed to merge with its longtime competitor, the Boeing Company, discovered the diversion in Nanchang in early 1995 and reported it promptly to Commerce Department officials. Commerce Department officials say the unusual conditions they attached at the last minute to the approval for the license enabled them to have the diverted equipment placed under tighter supervision at a civilian location in China.

But that took almost a year. By then, the criminal inquiry by the United States Attorney's Office in Washington and the United States Customs Service had begun. In late spring of 1996, several weeks after the grand jury had subpoenaed records from McDonnell Douglas, a company official tried to obtain the sensitive satellite photos of the Nanchang military site, intelligence officials said.

The request was eventually denied, but the question of why the company official sought the photos has become part of the investigation, intelligence officials said.

The decision to approve the export of the machine equipment pitted national security concerns against economic interests and, in the end, the latter prevailed.

"For the Administration, this has been a difficult decision, weighting jobs against counterproliferation," said Adm. Bill Center, who represented the Joint Chiefs of Staff in 1994 in deliberations within the Government about the proposed sale.

Admiral Center said, "The Joint Chiefs of Staff initially opposed the sale on national security grounds." But after considerable discussion, led by White House officials, "all of us concluded that if McDonnell Douglas didn't sell it, others would, and we wouldn't accomplish anything by saying no."

Secretary Brown, who died in a plane crash in Croatia last year, intended to raise the issue of economic and security trade-offs when he visited China in 1994. A draft of one of his speeches said, "Sales of sensitive technologies have been made despite public and political opposition."

Some sales to China may wind up being examined as part of the various inquiries into possible ties between the Chinese and the Clinton Administration.

The House Government Reform and Oversight Committee, the principal panel looking at campaign finances, has requested the use of Customs investigators who have specialized in export diversion cases, Congressional and Administration officials said.

CONGRATULATIONS TO THE TUCSON METROPOLITAN CHAMBER OF COMMERCE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. KOLBE. Mr. Speaker, the Tucson Metropolitan Chamber of Commerce was founded as the Tucson Grocer's Association on October 31, 1896, by six civic-minded businessmen with the purpose to unite the business interests of Tucson, or of Tucson trade, and oppose anything tending to their injury. Since that time, the chamber has evolved into the largest Chamber of Commerce in Arizona, representing over 3,000 businesses and 75,000 employees.

Over the past 100 years, the chamber has worked steadfastly to further the interests of Tucson and Arizona. I would like to take this opportunity to mention some of their achievements.

The chamber worked faithfully to help Arizona achieve statehood. When a lavish reception for the Senate Committee exploring statehood apparently failed to impress, chamber leaders traveled to Washington to press the case personally.

In the early part of this century, the chamber organized and financed the first municipal airport in the United States and later helped establish what was to become Davis-Monthan Air Force Base. Sixty-seven years later, the chamber was also among the organizations working to successfully keep Davis-Monthan open as a security asset for the entire Nation.

In response to the growing need for the treatment of tubercular patients, particularly veterans of World War I, the chamber sent representatives to Washington to lobby for a veterans hospital and then raised the money from its own membership to pay for the building supplies. The chamber also borrowed the

money to purchase the land where the current veterans hospital is established.

The chamber spearheaded and often financed infrastructure projects for the development of the community including schools, roads, and water projects.

The chamber donated the land to lure the U.S. Magnetic Laboratory to the desert, beginning a trend that has resulted in Tucson becoming a world recognized center for optics.

Since its inception, the chamber has been active in encouraging trade with our southern neighbor, Mexico. The organization lobbied Mexico City directly in the late 1800's, to establish a customs house, and it recently lobbied our State Department to successfully retain the U.S. consulate in Hermosillo—a critical link for trade and services for both countries.

The Tucson Metropolitan Chamber of Commerce continues to benefit southern Arizona in many other ways. I would like to take this opportunity to congratulate the chamber on its first 100 years of work and wish the organization well in achieving its goals for the next century.

THE ARMENIAN GENOCIDE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today on behalf of the Armenian community in my district to mark the 82d anniversary of an unspeakable tragedy. I am referring to the genocide which claimed the lives of 1.5 million Armenians by the Ottoman Empire. Because this story has been held silent for so long, I am proud to take a few minutes to honor the victims of the genocide.

The Armenian genocide was the culmination of a long effort by the Ottoman Turks to destroy the Armenian people. During the decades preceding the First World War, the Ottoman Government tried repeatedly to achieve this goal. In 1895, 300,000 Armenian lives were claimed. In 1909, another 30,000 died before the Western powers intervened to stop the violence. This tragedy remains unrecorded in Turkish history today.

World War I provided the means for the Turkish Government to once again set out to destroy the Armenian community. With Europe and the United States occupied in war, the Ottoman Empire was able to carry out their designs without any intervention. Beginning the crusade on April 24, 1915, the genocide claimed the lives of Armenian leaders and lasted until 1923.

It is estimated that 1.5 million Armenians died at the hands of the Ottoman Empire—half of the world's Armenian population at that time. By 1923 the Turks had successfully erased nearly all the remnants of the Armenian culture which had existed on the homeland for 3,000 years.

As we take a look at the tragedy today, we see the memory of the victims insulted by those who say the genocide did not happen. A well-funded propaganda campaign forces the Armenian community to prove and reprove the facts of the genocide. This is itself a tragedy for people who would rather devote their energy to commemorating the past and rebuilding the future.

I stand here today to say that the genocide did happen. Nobody can erase the painful memories of the Armenian community. Nobody can deny the graphic photos and historical references. And nobody can claim that Armenians live where their ancestors thrived 80 years ago.

It is our responsibility and duty to keep the memories of the genocide alive. A world that forgets these tragedies is a world that will see them repeated again and again. This story, and others like it, must be talked about so all know the truth.

We must also honor the victims of this brutal massacre. We cannot right the terrible injustices that have been inflicted on the Armenian community, nor can we ever completely heal the wounds. But by properly commemorating this tragedy, Armenians will be reassured that the world has not forgotten the misery of those years. Only then will Armenians begin to receive the justice they deserve.

INTRODUCTION OF THE COMPUTER DONATION INCENTIVE ACT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Ms. STABENOW. Mr. Speaker, I rise today with Congresswoman ANNA ESHOO as lead cosponsor of the Computer Donation Incentive Act. This legislation will provide enhanced tax incentives to corporations that donate computers, software, and computer training to public schools and to organizations that support individuals with disabilities.

One of my top priorities in representing the Eighth District of Michigan is to ensure that every school has the latest technology in their classrooms. To accomplish this important goal, we cannot look to Government alone to provide support; rather, we need to encourage partnerships and community investment. I am leading this legislation because I believe our communities, businesses and local governments need to work together if we are going to retool our schools for the 21st century.

Under current law, computer donations from computer manufacturers to private schools, colleges, and universities qualify for an enhanced tax deduction, similar donations to public schools do not. I believe this law needs to be changed.

Having a daughter in the public school system and a son who graduated from a public school, I am deeply committed to strengthening our public schools. I believe that we all have a stake in guaranteeing the best possible public schools in every neighborhood, in every community, and in our country. The Computer Donation Incentive Act amends the Internal Revenue Code of 1986 to give all companies the enhanced tax deduction when donating to public schools.

Second, it is not only important that our public schools receive computers, but that our teachers receive the training they need, as well. This legislation also designates up to 8 hours of computer training as a charitable contribution.

In my district, I have been leading efforts such as NetDay and the passage of the Computer Donation Incentive Act because I believe that it is imperative that our students stay competitive in the computer-literate work force of the global market. The Computer Donation Incentive Act will go a long way in encouraging more companies to invest in schools and their communities.

Mr. Speaker, I am thankful for Congresswoman ESHOO's leadership on this issue and I am very proud to be able to work with her as lead cosponsor on passage of this legislation. I am equally pleased with the bipartisan list of original cosponsors that have endorsed this legislation. As a new Member of Congress, I am heartened by this cooperative spirit and I encourage all of my colleagues in the House of Representatives to join us in passing the Computer Donation Incentive Act.

TRIBUTE TO MARTIN G. PICILLO, ESQ.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Martin G. Picillo, Esq. of Berkeley Heights, NJ, who is being honored by the New Jersey State Opera for his support of the arts and their organization.

Martin is a graduate of Georgetown University School of Foreign Service and Georgetown University Law Center. Currently, he is a trial attorney and senior partner at the law firm of Picillo Caruso in West Orange. On April 7, 1997, Martin assumed the presidency of the Essex County Bar Association which is the largest county bar association in the State. In addition to his distinguished law career, Martin is also the cofounder of New Jersey Awareness Day, and has been very active in numerous local and national bar associations.

He has been a member of the Benevolent and Protective Order of Elks, Lodge No. 179 in Orange, NJ since 1961, and is active in a number of Italian-American organizations including UNICO National, the largest Italian-American service organization in the country. Within the organization, Martin has held numerous offices including national president. Presently, he is president of NIACA, conference of presidents of major Italian-American organizations. An active member of the city of Orange, Martin has been a member and attorney for several boards, has served as deputy commissioner of the Department of Public Affairs, and has served as presiding judge of the municipal court. In addition to this impressive list of civil contributions, Martin has also served as president of the Parent-Teacher Guild and as an elected member of the Parish Council of Our Lady of the Valley Church.

Mr. Speaker, I ask that you join me, our colleagues, and Martin's family and friends, in recognizing the outstanding and invaluable contribution to the community of Martin G. Picillo.

COMMENDING NEWTON MINOW

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. YATES. Mr. Speaker, I would like to take this opportunity to introduce an old and dear friend to you and my colleagues in the House, the Honorable Newton N. Minow. In days past Newton was the law partner of the greatest two-time loser in American politics, the late Gov. Adlai Stevenson of Illinois. During the early 1960's Newt was head of the Federal communications Commission [FCC] and in describing the marvels of television coined the phrase "a vast wasteland." He is currently a partner in the Chicago law firm of Sidley & Austin. Two weeks past, this next Wednesday, April 16, the Economic Club had the good fortune to share in Newt's wisdom and wit.

I enjoyed Newt's speech so much that I requested he send me a copy so I could bring it to the attention of my colleagues. Mr. Speaker, I would like to insert Mr. Minow's speech into the CONGRESSIONAL RECORD.

I commend Newton Minow for his past contributions to public service and I urge my colleagues to read the following statement.

The speech follows:

ECONOIC CLUB SPEECH

Campaign spending is as old as the republic. When George Washington ran for the Virginia House of Burgesses in 1757, his total campaign expenditures, in the form of "good cheer," came to "28 gallons of rum, 50 gallons of rum punch, 34 gallons of wine, 36 gallons of beer, and 2 gallons of cider royal."

Today, the era of good cheer is gone. For four decades now, campaign expenditures have been driven relentlessly upward by one thing: television. In 1960, in what would be the first presidential campaign to make wide use of television, Democrats and Republicans together spent $14.2 million on radio and television commercials. In 1996, candidates for federal office spent more than 128 times that amount on television and radio commercials, an estimated $1.8 billion.

After the presidential campaign scandals of 1972, Congress tried in 1974 to end the suitcases of cash which sloshed around campaigns in return for favors. But as we now know—and continue to learn—the 1974 campaign reform law has failed to solve the problem.

In the 1996 federal elections, the campaign finance laws were bent beyond recognition. We learned about the availability of the Lincoln bedroom to major contributors; the President's meeting with a convicted stock swindler, a Chinese arms merchant, and others of dubious background and intention; the Vice President's raising campaign cash at a Buddhist temple; and the Republicans soliciting "season ticket holders," donors of $250,000 who hoped for special treatment for their special interests, including access to important government officials. And don't forget Congressional censure of Newt Gingrich for mixing campaign cash with his television program. The only bipartisan agreement in Washington these days is on one proposition: "Show me the money!"

Strict limits on campaign contributions imposed by the 1974 Act were washed away this year in a flood of "soft money," donations not limited by law because of the foolish fiction that such money was not used to support or oppose particular candidates. Together, the two parties collected $88 million in soft money in 1992; last year they multiplied this by three—to $263.5 million.

Interest groups ranging from the AFL–CIO to the U.S. Chamber of Commerce bathed in another form of soft money, which they used to broadcast so-called "issue" commercials. Theoretically, at least, issue commercials are not supposed to advance or oppose anyone's candidacy, and so are exempt from the 1974 law's requirement of full disclosure of who contributes money and how that money gets spent.

How did this happen? Dick Morris claims the credit for himself. After the 1994 Republican Congressional victory, Morris developed the Democrats' 1995 and 1996 campaign strategy: take control of the airwaves early, before the Republicans could pick their candidate—and never let up. To pursue this strategy, the Democratic National Committee and the Clinton-Gore campaign spent an estimated $1 million to $2 million per week.

On October 13, 1995, President Clinton signed the Federal elections Commission vow that in return for public financing, he would spend no more than $37 million in privately raised funds during the upcoming primary season. That same morning, a White House coffee for large donors to the Democratic National Committee began what would soon become a habit. The money raised from that event and others like it eventually allowed the DNC to spend an additional $44 million for television ads. Because so many of those commercials were issue ads, federal contribution caps did not apply. Donors to the cause, including corporations and labor unions, both of which are barred by law from giving money directly to a candidate, spent freely, without accountability.

The Republicans did even more. By election day, the Republican National Committee had raised more money than the DNC. The Party solicited record contributions from telecommunications, tobacco and pharmaceutical companies, enough to pay for $18 million in television advertising between May 1996 and the GOP convention in August. They, too, pursued the "issue advertisement" strategy. One of the RNC's more controversial issue advertisements was a 60-second spot with 56 seconds of biographical material about Senator Dole and 4 seconds of issues. The RNC insisted this was not a plug for Dole and so was within the federal election guidelines.

Not only did Democrats and Republicans take advantage of the law, so did countless organizations with a cause and the ability to finance it. Millions of dollars in cash swept through House and Senate elections in the states, turning campaigns into ideological contests with little or no relevance to local voters. Some candidates for Congress discovered ads for the first time on radio and television—as many as 300 a day in their districts, either attacking or favoring them—but had no idea where the ads had come from, or who had paid for them.

Former Israeli Prime Minister Shimon Peres once said that "television has a good side and a bad side. The good side," Peres said, "is that television makes dictatorship impossible. The bad side is that it makes democracy unbearable."

Tonight, I suggest we amend Mr. Peres' observation, in two respects. First, television does not necessarily make democracy unbearable. At its best, television makes democracy stronger by opening the workings of government to the public. In our own country, whether television's cameras are on the floor of Congress, in a courtroom in Los Angeles, or at a Presidential Debate, they provide unique opportunities for the public to see and to understand how their government works—and, just as importantly, where it fails.

At its worst, however, television can become a tool of dictatorship. In any country that suffers a coup, the nation's television and radio broadcast facilities are the very first institutions to come under siege. Rulers and rebels alike know that whoever controls the airwaves controls the country.

In our country, we have allowed television, the greatest instrument of communication in history, to create for us a different kind of dictatorship—a dictatorship of the dollar. In the 1996 elections, total expenditures on all federal races came to approximately $2.1 billion, of which $1.8 billion was spent to buy broadcast TV time! Thus, almost $9 out of $10 went to buy time on radio and television. Fund-raising, not governing, became the principal business of our elected officials. Our best public officials are leaving public service, sick and tired of the current system. Al Hunt in The Wall Street Journal quotes a model of integrity, Democratic Congressman Lee Hamilton (Chairman of the House Foreign Affairs Committee) when he announced this year that he would not run for re-election. "My colleagues talk about money constantly. The conversation today among members of Congress is so frequently on the topic of money: money, money, money and the money chase. Gosh, I don't think I ever heard it when I first came here."

The rest of the world looks with horror at our national campaigns. They are too long, they are too negative, they constantly make personal attacks on the opposition, they are exercises in deception, they turn the voters off and away from the voting booth. In 1996, fewer than half the nation's registered voters even bothered to go to the polls, the second lowest turnout since 1824.

By allowing unlimited political advertising on television and radio, the United States stands almost alone in the world. Only three countries do not require some form of free broadcast time for candidates in national election campaigns. They are Malaysia, Taiwan and the United States. Thomas Jefferson, James Madison, and Benjamin Franklin would be horrified to learn how we have abused the democratic process they bequeathed to us. Television authorities in Great Britain, France, the Netherlands and Japan ban political advertising from the airwaves entirely. In England, the law prohibits advertisements by any person or organization that is "wholly or mainly of a . . . political nature" or "directed towards any political end." Instead, British law provides free television time to political parties to air their own programs on important public issues.

Most of the world's democratic nations which do allow candidates to buy advertising time—such as Australia, Canada, Germany and Sweden—also provide free time to candidates and their parties. Unlike our own country, these democracies do not believe the only way to provide political broadcast time is to sell it.

As you know, there are many proposals in Congress and elsewhere to "reform" campaign finance. Most proposals focus on the supply side of the problem: on who gives the money, how much they can give, and for what purpose. There are proposals to limit

contributions, to prohibit "soft money," to prohibit contributions from labor unions and corporations, to raise the limit on individual contributions, to curb spending on behalf of candidates by independent organizations, to prohibit PACS, to encourage candidates voluntarily to limit spending, to speed up disclosure of contributors and their contributions, to use public money to pay for campaigns, and to amend the Constitution of the United States. Former Senator Howard Baker suggests that if you can't vote for a candidate, you can't contribute to the candidate.

There are a lot of good ideas—and some bad ideas—being discussed and debated. I do not favor limiting individual contributions, but I do favor immediate public disclosure of contributions, even before checks are cashed. I favor ending "soft money", PACs, contributions from unions and corporations, and ending phony outside expenditures unless they are truly independent and not developed in concert with candidates and their campaigns. But dealing only with the supply side of the equation will not work so long as demand exists. I agree with a young journalist from Chicago, Newsweek's Jonathan Alter, who writes, "money in politics is like water running downhill; it will always find its way. . . ."

So, this evening, my focus is exclusively on the demand side of the equation—which has received little attention in the current debates. And I will focus—ruthlessly focus—on one specific public policy decision that our country will soon make on the relationship of television and political campaigns.

Let us focus on four words: "public interest" and "digital television." You've been hearing a lot about digital television lately—but not much about the public interest.

Last year, Congress passed and the President signed the 1996 Telecommunications Act. Under the new law, broadcasters are eligible to receive new digital television channels. Congress directed that, unlike other telecommunications service providers, broadcasters do not have to pay for their new channels. They get them free. Digital transmission will allow broadcasters to offer multiple channels instead of one, and if they wish, to use those extra channels for services such as data transmission, paging services or pay-per-view movies. Estimates of the value of these new digital channels ranges from $30 billion to $70 billion.

Why should broadcasters receive this spectrum, these digital channels, free? This was the question former Senator Majority Leader Bob Dole put to his colleagues on the Senate floor last year before the law was passed. Senator Dole said:

"Spectrum is just as much a national resource as our nation's forests. That means it belongs to every American equally. No more, no less. If someone wants to use our resources, then we should be fairly compensated."

Last month, former Senator Dole wrote in the *New York Times:* "We don't give away trees to newspaper publishers. Why should we give away more airwaves to broadcasters?" Senator Dole wants broadcasters to pay for spectrum, just like everybody else. Why should we give away a national resource that could be worth as much as $70 billion?

Senator John McCain, Republican Chairman of the Senate Commerce Committee, said the spectrum is "the most valuable asset that I know of in America today. Perhaps in the world today." Congress, however, rejected that advice, and decided to give the spectrum away for free. The Federal Communications Commission began to award digital spectrum assignments to broadcasters on April 3rd. However, under the law, including recent emphasis in the 1996 Telecommunications Act, the FCC made it plain that those receiving digital channels are obligated to serve the public interest. So the question before us is this: What should be the public interest obligations of digital broadcasters?

On March 11, President Clinton announced that he will soon appoint a Presidential Commission to advise him, the Congress, and the Federal Communications Commission on this question. Should broadcasters have specific public-service obligations in return for their use of a big slice of the publicly owned spectrum—property now known to be worth many billions of dollars?

I have been deeply involved in these issues for many years. In 1969, I served as chairman of a bi-partisan Commission for the Twentieth Century Fund on Campaign Costs in the Electronic Era. Over the decades, I have testified in Congress many times on these issues, and written extensively on them.

Based on that experience, I suggest the time has come to do some thinking outside the box, outside conventional approaches, and outside the Beltway.

We can begin by examining the British system of using broadcasting in political campaigns in the public interest. The British system is simple and direct. Political parties are granted, by law, free time on radio and television in the three or four week period before the election. The parties have complete freedom to make their cases; smaller parties receive time on an equitable basis. This year, for the first time, there will also be debates between the leaders of the political parties. There is no sale or purchase of broadcast time—no money is involved. The campaign is mercifully short, and the voters are well informed. Indeed, because the campaign programs are simulcast on all channels, there is ample political discussion for the voters.

We should connect the dots: digital television and public interest. We should condition the awarding of digital broadcast licenses on a broadcaster's commitment to provide free time and not sell time.

People who understand television well—and make their living from it—like this idea. Don Hewitt (producer of 60 Minutes on CBS) and Reuven Frank (former President of NBC News) advocate an end to buying and selling political commercials. Barry Diller (formerly of ABC and Fox Television) favors specified free time for candidates during campaigns as part of campaign reform.

There are, of course, many other important policy questions about free time. I have addressed Presidential elections only, not Congressional elections, not primaries, not state and local elections. This is to focus our analysis on the basic principle: No citizen has a constitutional right to buy or sell our natural resources—land, minerals, water, trees or broadcast spectrum—without Congressional approval. Just as Congress has the authority to clean up our natural environment, it has the authority under our Constitution to clean up the current political broadcasting mess we have inflicted on our republic. Once that principle is established, we can analyze and debate many other vital questions about how to apply that fundamental concept fairly to our political process.

What about the First Amendment? The First Amendment is the highest value and treasure in our life. As Judge Learned Hand said so well, "We have staked upon it our all."

First, there is the issue of whether Congress can constitutionally require broadcasters to give free time contemplated by this approach. In resolving that issue, let us listen again to Senator McCain—a courageous man who suffered four years of torture as a war prisoner in Vietnam—four years to reflect on democracy and freedom. Here's Senator McCain:

"Let me go back to the First Amendment thing. What the broadcasters fail to see, in my view, is that they agree to act in the public interest when they use an asset that is owned by the American public. That's what makes them different from a newspaper or a magazine. I have never been one who believes in government intervention, but I also believe you that when you agree to act in the public interest—and no one forced them to do that—you are then obligated to carry out some of those obligations. . . . If I want to start a newspaper, I buy a printing press and [get] a bunch of people and we start selling newspapers on the street. If I want to start a television station, I've got to get a broadcasting license. And that broadcasting license entails my use of something that's owned by the American public. So I reject the thesis that the broadcasters have no obligation. And if you believe that there is no obligation, then they shouldn't sign the statement that says they agree to act in the public interest. Don't sign it, OK?"

Senator McCain has accurately described the public trustee concept for broadcasting, found to be constitutional by the Supreme Court repeatedly, in 1943, 1969, 1993, and again on March 31 this year. Indeed, the issue here is not free time, but the voters' time. Professor Cass Sunstein, the distinguished and respected First Amendment scholar at the University of Chicago Law School, writes: "Requiring free air time for candidates, given constitutional history and aspirations, is fully consistent with the basic goals of the First Amendment. The free speech principle is, above all, about democratic self-government."

Then there is the second issue. Could Congress at the same time lawfully say to the candidates, "You have been given a generous, free opportunity to reach the electorate over the most powerful medium, broadcasting, to say, without interference, whatever you want. As a condition of accepting that offer, you will not buy further time on this medium. For experience has shown that with such purchases comes the drive to raise great sums of money, with all its abuses and detriments to sound governance."

I believe Congress could do these things, and that they would be constitutional because, in the current language of the Supreme Court, such a law would be "content neutral." As Justice Stevens emphasized, as long as the law does not regulate the content of speech rather than the structure of the market, the law is consistent with the First Amendment. I believe Congress could go even further and constitutionally prohibit broadcasters from selling time for political purposes. Congress has already passed the Equal Time law and a law guaranteeing candidates the right to buy time at the broadcasters' lowest rate. Both have been held constitutional by the courts. Banning cigarette commercials on television has been held constitutional in light of the danger to health and broadcasters' public interest obligations. Congress should debate whether our current system of buying and selling broadcast time is a grave danger to our national

health. I would happily see these reforms tested at the Supreme Court.

Three years from now, we will have entered a new millennium and a new presidential campaign season. By then, we will also be into the era of new digital television. Almost fifty years ago, E.B. White saw a flickering, experimental television demonstration and wrote, "We shall stand or fall by television—of that I am sure . . . I believe television is going to be the test of the modern world, and that in this new opportunity to see beyond the range of our vision, we shall discover either a new and unbearable disturbance to the general peace, or a saving radiance in the sky."

Instead of a saving radiance in the sky, we now have a colossal irony. Politicians sell access to something *we* own: the government. Broadcasters sell access something *we* own: the public airways. Both do so, they tell us, in our name. By creating this system of selling and buying access, we have a campaign system that makes good people do bad things and bad people do worse things, a system that we do not want, that corrupts and trivializes public discourse, and that we have the power and the duty—a last chance—to change.

Will we change? I leave you with a story President Kennedy told a week before he was killed. The story was about French Marshal Louis Lyautey, who walked one morning through his garden with his gardener. He stopped at a certain point and asked the gardener to plant a tree there the next morning. The gardener said, "But the tree will not bloom for one hundred years!" The Marshal looked at the gardener and replied, "in that case, you had better plant it this afternoon."

READ IT AND HEED IT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SOLOMON. Mr. Speaker, the parallels between Watergate and Whitewater are ominous.

As a recent Wall Street Journal editorial warns us, the words "obstruction of justice" are now looming on the Whitewater horizon. It was that offense, that abuse of the power of the Presidency, that brought down Richard Nixon.

The same editorial notes that the Whitewater scandal is now much more advanced than Watergate was when President Nixon was re-elected in the 1972 landslide. And so it is.

When the words "obstruction of justice" are used, can the word "impeachment" be far behind? I take no pleasure in contemplating such a step, Mr. Speaker, but feel dutybound to place the Wall Street Journal editorial in the RECORD, and urge all Members to read it and heed it.

WHITEWATER AND WATERGATE

"Obstruction of justice," the term Independent Counsel Kenneth Starr invoked in extending the Whitewater grand jury in Little Rock, resonates with themes from the Watergate epic a generation ago. When the House Judiciary Committee voted up the bill of impeachment that led to Richard Nixon's resignation, count one was obstruction.

Watergate was not about a two-bit burglary, that is, but about the abuse of the powers of the Presidency. The committee charged that the President, "in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice." Seeking to cover up the initial misdeed, President Nixon and his highest aides dug themselves ever deeper into a legal morass that led the President to disgrace and the aides to jail. The final "smoking gun" tape recorded the President issuing instructions to induce the CIA to get the FBI to call off its investigation of the burglary by claiming bogus national security concerns. With this revelation, the President's last support vanished and he left office.

Mr. Starr's filings this week ring similar chords, talking of "extensive evidence of possible obstruction of the administration of justice," of resistance to subpoenas, of "grand jury litigation under seal" over privileges and documents, of *in camera* citations to the court. It called for further investigation of "perjury, obstruction of the administration of justice, concealment and destruction of evidence, and intimidation of witnesses."

These parallels are all the more ironic because Hillary Rodham Clinton served on the legal staff of the Watergate Committee. Former White House Counsel Bernard Nussbaum also worked for the House Watergate Committee, while on the minority counsel to the Senate investigation was Senator Fred Thompson, now heading the Senate inquiry into the Clinton campaign contributions scandal.

Rep. Bob Barr makes some sport at Mrs. Clinton's expense alongside by citing the 1974 staff memo on grounds for impeachment. The Georgia Republican has written Judiciary Chairman Henry Hyde to officially request the start of an impeachment inquiry. Rep. Hyde has said he's started staff studies "just staying ahead of the curve" and not for serious action "unless we have what really amounts to a smoking gun."

Rep. Barr, a former U.S. Attorney, makes the legal case that in Whitewater and the campaign funds scandal we are dealing with potential impeachment material. Even as a legal case, or course, there remains no small matter of proof. Were the payments to Webb Hubble really hush money, for example, and were the Rose Law Firm billing records intentionally withheld while under subpoena? And to what extent was Bill Clinton personally involved—in Watergate phraseology, "what did the President know and when did he know it?"

While Mr. Starr is obviously digging in these fields, we have no reason to believe he's reached the mother lode. The Watergate impeachment case, after all, was built on the testimony of John Dean, Mr. Nixon's White House Counsel. Even then, it had to be cinched by tape recordings. Mr. Starr can't even get the cooperation of Susan McDougal. The Arkansas Democrat-Gazette, recently on an anti-Clinton roll, cites Webb Hubbell's Camp David visit while editorializing, "If only Richard Nixon had been less stiff, he might still be jollying John Dean into silence—and Watergate would have stayed the name of another Washington apartment complex."

Writing recently in The New York Times, Watergate survivor Leonard Garment also remarked that President Clinton "seems infinitely elastic, positive and resilient." By contrast President Nixon's morose defensiveness was shaped by his "prize collection of emotional scars" from the Alger Hiss case. Even more important "Mr. Clinton has not been a central participant and target in a debate as polarizing as the conflict over the Vietnam War." President Nixon's resignation, and the impeachment of President Andrew Johnson, came at already impassioned turns in the nation's history. Today's mixture of contentment and cynicism insulates a President from scandal.

In a recent Watergate symposium, Mr. Garment also made the point that we should not expect Presidents to have normal personalities. "The presidential gene," he said, "is filled with sociopathic qualities—brilliant, erratic, lying, cheating, expert at mendacity, generous, loony, driven by a sense of mission. A very unusual person. Nixon was one of the strangest of this strange group."

No President is likely to meet the clinical definition of a sociopath; what psychiatrists call an "anti-social personality," a complete obliviousness to the normal rules of society, is evident in early adolescence and will lead to jail rather than high office. Sociopaths, the textbooks tell us, are seemingly intelligent and typically charming, though not good at sustaining personal or sexual relationships. They lie remarkably well, feel no guilt or remorse, and are skillful at blaming their problems on others. A most striking feature is, as one text puts it, "He often demonstrates a lack of anxiety or tension that can be grossly incongruous with the situation."

Childhood symptoms are essential to this clinical diagnosis, and Bill Clinton's experience in Hope and Hot Springs, while troubled, supports no such speculation. Yet clearly he has "the presidential gene," perhaps even more so than Richard Nixon. And this catalog of traits is ideally suited to, say, finding some way to overcome seemingly impossible election odds, or withstanding the onslaught of scandal. As Mr. Garment summarizes the present outlook, "The country is in for a year or more of dizzy, distracting prime-time scandal politics. But I wouldn't hold my breath waiting for the ultimate political cataclysm."

While we take this as the most likely outcome, our judgment is that in fact Mr. Clinton is guilty of essentially the same things over which Mr. Nixon was hounded from office—abusing his office to cover up criminal activity by himself and his accomplices, and misleading the public with a campaign of lies about it. From the first days of his Administration, with the firing of all sitting U.S. Attorneys and Webb Hubbell's intervention in a corruption trial, we have seen a succession of efforts to subvert the administration of justice. The head of the FBI was fired, and days afterward a high official died of a gunshot wound, and the investigation ended without crime scene photos or autopsy X-rays. Honorable Democrats like Phillip Heymann have fled the Justice Department, leaving it today nearly vacant; White House Counsel have committed serial resignation. Yet Mr. Clinton remains President and still commands respect in the polls. Handled with enough audacity, it seems, the Presidency is a powerful office after all.

There is even a school of thought, implicit in talk about "more important" work for the nation, that the coverup should succeed. Yet as we look back on Watergate, the nation went through a highly beneficial, even necessary learning experience. Whitewater carries a similar stake, simply put: learning how our government operates, whether laws are being faithfully executed. With sunshine, citizens can make their own judgments, and have plenty of opportunity to express them, starting with the 1998 mid-term elections.

But it is essential that the investigators—Mr. Starr, the FBI, Senator Thompson, Rep. Dan Burton and newly vigilant members of the press—get moral support against the deterrent attacks to which they've uniformly been subjected.

Whitewater did not prevent Mr. Clinton's re-election, though the scandal was much more advanced than Watergate was during Mr. Nixon's 1972 landslide. When President Nixon left we wrote that he had so severely damaged his own credibility he could no longer govern. We do not know how Whitewater will finally end, but we are starting to wonder whether we ultimately understood Watergate.

LET LEBANON BE LEBANON: GIVE BACK ITS TERRITORIAL INTEGRITY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. RAHALL. Mr. Speaker, as I did in the 104th Congress, I rise again today to introduce a House concurrent resolution expressing the sense of the Congress regarding the territorial integrity, unity, sovereignty, and full independence of Lebanon.

You may ask what that means, and you may ask why it is prudent or necessary to introduce such a resolution once again. I will tell you.

As a Lebanese-American Member of Congress, I am aware of recent events in the Middle East which may have slowed the peace process there to a point where it can no longer be revived. I have seen resolutions introduced in the House calling upon Syria to get its armed forces out of Lebanon—as though Syria is the only occupying force that needs to get itself out of Lebanon; as though Syria is to blame for every single averse thing that has happened to Lebanon in recent years.

Mr. Speaker, Syria is no angel—but Syria isn't the only problem Lebanon has, or that the Middle East has, for that matter. We all know that to be true.

I visited Lebanon recently, as well as a number of other nation-states in the gulf and Middle East region, and I was amazed at the consistency of their belief that we may have seen the end of the Middle East peace talks. They are gravely disappointed over the Israeli Prime Minister's provocative act to start building settlements in Har Homa, and the fact that the United States vetoed two United Nations Security Council resolutions condemning that provocative act.

The leaders I met with nearly unanimously stated that the United States has lost sight of its role as an honest broker in the Middle East peace talks, have lost sight of the fact that the Arab States are friends of the United States. They said their patience was being worn very thin.

The biggest problem, as always, appears to be that everyone views Lebanon as some kind of bargaining chip, or pawn, to be used by Israel and Syria, and then anyone else who seem to have an ax to grind in the region. It doesn't necessarily mean the ax to grind has anything to do with Lebanon directly, it is just that Lebanon sits directly in the path of Israel and Syria and so axes are ground at Lebanon's expense.

The last major episode of ax-grinding in Lebanon was called Operation Grapes of Wrath. And the axes were turned into shells and rockets and so-called precision weaponry that allegedly could penetrate buildings in the middle of the city of Beirut and search out a floor with a window that supposedly was concealing Hizbollah, without harming the innocent mothers and children also living in that building. But the precision weapons turned out not to be so precise, and more than 100 Lebanese civilians were killed, 400,000 were displaced and many left homeless, injured, and suffering.

This resolution is for Lebanon and about Lebanon. It isn't about Israel or Syria—except that all non-Lebanese forces are asked to get out of Lebanon. It is an idea whose time has come.

Another idea whose time has come is that the United States Government—the Congress—the President of the United States—need to reformulate their policy toward Lebanon and they need to reaffirm their support for a country that has long been friendly toward the United States.

Not only do they need to reformulate a policy, the policy needs to be implemented.

Lebanon has a Government, and it has an army, and it is rebuilding and it is getting stronger and more secure every day. It is time that the United States Government began looking at and considering Lebanon as the master of its own house—the captain of its own ship—and understand that the United States Government should negotiate directly with Lebanon's Government on issues concerning Lebanon and its future.

There is no need for the President, the Congress, or anyone else to look toward Syria to the north, or toward Israel in the south—as neither has a right to decide Lebanon's future.

As a matter of fact, our Government needs to look backwards 18 years ago—and recall the United Nations Security Council's Resolution 425 which calls for the withdrawal forthwith of Israeli forces from Lebanon and for which the United States representative to the U.N. voted.

The Taif agreement regarding Syria did not go far enough because it did not call for withdrawal. It did call for a redeployment of Syrian forces to the entrance of the Bekaa Valley and the disarmament of all militia in Lebanon, both of which Syria has ignored.

And so, Mr. Speaker, I introduce this concurrent resolution, again. The resolution has changed somewhat from the one introduced in the last Congress. It commends the President for hosting the "Friends of Lebanon" conference this past December, and urges him to take further steps to assist Lebanon's reconstruction.

By this resolution I and my colleagues who cosponsor with me call for the withdrawal of all non-Lebanese forces from Lebanon so that she will no longer serve as the preferred battleground for her neighbors.

It tells the President that he need not wait upon the reconvening of the official Middle East peace talks, or the finalization of a comprehensive peace accord with all nation states in the region—to help Lebanon get non-Lebanese forces out of Lebanon.

The resolution calls upon the President to negotiate directly with officials of the Government of Lebanon on issues pertaining to Lebanon. To negotiate directly means just that—without any middlemen.

In closing Mr. Speaker, I submit this resolution to the House, calling also upon Lebanon to assert more independence to assure the international community that Lebanon has the political will and the military capability to guarantee security along her borders, for herself and her neighbors, and to disarm all militia upon the withdrawal of all non-Lebanese forces from Lebanon.

This new Lebanon resolution also commends the Lebanese Government for its determination to hold municipal elections for the first time since 1963, and finally, Mr. Speaker, the resolution calls upon Lebanon, with democracy being a part of its national character, to respect freedom of the press, human rights, judicial due process, political freedom, the right of association and freedom of assembly.

It is my genuine hope that the President will use the guidelines set forth in this resolution to formulate a new United States policy toward Lebanon, and let Lebanon be Lebanon.

THE SUCCESS OF ANGEL CHARITY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. KOLBE. Mr. Speaker, our forebearers believed it was their duty to work together for the common good so that each might have the opportunity to enjoy the full fruits of liberty. Tucson's own Angel Charity for Children epitomizes that commitment to the principle of personal compassion that has made America great. Truly, there can be no greater reward than the satisfaction that comes from helping our neighbors in need to help themselves.

For 15 years, Angel Charity volunteers have identified and met the critical needs of children, and their families, in our community. Goodness knows there has been no shortage of worthwhile projects that have needed Angel Charity's support. To this charity's credit, it has purposefully sought out a different organization each year for which to raise funds.

And Angel Charity's gifts keep on giving. By concentrating on brick-and-mortar projects, the organization has enabled beneficiaries to concentrate their resources on programs that meet the physical, emotional, and developmental needs of children. The increased public exposure each beneficiary receives through association with Angel Charity is incalculable.

The fact that Angel Charity has raised more than $9 million to date for Tucson's children is truly astounding. Their success is testimony to the truth that those who give freely are twice blessed.

TRIBUTE TO JOHN SENESKY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention John Senesky of Belleville, NJ, in honor of his outstanding achievements in football.

A resident of Belleville since 1958, John was a star football player at Belleville High School, from which he graduated in 1964. In 1968, after graduating from Montclair State College, John became a coach for the Belleville High School football team. Eventually he became the head varsity football coach, and he has held that position for more than 20 seasons.

John has coached nine Belleville teams to championship records, and has coached four teams to the State playoffs—1979, 1980, 1982, and 1984. One of his proudest moments came when he coached the 1980 team to the State finals against West Essex at Giants Stadium. The Buccaneers beat Morris Knolls in the sectional semifinals the same year by a score of 14–7.

John has nurtured many young athletes, specifically numerous All-County and All-State players. The most notable was Dave Grant, who later went on to play football for the University of West Virginia, the Cincinnati Bengals, and the Green Bay Packers. He was a major contributor in leading the Bengals to Super Bowl XXIII in 1989.

Today, John remains actively involved with the Fellowship of Christian Athletes [FCA], providing many Belleville football players and township youth with positive insights.

John is happily married to his wife, Carmela, and the couple have two sons: Daniel, 27, who is married to the former Lorraine Narvett, and Michael, 25.

Mr. Speaker, I ask that you join me, our colleagues, John's family and friends, and the township of Belleville in recognizing the outstanding and invaluable service to the community of John Senesky.

BROOKLYN DODGERS FAN CLUB HAILS JACKIE ROBINSON

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SCHUMER. Mr. Speaker, I recently joined all of my colleagues from Brooklyn to introduce legislation that will salute the historic achievements of Jackie Robinson by awarding him a congressional medal of honor. As you know, this year marks the 50th anniversary of Robinson breaking baseball's color barrier. I believe that the following statement made by Dr. Ronald L. Gabriel, founder and president of the Brooklyn Dodgers Fan Club, provides a fitting testimonial to the achievements of one of America's true heroes:

This month we celebrate the 50th anniversary of what may well be the most underrecognized achievement in this Nation's history. It occurred at Ebbets Field in Brooklyn, on April 15, 1947. Jackie Robinson, carefully selected by Brooklyn Dodgers President Branch Rickey to become this social pioneer, broke baseball's color barrier.

And what he did, and how he did it, would impact millions of lives—individually and collectively—throughout our society. For challenging the caste system in baseball compelled millions of decent Americans to confront the reality of racial prejudice heretofore ignored. Yes, the consequences of what Robinson and Rickey achieved spread far beyond baseball, beyond sports, and beyond politics—going to the very core and substance of our culture.

Baseball had been called the national pastime for decades—but until Jack Roosevelt Robinson came along, it was not truly a national game. In 1947, the entire borough of Brooklyn was to play a part in this unfolding drama. Or, as Roger Kahn said "up to then, everything was white, and only the grass was green."

Much like Dr. Martin Luther King, Jr., Jackie Robinson also had a dream—and he expressed it so eloquently in his final public appearance at the 1972 World Series—namely, that one day minorities will stand side by side, along with whites, not only on the playing fields of America, but also on the third base coaching lines, in the managerial ranks, and even among the executives and ownership of our biggest and most productive organizations.

So let us here, highly resolve, that Jack Roosevelt Robinson did not live or die in vain—and that his dream shall be carried out throughout our great Nation—because it is right.

I urge my colleagues to commemorate the achievements of Jackie Robinson by cosponsoring H.R. 1335 to support the award of a Congressional Gold Medal in his honor.

THANK YOU, RICHARD W. CARLSON

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PORTER. Mr. Speaker, public broadcasting recently learned that it will lose one of its ablest and most effective leaders—Richard W. Carlson, the president and CEO of the Corporation for Public Broadcasting [CPB].

Mr. Carlson, who also has served our country as an ambassador and as director of the Voice of America, has informed the CPB board of directors that he will resign no later than June 30 to pursue other interests.

Although he only intended to stay at the helm of CPB for 3 years, he has wound up staying for 5. In my judgment, his extended tenure has been to public broadcasting's great benefit.

Since 1992, Richard Carlson has represented public broadcasting's interests with considerable skill and evenhandedness. He has been articulate and straightforward in his dealings with members on both sides of the aisle. And while he has been a forceful advocate for CPB and the work it does, he also has distinguished himself by being a voice of moderation and common sense when dealing with some complex and, at times, rather emotional issues.

In a time of budget constraints and reduced Federal funding for many programs, Richard Carlson has spoken candidly to his own constituents, the stations, about the pressing need for consolidation, greater efficiencies and new sources of revenue that will help reduce the system's dependence on annual appropriations for the Congress. He deserves credit for his candor and leadership in delivering that tough message to public broadcasting stations.

I would like to thank Dick Carlson for his service to public broadcasting. I wish him well and I know that he will be missed.

THE RESOUNDING VOICE OF CHARLIE HAYES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. OWENS. Mr. Speaker, a few weeks ago we paid tribute to our recently deceased colleague, Representative Charlie Hayes. I spoke at that time about Charlie's congressional history. He was not merely an advocate for workers and organized labor; Charlie was a worker who rose through the ranks to become a powerful union leader. As a young organizer he placed his life on the line many times. As a Congressman Charlie gave his soul and his voice to the cause of working families in every possible way. His booming voice on the floor of the House was more than merely symbolic. Charlie Hayes' call for "Regular Order" was also a call for justice for workers.

REGULAR ORDER!

Regular Order
Is loudly proclaimed
Within heaven's sacred border
Charlie Hayes has gone home
Not even the highest celestial dome
Can smother his big bold voice
No choice is left for management
Charlie will organize the angels
A new prize will be the union shop
By order of the Boss on Top
Charlie's work will be certified
Recognition granted to all who died
In the hell of the sweatshop world
To honor our tough holy hero
Let union flags unfurl
In vain desperate workers
Seek to summon him with pages
Congressman Hayes now rests
In the womb of the ages
Listen within heaven's border
Hear the commanding bass
Boom out the workers' demand for
REGULAR ORDER!

NO ONE EVER SAYS WE DON'T HAVE MONEY FOR NATIONAL DEFENSE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. FARR. Mr. Speaker, yesterday I hosted a reception for the exhibition "A Matriot's Dream: Health Care For All". It is a collection

of photographs and poetry that combine to educate the viewer on the plight of those who do not have access to health care.

I was honored to be able to help bring this exhibition to Congress. Unfortunately, most Members were not in D.C. at that time and many staff did not stay for the reception. Thankfully, though, it will remain in D.C. for the entire month of May. I highly recommend all my colleagues make an effort to see the exhibition. This is a moving exhibition that I believe will serve only to increase everyone's desire to help those without health care. I believe it makes a compelling case for universal health care, even to the most dogged opponents.

The photographer, Kira Carrillo Corser, quit her job at PBS more than six years ago to start her own photography business. Having been healthy all her life, she decided to wait a year before getting health care, which was going to cost her more than five times what she was paying while at PBS. Murphy's Law, six months later she found out that she had ovarian cancer. At that point, no insurance company would take her as a client because she had a "pre-existing condition". Only through the assistance of friends and family was she able to get the treatment necessary to survive the cancer.

Kira and her colleague, Frances Payne Adler, had worked together on past exhibits before and decided to focus on the necessity for universal access to health care.

A few of the photographs in the exhibit show Kira's struggle with the cancer and lack of health care coverage. The other photographs are a graphic representation of the plight of others who are living without health care.

The poet, Frances Payne Adler, developed the following definition for "matriot" which she chose for the title of her poem and the name of the exhibition. Matriot: 1) One who loves his/her country; 2) One who loves and protects the people of his or her country; 3) One who perceives national defense as health, education, and shelter of all people in his or her country.

I am inserting the signature poem for the exhibition:

MATRIOT

(By Helen Vandevere, born 1904)

There's not much that's important at my age except making the world a better place.
What would *I* do?
I say we damn well better get out on the streets again.
Everyone has to put their hand to the wheel and get out and get off their butt like in the sixties. We had compassion then, and we've lost it. It breaks my heart.
I've lived through two depressions. Two of them. Everyone at that time was just sick about the way things were, just like now, only it's worse
I see everything falling apart—
People, starving on the streets.
children, beaten in their homes.
Sick people without health care.
Imagine this, in a country that spends so much on the war machine.
I'd spend the money on health instead.
I'd see that children are born healthy and make sure they stayed that way.
All children no matter what age.
I'd clean the air, the water. I'd take away all that polluting shit they put on vegetables.
I'd promote the use of sun, sea, and wind for natural energy. I'd save the forests, especially the redwoods. I'd ban firearms.
I'd take away every nuclear device man to man.
No more wars, ever. Now we're talking health.
How are we going to pay for all this?
No one ever says we don't have enough money to go to war. No one ever says we don't have money for national defense.
This is national defense.

For those of you who wish to see the exhibit from your home or office, it is available on line at http://www.monterey.edu/events/matriot

TRIBUTE TO THOMAS S. BELLAVIA, M.D.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Dr. Thomas S. Bellavia who is being honored by the New Jersey State Opera for his support of the arts and their organization.

Thomas is a graduate of New York University and the University of Rome, where he earned his medical degree and holds teaching appointments at the University of Medicine and Dentistry of New Jersey, the Hackensack Medical Center. He is also an associate professor at Robert Wood Johnson Medical School.

Thomas attended the U.S. Army Field Medical School at Fort Sam Houston in 1968 and served as a major in the U.S. Army Medical Corps. An active member of the medical community, Thomas has been involved with numerous local, State, and national professional societies. He has served on the Governor's Committee on Cost Containment, as vice-chairman of the Medical Assistance Advisory Council to the State of New Jersey Board of Human Services, and as a member of the Department of Health and Human Service's Managed Care Task Force among other positions.

In addition to his distinguished professional achievements, Thomas has served as a jail physician at the Bergen County Jail and at the school and sports physician for Becton Regional High School, Rutherford High School, St. Joseph's School, and the New Jersey Sports and Exposition Authority. He has been the recipient of many awards including the Civilian Service Award from the Bergen County Policeman's Benevolent Association, the Humanitarian of the Year Award from the Boys Town of Italy, and Lo Stivale D'Oro. Thomas is also the founder and current president of the Italian-American Political Action Committee and has been awarded the Cavaliere delle Stato from the Italian Government in April 1995.

Mr. Speaker, I ask that you join me, our colleagues, and Thomas' family and friends, in recognizing the outstanding and invaluable service to the community of Dr. Thomas S. Bellavia.

HONORING SGT. LESTER R. STONE, JR.

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. HINCHEY. Mr. Speaker, I want to pay tribute today to a man who gave his life defending our Nation.

Sgt. Lester R. Stone, Jr., distinguished himself on March 3, 1969, while serving as squad leader of the 1st Platoon, Company B, 1st Battalion, 20th Infantry, 11th Infantry Brigade, 23d Infantry Division. On this date, the 1st Platoon as on a combat patrol mission just west of Landing Zone, when it came under intense automatic weapons and grenade fire from a well-concealed company-size force of North Vietnamese regulars.

Observing the platoon machinegunner fall critically wounded, Sergeant Stone rushed into the open area to the side of his injured comrade. Utilizing the machinegun, Sergeant Stone remained in the exposed area to provide cover fire for the wounded soldier who was being pulled to safety by another member of the platoon. With enemy fire impacting all around him, Sergeant Stone had a malfunction in the machinegun, preventing him from firing the weapon automatically. Displaying extraordinary courage under the most adverse conditions, Sergeant Stone repaired the weapon and continued to place on the enemy positions effective suppressive fire which enabled the rescue to be completed.

In a desperate attempt to overrun his position, an enemy force left its cover and charged Sergeant Stone. Disregarding the danger involved, Sergeant Stone rose to his knees and began placing intense fire on the enemy at point-blank range, killing six of the enemy before falling mortally wounded. His actions of unsurpassed valor were a source of inspiration to his entire unit, and he was responsible for saving the lives of a number of his fellow soldiers. His actions were in keeping with the highest traditions of the military profession and reflect great credit on him, his unit, and the U.S. Army.

To fully recognize Sergeant Stone's heroism and bravery, I would like to ask my colleagues to join me in asking the U.S. Department of Veterans Affairs to name the new veterans outpatient clinic at the Binghamton Psychiatric Center after Sergeant Stone. I can think of no more fitting or appropriate gesture to memorialize Sgt. Lester R. Stone, Jr., and his contributions to our Nation's freedom.

GIRL SCOUT GOLD AWARD

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SUNUNU. Mr. Speaker, today I would like to salute an outstanding group of young women who have been honored with the Girl Scout Gold Award by the Swift Water Girl Scout Council in Manchester, NH. Tracie Young, Gayle Willis, Danielle Sylvain, Kerry

Silva, Meghan Shuteran, Meredith Roman, Tracy Rockwell, Katrina Reneouf, Elizabeth Perry, Anne Perry, Emily Paquette, Syma Mirza, Theresa Lacroix, Aimee LeShane, Elizabeth Lenaghan, Michelle LaPlant, Patricia Haycock, Kierstn Harrow, Jaclyn Haley, Carrie Green, Aja Goldberg, Kerri Cobuccio, Jennifer Buonomano, Emily Bennison, and Lauren Williams-Barnard, are being honored on June 8, 1997, for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14–17, or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as have designed and implemented a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and is carried out through close cooperation between the candidate and an adult Girl Scout volunteer.

As members of the Swift Water Girl Scout Council, these young women began working toward the Girl Scout Gold Award in 1995. They completed their projects in the area of community service and leadership and I believe that they should receive the public recognition due to them for this significant service to their community and to their country.

TRIBUTE TO THE 14TH ANNUAL MANAGEMENT WEEK IN TEXAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. FROST. Mr. Speaker, I rise today to recognize the Lockheed Martin Fort Worth Management Association and to honor the members of the National Management Association who, during the week of June 2 to 7, 1997, will honor Texas managers and promote our American Competitive Enterprise System during the 14th annual Management Week in Texas.

Management Week in Texas is designed to recognize the profession of management and to appreciate the contribution and dedication the thousands of managers, in Texas, offer in support of the American free-enterprise system. Public recognition of management as a profession through Management Week in Texas helps to inspire young people to choose management as a career and encourages those with management responsibility to take pride in their work.

Management Week in Texas is a part of the national Management Week in America which has been held since 1978. Both the local and national management weeks are sponsored by members of the National Management Association, which is committed to upholding and promoting the ideals of solid, effective management in diverse areas of society.

I congratulate the Lockheed Martin Fort Worth Management Association for their work in honoring Management Week in Texas, and their commitment to continually improving management and business productivity throughout our State and Nation.

IN HONOR OF REV. THOMAS BOYD OF THE SALEM MISSIONARY BAPTIST CHURCH OF BROOKLYN, NY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SCHUMER. Mr. Speaker, it is with profound pleasure that I congratulate today an exemplary community and religious leader, Rev. Thomas Boyd of the Salem Missionary Baptist Church. He has devoted 50 years of his life to the church, 37 of those to the Salem Missionary Baptist Church alone.

Reverend Boyd has been an invaluable spiritual leader. he plays a vitally important role in the community to the many who over the years have come to depend on his warm heart and kind words. His dedication and service to the church is testament to what a commitment, in this case to the faith, requires of us all. His leadership is inspirational and extends well beyond the reaches of his congregation. As public servants we should draw from his example and strive to emulate this level of commitment.

I ask my colleagues to join me in extending a hearty congratulations to Reverend Boyd for his 50 years of religious service. And also to the Salem Missionary Baptist Church, for providing him a base from which to build a spiritual home for the people of Brooklyn.

TRIBUTE TO LOUIS R. MARCHESE

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. YATES. Mr. Speaker, on Sunday, February 9, 1997, Mr. Louis R. Marchese, 65, died at his home in Arlington Heights, IL. I rise today to pay tribute to this fine man.

A prominent lawyer in Illinois, with an extensive background in contract and distribution law, Lou was a senior partner with the Chicago law firm of Halfpenny, Hahn, Roche & Marchese. He was nationally recognized for his expertise in association law, antitrust law, contract law, trade regulation, employment law, product liability, interstate taxation, and government regulatory law. In addition to his significant legal contributions, Lou also lectured at the Executive Development Centers of the University of Illinois, Northwestern University, University of Maryland, and the University of Alabama at Birmingham. He is the author of several books and articles related to his legal work and experience, including: Partners for Profit, How to Meet the Union Organizer's Challenge, and Formalizing the Manufacturer/Wholesaler Relationship, to mention only a few.

In his younger days, he was greatly involved in the drafting of the 25th amendment to the Constitution of these United States. He was admitted to argue cases before the Supreme Court and he worked with a number of administration's on trade regulation, product liability, and Government regulatory law.

Lou was a member of the Chicago Bar Association, the American Trial Lawyers Association, and the legal section of the American Society of Association Executives and is only one of two individuals outside of the automotive field to be elected to the Automotive Hall of Fame. He received his law degree from the DePaul University School of Law in Chicago and was an Army veteran of the Korean war.

Of Lou's many, many accomplishment's, none were more important to him than his family and friends. Lou truly loved his family and friends. His sense of humor and commanding, yet reassuring, voice will be missed by all those whose lives he touched.

Mr. Speaker, it is my understanding that the reception line at his wake was out the door and that it continued that way throughout the day. The real tribute to Lou's life is that so many of his family, friends, and business associates waited in that never ending line to pay their respects and pass along condolences to Marge and the children.

His son, Steven, the fourth of five children, is my talented and effective legislative director. Lou and Marge took great price in the fact that they were able to help all five of their children graduate from college and begin their lives with a solid foundation of family, friends, and education.

Besides Steven, Lou is survived by his wife of 36 years, Margaret, or as he liked to call her, his "Margie Babe"; daughters, Anne Griffith (John), Mary Ellen Baker (Bob) and Meg Marchese; son, John (Julie); his mother, Anna; brother, Jerry; and six grandchildren, Hayden and Quinn (Baker), Emily and Claire (Griffith), and Joey and Jimmy (Marchese).

Lou and Marge practiced family values long before it became politically correct to do so. And I am proud to know Marge and honored to have known such an outstanding gentleman in Lou Marchese. The legal field lost one of its rarest jewels on Sunday. I want to take this opportunity to express my deepest sympathies to Marge and the children in their time of sorrow.

TRIBUTE TO RABBI GOLDMAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Rabbi Goldman of Temple Sharey Tefilo-Israel of South Orange, NJ.

Rabbi Goldman has been the rabbi of Temple Sharey Tefilo-Israel for more than 12 years. He received his doctorate of ministry from Colgate College and his doctorate of divinity from Hebrew Union College and has served as a rabbi since 1966.

Rabbi Goldman has always worked toward the fulfillment of his beliefs. An activist in the crusade for civil rights, Rabbi Goldman was imprisoned for his social activism as he marched side by side with the late Reverend Dr. Martin Luther King, Jr. He also made his mark as a speech writer, contributing inspired prose for both the late Senator Robert Kennedy and President Carter.

Beyond his oratory abilities, which he used both in government service and from the pulpit, Rabbi Goldman has a doctorate in family therapy and is a clinical member of the Association of Marriage and Family Therapists. He is also a member of the American Association of Sex Educators, Counselors and Therapists and a clinical member of the American Association of Hypnotherapists.

Rabbi Goldman has served on the executive board of the National Jewish Relations Advisory Council [NJRAC] and is a board member of the African-American/Jewish Coalition. He is a member of the BioEthics Committee at Beth Israel Hospital in Newark. On April 16, 1997, Rabbi Goldman will be a panelist for the Nationwide Bereavement Teleconference, hosted by Cokie Roberts. He originated and facilitates their HEAL—Handling Emotions After a Loss—group.

He is listed in Who's Who in Religion, the International Who's Who of Intellectuals, Who's Who in World Jewry, Who's Who in the World, and Who's Who in America. The rabbi is also listed in Community Leaders of America.

Rabbi Goldman is happily married to his wife Judi. Their children Harlan, Darren, and Jordan Heiber, and Joel, Karen, and Steve Goldman, Steve's wife, Dee Dee and their granddaughter, Sarah are all a source of pride and joy.

Mr. Speaker, I ask that you join me, our colleagues, Rabbi Goldman's family and friends, and the congregation of Temple Sharey Tefilo-Israel in recognizing the outstanding and invaluable service to the community of Rabbi Goldman.

IN RECOGNITION OF THE VOLUNTEERS OF NEWTON MEMORIAL HOSPITAL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to mark the celebration of National Service and Volunteer Week and to offer my special thanks to the volunteers of Newton Memorial Hospital in Newton, NJ. Thousands of people from all walks of life have shared both their expertise and compassion with patients and patients' families over the years. Volunteers who support and supplement the professional staffs are an integral part of the success of Newton Memorial Hospital. Their services are exceptional by any standard of measurement.

There are nearly 400 adult and junior volunteers working throughout the hospital, giving more than 52,000 hours of their time each year. These are impressive numbers for such a relatively small community. No price tag can be placed on their services. But at even the lowest estimate, their services would amount to more than $264,000 a year if these dedicated individuals had to be paid. Volunteers provide cheerful visits to patients, often bringing them reading materials or snacks. Volunteers staff the food, gift and thrift shops, help with patient charts, serve meals, assist in admitting and discharging patients and read and write letters to patients.

We should pause to recognize the invaluable contribution volunteers make to our hospitals, schools and other organizations throughout our communities. President Clinton said it well in his proclamation declaring National Service and Volunteer Week:

> Volunteerism is a vital force in American life, helping build a stronger sense of community and citizenship and engaging Americans to meet the obligations we all share. Whether tutoring children, mentoring teens, renovating housing, restoring public parks, responding to natural disasters, or caring for aging parents and grandparents, those who serve and volunteer strengthen our communities for America's future.
>
> Citizen service reflects one of the most basic convictions of our democracy: that we are all responsible for one another. It is a very American idea that we meet our challenges not through big government or as isolated individuals, but as members of a true community, with all of us working together.

We in Sussex County join with all Americans as we take pride in knowing our tradition of service is being preserved and expanded. As we recognize the devoted service of our Nation's citizens, we must continue to foster the spirit of volunteerism. Working together, we can respond to our shared problems and build a better future for the generations to come.

National Service and Volunteer Week is a time to celebrate the American spirit of service and volunteerism and a time to encourage citizens to use their individual talents to serve the common good. During this week and throughout the year, let us salute all of those here at Newton Memorial Hospital who devote their time, talents, and energy to improving our communities and servicing Sussex County.

COMMANDER IN CHIEF'S INSTALLATION EXCELLENCE AWARD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to join the U.S. Navy in commending Naval Station Ingleside, located on the Bay of Corpus Christi, TX, for recently being recognized as the Navy's best base and winning a Presidential tribute for that honor. NSI was chosen from 135 installations around the world for the Commander in Chief's Installation Excellence Award, and I am very proud.

This recognition is all the more impressive considering the distance this base has covered since its groundbreaking and its first days of operations in 1992. NSI was conceived, and building begun, during the waning years of the cold war in the mid 1980's. When operations began in 1992, the brand new state-of-the-art base had only 500 sailors and NSI was a prominent candidate for base closure, appearing on the base closure list in 1991 and 1993.

Since that time, the can-do spirit of the leadership at the base and the unwavering support of the south Texas community have led the Navy to consolidate its mine warfare mission at NSI, and no one has looked back since. By the end of 1996, NSI had more than 4,000 sailors with a payroll of $60 million, making it one of the fastest growing military posts in the Navy.

The advent of the Persian Gulf war in 1991 had a great deal to do with focusing the Navy's energies on ensuring that we were prepared to deal with shallow and deep water mines, much like the sort favored by Iraq's Saddam Hussein. By consolidating the mine warfare command in one location at NSI, the Navy saved money while expanding the program.

The Commander in Chief's Installation Excellence Award honors the command best accomplishing their mission, increasing productivity, and enhancing the quality of life for their force. Ingleside's outstanding efforts in innovation and imaginative leadership, retention of personnel, equal employment opportunity, community relations, energy conservation and pollution prevention were responsible for this award.

NSI's commander, Capt. Donald Peters, is a creative, dynamic leader. Captain Peters' philosophy of efficiency and innovation prompted him to streamline the base administrative staff. The move saved $2 million the first year Captain Peters put it in place, and $1.5 million the following year.

I offer all the men and women at Naval Station Ingleside my heartiest congratulations for their outstanding work, and I ask my colleagues to join me in commending NSI for a job well done.

HONORING ELIZABETH O'DONNELL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LAFALCE. Mr. Speaker, earlier today, I had the distinct pleasure of meeting with Elizabeth O'Donnell, a constituent from Kenmore, NY, and one of three national winners of the Sporting Goods Manufacturing Association Heroes Award. The prestigious honor is bestowed upon outstanding individuals who have demonstrated a humanitarian spirit and have made a unique and lasting contribution to athletics.

In 1976, Ms. O'Donnell founded the Skating Association for the Blind and Handicapped [SABAH]. Through Elizabeth's tireless efforts, thousands of blind, deaf, and physically and mentally challenged people in western New York have taken to the ice and learned to Skate. Indeed, SABAH currently has an enrollment of over 750 skaters a week, who are instructed by 30 volunteer teachers.

The skating lessons culminate in the annual SABAH Ice Show, featuring Elizabeth's students. The show has grown from a presentation for about 800 friends and supporters to

a performance attracting crowds of more than 10,000.

Through her teaching, Elizabeth has brought tremendous joy to thousands of participants, and through them, tens of thousands of family members and friends. Because of her commitment, Elizabeth was recognized by President Bush as one of the Nation's 580 "points of light" for attacking social problems through volunteer community service.

As a fellow resident of Kenmore, NY, I am proud to have among my neighbors Elizabeth O'Donnell. She is truly an inspiration to all of us. Mr. Speaker, I ask my colleagues to join me in congratulating Ms. O'Donnell on receiving this well-deserved award, and thanking her for her dedication to improving the lives of thousands of others.

MANNY GORDON HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an icon from my district in northeastern Pennsylvania, Mr. Manny Gordon. This month Manny will be honored by the board of the Pennsylvania State University Wilkes-Barre campus for his years of service to the community and the university. I am pleased to have been asked to participate in this tribute to Manny.

Mr. Speaker, Manny Gordon has had a long and distinguished career. His work protecting the environment is legendary in northeastern Pennsylvania. He served the State Bureau of forestry for 44 years, retiring nearly 20 years ago in 1979. For many of those years he was the district forester supervising more than 1.2 million acres of Pennsylvania's beautiful forest. His years of dedicated conservation and public relations won him many awards during his tenure. Included is the coveted Forester of the Year award from the Society of American Foresters, and the Merit of Honor from the Daughters of the American Revolution. He was also named a distinguished Pennsylvanian by the William Penn Chapter of the Philadelphia Chamber of Commerce.

Having served as an Army sergeant in Europe in World War II, Manny was in charge of 28 POW forester camps in Argonne and Ardennes France, and began his career in forestry. Following the war Manny served as the commander of Post 25 of the Veterans of Foreign Wars in Scranton PA.

Mr. Speaker, his years of service to northeaster Pennsylvania as a forester left Manny with a deep and abiding love of the environment. In the 20 years since his retirement, Manny has been highly regarded as an outdoors advocate and environmental champion.

Manny has had a very successful and distinguished career. Of all his achievements he is probably best know for his famous public service spots on radio and television highlighting Pennsylvania's great outdoors. His famous motto of "Enjoy, Enjoy" has brought the beauty of Pennsylvania's natural resources to thousands of people.

Mr. Speaker, I am pleased and proud to join with the board of directors of the Wilkes-Barre campus of Penn State University and the entire community by paying tribute to this beloved public figure, Mr. Manny Gordon.

THE 75TH ANNIVERSARY OF ST. MARY'S KNIGHTS OF COLUMBUS COUNCIL 2346

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of the 75th anniversary of St. Mary's Knights of Columbus Council 2346 of Nutley, NJ.

Founded in 1922, St. Mary's Council 2346 Knights of Columbus will be celebrating their 75th anniversary on Saturday, April 19, 1997. Under the leadership of Grand Knight Robert McDowall and Deputy Grand Knight Joseph French, the Nutley Knights currently have more than 365 members.

Each year the Knights sponsor several contests, among them being poster and essay contests, for Nutley schoolchildren, many of whom have gone on to win statewide awards. The Knights also sponsor a free-throw basketball contest and provide scholarship funds for deserving students.

Over the years, the Knights have become well known for their outstanding and invaluable service to the community which includes their participation in local blood bank drives and several charitable efforts. In the past few years, their canister drives to help retarded children have raised more than $10,000 a year to help local organizations such as special young adults and the JFK Boy Scout Troop 159. Also, the Knights have conducted a used clothing drive to aid the poor people of Appalachia, an event which has resulted in the shipping of several truckloads of clothing for these needy people.

Mr. Speaker, I ask that you join me, our colleagues, St. Mary's Knights of Columbus Council 2346, and the township of Nutley in celebrating the momentous occasion of the 75th anniversary of St. Mary's Knights of Columbus.

IN HONOR OF THE NEW YORK STATE NURSES ASSOCIATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SCHUMER. Mr. Speaker, I wish to pay tribute to the New York State Nurses Association [NYSNA] today as they begin celebrating Nurses' Week, May 5 through May 9, by way of a CONGRESSIONAL RECORD statement.

Nurses across America will be taking this time to educate the general public about the important roles nurses play in today's health care debate. In the battle to protect the high level of care and delivery of service we have enjoyed in this country, nurses are at the forefront. I commend them for having effectively become the patients' most outspoken and effective advocates as this debate rages on.

Let us rise today and honor these working men and women whom we have come to rely upon for the three C's: care, compassion, and courage, in our time of most need. A long awaited, deeply felt, and much deserved thank you.

DR. CAMILLE COSBY ON VIOLENCE

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Ms. WATERS. Mr. Speaker, violence is tearing apart the fabric of our society. It affects us collectively. But it affects many individuals, as well. Our challenge must be to eradicate violence from this Nation, and all its associated hardships for children, families, and communities.

Few people are not aware of the terrible tragedy which beset the family of Bill and Camille Cosby. Their son Ennis was tragically killed in a senseless act of violence earlier this year.

Dr. Camille Cosby made the following remarks, related to her experience at a ceremony which I attended recently, and which moved me greatly. I strongly urge my colleagues to read them and contemplate their meaning for us all.

Violence is not funny. Violence has been sensationalized and glorified in movies, television, radio and the print media. Violence is not entertainment. Violence is excessive proliferation of guns and illegal drugs. Violence is profit driven. Violence is greed. Violence feeds on low self-esteem.

Violence can evolve from repetitive, indecent, and crude racial, sexual, and religious distortions that can shape hateful attitudes about one another. Those images are seen, heard, and read by the world's people everyday. America, you and the world have lost the truth with few exceptions.

I am appealing to you, the public, to not support, with your dollars, any media or other entities which honor needless violence.

Thank you, thank you the world's people, for your thousands and thousands of letters of concern and prayers. My family and I are deeply appreciative that you have expressed respect and praise for our beautiful son, Ennis. And my dear essence family, I thank you for this prestigious award.

THE MARKET ACCESS PROGRAM IS NOT CORPORATE WELFARE

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. RIGGS. Mr. Speaker, I would like to take this opportunity to speak on a topic that is embroiled in heated rhetoric and misinformation.

Last week the Committee on Agriculture held a hearing to examine the effectiveness of agriculture export programs, including the Market Access Program [MAP].

This issue is once again in the public spotlight due to an "NBC Nightly News" piece broadcast last week, on their weekly "Fleecing of America" segment. Such attacks are part of an annual barrage of rhetoric and misinformation targeting one of the few public-private partnerships that works, and works well.

As you know, the congressional district I represent includes the Napa Valley, widely regarded as the prime growing region of the U.S. wine industry. The U.S. wine industry produces an award-winning, high-value product that competes with the best in the world.

However, the agriculture sector in the United States, and specifically wine, continues to face unfair trading practices by foreign competitors. Domestic agriculture industries must compete with lower wages and heavily subsidized industries in Europe, East Asia, and other emerging global regions. The European Union alone subsidizes its wine industry by over $2 billion.

Now there are colleagues of mine who label the MAP as just another form of corporate welfare. Nothing more could be further from the truth. The MAP is an invaluable resource for American agriculture to compete against massively subsidized foreign agriculture exports. What is more, it is a resource that allows America's small farmers to compete in highly restrictive foreign markets. In fact, the MAP is pro-trade, pro-growth, and pro-jobs.

Critics of the program continue to ignore the fact that in 1995, the Agriculture Subcommittee on Appropriations reformed the MAP to restrict branded promotions to trade associations, grower cooperatives, and small businesses. The primary emphasis of the MAP is toward the small family farmer. A sizable number of the so-called large corporations receiving MAP money are actually grower cooperatives.

The purpose of the MAP is to move high-value American grown agriculture products overseas, to knock down trade barriers, and to create and protect American jobs. A recent study by the University of Arizona showed that for every dollar of MAP funds spent overseas promoting American wine there was a return of $7.44.

What is more, the five largest wine recipients of MAP funds purchase 90 percent of their grapes from independent grape growers. In past years, of the approximately 101 wineries that received matching funds through the Market Access Program, approximately 89 of them were small businesses.

Oftentimes, the only way American wine can break into an overseas market is through the active promotion of labels such as Gallo, Robert Mondavi, and Kendall Jackson. Once realizing the superb quality of the product, the foreign consumer will then sample more obscure labels based upon their previous experience. This is a basic lesson in advertising and how an industry promotes its products.

In the world marketplace, competition is fierce. Every year, American jobs become more dependent on foreign trade. Efforts to dismantle our leading export promotion program are penny wise and pound foolish. To retreat in the international marketplace is shortsighted and counterintuitive. We must actively engage our trading partners and open up emerging markets to our agriculture goods.

Don't be fooled by the rhetoric. Do what is right for America and protect our jobs by supporting exports.

INTRODUCTION OF THE COMPUTER DONATION INCENTIVE ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Ms. ESHOO. Mr. Speaker, I rise today to introduce the Computer Donation Incentive Act, which would provide greater tax incentives for corporate donations of computers, software, and related training for educational purposes. Specifically, the legislation would give an enhanced tax deduction to companies for such donations to public elementary and secondary schools, libraries, recreational centers, and other governmental entities. It also would provide an enhanced tax break to nonprofit and government organizations that provide computer training to people with disabilities.

I am pleased to have worked closely with my colleague from Michigan, Representative DEBBIE STABENOW, in developing this initiative.

Bringing our classrooms into the 21st century is a tremendously expensive undertaking that cannot be accomplished by government alone. We need to encourage greater public-private partnerships for upgrading the technology in our schools to make them world class centers for excellence in education.

In Silicon Valley, private efforts, like Challenge 2000 and net day, have emerged because our high tech industry recognizes that a computer-literate work force is needed to keep companies competitive in the global market. And while some businesses have been donating computer hardware to schools for several years, they have only recently begun to recognize that teachers need to be trained to use that equipment if they hope to employ it properly in the classroom. The Computer Donation Incentive Act will go a long way to encourage more companies to invest in our schools, our people, and their own future success.

Under current law, computer donations from manufacturers to public schools qualify for a normal tax deduction worth the cost of making the equipment. At the same time, donations to private schools, colleges, and universities qualify for an enhanced tax deduction worth approximately the production cost of the equipment plus half of the profit that the manufacturer would have received if the equipment had been sold on the market.

The Computer Donation Incentive Act would make the enhanced tax deduction available for computer hardware and software donations to public K–12 schools, libraries, recreational centers, other government entities, and qualified organizations that provide computer training to people with disabilities. It would also offer the enhanced deduction to nonmanufacturers that make charitable computer contributions within 3 years of the date that computers are purchased. Further, companies could claim the enhanced tax deduction for donations of up to 8 hours of teacher training associated with hardware and software donations.

Other features of the legislation include: An enhanced tax deduction for computer contributions to nonprofit organizations that repair and refurbish equipment that is subsequently donated to public schools, other qualifying government organizations, and groups that provide computer training to people with disabilities; an enhanced tax deduction for donations of digital augmentative speech devices; a sense of Congress provision that one of the main purposes of the legislation is to encourage computer donations to schools serving low income communities; and a General Accounting Office study to be conducted before 1999 on the effectiveness of the legislation.

Mr. Speaker, I urge my colleagues to help encourage companies to make a positive difference in our public schools, libraries, and recreation centers by supporting the Computer Donation Incentive Act.

THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 82d anniversary of the Armenian genocide. On April 24, 1915, the people of Armenia were subjected to long-term, organized deprivation and relocation. Eighty-two years later, we mark this date to remember the beginning of this systematic elimination of Armenian civilians, which lasted for over 7 years. By 1923, 1.5 million Armenians had been massacred and 500,000 more deported.

Many Armenian-Americans reside in my congressional district, and each year they mark this date with solemn commemoration. It is a day to reflect on the loss of property, freedom and dignity of those Armenians who were deported or killed under the Ottoman empire. We honor their memory and vow that such deprivation will never happen again.

Mr. Speaker, we also mark this date to celebrate the contributions of millions of Armenians and the Armenian-Americans since that awful time. As we continue to strengthen our bonds with the Armenian people, we must continue to be vigilant about remaining a strong friend of Armenian democracy through United States foreign policy. The Clinton administration's recent decision to waive the Humanitarian Aid Corridor Act does not bode well for long-term stabilization in this region. It is important for those of us in the Congress to continue to speak out in favor of Armenian human rights and free trade.

I urge my colleagues to join me in commemorating this solemn anniversary.

TRIBUTE TO MAYOR DOUGLAS H. PALMER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Hon. Douglas H. Palmer, who on July 1, 1990, became the first African-American mayor of the city of Trenton, NJ.

Mayor Palmer was born on October 19, 1951, and was raised in his family home on Edgewood Avenue in Trenton. He attended the public schools of Trenton during his formative years and graduated from Bordentown Military Institute. Bordentown, NJ. Mayor Palmer then went on to graduate from Hampton University in Hampton, VA, where he received a bachelor of science degree in business management in 1973. While in college, he played football and baseball and was named to the all-conference baseball team in 1970, 1971, and 1972.

Since becoming mayor of Trenton, Mayor Palmer has made tremendous strides in rebuilding his beloved hometown, including implementing changes and improvements in every area of city government. He has orchestrated plans that have increased affordable housing, expanded recreational programs, improved health care—especially for the children, the elderly, and the poor—and created numerous economic development projects.

Mayor Palmer has also demonstrated leadership in the area of health care, including securing grant funding and luring the State's top medical school, the University of Medicine and Dentistry, NJ, to Trenton in order to start the State's first comprehensive drug treatment, research, and educational facility. He has also established Trenton Loves Children [TLC], the city's first comprehensive program for inner-city children that ensures all preschoolers will receive free immunization against childhood diseases.

Also Mayor Palmer has worked to bring the Family Development Program [FDP] to Trenton. This welfare program involves both the business and educational communities and seeks to provide complete individual job training, education, and placement assistance for welfare recipients. In its first year of operation, FDP has been extremely successful and is considered a model welfare reform initiative for the Nation.

Mayor Palmer's most prized accomplishment, however, must be making Trenton home to the country's first federally funded Weed and Seed antidrug program. Weed and Seed helps rebuild inner-city communities by weeding out drugs and other unlawful elements of crime-ridden areas and seeding in positive aspects of community life such as after-school safe haven sites for neighborhood children. The program has been called a model for the country and has attracted visits by such dignitaries as former Vice President Dan Quayle and former U.S. Attorney General William Barr.

Mr. Speaker, I ask that you join me, our colleagues, Mayor Palmer's family and friends, and the city of Trenton in recognizing the outstanding and invaluable service to the community of Mayor Douglas H. Palmer.

FAMILY SERVICES IMPROVEMENT ACT OF 1997

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. HOYER. Mr. Speaker, as a Member of the Appropriations Committee, I am particularly concerned that our tax dollars be spent efficiently and effectively. Congress has created hundreds of programs that help communities and families deal with numerous issues related to joblessness, homelessness, poor health, and education. We created each of these programs with its own rules and regulations to deal with specific problems. In some areas where local needs do not perfectly fit the problems covered by these programs, services for children and families are vastly inadequate. In other areas, services overlap and duplicate each other. Multiple programs may point multiple case workers toward a single family, but each individual case worker only handles one aspect of that family's needs. I believe the time is long overdue for Congress to deal with this problem. We must coordinate our categorical programs to provide more effective and efficient help to children and families.

Imagine a single mom who is trying to get off welfare. She gets up in the morning and helps her two children, ages 4 and 7, get ready for school. Together, they walk down the street to the bus stop. All three of them get on the bus together and go to school. Mom drops the 4-year-old off at Head Start, takes the 7-year-old to second grade, and goes down the hall to her own computer literacy and graduate equivalency degree classes.

When the family needs immunizations or health screenings, they can go to the school-based clinic. There is also a social services office at the school. The social services coordinator can help the family find housing, food, and health care. There is also a job placement coordinator down the hall to help mom find a job when she finishes her classes.

At the end of the day, the family goes home from school together. Mom cooks a meal she learned about in her nutrition course taught by the school nurse. She gives her children jobs in the kitchen recommended by the parent education coordinator.

The kinds like going to school. They know it's important, because mom goes to school, too. Mom talks to their teachers every day and knows if there is a problem in the classroom. If one of the kids is sick, mom is at school to take care of them. Instead of spending her day traveling from school to GED classes to computer training to social service office after social service office, mom can focus on her most important tasks: caring for her children and learning marketable skills so she can find a job and support her family.

Unfortunately, this model of coordinated, one-stop programs to help children and families move off of government assistance is rare. Last fall, I pretended that I was a welfare parent for a day. I needed help with child support enforcement, housing, school registration, child care, and heating my home through the winter. Even though caseworkers expedited my applications, I spent more than 2 hours driving across southern Maryland collecting several hundred pages of application forms.

Our service system is too disconnected. There are literally scores of different programs in separate parts of each community. Caseworkers spend far too much time dealing with redtape and paperwork, multiple eligibility criteria, application processes, and service requirements. These workers may not know about each other or talk to each other, even when they are helping the same families.

We have asked families to get back on their feet so they can take care of themselves and their children but our maze of Federal rules, regulations, and systems makes it more difficult for community programs to assist families in doing this. We must help these families help themselves by reinventing a system of coordinated, one-stop programs.

This is why I am reintroducing the Family Services Improvement Act. The bill takes important steps to correct these problems. It seeks to eliminate Federal redtape and unnecessary regulation. It will give local programs the flexibility they need to address local problems. It will create incentives for program coordination which will serve children and families better while making more efficient use of our resources. It will shift Federal attention to outcomes so we can make sure that we are getting real results for our taxpayer dollar. Our taxpayers, and our children, deserve nothing less.

INTRODUCTION OF THE HUD REVERSE MORTGAGE PROGRAM PROTECTION ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BROWN of California. Mr. Speaker, I rise today, along with five Members of the California Congressional Delegation, to introduce the HUD Reverse Mortgage Program Protection Act, a bill to prohibit the charging of unreasonable and excessive fees in connection with equity conversion mortgages for senior homeowners.

Many senior homeowners, especially in California, have recently been victimized by estate planning companies that charge thousands of dollars each for information about the Home Equity Conversion Mortgage administered by the Department of Housing and Urban Development [HUD]. Home equity conversion mortgages, commonly known as reverse mortgages, allow senior homeowners—62 and over—to turn their home equity into spendable cash without having to make monthly interest or principal payments. About 45,000 reverse mortgages have been closed in recent years, the bulk of them through the HUD Reverse Mortgage Program.

Senior homeowners interested in a reverse mortgage are asked to sign an agreement permitting the estate planning company to take 8 to 10 percent off the top of the lump-sum payment as its commission. The company who refers the senior to lender active in the HUD program can pocket an average of $5,000 to $8,000 for a referral. These fees are exorbitant, especially because most, if not all, of the services performed for the 8 to 10 percent fee are obtainable free or at a minimal cost from a HUD-approved nonprofit counseling entity.

Unfortunately, as a result of the full court lobbying initiated by the alleged estate planning company, a preliminary injunction has

been issued barring HUD from enforcing its directive to crack down on companies victimizing our Nation's senior homeowners. to reinforce HUD's existing authority to properly regulate the estate planning industry, my California colleagues and I are pleased to introduce the HUD Reverse Mortgage Program Protection Act.

Mr. Speaker, we should not allow senior homeowners to be robbed of thousands of dollars in an instant by smooth-talking scam artists. My legislation will reinforce HUD's existing authority to protect senior homeowners from being charged thousands of dollars for information about reverse mortgages they could get from the Government for free. For the purpose of consumer education, the bill has a provision to require HUD to launch a major effort to make more senior homeowners aware of the reverse mortgage program and increase public access to HUD-approved entities that provide counseling, information and referral services. The bill also has a provision that would allow HUD to continue its Reverse Mortgage Program beyond its scheduled expiration in the year 2000.

We should not tolerate those estate planning companies muggings of our parents and grandparents, who have made mortgage payments for decades. I urge my colleagues to join me in supporting the passage of this legislation to help protect senior homeowners from being charged excessive and unreasonable fees for reverse mortgage information available from the Government for free.

THE INTRODUCTION OF THE SINGLE STANDARD OF AVIATION SAFETY ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. MENENDEZ. Mr. Speaker, in the wake of a Department of Agriculture inspector general report which uncovered serious wrongdoing in the Forest Service leading to the deaths of 14 pilots, we must take action. This is a shocking and outrageous waste of life. I have introduced the Single Standard of Aviation Safety Act to get to the bottom of this scandal and root out these unsafe aviation practices.

It was only 2 years ago that the National Transportation Safety Board was given authority to investigate accidents involving "public use" aircraft like those used by the Forest Service. Prior to NTSB independent review many of these accidents were never properly investigated and may have been preventable. It appears there has been deliberate and methodical disregard for the safety of these pilots. It is time to shine a light on the practices of public agencies to insure safety. I am confident that a thorough airing of these highly unsafe practices will spell an end to blatant disregard for safety issues by any public agency.

The exemption for public aircraft is an unsafe relic of the past. There is no reason to allow public aircraft to operate under a lesser standard of safety than is required of the private sector—except cost. Cost is not a compelling reason to rationalize the loss of human life. We have lost physicians, firefighters, and most notoriously Secretary of Commerce Ron Brown in public aircraft which did not meet minimum FAA standards for safety. Accidents will happen with the many, difficult and dangerous tasks we ask our public servants to face. We should not ask anyone who must place themselves in harm's way to face the unforeseeable peril in the use of aircraft that do not represent the common standard of aviation safety. I know that public agencies are facing unprecedented budget reductions buy flying is an expensive undertaking and the temptation to cut corners has never been greater. We do not allow the private sector to take safety shortcuts. Public entities must respect the same standards in protecting their passengers. I urge prompt action on the Single Standard of Aviation Safety Act.

THE CRIMINAL SERVITUDE ACT OF 1997

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BUNNING. Mr. Speaker, I commend to my colleagues' attention a "bill" that was drafted by a high school advanced placement government class at Lloyd High School in Erlanger, KY in my congressional district. I ask that it be made part of the RECORD.

I know that the students worked hard on the "Criminal Servitude Act of 1997", and I think that their final "bill" mirrors the predominant attitude toward crime in our country today. In fact, several of their recommendations, including the elimination of amenities for prisoners and increasing the scrutiny of the whereabouts of released sex offenders, are issues that this body has debated on more than one occasion in recent years.

Promoting awareness of current events and civic involvement is one of the most important aspects of Members' responsibilities as public servants, and it always pleases me to see young Kentuckians wrestling with the issues of the day and trying to understand exactly how their Government works.

Again, I commend this "bill" to my colleagues. It is an example of what conscientious young people can do when they set their minds to a task.

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 "Criminal Servitude Act of 1997".

SEC. 2. PUBLIC HUMILIATION FOR CRIMES.

PART A

All local, national, and international media organizations/individuals may print, broadcast, etc., names and/or pictures of persons convicted of felonies or misdemeanors as a means of socially deterring crime through the use of "stigma".

PART B

All nonviolent[1] criminals (excluding those with physical disabilities) will spend an eight hour work day six days per week performing laborious community service for the duration of the term of the individual's incarceration. The exact nature of the tasks to be performed will be given at the time of the individual's sentencing. Prisoners will be exempt from work on designated holidays.

PART C

All violent criminals will spend eight hour work days six days per week performing extremely laborious community service for the duration of the term of the individual's incarceration. The exact nature of the tasks to be performed will be given at the time of the individual's sentencing. Prisoners will be exempt from work on designated holidays.

PART D

Prisoners will wear the orange prison garb with first and last names printed on the front and back of their uniform and will be forced to wear this during all community service hours.

PART E

Second time juvenile offenders will perform their second terms of community service in standard prision garb in accordance with Part D with the exception that their names will not be printed on their uniform.

PART F

Local and national TV networks will be given the opportunity and encouraged to air the results of city and national trials displaying mugshots and descriptions of offenders and crimes.

Subsection 1, to Part F. The presence of released or paroled sex offenders in a community will be a matter of public record and therefore subject to media scrutiny.

SEC. 3. CAPITOL PUNISHMENT.

This section hereby makes legal, but not mandatory, capitol punishment in all states.

SEC. 4. CONFINEMENT COMMODITIES.

The government of the United States will no longer provide funds for all those unnecessary commodities in jails, prisons, penitentiaries, etc. These commodities include air conditioning,[2] cable TV,[3] excessive recreation[4] and all other benefits that they would otherwise not be guaranteed, such as books, beds, toilettes, etc.

SEC. 5. APPEALS.

No more than three appeals may be made by any convicted person.

SEC. 6. TERMS.

Any person sentenced to serve time in a jail, prison, penitentiary, asylum, etc., must serve their entire sentence. There is no longer parole.

SEC. 7. DRUG OFFENDER.

Repeated users of any all drugs including household items and inhalant will undergo mandatory drug rehabilitation. The facilities in which the rehab will take place will be old jails and prisons. Unnecessary commodities will be forbidden as Section 4 states.

Appropriation for Section 7. If additional funds are needed, they will be deducted from confiscated drug moneys.

SEC. 8. THE INSANITY PLEA.

All those persons who plead guilty by means of insanity will be examined by two court appointed doctors of psychiatry.[5] If found guilty by insanity they will be sentenced according to their crime as if they had not been insane. However, instead of serving their sentence in jail, it will be served in an asylum. They will serve their entire sentence as Section 6 requires. If a person is "cured" of their insanity before their sentence is up they may exhaust their three appeals. If all three fail, they will have

to work for their asylum until the remainder of their sentence has been served. The "cured" will be paid minimum wages for their services.

[1] "Violent" includes child molestation, child neglect, child abuse, and the torture and starvation of all domestic animals.

[2] Fans will be provided.

[3] In some instances, i.e., maximum security prisons, TV altogether will not be funded.

[4] Excessive receration includes more than two of any basic piece of "free weight" machinery. All weightlifting machinery will not have "free weights" instead, all weight machines will be automated.

[5] Mandatory hours and/or cases will be necessary for all psychiatrists to earn and to maintain their practicing license.

DESIGNATING HANFORD REACH AS WILD & SCENIC

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. DICKS. Mr. Speaker, I am pleased to introduce legislation today to designate a portion of the Columbia River, known as the Hanford Reach, as a wild and scenic corridor. I am pleased to have several of my Northwest colleagues join me as original co-sponsors of this important legislation.

The area known as Hanford Reach is in critical need of protection through designation within the wild and scenic rivers system. First of all, Hanford Reach is a major spawning ground for Fall Chinook salmon within the main stem of the Columbia River, and as such is important to salmon recovery for the entire Columbia River system. The Reach's free flowing status provides excellent habitat for the Fall Chinook, as well as for runs of steelhead trout and sturgeon. As the Northwest continues to seek effective solutions for the immediate protection and restoration of wild salmon runs, the protection of Hanford Reach provides a meaningful and cost-effective contribution toward an overall long-term strategy for salmon habitat protection.

Hanford Reach must also be protected because of its abundance of other ecological and cultural treasures. The area proposed for wild and scenic designation also serves as habitat for bald eagles, wintering, and migrating waterfowl, deer, elk, and significant other wildlife. It also supports a variety of rare, threatened, and endangered plants and animals. This area of the Columbia River Basin also has significant religious and cultural significance to several Indian tribes, with more than 150 archeological sites identified along the Hanford Reach corridor, including some dating back as far as 10,000 years.

The Hanford Reach also contains the area known as the White Bluffs and adjacent shoreline areas that are an archeologically significant paleontological resource, and are rich with fossil remains from the Pliocene period. The unique cliffs of the White Bluffs provide dramatic scenery and rare habitat. Because of such historically and ecologically significant splendor, the 50-mile section of river representing the Hanford Reach corridor also provides an abundance of recreational opportunities and will serve as a long-term economic stimulus for nearby communities. It will afford visitors opportunities to hunt, boat, fish, hike, kayak, waterski, and birdwatch, as well as the opportunity to enjoy the relative solitude of an unspoiled and environmentally rich area.

I urge my colleagues support for this critical environmental legislation.

TRIBUTE TO CHARLES E. McDOUGALD

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. QUINN. Mr. Speaker, I rise today in memory of Officer Charles E. McDougald.

On April 9, 1997, our Buffalo community suffered a tragic loss. One of the brave men and women who serve our city as police officers was senselessly murdered. That officer, Charles E. "Skip" McDougald, will not soon be forgotten.

Officer McDougald's 8½ year career with the Buffalo Police Department was one full of integrity, genuine concern for the community as a whole, exemplary service, bravery, and professionalism. A recipient of the mayor's Award of Merit on two occasion for bravery and heroism, Skip McDougald was a vital component of our city's police department. In addition to the mayor's awards, Officer McDougald was also honored as a Police Benevolent Association Officer of the Month.

In recognition of his commitment to our community's protection, valor, bravery, and dedicated service to the Buffalo Police Department, Officer McDougald was awarded the prestigious Buffalo Police Department Medal of Honor posthumously, the first time the high honor has been bestowed upon an officer in 25 years.

But Skip McDougald's service to our community doesn't end there. In addition to his work as a police officer, he served as a substitute English teacher for the city school system. In every aspect, Officer McDougald dedicated his life to helping people—especially children. That dedication to public service will be his greatest legacy.

Mr. Speaker, today I would like to join with the city of Buffalo, the Buffalo Police Department, the Buffalo Police Benevolent Association, our entire western New York community, and indeed, a grateful nation, to honor Officer Charles E. McDougald, who is survived by his wife, Sylvia; his four children, Jovan, Diane, Chad, and Jennifer; and his partner, Officer Michael N. Martinez in recognition of his brave and devoted service.

To that end, I would like to convey to the McDougald family my deepest sympathies, and ask my colleagues in the House of Representatives to join with me in a moment of silence.

IN GRATITUDE AND RESPECT TO DR. RAFFY AND VICKI HOVANESSIAN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. VISCLOSKY. Mr. Speaker, art is the expression of the human spirit throughout its greatest moments of tragedy and triumph. The people of the Republic of Armenia have survived some of modern history's most horrific acts of genocide and repression, yet their spirit survives and their art celebrates that survival.

Two residents of Indiana's First Congressional District, Dr. Raffy and Vicki Hovanessian of Munster, IN, are national leaders in private humanitarian efforts that distinguish the United States and enrich our relationships with modern nations, such as Armenia. Mrs. Hovanessian has recently focused her efforts on the organization of a month-long art show, entitled "Dreams and Visions," which begins tomorrow, April 30, at the Westin Hotel in Chicago, IL. The show will celebrate the talent and resilience of contemporary Armenian artists. Artists, whose works will be exhibited, include: Achot Achot, Garen Andreassian, Caren Arakelian, Arevig Arevshadian, Manuel Baghdassarian, Samuel Baghdassarian, Ashod Bayandour, Mardin Bedrossian, Arman Grigorian, Reuben Gregorian, Sardis Hamalbashian, Samuel Hampartsoumian, Ara Hovsepian, Hovannes Markarian, Garine Matsakian, Arax Nergararian, Arthur Sarkissian, Ararat Sarkissian, Gagig Tchartchan, and Felix Yeghiazarian.

Under the auspices of the Fund for Armenian Relief, the humanitarian aid agency of the Diocese of the Armenian Church, the abovementioned artists will directly benefit from the proceeds of this show. The proceeds will provide an opportunity for the artists of the Republic of Armenia to participate in the Documenta at Kassel, Germany, in June of this year. The Documenta is an international art show held every five years.

The art show planned by Mrs. Hovanessian is entitled "Dreams and Visions," since the contemporary works symbolize the aspirations of the people of Armenia as viewed through the spectacular imaginative prisms of these artists' talents, as well as show their hopeful vision for a new era of peace in our time. Their art illustrates the unquenchable, creative human capacity for reconciliation and rebuilding.

The art show will demonstrate, in an exemplary manner, the solidarity of the Armenian people for their country and its culture, which is passing through one of its most decisive and crucial periods in history. Currently, Armenia is experiencing the effects of emancipation from the oppressive rule under the Soviet Union and entry into the democratic system of a free and independent republic. Culture is surely one of the most effective ways of enhancing and promoting this positive and radical change in the centuries old life of the Armenian people.

Over the years, the Hovanessians have devoted countless hours and resources toward a

variety of charitable works, both in the United States and Armenia, with the goal of improving the quality of life for native Armenians, as well as Armenian-Americans. One of the notable causes for which they have worked is the Saint Neresses Seminary in New Rochelle, NY, which sponsors an exchange program between the United States and Armenia for new seminarians. The Hovanessians have aided in raising $1 million for Saint Neresses. In addition, under the auspices of His Holiness Karekin I, Catholicos of All Armenians and Supreme Patriarch of the Armenian Church, Dr. and Mrs. Hovanessian have recently been appointed by the Armenian Church and government to chair museum exhibitions commemorating the 1700th anniversary of Armenians' acceptance of Christianity.

Mr. Speaker, it is my distinct honor to convey the gratitude and respect I and others have for the leadership of Dr. Raffy and Vicki Hovanessian in devoting themselves to contemporary artistic expression in Armenia and other notable humanitarian causes.

BRIAN JASON LEAHY EARNS EAGLE SCOUT

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. WEYGAND. Mr. Speaker, it gives me great pleasure to pay tribute to an exceptional young man, Mr. Brian Jason Leahy, who has devoted much hard earned effort to achieving the Boy Scout's highest rank of Eagle Scout. This award reflects great initiative, determination and hard work.

Brian began his journey at the age of 7 as a Cub Scout, where he attained the highest award, the Arrow of Light. After 11 years of service, Jason received his Eagle Scout badge by designing and building a campsite for a children's summer camp. The children participating in the program can now benefit from an outdoor recreational camping experience.

Active in his community, Brian has served in several leadership positions in scouting, has taught religious classes, and has volunteered as a kindergarten aid at a local elementary school.

Brian is an example of the best of America's youth, those dedicated to improving life in their community and who strive to reach their highest potential.

The 18-year-old son of Thomas and Virginia Leahy, Brian resides in Rhode Island, where he is a student at Cranston East High School. I am sure his parents are extremely proud of their son's achievements. I have confidence that the Boy Scouts have prepared him to face life's challenges with great determination and character. On behalf of the people of Rhode Island, I would like to thank Brian for his service to the community and wish him great success in the future.

A TRIBUTE TO MARCO CANGIALOSI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Marco Cangialosi who is being honored by the Italian-American Police Officer's Association of New Jersey with the organization's Citizenship Award.

Marco was born in Marineo, Palermo, Italy on September 23, 1933.

In 1957, Marco came to the United States and immediately started working for a window manufacturing company. Five years later, after much hard work and many long hours, he and his brother opened a business of their own, Dor-Win Manufacturing. Widely known, Dor-Win offers a complete line of vinyl windows and doors.

Marco married Angelina Guie in 1963, and has two daughters: Sarah, married to Fred Calderone; and Rosalba, married to Sal Scaravilli. He is also the proud grandfather of four grandchildren; Liana, Sal, Jr., Chiara, and Jack.

In 1964, Marco became an American citizen and dedicated himself to helping others and his beloved adopted country. He has continued to give of himself ever since.

Over the years, Marco has founded and been involved in many community and social events. He continues to contribute much of his time, effort, and money to numerous Italian-American organizations. Through his dedication and tireless efforts, Marco has achieved many distinguished awards and citations including the 1980 Kiwanis Club Man of the Year, the Humanitarian Award from the Italian Tribune in 1984. He was honored in the Columbus Day Parade, and received a silver medal from the Italian Ambassador for being voted one of the Top Ten Italian-American Citizens in the United States in 1986. His highest honor came when he received the title of Commendatore from the Republic of Italy in 1991.

Marco's continued efforts to help others has become his way of life. His honor and sincerity has made him many friends and he has gained the respect of all who have had the pleasure of meeting him. Marco has proven that through hard work and dedication, the American dream can be realized.

Mr. Speaker, I ask that you join me, our colleagues, Marco's family and friends, and the Italian-American Police Officer's Association of New Jersey in recognizing the outstanding and invaluable service to the community of Marco Cangialosi.